

HOUSE BILL 5

Introduced by Raney

| | |
|------|--|
| 7/02 | Introduced |
| 7/02 | Referred to Appropriations |
| 7/02 | Fiscal Note Requested |
| 7/06 | First Reading |
| 7/08 | Hearing |
| 7/08 | Fiscal Note Received |
| 7/08 | Fiscal Note Printed |
| 7/10 | Tabled in Committee |
| 7/16 | Taken From Committee, Printed, and Placed on Second Reading |
| 7/16 | 2nd Reading Passed as Amended |
| 7/16 | 3rd Reading Passed |
| | Transmitted to Senate |
| 7/17 | Referred to Finance & Claims |
| 7/17 | First Reading |
| 7/17 | Hearing |
| 7/17 | Adverse Committee Report Adopted |

1 HOUSE BILL NO. 5
2 INTRODUCED BY RANEY
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A DEPARTMENT,
5 AGENCY, OR DIVISION OF STATE GOVERNMENT TO ELIMINATE THE
6 POSITIONS OF DEPUTY DIRECTOR AND ASSISTANT ADMINISTRATOR;
7 AMENDING SECTIONS 75-11-218 AND 87-1-404, MCA; AND PROVIDING
8 AN IMMEDIATE EFFECTIVE DATE."
9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 NEW SECTION. **Section 1.** Elimination of positions. A
12 department or agency of state government may not have a
13 position of deputy director. A division of a department or
14 agency of state government may not have a position of
15 assistant administrator.

16 **Section 2.** Section 75-11-218, MCA, is amended to read:

17 "75-11-218. **Administrative enforcement.** (1) When the
18 department believes that a person has violated this part, a
19 rule adopted thereunder, or a permit provision, it may serve
20 written notice of the violation on the person or his agent.
21 The notice must specify the alleged violation and the facts
22 that constitute the alleged violation. The notice may
23 include an order to provide information pertaining to the
24 installation or closure or an order to take necessary
25 corrective action within a reasonable time as stated in the

1 order. The notice and order may be signed and served by a
2 department inspector if it is personally given to the person
3 or to his agent. Every other notice and order must be signed
4 by the director of the department ~~or his deputy~~ and must be
5 served by certified mail upon the person or his, agent. The
6 order becomes final unless, within 30 days after the notice
7 is served, the person requests in writing a hearing before
8 the board. On receipt of the request, the board shall
9 schedule a hearing. Service by mail is complete on the date
10 of mailing.

11 (2) If, pursuant to a hearing held under subsection
12 (1), the board finds that a violation has occurred, it shall
13 either affirm or modify the department's order. An order
14 issued by the department or the board may prescribe the date
15 by which the violation must cease and may prescribe time
16 limits for particular action. If, after a hearing, the board
17 finds that no violation has occurred, it shall rescind the
18 department's order.

19 (3) Instead of issuing an order pursuant to subsection
20 (1), the department may either:

21 (a) require the alleged violator to appear before the
22 board for a hearing at a time and place specified in the
23 notice and answer the charges described in the notice of
24 violation; or

25 (b) initiate action under 75-11-219, 75-11-223, or

1 75-11-224.

2 (4) This section does not prevent the board or
3 department from attempting to obtain voluntary compliance
4 through issuance of a warning, a conference, or any other
5 appropriate administrative or judicial means."

6 **Section 3.** Section 87-1-404, MCA, is amended to read:

7 ~~"87-1-404. Appointment of deputy-director-and wardens.~~

8 The director shall have the power to employ and appoint a
9 ~~deputy-director-and~~ a sufficient number of wardens for the
0 proper enforcement of the fish and game laws of the state
1 and the orders, rules, and regulations of the department and
2 for such other purposes as the director may designate."

3 NEW SECTION. **Section 4.** Effective date. [This act] is
4 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0005, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring a department, agency, or division of state government to eliminate the positions of deputy director and assistant administrator; and providing an immediate effective date.

ASSUMPTIONS:

1. Assume that the 1992 Montana State Government Telephone Directory contains the correct working titles of positions within each state government agency, by program and division.
2. All salaries are based on the budgeted FTE information as contained in the FY93 start-up of the Position Control/Payroll/Personnel system turnaround documents.

FISCAL IMPACT:

[The figures noted below reflect the full FY93 budgeted amounts for the positions. Actual savings cannot be specifically determined at this time because 1) date of implementation impacts level of savings, 2) termination pay for the affected employees is unknown, 3) additional savings could be realized due to reduced operating costs such as telephone, travel, etc.]

Expenditures:

| | <u>FY93</u> |
|-------------------|---------------|
| Personal Services | (\$3,525,015) |

Funding:

| | |
|--------------|---------------|
| General Fund | (\$1,706,669) |
| Other Funds | (\$1,818,346) |

Note: There are 64 positions/FTE involved. 28.77 of those are funded by the general fund and 35.23 are funded by other funds.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The total savings would be realized in future fiscal years due to the positions being eliminated.

Steve Yeakel 7/8/92
STEVE YEAKEL, BUDGET DIRECTOR DATE

Office of Budget and Program Planning

Bob Raney 7/8/92
ROBERT H. RANEY, PRIMARY SPONSOR DATE

Fiscal Note for HB0005, as introduced

HB 5

ON MOTION, PRINTED AND
PLACED ON SECOND READING

1 HOUSE BILL NO. 5
2 INTRODUCED BY RANEY
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A DEPARTMENT,
5 AGENCY, OR DIVISION OF STATE GOVERNMENT TO ELIMINATE THE
6 POSITIONS OF DEPUTY DIRECTOR AND ASSISTANT ADMINISTRATOR;
7 AMENDING SECTIONS 75-11-218 AND 87-1-404, MCA; AND PROVIDING
8 AN IMMEDIATE EFFECTIVE DATE."
9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 NEW SECTION. **Section 1.** Elimination of positions. A
12 department or agency of state government may not have a
13 position of deputy director. A division of a department or
14 agency of state government may not have a position of
15 assistant administrator.

16 **Section 2.** Section 75-11-218, MCA, is amended to read:

17 "75-11-218. **Administrative enforcement.** (1) When the
18 department believes that a person has violated this part, a
19 rule adopted thereunder, or a permit provision, it may serve
20 written notice of the violation on the person or his agent.
21 The notice must specify the alleged violation and the facts
22 that constitute the alleged violation. The notice may
23 include an order to provide information pertaining to the
24 installation or closure or an order to take necessary
25 corrective action within a reasonable time as stated in the

1 order. The notice and order may be signed and served by a
2 department inspector if it is personally given to the person
3 or to his agent. Every other notice and order must be signed
4 by the director of the department or his deputy and must be
5 served by certified mail upon the person or his agent. The
6 order becomes final unless, within 30 days after the notice
7 is served, the person requests in writing a hearing before
8 the board. On receipt of the request, the board shall
9 schedule a hearing. Service by mail is complete on the date
10 of mailing.

11 (2) If, pursuant to a hearing held under subsection
12 (1), the board finds that a violation has occurred, it shall
13 either affirm or modify the department's order. An order
14 issued by the department or the board may prescribe the date
15 by which the violation must cease and may prescribe time
16 limits for particular action. If, after a hearing, the board
17 finds that no violation has occurred, it shall rescind the
18 department's order.

19 (3) Instead of issuing an order pursuant to subsection
20 (1), the department may either:

21 (a) require the alleged violator to appear before the
22 board for a hearing at a time and place specified in the
23 notice and answer the charges described in the notice of
24 violation; or

25 (b) initiate action under 75-11-219, 75-11-223, or

1 75-11-224.

2 (4) This section does not prevent the board or
3 department from attempting to obtain voluntary compliance
4 through issuance of a warning, a conference, or any other
5 appropriate administrative or judicial means."

6 **Section 3.** Section 87-1-404, MCA, is amended to read:

7 "~~87-1-404. Appointment of deputy-director-and wardens.~~

8 The director shall have the power to employ and appoint a
9 ~~deputy-director-and~~ a sufficient number of wardens for the
10 proper enforcement of the fish and game laws of the state
11 and the orders, rules, and regulations of the department and
12 for such other purposes as the director may designate."

13 NEW SECTION. **Section 4.** **Effective date.** [This act] is
14 effective on passage and approval.

-End-

1 HOUSE BILL NO. 5
2 INTRODUCED BY RANEY
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A DEPARTMENT,
5 AGENCY, OR DIVISION OF STATE GOVERNMENT TO ELIMINATE THE
6 POSITIONS OF DEPUTY DIRECTOR AND ASSISTANT ADMINISTRATOR;
7 AMENDING SECTIONS 75-11-218 AND 87-1-404, MCA; AND PROVIDING
8 AN IMMEDIATE EFFECTIVE DATE."
9

10 WHEREAS, THE STATE OF MONTANA IS EXPERIENCING GENERAL
11 FUND REVENUE SHORTFALLS; AND

12 WHEREAS, SPECIFIC COSTS FOR FTE POSITIONS ARE AVAILABLE
13 FOR EXECUTIVE BRANCH, LEGISLATIVE BRANCH, AND JUDICIAL
14 BRANCH AGENCIES THROUGH THE STATE PAYROLL/PERSONNEL/POSITION
15 CONTROL SYSTEM FOR ALL STATE EMPLOYEES, EXCEPT THE MONTANA
16 UNIVERSITY SYSTEM; AND

17 WHEREAS, REDUCTIONS IN THE MONTANA UNIVERSITY SYSTEM
18 SHOULD BE PROPORTIONAL TO THE REDUCTIONS MADE IN OTHER STATE
19 AGENCIES AND EXCLUDE FACULTY.

20 THEREFORE, THE LEGISLATURE OF THE STATE OF MONTANA FINDS
21 IT NECESSARY TO ELIMINATE DEPUTY DIRECTOR AND ASSISTANT
22 ADMINISTRATOR FTE POSITIONS.
23

24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

25 NEW SECTION. Section 1. Elimination of positions. A

1 department or--agency of state government may not have a
2 position of deputy director. A division of a department or
3 agency of state government may not have a position of
4 assistant administrator.

5 **Section 2.** Section 75-11-218, MCA, is amended to read:

6 "75-11-218. **Administrative enforcement.** (1) When the
7 department believes that a person has violated this part, a
8 rule adopted thereunder, or a permit provision, it may serve
9 written notice of the violation on the person or his agent.
10 The notice must specify the alleged violation and the facts
11 that constitute the alleged violation. The notice may
12 include an order to provide information pertaining to the
13 installation or closure or an order to take necessary
14 corrective action within a reasonable time as stated in the
15 order. The notice and order may be signed and served by a
16 department inspector if it is personally given to the person
17 or to his agent. Every other notice and order must be signed
18 by the director of the department or-his-deputy and must be
19 served by certified mail upon the person or his agent. The
20 order becomes final unless, within 30 days after the notice
21 is served, the person requests in writing a hearing before
22 the board. On receipt of the request, the board shall
23 schedule a hearing. Service by mail is complete on the date
24 of mailing.

25 (2) If, pursuant to a hearing held under subsection

1 (1), the board finds that a violation has occurred, it shall
 2 either affirm or modify the department's order. An order
 3 issued by the department or the board may prescribe the date
 4 by which the violation must cease and may prescribe time
 5 limits for particular action. If, after a hearing, the board
 6 finds that no violation has occurred, it shall rescind the
 7 department's order.

8 (3) Instead of issuing an order pursuant to subsection
 9 (1), the department may either:

10 (a) require the alleged violator to appear before the
 11 board for a hearing at a time and place specified in the
 12 notice and answer the charges described in the notice of
 13 violation; or

14 (b) initiate action under 75-11-219, 75-11-223, or
 15 75-11-224.

16 (4) This section does not prevent the board or
 17 department from attempting to obtain voluntary compliance
 18 through issuance of a warning, a conference, or any other
 19 appropriate administrative or judicial means."

20 **Section 3.** Section 87-1-404, MCA, is amended to read:

21 **"87-1-404. Appointment of deputy-director-and wardens.**

22 The director shall have the power to employ and appoint a
 23 deputy--director--and a sufficient number of wardens for the
 24 proper enforcement of the fish and game laws of the state
 25 and the orders, rules, and regulations of the department and

1 for such other purposes as the director may designate."

2 **NEW SECTION. Section 4. Effective date.** [This act] is
 3 effective on passage and approval.

-End-