

SENATE BILL 335

Introduced by Towe, et al.

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| 2/08 | Introduced |
| 2/08 | Referred to Finance & Claims |
| 2/08 | First Reading |
| 2/09 | Fiscal Note Requested |
| 2/11 | Hearing |
| 2/11 | Fiscal Note Received |
| 2/12 | Fiscal Note Printed |
| 2/18 | Hearing |
| 2/18 | Committee Report--Bill Not Passed |
| 2/18 | Adverse Committee Report Adopted |
| 2/19 | Motion Failed to Reconsider Adoption of Adverse Committee Report |

1 Senate BILL NO. 335
 2 INTRODUCED BY Sen. AKLESTAD Sen. BURNETT
 3 Sen. Kennedy
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT VACANT
 5 ADMINISTRATIVE PERSONNEL POSITIONS IN STATE EXECUTIVE AND
 6 LEGISLATIVE AGENCIES NOT BE FILLED UNTIL JUNE 30, 1995,
 7 UNLESS A POSITION IS DECLARED ESSENTIAL; REQUIRING THE
 8 GOVERNOR AND THE PRESIDING OFFICERS OF LEGISLATIVE
 9 COMMITTEES RESPONSIBLE FOR LEGISLATIVE AGENCIES TO DEVELOP A
 10 PLAN TO REDUCE THE OFFICE ADMINISTRATIVE PERSONNEL OF ALL
 11 STATE EXECUTIVE AND LEGISLATIVE AGENCIES; AND PROVIDING AN
 12 IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."
 13
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 15 NEW SECTION. Section 1. Definitions. As used in
 16 [sections 1 and 2], the following definitions apply:
 17 (1) "Administrative personnel positions":
 18 (a) means those positions for which:
 19 (i) the word "administrative", "administration",
 20 "clerical", "secretary", "secretarial", or "clerk" appears
 21 in the position title or job description;
 22 (ii) the incumbent fulfills the duties of a typist,
 23 receptionist, word processor, accountant, or personnel
 24 officer; or
 25 (iii) the incumbent is designated as or performs the

1 function of a bureau chief, division administrator, or
 2 department director in a state executive agency or in a
 3 comparable position in a state legislative agency;
 4 (b) does not include:
 5 (i) elected officials; or
 6 (ii) the members of a personal staff as defined in
 7 2-18-101.
 8 (2) "Direct service" means performing a function that
 9 the agency is charged with fulfilling without the
 10 intervention of other personnel. The term includes direct
 11 contact with the people served. An individual who spends
 12 less than 50% of the individual's time on direct service is
 13 not considered to be performing a direct service.
 14 (3) "Legislative agency" means an agency directly
 15 responsible to and supervised by the permanent legislative
 16 committees established in Title 5, chapters 11 through 16.
 17 (4) "Office administrative personnel" means all
 18 administrative and clerical state executive and legislative
 19 agency staff not engaged in providing direct service.
 20 (5) "State executive agency" means a department, board,
 21 commission, office, bureau, institution, or unit of the
 22 executive branch of state government.
 23 NEW SECTION. Section 2. Reduction of personnel --
 24 vacancies. (1) Vacancies existing in office administrative
 25 personnel positions in state executive and legislative

1 agencies as of [the effective date of this act] and
 2 vacancies arising after that date may not be filled and must
 3 be considered eliminated unless the governor or other
 4 appropriate elected official, the presiding officer of the
 5 board of regents for the purposes of the Montana university
 6 system, or the presiding officer of a legislative committee
 7 responsible for a legislative agency has designated the
 8 position as essential and has communicated this decision in
 9 writing to the legislative finance committee. The
 10 designation as essential and communication of the
 11 designation to the legislative finance committee must be
 12 done by the appropriate elected official instead of the
 13 governor for the filling of a vacancy in a state agency
 14 headed by an elected official.

15 (2) (a) The governor, an appropriate elected official,
 16 and the presiding officer of each legislative committee
 17 responsible for a legislative agency shall, within existing
 18 budget restraints, develop a plan to reduce office
 19 administrative personnel of all state executive and
 20 legislative branch agencies by the following percentages of
 21 the total personnel assigned to the agency:

- 22 (i) over 1,000: 5%;
- 23 (ii) 501 to 1,000: 10%;
- 24 (iii) 101 to 500: 10%;
- 25 (iv) 51 to 100: 12 1/2%;

1 (v) 21 to 50: 12 1/2%; and

2 (vi) 0 to 20: 15%.

3 (b) The reductions must be based upon the level of
 4 staffing on July 1, 1993.

5 NEW SECTION. **Section 3.** Report to legislature. The
 6 governor, an appropriate elected official, and the presiding
 7 officer of each legislative committee responsible for a
 8 legislative agency shall report the plan required under
 9 [section 2] to the legislature no later than January 2,
 10 1995.

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

13 NEW SECTION. **Section 5.** Termination. [This act]
 14 terminates June 30, 1995.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0335, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring that vacant administrative personnel positions in state executive and legislative agencies not be filled until June 30, 1995, unless a position is declared essential; requiring the governor and the presiding officers of legislative committees responsible for legislative agencies to develop a plan to reduce the office administrative personnel of all state executive and legislative agencies; and providing an immediate effective date and a termination date.

ASSUMPTIONS:

1. It is unknown which designated positions in any agency would become vacant, the length of time a designated position would be vacant or which of the vacant designated positions would be determined as being essential.

FISCAL IMPACT:

Legislative and Executive branch agencies:

It is not possible to determine a fiscal impact of this legislation due to the assumption noted above. Any savings generated by this legislation would be split approximately 50% in general fund and 50% in other funds.

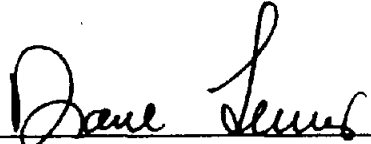
Montana University System:

The Montana University System faces uncertainties with regards to the budgetary levels for the 1995 biennium. Given the uncertainties, it is impossible to make assumptions with regards to which and how many positions may be vacated. Therefore, the Montana University System can not estimate the fiscal impact of this legislation.

NOTE: The Montana University System is conducting a study of system administration and will make the results of that study available to the legislature.

TECHNICAL NOTES:

1. "Seasonal" positions should be excluded from this legislation.
2. Section 2, lines 8 and 9, are in conflict with M.C.A. 2-18-204 (2) and 2-18-206.

 2-11-93
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


TOM TOWE, PRIMARY SPONSOR DATE

Fiscal Note for SB0335, as introduced

SB 335