

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - SPECIAL SESSION**

COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

Call to Order: By **CHAIRMAN NELSON**, on December 17, 1993, at
10:00 a.m.

ROLL CALL

Members Present:

Rep. Tom Nelson, Chairman (R)
Rep. Gary Feland, Vice Chairman (R)
Rep. Vicki Cocchiarella (D)
Rep. Jerry Driscoll (D)
Rep. Norm Mills (R)
Rep. Bob Pavlovich (D)
Rep. Bruce Simon (R)
Rep. Carolyn Squires (D)
Rep. Bill Tash (R)
Rep. Rolph Tunby (R)
Rep. Carley Tuss (D)
Rep. Tim Whalen (D)

Members Excused: Rep. Steve Benedict (R)
Rep. Alvin Ellis (R)
Rep. Patrick Galvin (D)
Rep. Sonny Hanson (R)

Members Absent:

Staff Present: Susan Fox, Legislative Council
Gayleen Strachan, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 51
Executive Action: SB 51 Do Pass

HEARING ON SENATE BILL 51

Opening statement by sponsor:

REP. ROBERT REAM, House District 54, stated that through an oversight positions that are normally exempt were overlooked. SB51 puts exemptions 2-18-103 and 2-18-104 into HB522. This was also done because as the bill states the judicial branch of state government appears to be immune from provisions of the State Employee Protection Act. Legislative positions are also exempt

positions and are included here. A copy of exemptions 2-18-103 and 2-18-104 was distributed. **EXHIBIT 1**

Proponents' Testimony:

CHAIRMAN NELSON distributed a copy of the minutes of the Selection Subcommittee of the Legislative Finance Committees conference call meeting on August 2, 1993. **EXHIBIT 2.** **REP. NELSON** referred to the minutes as an explanation of how difficult it became to search for a new Legislative Fiscal Analyst because exemptions had been omitted from HB522.

Opponents' Testimony: None

Questions From committee Members and Responses:

REP. DRISCOLL asked if legislators would be included as excepted persons. **REP. SQUIRES** responded that yes they are included in 2-18-103.

Closing by sponsor: **REP. REAM** closed.

EXECUTIVE ACTION ON SENATE BILL 51

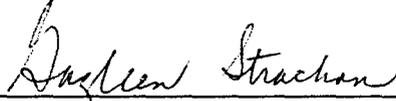
Motion/Vote: A DO PASS motion was made by **REP. SQUIRES**. Voice vote was taken. Motion carried unanimously.

ADJOURNMENT

Adjournment: 10:20 a.m.



Tom Nelson, Chairman



GAYLEEN STRACHAN, Secretary

by Designation

TN/gs

HOUSE OF REPRESENTATIVES
LABOR AND EMPLOYMENT RELATIONS COMMITTEE

ROLL CALL

DATE 12/17/93

NAME	PRESENT	ABSENT	EXCUSED
Rep. Tom Nelson, Chairman	✓		
Rep. Gary Feland, Vice Chairman	✓		
Rep. Steve Benedict			✓
Rep. Vicki Cocchiarella	✓		
Rep. Jerry Driscoll	✓		
Rep. Alvin Ellis, Jr.			✓
Rep. Patrick Galvin			✓
Rep. Sonny Hanson			✓
Rep. Norm Mills	✓		
Rep. Bob Pavlovich	✓		
Rep. Bruce Simon	✓		
Rep. Carolyn Squires	✓		
Rep. Bill Tash	✓		
Rep. Rolph Tunby	✓		
Rep. Carley Tuss	✓		
Rep. Tim Whalen	✓		



HOUSE STANDING COMMITTEE REPORT

December 17, 1993

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Mr. Speaker: We, the committee on Labor report that Senate Bill No. 51 (third reading copy -- blue) be concurred in.

Signed: Tom Nelson
Tom Nelson, Chair

Carried by: Rep. Ream

Committee Vote:
Yes __, No __.

unanim

171019SC.Hsf

J.D.
12-17-93
11:45

12/17/93

Caroline Squires has my proxy
to cast my ballot today.

Patrick S. Galvin

Gary Feland has my proxy
to cast my vote in House Labor
this day 12/17/93

Gene Egan

TOM Nelson has my proxy to vote
on any bill in Labor Committee,
11/17/93

Tom Benedict

2-18-103. Officers and employees excepted. Parts 1 and 2 do not apply to the following positions in state government:

- (1) elected officials;
- (2) county assessors and their chief deputy;
- (3) officers and employees of the legislative branch;
- (4) judges and employees of the judicial branch;
- (5) members of boards and commissions appointed by the governor, the legislature, or other elected state officials;
- (6) officers or members of the militia;
- (7) agency heads appointed by the governor;
- (8) academic and professional administrative personnel with individual contracts under the authority of the board of regents of higher education;
- (9) academic and professional administrative personnel and live-in houseparents who have entered into individual contracts with the state board of public education;
- (10) teachers under the authority of the department of corrections and human services or family services;
- (11) investment officer, assistant investment director, executive director, and three professional staff positions of the board of investments;
- (12) four professional staff positions under the board of oil and gas conservation;
- (13) assistant director for security of the Montana state lottery;

- (14) executive director and senior investment officer of the Montana board of science and technology development;
- (15) executive director and employees of the state compensation insurance fund;

(16) state racing stewards employed by the executive secretary of the Montana board of horseracing;

(17) executive director of the Montana wheat and barley committee; and

(18) commissioner of banking and financial institutions.

History: En. Sec. 2, Ch. 440, L. 1973; amd. Sec. 1, Ch. 256, L. 1974; amd. Sec. 1, Ch. 391, L. 1975; amd. Sec. 2, Ch. 488, L. 1977; amd. Sec. 1, Ch. 565, L. 1977; R.C.M. 1947, 59-904; amd. Sec. 2, Ch. 965, L. 1979; amd. Sec. 2, Ch. 412, L. 1979; amd. Sec. 2, Ch. 512, L. 1979; amd. Sec. 1, Ch. 176, L. 1983; amd. Sec. 11, Ch. 161, L. 1987; amd. Sec. 17, Ch. 581, L. 1987; amd. Sec. 21, Ch. 316, L. 1989; amd. Sec. 39, Ch. 613, L. 1989; amd. Sec. 2, Ch. 660, L. 1989; amd. Sec. 1, Ch. 262, L. 1991; amd. Sec. 2, Ch. 447, L. 1991; amd. Sec. 2, Ch. 507, L. 1991; amd. Sec. 2, Ch. 395, L. 1993; amd. Sec. 14, Ch. 630, L. 1993.

Compiler's Comments

1993 Amendment: Chapter 365 inserted (18) concerning Commissioner of Banking and Financial Institutions; and made minor changes in style.

Name Change — *Directions to Code Compiler*: Section 14, Ch. 630, L. 1993, provided: "Wherever the name 'state compensation mutual insurance fund', meaning the fund established in 39-71-2313, appears in the Montana Code Annotated or in legislation enacted by the 1993 legislature, the code commissioner is directed to change the name to

2-18-104. Exemption for personal staff — limit. (1) Subject to the limitations in subsections (2) and (3), members of a personal staff are exempt from the application of 2-18-204, 2-18-205, 2-18-207, and 2-18-1011 through 2-18-1013.

(2) The personal staff who are exempted by subsection (1) may not exceed 10 unless otherwise approved by the department according to criteria developed by the department. Under no circumstances may the total exemptions of each elected official exceed 15.

(3) The number of members of the personal staff of the public service commission who are exempted by subsection (1) may not exceed 10.
History: En. Sec. 1, Ch. 440, L. 1973; amd. Sec. 1, Ch. 488, L. 1977; R.C.M. 1917, 59-903 (part 3); amd. Sec. 3, Ch. 512, L. 1979; amd. Sec. 1, Ch. 538, L. 1983; amd. Sec. 1, Ch. 661, L. 1987; amd. Sec. 3, Ch. 660, L. 1989.

2-18-105. Repealed. Sec. 4, Ch. 239, L. 1989.
History: En. Sec. 16, Ch. 440, L. 1973; R.C.M. 1947, 59-914.

2-18-106. No limitation on legislative authority — transfer of funds. (1) Parts 1, 2, and 3 do not limit the authority of the legislature relative to appropriations for salary and wages. The budget director shall adjust his determinations in accordance with legislative appropriations.

(2) Unexpended agency appropriation balances in the first year of the biennium may be transferred to the second year of the biennium to offset the costs of pay increases.



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TERESA OLCOTT COHEA
LEGISLATIVE FISCAL ANALYST

MINUTES OF THE SELECTION SUBCOMMITTEE OF THE
LEGISLATIVE FINANCE COMMITTEE

A conference call of the selection subcommittee was called to order by Chairman Nelson on August 2, 1993 at 8:00 a.m. The following subcommittee members were involved in the August 2 conference call:

Representative Grady	Senator Jacobson
Representative Nelson	Senator Swysgood
	Senator Weeding

Representative Kadas was excused.

Also present for the conference call were Mr. Bob Person, Executive Director of the Legislative Council; Mr. Greg Petesch, Director of the Legal Services Division of the Legislative Council; and Mr. David Fenner of the press.

HOUSE BILL 522

Chairman Nelson stated the conference call was necessary due to House Bill 522 (HB522). HB522 is an act providing protection for state employees whose positions are eliminated due to a reduction in force (RIF). Chairman Nelson stated HB522 creates a job registry made of up state employees who have been RIF'd and stipulates that anyone on the registry who meets the basic qualifications for the fiscal analyst position, must be considered first. According to HB522, the Legislative Finance Committee (LFC) must consider any of the job registrants who apply for the position and reject all of them before any other applications could be reviewed. The LFC could not hold formal interviews with the registry applicants and the other applicants at the same time. The registry applicants need to be interviewed first and if an applicant isn't selected, then the committee can look at the rest of the pool of applicants.

Senator Jacobson asked if the subcommittee could consider internal applicants along with RIF'd applicants. Chairman Nelson stated both sets of applicants could not be interviewed simultaneously, but the recruiting process could be stopped at this time and limited to internal recruitment (the staff of the LFA). Mr. Petesch stated if the committee wants to consider LFA staff, it would have to recruit internally prior to going outside. If no one is selected internally, the external hiring would involve a two-step process: 1) reviewing the job registry of RIF'd applicants; and 2) if no one is selected from that group, then review the outside applicants.

Senator Swysgood asked Mr. Petesch if the committee is committed to recruiting externally since advertising has already started. Mr. Petesch stated no, the committee is not required to hire anyone who applies as a consequence of advertising.

Senator Weeding asked if state employees, other than LFA staff, would be considered an outside applicant. Mr. Petesch stated that was correct, only staff of the LFA would be considered internal.

Senator Swysgood asked how many RIF'd employees are qualified. Mr. Person stated he is aware of four who may be qualified, but no actual analysis has been made to determine if that is correct.

Senator Swysgood stated the committee should look internally first. Senator Jacobson agreed, stating otherwise the LFA staff would virtually be exempted from a chance of being hired.

Representative Grady asked if a temporary appointment could be made in view of the budget crisis and talk of consolidation of services with the legislative branch. Mr. Person stated that is within the agency's prerogative.

Senator Weeding asked if the committee is required to solicit someone from the job registry if none from the job registry apply. Mr. Person stated the applicant needs to take the initiative to apply before being considered.

Senator Swysgood moved that the committee first look internally for a qualified individual to fill the position of the Legislative Fiscal Analyst. The motion carried unanimously.

Senator Swysgood asked that notice be given to the staff of the LFA for all interested persons to submit their applications. Senator Jacobson stated the screening process can be eliminated at this point as the full committee will probably want to interview all interested LFA staff. Chairman Nelson suggested extending the closing date to August 15 since the committee doesn't need the time for screening and so the staff has more time to consider applying. After the conference call was concluded, Chairman Nelson, in discussion with Mr. Person, further extended the closing date to August 25.

Senator Jacobson stated an acting director could be appointed from this pool of applicants if the committee does not offer the permanent position to any of the LFA applicants.

Chairman Nelson stated he would apprise the full committee of the subcommittee's decision and asked Mr. Person to notify Job Service that the committee is initially recruiting internally.

The conference call was concluded.

