

SENATE BILL NO. 136

INTRODUCED BY R. JOHNSON

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A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD OF HOUSING TO HIRE AN EXECUTIVE DIRECTOR; AUTHORIZING FOUR PROFESSIONAL STAFF POSITIONS; EXEMPTING THE EXECUTIVE DIRECTOR AND STAFF POSITIONS FROM THE EXECUTIVE BRANCH CLASSIFICATION AND PAY PLAN; AMENDING SECTIONS 2-15-1814 AND 2-18-103, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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**Section 1.** Section 2-15-1814, MCA, is amended to read:

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**"2-15-1814. Board of housing -- allocation and staff -- composition -- quasi-judicial.** (1) There is a board of housing.

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(2) The board consists of seven members appointed by the governor as provided in 2-15-124. The members ~~shall~~ must be informed and experienced in housing, economics, or finance.

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(3) The board shall elect a ~~chairman~~ presiding officer and other necessary officers.

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(4) The board is designated a quasi-judicial board for purposes of 2-15-124.

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(5) ~~The~~ Except as otherwise provided in this section, the board is allocated to the department of commerce for administrative purposes only as provided in 2-15-121. The board may hire an executive director to be generally responsible for selecting and managing the board's professional staff, issuing notes and bonds, and conducting housing finance activities. The board shall prescribe the duties and annual salaries of the executive director and four professional staff positions. The executive director and four professional staff shall serve at the pleasure of the board.

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(6) In compliance with the state pay plan, the department shall provide all staff and services to the board as are determined by the board in conjunction with the department to be necessary for the purposes of carrying out the board's programs. The department shall assess the board for reasonable costs.

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(7) A member of the board ~~shall is not be deemed~~ considered to have a conflict of interest under the provisions of 2-2-201 merely because the member is a stockholder, officer, or employee of a lending

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1 institution who may participate in the board's programs."

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3 **Section 2.** Section 2-18-103, MCA, is amended to read:

4 **"2-18-103. Officers and employees excepted.** Parts 1 through 3 and 10 do not apply to the  
5 following officers and employees in state government:

6 (1) elected officials;

7 (2) county assessors and their chief deputies;

8 (3) employees of the office of consumer counsel;

9 (4) judges and employees of the judicial branch;

10 (5) members of boards and commissions appointed by the governor, the legislature, or other  
11 elected state officials;

12 (6) officers or members of the militia;

13 (7) agency heads appointed by the governor;

14 (8) academic and professional administrative personnel with individual contracts under the  
15 authority of the board of regents of higher education;

16 (9) academic and professional administrative personnel and live-in houseparents who have entered  
17 into individual contracts with the state school for the deaf and blind under the authority of the state board  
18 of public education;

19 (10) investment officer, assistant investment officer, executive director, and five professional staff  
20 positions of the board of investments;

21 (11) four professional staff positions under the board of oil and gas conservation;

22 (12) assistant director for security of the Montana state lottery;

23 (13) executive director and employees of the state compensation insurance fund;

24 (14) state racing stewards employed by the executive secretary of the Montana board of  
25 horseracing;

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

27 (16) commissioner of banking and financial institutions;

28 (17) training coordinator for county attorneys;

29 (18) employees of an entity of the legislative branch consolidated, as provided in 5-2-504;

30 (19) executive director and four professional staff positions of the board of housing, as provided

1 in 2-15-1814."

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3 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2001.

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