

HOUSE BILL NO. 232

INTRODUCED BY CLARK, BENEDICT, FORRESTER, DRISCOLL,
THOMAS, COCCHIARELLA

IN THE HOUSE

JANUARY 17, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON LABOR & EMPLOYMENT RELATIONS.

JANUARY 18, 1991 FIRST READING.

FEBRUARY 6, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 7, 1991 PRINTING REPORT.

FEBRUARY 8, 1991 SECOND READING, DO PASS.

FEBRUARY 9, 1991 ENGROSSING REPORT.

FEBRUARY 11, 1991 THIRD READING, PASSED.
AYES, 96; NOES, 3.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 12, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON LABOR & EMPLOYMENT RELATIONS.

FIRST READING.

MARCH 13, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 15, 1991 SECOND READING, CONCURRED IN.

MARCH 16, 1991 THIRD READING, CONCURRED IN.
AYES, 46; NOES, 3.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 18, 1991 RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 232
 2 INTRODUCED BY Lark Benedit Forester
 3 Thomas Cocchiavalla

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A HIGHWAY
 5 PATROL OFFICER COVERED BY A COLLECTIVE BARGAINING AGREEMENT
 6 TO APPEAL A SUSPENSION, DEMOTION, OR DISCHARGE PURSUANT TO A
 7 GRIEVANCE PROCEDURE CONTAINED IN A COLLECTIVE BARGAINING
 8 AGREEMENT; AND AMENDING SECTIONS 44-1-901, 44-1-902, AND
 9 44-1-903, MCA."

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

12 **Section 1.** Section 44-1-901, MCA, is amended to read:
 13 "44-1-901. Right to appeal. (1) Any A patrol officer
 14 who is suspended, demoted, or discharged has a right of
 15 appeal:
 16 (a) to the district court of Lewis and Clark County; or
 17 (b) pursuant to the terms of a grievance procedure
 18 contained in a collective bargaining agreement if the
 19 officer is covered by a collective bargaining agreement.

20 (2) The appeal to the district court must be made
 21 within 10 days after the decision or determination of the
 22 department of justice."

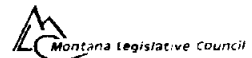
23 **Section 2.** Section 44-1-902, MCA, is amended to read:
 24 "44-1-902. Action by court. The district court shall
 25 review such a decision or determination appealed pursuant to

1 44-1-901(1)(a) in a summary manner and render its decision
 2 upon--such-appeal within 90 days from the filing of such the
 3 appeal in-said-court."

4 **Section 3.** Section 44-1-903, MCA, is amended to read:
 5 "44-1-903. Reinstatement and backpay upon reversal or
 6 modification. If the decision or determination of the
 7 department of justice is finally reversed or modified by-the
 8 district---court, the accused patrol officer must be
 9 reinstated in his position. Upon reinstatement, the
 10 department shall pay to the patrol officer any salary or
 11 wages withheld from him pending the determination of the
 12 charge or charges or take such action as may be directed by
 13 resolution of the grievance procedure or the court."

-End-

INTRODUCED BILL
 HB 232



APPROVED BY COMMITTEE
ON LABOR & EMPLOYMENT
RELATIONS

HOUSE BILL NO. 232

INTRODUCED BY CLARK, BENEDICT, FORRESTER, DRISCOLL,
THOMAS, COCCHIARELLA

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A HIGHWAY
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TO APPEAL A SUSPENSION, DEMOTION, OR DISCHARGE PURSUANT TO A
GRIEVANCE PROCEDURE CONTAINED IN A COLLECTIVE BARGAINING
AGREEMENT; AND AMENDING SECTIONS 44-1-901, 44-1-902, AND
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Section 1. Section 44-1-901, MCA, is amended to read:

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who is suspended, demoted, or discharged has a right of
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CLAIM AROSE OR TO THE DISTRICT COURT OF Lewis and Clark
County; or

(b) pursuant to the terms of a grievance procedure
contained in a collective bargaining agreement if the
officer is covered by a collective bargaining agreement.

(2) The appeal to the district court must be made
within 10 days after the decision or determination of the
department of justice."

Section 2. Section 44-1-902, MCA, is amended to read:

"44-1-902. Action by court. The district court shall
review such a decision or determination appealed pursuant to
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