## 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.

52nd Legislature

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LC 1440/01

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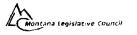
House BILL NO. 232 INTRODUCED BY Carl Benefit Foresta Thomas Cocchieulla 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A HIGHWAY 4 5 PATROL OFFICER COVERED BY A COLLECTIVE BARGAINING AGREEMENT 6 TO APPEAL A SUSPENSION, DEMOTION, OR DISCHARGE PURSUANT TO A 7 GRIEVANCE PROCEDURE CONTAINED IN A COLLECTIVE BARGAINING AGREEMENT: AND AMENDING SECTIONS 44-1-901, 44-1-902, AND 8 44-1-903, MCA." 9 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 З appeal in-said-court."

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 district --- court, the accused patrol officer must be 8 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 -252nd Legislature

#### HB 0232/02

#### APPROVED BY COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

1	HOUSE BILL NO. 232			
2	INTRODUCED BY CLARK, BENEDICT, FORRESTER, DRISCOLL,			
3	THOMAS, COCCHIARELLA			
4				
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A HIGHWAY			
6	PATROL OFFICER COVERED BY A COLLECTIVE BARGAINING AGREEMENT			
7	TO APPEAL A SUSPENSION, DEMOTION, OR DISCHARGE PURSUANT TO A			
8	GRIÉVANCE PROCEDURE CONTAINED IN A OLLECTIVE BARGAINING			
9	AGREEMENT; AND AMENDING SECTIONS 44-1-901, 44-1-902, AND			
10	44-1-903, MCA."			
11				
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:			
13	Section 1. Section 44-1-901, MCA, is amended to read:			
14	*44-1-901. Right to appeal. (1) Any <u>A</u> patrol officer			
15	who is suspended, demoted, or discharged has a right of			
16	appeal:			
17	(a) to the district court of IN THE COUNTY IN WHICH THE			
18	CLAIM AROSE OR TO THE DISTRICT COURT OF Lewis and Clark			
19	County <u>; or</u>			
20	(b) pursuant to the terms of a grievance procedure			
21	contained in a collective bargaining agreement if the			
21 22	contained in a collective bargaining agreement if the officer is covered by a collective bargaining agreement.			
22	officer is covered by a collective bargaining agreement.			
22 23	officer is covered by a collective bargaining agreement. (2) The appeal <u>to the district court</u> must be made			

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 4 44-1-901(1)(a) in a summary manner and render its decision upon-such-appeal within 90 days from the filing of such the appeal in-said-court."
Section 3. Section 44-1-903, MCA, is amended to read:

8 "44-1-903. Reinstatement and backpay upon reversal or 9 modification. If the decision or determination of the 10 department of justice is finally reversed or modified by-the 11 district-court, the accused patrol officer must be 12 reinstated in his position. Upon reinstatement, the 13 department shall pay to the patrol officer any salary or 14 wages withheld from him pending the determination of the 15 charge or charges or take such action as may be directed by 16 resolution of the grievance procedure or the court."

-End-

-2-



HB 232 SECOND READING

### HB 0232/02

1	HOUSE BILL NO. 232			
2	INTRODUCED BY CLARK, BENEDICT, FORRESTER, DRISCOLL,			
3	THOMAS, COCCHIARELLA			
4				
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A HIGHWAY			
6	PATROL OFFICER COVERED BY A COLLECTIVE BARGAINING AGREEMENT			
7	TO APPEAL A SUSPENSION, DEMOTION, OR DISCHARGE PURSUANT TO A			
8	GRIEVANCE PROCEDURE CONTAINED IN A COLLECTIVE BARGAINING			
9	AGREEMENT; AND AMENDING SECTIONS 44-1-901, 44-1-902, AND			
10	44-1-903, MCA."			
11				
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:			
13	Section 1. Section 44-1-901, MCA, is amended to read:			
14	<b>"44-1-901. Right to appeal. (1) Any A</b> patrol officer			
15	who is suspended, demoted, or discharged has a right of			
16	appeal:			
17	(a) to the district court of IN THE COUNTY IN WHICH THE			
18	CLAIM AROSE OR TO THE DISTRICT COURT OF Lewis and Clark			
19	County <u>: or</u>			
20	(b) pursuant to the terms of a grievance procedure			
21	contained in a collective bargaining agreement if the			

#### 22 officer is covered by a collective bargaining agreement.

23 (2) The appeal to the district court must be made 24 within 10 days after the decision or determination of the 25 department of justice."



1 Section 2. Section 44-1-902, MCA, is amended to read: 2 "44-1-902. Action by court. The district court shall 3 review such a decision or determination appealed pursuant to 44-1-901(1)(a) in a summary manner and render its decision 4 5 upon-such-appeal within 90 days from the filing of such the appeal in-said-court." 6 7

Section 3. Section 44-1-903, MCA, is amended to read:

8 "44-1-903. Reinstatement and backpay upon reversal or 9 modification. If the decision or determination of the 10 department of justice is finally reversed or modified by-the 11 district-court, the accused patrol officer must be 12 reinstated in his position. Upon reinstatement, the 13 department shall pay to the patrol officer any salary or 14 wages withheld from him pending the determination of the 15 charge or charges or take such action as may be directed by

16 resolution of the grievance procedure or the court."

-End-

-2-

**HB 232** 

HB 0232/02

1	HOUSE BILL NO. 232	1	Section 2. Section 44-1-902, MCA, is amended to read:
2	INTRODUCED BY CLARK, BENEDICT, FORRESTER, DRISCOLL,	2	<b>*44-1-902. Action by court.</b> The district court shall
3	THOMAS, COCCHIARELLA	3	review such a decision or determination appealed pursuant to
4		4	44-1~901(1)(a) in a summary manner and render its decision
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A HIGHWAY	5	upon-such-appeal within 90 days from the filing of such the
6	PATROL OFFICER COVERED BY A COLLECTIVE BARGAINING AGREEMENT	6	appeal in-said-court."
7	TO APPEAL A SUSPENSION, DEMOTION, OR DISCHARGE PURSUANT TO A	7	Section 3. Section 44-1-903, MCA, is amended to read:
8	GRIEVANCE PROCEDURE CONTAINED IN A COLLECTIVE BARGAINING	8	"44-1-903. Reinstatement and backpay upon reversal or
9	AGREEMENT; AND AMENDING SECTIONS 44-1-901, 44-1-902, AND	9	modification. If the decision or determination of the
10	44-1-903, MCA."	10	department of justice is finally reversed or modified by-the
11		11	districtcourt, the accused patrol officer must be
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	12	reinstated in his position. Upon reinstatement, the
13	Section 1. Section 44-1-901, MCA, is amended to read:	13	department shall pay to the patrol officer any salary or
14	"44-1-901. Right to appeal. (1) Any A patrol officer	13	wages withheld from him pending the determination of the
15	who is suspended, demoted, or discharged has a right of	15	charge or charges or take such action as may be directed by
16	appeal:	16	resolution of the grievance procedure or the court."
17	(a) to the district court of IN THE COUNTY IN WHICH THE	10	-End-
18	CLAIM AROSE OR TO THE DISTRICT COURT OF Lewis and Clark		-End-
19	County <u>; or</u>		
20	(b) pursuant to the terms of a grievance procedure		
21	<u>Contained in a collective bargaining agreement if the</u>		
22	officer is covered by a collective bargaining agreement.		
23	(2) The appeal to the district court must be made		
24	within 10 days after the decision or determination of the		
25	department of justice."		

tana Legislative Council

- 2 -

**HB 232** 

# REFERENCE BILL