

HOUSE BILL NO. 356

INTRODUCED BY G. BECK, DOLEZAL, DRISCOLL, SOUTHWORTH,
MADISON, MCCULLOCH, GALVIN

IN THE HOUSE

JANUARY 22, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON LABOR & EMPLOYMENT RELATIONS.

JANUARY 23, 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, 88; NOES, 12.

TRANSMITTED TO SENATE.

IN THE SENATE

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

FIRST READING.

MARCH 14, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 16, 1991 SECOND READING, CONCURRED IN.

MARCH 18, 1991 THIRD READING, CONCURRED IN.
AYES, 34; NOES, 15.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 21, 1991 RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 23, 1991

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 356
 2 INTRODUCED BY Tony Beck, Delegate
 3 Southwell, Maderson, McAllister, Johnson

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE APPOINTMENT
 5 TO THE BOARD OF PERSONNEL APPEALS OF TWO PERSONS WHO ARE
 6 FULL-TIME EMPLOYEES OR FULL-TIME ELECTED OFFICIALS OF A
 7 LABOR UNION OR AN ASSOCIATION RECOGNIZED BY THE BOARD;
 8 AMENDING SECTION 2-15-1705, MCA; AND PROVIDING A RETROACTIVE
 9 APPLICABILITY DATE."

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

12 **Section 1.** Section 2-15-1705, MCA, is amended to read:

13 "2-15-1705. Board of personnel appeals -- allocation --
 14 composition -- vote necessary for decision --
 15 quasi-judicial. (1) There is a board of personnel appeals.

16 (2) The board is allocated to the department of labor
 17 and industry for administrative purposes only as prescribed
 18 in 2-15-121.

19 (3) (a) The board consists of five members appointed by
 20 the governor as follows:

21 (i) two members, each having management experience
 22 involving collective bargaining;

23 (ii) two members, ~~each having experience as a member or~~
 24 ~~employee of an employee organization who are full-time~~
 25 employees or full-time elected officials of a labor union or

1 an association recognized by the board; and

2 (iii) one other member having general labor-management
 3 experience, who shall be the chairperson.

4 (b) All members of the board shall serve as impartial
 5 decisionmakers and are not appointed to serve the interests
 6 represented by their experience.

7 (4) When the chairperson is unable to participate in a
 8 proceeding before the board, the remaining members of the
 9 board shall select an individual, who shall be a person who
 10 qualifies under subsection (3)(a)(iii), to serve in the
 11 place of the chairperson in that proceeding and he shall
 12 participate in the decision in that proceeding. There shall
 13 be only one additional chairperson replacement appointed and
 14 serving at any one time. The individual selected is entitled
 15 to the same compensation and per diem that members of the
 16 board receive.

17 (5) In all proceedings before the board, a favorable
 18 vote of at least a majority of a quorum is sufficient to
 19 adopt any resolution, motion, or other decision.

20 (6) The board is designated a quasi-judicial board for
 21 purposes of 2-15-124."

22 NEW SECTION. **Section 2.** Retroactive applicability.

23 [This act] applies retroactively, within the meaning of
 24 1-2-109, to members appointed after January 1, 1989.

-End-



APPROVED BY COMMITTEE
ON LABOR & EMPLOYMENT
RELATIONS

HOUSE BILL NO. 356

INTRODUCED BY G. BECK, DOLEZAL, DRISCOLL, SOUTHWORTH,
MADISON, MCCULLOCH, GALVIN

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE APPOINTMENT
TO THE BOARD OF PERSONNEL APPEALS OF TWO PERSONS WHO ARE
FULL-TIME EMPLOYEES OR ~~FULL-TIME~~ ELECTED OFFICIALS OF A
LABOR UNION OR AN ASSOCIATION RECOGNIZED BY THE BOARD;
AMENDING SECTION 2-15-1705, MCA; AND PROVIDING A-RETROACTIVE
AN APPLICABILITY DATE."

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

Section 1. Section 2-15-1705, MCA, is amended to read:

"2-15-1705. Board of personnel appeals -- allocation --
composition -- vote necessary for decision --
quasi-judicial. (1) There is a board of personnel appeals.

(2) The board is allocated to the department of labor
and industry for administrative purposes only as prescribed
in 2-15-121.

(3) (a) The board consists of five members appointed by
the governor as follows:

(i) two members, each having management experience
involving collective bargaining;

(ii) two members, ~~each having experience as a member of~~
~~employee of--an--employee--organization~~ who are full-time

employees or full-time elected officials of a labor union or
an association recognized by the board; and

(iii) one other member having general labor-management
experience, who shall be the chairperson.

(b) All members of the board shall serve as impartial
decisionmakers and are not appointed to serve the interests
represented by their experience.

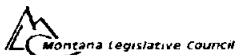
(4) When the chairperson is unable to participate in a
proceeding before the board, the remaining members of the
board shall select an individual, who shall be a person who
qualifies under subsection (3)(a)(iii), to serve in the
place of the chairperson in that proceeding and he shall
participate in the decision in that proceeding. There shall
be only one additional chairperson replacement appointed and
serving at any one time. The individual selected is entitled
to the same compensation and per diem that members of the
board receive.

(5) In all proceedings before the board, a favorable
vote of at least a majority of a quorum is sufficient to
adopt any resolution, motion, or other decision.

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

NEW SECTION. **Section 2.** ~~RETROACTIVE~~ ~~APPLICABILITY~~
APPLICABILITY. (This act) applies ~~retroactively,~~ ~~within~~ ~~the~~
~~meaning~~ ~~of~~ ~~1-2-1997~~ to members appointed after January 17

SECOND READING



HB 0356/02

1 ~~1969~~ [THE EFFECTIVE DATE OF THIS ACT].

-End-

HOUSE BILL NO. 356

INTRODUCED BY G. BECK, DOLEZAL, DRISCOLL, SOUTHWORTH,
MADISON, MCCULLOCH, GALVIN

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE APPOINTMENT TO THE BOARD OF PERSONNEL APPEALS OF TWO PERSONS WHO ARE FULL-TIME EMPLOYEES OR FULL-TIME ELECTED OFFICIALS OF A LABOR UNION OR AN ASSOCIATION RECOGNIZED BY THE BOARD; AMENDING SECTION 2-15-1705, MCA; AND PROVIDING A-RETROACTIVE AN APPLICABILITY DATE."

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

Section 1. Section 2-15-1705, MCA, is amended to read:

"2-15-1705. Board of personnel appeals -- allocation -- composition -- vote necessary for decision -- quasi-judicial. (1) There is a board of personnel appeals.

(2) The board is allocated to the department of labor and industry for administrative purposes only as prescribed in 2-15-121.

(3) (a) The board consists of five members appointed by the governor as follows:

(i) two members, each having management experience involving collective bargaining;

(ii) two members, each having experience as a member or employee of an employee organization who are full-time

employees or full-time elected officials of a labor union or an association recognized by the board; and

(iii) one other member having general labor-management experience, who shall be the chairperson.

(b) All members of the board shall serve as impartial decisionmakers and are not appointed to serve the interests represented by their experience.

(4) When the chairperson is unable to participate in a proceeding before the board, the remaining members of the board shall select an individual, who shall be a person who qualifies under subsection (3)(a)(iii), to serve in the place of the chairperson in that proceeding and he shall participate in the decision in that proceeding. There shall be only one additional chairperson replacement appointed and serving at any one time. The individual selected is entitled to the same compensation and per diem that members of the board receive.

(5) In all proceedings before the board, a favorable vote of at least a majority of a quorum is sufficient to adopt any resolution, motion, or other decision.

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

NEW SECTION. Section 2. ~~retroactive~~ applicability APPLICABILITY. [This act] applies retroactively, within the meaning of 1-2-109, to members appointed after January 1,

THIRD READING



HB 0356/02

1 ~~1989~~ [THE EFFECTIVE DATE OF THIS ACT].

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 14, 1991

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration House Bill No. 356 (third reading copy -- blue), respectfully report that House Bill No. 356 be amended and as so amended be concurred in:

1. Title, line 8.

Following: "BOARD;"

Insert: "TO REQUIRE APPOINTMENT OF TWO FULL-TIME MANAGEMENT EMPLOYEES TO THE BOARD OF PERSONNEL APPEALS;"

2. Page 1, lines 22 and 23.

Following: "members" on line 22

Strike: remainder of line 22 through "bargaining" on line 23

Insert: "who are full-time management employees in organizations with collective bargaining units or who represent management in collective bargaining activities"

3. Page 2, line 7.

Strike: "represented by their experience"

Insert: "of the organizations they represent"

Signed: 

Thomas E. Towe, Vice-Chairman

LB 3/14/91
Amd. Coord.

SB 3-14-91 12:35
Sec. of Senate

SENATE
HB 356

HOUSE BILL NO. 356

INTRODUCED BY G. BECK, DOLEZAL, DRISCOLL, SOUTHWORTH,
MADISON, MCCULLOCH, GALVIN

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE APPOINTMENT TO THE BOARD OF PERSONNEL APPEALS OF TWO PERSONS WHO ARE FULL-TIME EMPLOYEES OR ~~FULL-TIME~~ ELECTED OFFICIALS OF A LABOR UNION OR AN ASSOCIATION RECOGNIZED BY THE BOARD; TO REQUIRE APPOINTMENT OF TWO FULL-TIME MANAGEMENT EMPLOYEES TO THE BOARD OF PERSONNEL APPEALS; AMENDING SECTION 2-15-1705, MCA; AND PROVIDING A-~~RETROACTIVE~~ AN APPLICABILITY DATE."

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

Section 1. Section 2-15-1705, MCA, is amended to read:

"2-15-1705. Board of personnel appeals -- allocation -- composition -- vote necessary for decision -- quasi-judicial. (1) There is a board of personnel appeals.

(2) The board is allocated to the department of labor and industry for administrative purposes only as prescribed in 2-15-121.

(3) (a) The board consists of five members appointed by the governor as follows:

(i) two members, ~~each having management experience involving collective bargaining~~ WHO ARE FULL-TIME MANAGEMENT EMPLOYEES IN ORGANIZATIONS WITH COLLECTIVE BARGAINING UNITS

OR WHO REPRESENT MANAGEMENT IN COLLECTIVE BARGAINING ACTIVITIES;

(ii) two members, ~~each having experience as a member or employee of an employee organization~~ who are full-time employees or full-time elected officials of a labor union or an association recognized by the board; and

(iii) one other member having general labor-management experience, who shall be the chairperson.

(b) All members of the board shall serve as impartial decisionmakers and are not appointed to serve the interests ~~represented by their experience~~ OF THE ORGANIZATIONS THEY REPRESENT.

(4) When the chairperson is unable to participate in a proceeding before the board, the remaining members of the board shall select an individual, who shall be a person who qualifies under subsection (3)(a)(iii), to serve in the place of the chairperson in that proceeding and he shall participate in the decision in that proceeding. There shall be only one additional chairperson replacement appointed and serving at any one time. The individual selected is entitled to the same compensation and per diem that members of the board receive.

(5) In all proceedings before the board, a favorable vote of at least a majority of a quorum is sufficient to adopt any resolution, motion, or other decision.

REFERENCE BILL



HB 0356/03

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

3 NEW SECTION. Section 2. ~~retroactive~~ applicability
4 APPLICABILITY. (This act) applies ~~retroactively~~ ~~within the~~
5 ~~meaning of 1-2-109,~~ to members appointed after January 1,
6 1989 [THE EFFECTIVE DATE OF THIS ACT].

-End-