

HOUSE BILL NO. 504

INTRODUCED BY DRISCOLL, MENAHAN

IN THE HOUSE

JANUARY 31, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON STATE ADMINISTRATION.

FIRST READING.

FEBRUARY 19, 1991 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 20, 1991 PRINTING REPORT.

FEBRUARY 23, 1991 SECOND READING, DO PASS.

FEBRUARY 25, 1991 ENGROSSING REPORT.

FEBRUARY 26, 1991 THIRD READING, PASSED.
AYES, 96; NOES, 3.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 27, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON STATE ADMINISTRATION.

FIRST READING.

MARCH 19, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 21, 1991 SECOND READING, CONCURRED IN.

MARCH 22, 1991 THIRD READING, CONCURRED IN.
AYES, 38; NOES, 10.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 23, 1991 RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 504
 2 INTRODUCED BY Richard M. Anderson

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT
 5 NEGOTIATIONS RELATING TO PUBLIC EMPLOYEE COLLECTIVE
 6 BARGAINING MUST COMMENCE AT LEAST 1 YEAR PRIOR TO SUBMISSION
 7 OF THE BUDGET BY THE GOVERNOR TO THE LEGISLATURE; AMENDING
 8 SECTION 39-31-305, MCA; AND PROVIDING AN EFFECTIVE DATE AND
 9 AN APPLICABILITY DATE."

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

12 **Section 1.** Section 39-31-305, MCA, is amended to read:

13 "39-31-305. Duty to bargain collectively -- good faith.

14 (1) The public employer and the exclusive representative,
 15 through appropriate officials or their representatives,
 16 shall have the authority and the duty to bargain
 17 collectively. This duty extends to the obligation to bargain
 18 collectively in good faith as set forth in subsection (2) of
 19 this section.

20 (2) For the purpose of this chapter, to bargain
 21 collectively is the performance of the mutual obligation of
 22 the public employer or his designated representatives and
 23 the representatives of the exclusive representative to meet
 24 at reasonable times and negotiate in good faith with respect
 25 to wages, hours, fringe benefits, and other conditions of

1 employment or the negotiation of an agreement or any
 2 question arising thereunder and the execution of a written
 3 contract incorporating any agreement reached. Such
 4 obligation does not compel either party to agree to a
 5 proposal or require the making of a concession.

6 (3) For purposes of state government only, the
 7 requirement of negotiating in good faith may be met by the
 8 submission of a negotiated settlement to the legislature in
 9 the executive budget or by bill or joint resolution.
 10 Negotiations must commence at least 1 year prior to
 11 submission of the budget by the governor to the legislature.
 12 The failure to reach a negotiated settlement for submission
 13 is not, by itself, prima facie evidence of a failure to
 14 negotiate in good faith."

15 NEW SECTION. Section 2. Applicability. [This act]
 16 applies to settlement negotiations beginning on or after
 17 [the effective date of this act].

18 NEW SECTION. Section 3. Effective date. [This act] is
 19 effective July 1, 1991.

-End-



INTRODUCED BILL
 HB 504

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0504, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


An act to require that negotiations relating to public employee collective bargaining must commence at least one year prior to submission of the budget by the governor to the legislature, effective July 1, 1991.

ASSUMPTIONS:


1. The Department of Administration and the Office of the Commissioner of Higher Education (CHE) are the two state agencies responsible for negotiating bargaining contracts with public employees.
2. The workload for these two agencies will not increase as a result of this bill.
3. Expenditures related to personal services, travel and operations will not increase over current Dept. of Administration and CHE budgets for labor negotiation/collective bargaining programs.

FISCAL IMPACT:

No fiscal impact anticipated.

 2-5-91

ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning



JERRY L. DRISCOLL, PRIMARY SPONSOR DATE
Fiscal Note for HB0504, as introduced

HB 504

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

1 HOUSE BILL NO. 504
2 INTRODUCED BY David Mendenhall

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-End-



SECOND READING

HB 504

1 HOUSE BILL NO. 504
 2 INTRODUCED BY Michael Manahan

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2 INTRODUCED BY DRISCOLL, MENAHAN

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19 --End-

GOVERNOR'S AMENDMENTS TO
HOUSE BILL 504
(REFERENCE COPY, AS AMENDED)
APRIL 1, 1991

1. Title, line 6.
Following: "COMMENCE"
Strike: "AT LEAST 1 YEAR PRIOR TO SUBMISSION OF THE BUDGET
BY THE GOVERNOR TO THE LEGISLATURE"
Insert: "NO LATER THAN SEPTEMBER 30 OF THE YEAR THE BUDGET
MUST BE SUBMITTED TO THE LEGISLATURE BY THE GOVERNOR"

2. Page 2, line 10.
Following: "Negotiations must commence"
Delete: "at least 1 year prior to submission of the budget
by the governor to the legislature"
Insert: "no later than September 30 of the year the
governor submits the budget to the legislature"

GOV. Amend.
HB 504