

SENATE BILL NO. 267

INTRODUCED BY TOWE, DRISCOLL, LYNCH, HARRINGTON, WHALEN

IN THE SENATE

FEBRUARY 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON LABOR & EMPLOYMENT RELATIONS.

FIRST READING.

FEBRUARY 15, 1991 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 16, 1991 PRINTING REPORT.

ON MOTION, CONSIDERATION PASSED
UNTIL THE 38TH LEGISLATIVE DAY.

FEBRUARY 20, 1991 SECOND READING, DO PASS AS AMENDED.

FEBRUARY 21, 1991 ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 30; NOES, 20.

TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON LABOR & EMPLOYMENT RELATIONS.

FIRST READING.

MARCH 18, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 20, 1991 SECOND READING, CONCURRED IN.

MARCH 21, 1991 THIRD READING, CONCURRED IN.
AYES, 62; NOES, 37.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 23, 1991 RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS NOT

CONCURRED IN.

ON MOTION, CONFERENCE COMMITTEE
REQUESTED.

MARCH 28, 1991

ON MOTION, CONFERENCE COMMITTEE
APPOINTED.

IN THE HOUSE

APRIL 3, 1991

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 8, 1991

CONFERENCE COMMITTEE REPORTED.

IN THE HOUSE

APRIL 13, 1991

CONFERENCE COMMITTEE REPORT ADOPTED.

IN THE SENATE

APRIL 17, 1991

SECOND READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

APRIL 18, 1991

THIRD READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

APRIL 19, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *267*
 2 INTRODUCED BY *Sen. Don Harington*
 3 *Whalen*

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A PERSON
 5 SEEKING EMPLOYMENT AS A SECURITY AGENT DURING A STRIKE TO
 6 OBTAIN AN EMPLOYMENT PERMIT FROM THE DEPARTMENT OF LABOR AND
 7 INDUSTRY; PROVIDING AN EXEMPTION FOR CERTAIN PERSONS;
 8 ESTABLISHING REQUIREMENTS FOR OBTAINING A PERMIT; PROVIDING
 9 FOR COLLECTION AND DEPOSIT OF FEES; PROVIDING AN APPEAL
 10 PROCESS FOR DENIAL OR REVOCATION OF A PERMIT; AUTHORIZING
 11 THE DEPARTMENT OF LABOR AND INDUSTRY TO ADOPT RULES;
 12 REQUIRING THE DEPARTMENT OF LABOR AND INDUSTRY TO MAINTAIN
 13 RECORDS; AND PROVIDING FOR PENALTIES."

14
 15 WHEREAS, in recent times employers involved in labor
 16 disputes resulting in a strike have hired professional
 17 security persons for the express purpose of disrupting
 18 negotiations or creating violence in a manner calculated to
 19 make striking employees appear responsible for the
 20 disruption or violence; and

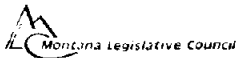
21 WHEREAS, persons employed for security purposes often
 22 use modern electronic and technological equipment for
 23 surveillance of striking employees or use the equipment to
 24 impress local law enforcement officials in hopes that the
 25 officials will overlook violations of law by security

1 personnel; and
 2 WHEREAS, improper conduct by security personnel hired by
 3 an employer during an already emotionally tense situation
 4 can easily lead to additional disruption and violence during
 5 a strike.

6
 7 STATEMENT OF INTENT
 8 A statement of intent is required for this bill because
 9 [section 5] authorizes the department of labor and industry
 10 to adopt rules to issue employment permits for security
 11 agents. It is the intent of the legislature that the
 12 department adopt rules establishing forms for permit
 13 applications and procedures for the issuance, suspension, or
 14 revocation of permits and maintain records on permits
 15 issued, suspended, or revoked.

16
 17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 18 NEW SECTION. **Section 1. Definitions.** As used in
 19 [sections 1 through 7], the following definitions apply:

- 20 (1) "Department" means the department of labor and
 21 industry as provided in 2-15-1701.
 22 (2) "Security agent" means a person hired by an
 23 employer whose business is involved, or who anticipates that
 24 his business will be involved, in a labor dispute resulting
 25 in a strike, to guard or protect the employer's property or



1 to assist the employer with activities directly relating to
2 and necessitated by the strike.

3 NEW SECTION. Section 2. Application for employment
4 permit -- contents -- employer's submission of information
5 to commissioner -- exemptions. (1) Except as provided in
6 subsection (4), a person may not be employed as a security
7 agent without first obtaining an employment permit issued by
8 the department.

9 (2) To obtain a permit, an applicant shall submit to
10 the commissioner of labor and industry on a form provided by
11 the department:

12 (a) a job description of the position and the duties
13 for which the applicant is applying;

14 (b) the applicant's employment experience and training
15 as a security agent;

16 (c) a job description of previous employment during a
17 strike with any employer within the previous 15 years,
18 including information relating to the applicant's direct
19 involvement in violence occurring during the employment;

20 (d) information relating to the applicant's
21 authorization to use or carry a firearm;

22 (e) information relating to any criminal convictions;
23 and

24 (f) any additional information requested by the
25 department.

1 (3) An employer hiring a security agent shall submit to
2 the commissioner of labor and industry within 10 days of
3 employment the name and address of the security agent, a job
4 description of the position, and a listing of the technical
5 equipment the security agent will use in connection with his
6 employment. Any change in the security agent's job
7 description or use of equipment must be reported to the
8 commissioner within 10 days of the change.

9 (4) This section does not apply to a licensed attorney
10 or any other professional person who is involved in
11 collective bargaining negotiations during an actual strike
12 situation or to a person hired and employed as a security
13 agent at least 6 months prior to the commencement of a
14 strike.

15 (5) It is intended that this section be interpreted to
16 prohibit a person whose employment may cause a disruption or
17 result in violence from working as a security agent during a
18 strike and not as a condition of employment for a person
19 working as a professional security agent generally.

20 NEW SECTION. Section 3. Issuance of permit -- fee --
21 deposit of fees and fines. (1) Upon payment of a fee
22 commensurate with administrative costs related directly to
23 issuing permits and recordkeeping required under [section
24 6], the department shall issue a permit to each person who
25 meets the requirements provided in [section 2]. The permit

1 entitles the permittee to act as a security agent within
2 this state until the expiration of the current calendar
3 year.

4 (2) Money collected by the department under [section 7]
5 and this section must be deposited in the state special
6 revenue fund for use by the department.

7 NEW SECTION. Section 4. Denial or revocation of permit

8 -- appeal. (1) Based upon an evaluation of the information
9 provided by the applicant in [section 2], the commissioner
10 of labor and industry may refuse to grant a permit to an
11 applicant whose employment the commissioner believes may
12 cause a disruption or result in violence.

13 (2) Following an investigation, the commissioner of
14 labor and industry may suspend or revoke a permit of a
15 permittee found to have committed a misdemeanor under
16 [section 7].

17 (3) An applicant denied a permit or a security agent
18 whose permit is revoked is entitled to a hearing pursuant to
19 the Montana Administrative Procedure Act.

20 NEW SECTION. Section 5. Powers of department -- rules.

21 (1) The department is authorized to obtain assistance and
22 procure records, supplies, and equipment as are necessary to
23 carry out the provisions of [sections 1 through 7].

24 (2) The department shall establish rules necessary to
25 implement the provisions of [sections 1 through 7].

1 NEW SECTION. Section 6. Records. The department shall
2 maintain in Helena, Montana, the records of all applicants
3 and all permits issued or revoked and shall, upon receipt of
4 \$1, furnish to any person a certified copy of any permit
5 issued or revoked. The records must be open to public
6 inspection during office hours.

7 NEW SECTION. Section 7. Violations -- penalties. (1) A

8 person may not:

9 (a) work as a security agent during a strike without
10 receiving a permit under [section 2] unless he is exempt
11 under [section 2(4)];

12 (b) obtain or attempt to obtain a permit by fraudulent
13 representation; or

14 (c) knowingly employ a person who has failed to obtain
15 a permit as required in [section 2] or who has fraudulently
16 obtained an employment permit.

17 (2) A person convicted under subsection (1)(a) or
18 (1)(b) shall be imprisoned in the county jail for a period
19 not exceeding 6 months, fined not more than \$500, or both. A
20 person convicted under subsection (1)(c) shall be imprisoned
21 in the county jail for a period not exceeding 6 months,
22 fined not more than \$10,000, or both.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0267, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

"An act requiring a person seeking employment as a security agent during a strike to obtain an employment permit from the department of labor and industry; providing an exemption for certain persons; establishing requirements for obtaining a permit; providing for collection and deposit of fees; providing an appeal process for denial or revocation of a permit; authorizing the Department of Labor and Industry to adopt rules; requiring the Department of Labor and Industry to maintain records, and providing for penalties."

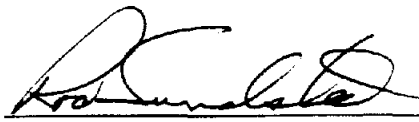
ASSUMPTIONS:

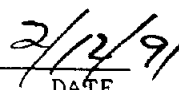
1. It is estimated that it will take the Department of Labor and Industry a year to establish a program to address this bill. It will take a full time employee to promulgate rules, develop procedures, create forms and train staff for the responsibilities associated with this program.
2. It will take at least another year to establish the program to a point the new responsibilities will be minor enough to require less than a full time equivalent.
3. It is assumed that very few "security agents" will be required, therefore, it should not increase the work load for the Legal Services Division.

FISCAL IMPACT:

Expenditures:

	FY '92			FY '93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
FTE	0.00	1.00	1.00	0.00	1.00	1.00
Personal Services	0	24,086	24,086	0	24,031	24,031
Operating Costs	0	15,453	15,453	0	15,453	15,453
Total	0	39,539	39,539	0	39,484	39,484
<u>Funding:</u>						
State Special Revenue	0	39,539	39,539	0	39,484	39,484


ROD SUNDSTED, BUDGET DIRECTOR DATE 2-9-91
Office of Budget and Program Planning


THOMAS E. "TOM" TOWE, PRIMARY SPONSOR DATE 2/12/91
Fiscal Note for SB0267, as introduced

SB 267

SB 0267

There is hereby submitted a Sponsor's Fiscal Note for:

Version:

DESCRIPTION OF PROPOSED LEGISLATION:

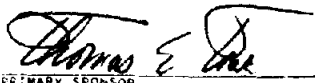
"An act requiring a person seeking employment as a security agent during a strike to obtain an employment permit from the Department of Labor and Industry; providing an exemption for certain persons; establishing requirements for obtaining a permit; providing for collection and deposit of fees; providing an appeal process for denial or revocation of a permit; authorizing the Department of Labor and Industry to adopt rules; requiring the Department of Labor and Industry to maintain records; and providing for penalties."

ASSUMPTIONS:

1. It is assumed that it would take one person 10 hours to develop regulations, procedures and create forms. All that is contemplated by the bill is to receive an application, do a criminal history check, may do a reference check, and approve or deny the permit. A form asking a great deal of background information would cover most everything. It would take me about 2 hours.
2. It is assumed that it would take no longer than 5 hours to implement. A place in a filing cabinet would have to be secured. Responsibility for opening the mail and reading the application and doing a criminal background check would have to be assigned.
3. There would be no more than one major strike in which security people would be hired each year and no more than 15 security people for each strike.

FISCAL IMPACT:Expenditures:

	FY '92			FY '93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
FTE.	0.00	.005	.01	0.00	.005	.01
Personal Services	0	240.86	240.86	0	240.86	240.86
Operating Costs	0	154.53	154.53	0	10.00	10.00
Total	0	395.39	395.39	0	250.86	250.86
<u>Funding:</u>						
State Special Revenue	0	395.39	395.39	0	250.86	250.86



 PRIMARY SPONSOR

Fiscal Note For:

Version:

19 Feb 91

DATE

 SB 267
 Sponsor's

APPROVED BY COMMITTEE
ON LABOR & EMPLOYMENT
RELATIONS

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Senate BILL NO. *267*
Doc. Council *Harrington*

Whalen

INTRODUCED BY
A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A PERSON SEEKING EMPLOYMENT AS A SECURITY AGENT DURING A STRIKE TO OBTAIN AN EMPLOYMENT PERMIT FROM THE DEPARTMENT OF LABOR AND INDUSTRY; PROVIDING AN EXEMPTION FOR CERTAIN PERSONS; ESTABLISHING REQUIREMENTS FOR OBTAINING A PERMIT; PROVIDING FOR COLLECTION AND DEPOSIT OF FEES; PROVIDING AN APPEAL PROCESS FOR DENIAL OR REVOCATION OF A PERMIT; AUTHORIZING THE DEPARTMENT OF LABOR AND INDUSTRY TO ADOPT RULES; REQUIRING THE DEPARTMENT OF LABOR AND INDUSTRY TO MAINTAIN RECORDS; AND PROVIDING FOR PENALTIES."

WHEREAS, in recent times employers involved in labor disputes resulting in a strike have hired professional security persons for the express purpose of disrupting negotiations or creating violence in a manner calculated to make striking employees appear responsible for the disruption or violence; and

WHEREAS, persons employed for security purposes often use modern electronic and technological equipment for surveillance of striking employees or use the equipment to impress local law enforcement officials in hopes that the officials will overlook violations of law by security

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personnel; and

WHEREAS, improper conduct by security personnel hired by an employer during an already emotionally tense situation can easily lead to additional disruption and violence during a strike.

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 5] authorizes the department of labor and industry to adopt rules to issue employment permits for security agents. It is the intent of the legislature that the department adopt rules establishing forms for permit applications and procedures for the issuance, suspension, or revocation of permits and maintain records on permits issued, suspended, or revoked.

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

NEW SECTION. Section 1. Definitions. As used in

[sections 1 through 7], the following definitions apply:

(1) "Department" means the department of labor and industry as provided in 2-15-1701.

(2) "Security agent" means a person hired by an employer whose business is involved, or who anticipates that his business will be involved, in a labor dispute resulting in a strike, to guard or protect the employer's property or

1 to assist the employer with activities directly relating to
2 and necessitated by the strike.

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4 permit -- contents -- employer's submission of information
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6 subsection (4), a person may not be employed as a security
7 agent without first obtaining an employment permit issued by
8 the department.

9 (2) To obtain a permit, an applicant shall submit to
10 the commissioner of labor and industry on a form provided by
11 the department:

12 (a) a job description of the position and the duties
13 for which the applicant is applying;

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15 as a security agent;

16 (c) a job description of previous employment during a
17 strike with any employer within the previous 15 years,
18 including information relating to the applicant's direct
19 involvement in violence occurring during the employment;

20 (d) information relating to the applicant's
21 authorization to use or carry a firearm;

22 (e) information relating to any criminal convictions;
23 and

24 (f) any additional information requested by the
25 department.

1 (3) An employer hiring a security agent shall submit to
2 the commissioner of labor and industry within 10 days of
3 employment the name and address of the security agent, a job
4 description of the position, and a listing of the technical
5 equipment the security agent will use in connection with his
6 employment. Any change in the security agent's job
7 description or use of equipment must be reported to the
8 commissioner within 10 days of the change.

9 (4) This section does not apply to a licensed attorney
10 or any other professional person who is involved in
11 collective bargaining negotiations during an actual strike
12 situation or to a person hired and employed as a security
13 agent at least 6 months prior to the commencement of a
14 strike.

15 (5) It is intended that this section be interpreted to
16 prohibit a person whose employment may cause a disruption or
17 result in violence from working as a security agent during a
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25 meets the requirements provided in [section 2]. The permit

1 entitles the permittee to act as a security agent within
2 this state until the expiration of the current calendar
3 year.

4 (2) Money collected by the department under [section 7]
5 and this section must be deposited in the state special
6 revenue fund for use by the department.

7 NEW SECTION. Section 4. Denial or revocation of permit
8 -- appeal. (1) Based upon an evaluation of the information
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14 labor and industry may suspend or revoke a permit of a
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17 (3) An applicant denied a permit or a security agent
18 whose permit is revoked is entitled to a hearing pursuant to
19 the Montana Administrative Procedure Act.

20 NEW SECTION. Section 5. Powers of department -- rules.

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23 carry out the provisions of [sections 1 through 7].

24 (2) The department shall establish rules necessary to
25 implement the provisions of [sections 1 through 7].

1 NEW SECTION. Section 6. Records. The department shall
2 maintain in Helena, Montana, the records of all applicants
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4 \$1, furnish to any person a certified copy of any permit
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6 inspection during office hours.

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10 receiving a permit under [section 2] unless he is exempt
11 under [section 2(4)];

12 (b) obtain or attempt to obtain a permit by fraudulent
13 representation; or

14 (c) knowingly employ a person who has failed to obtain
15 a permit as required in [section 2] or who has fraudulently
16 obtained an employment permit.

17 (2) A person convicted under subsection (1)(a) or
18 (1)(b) shall be imprisoned in the county jail for a period
19 not exceeding 6 months, fined not more than \$500, or both. A
20 person convicted under subsection (1)(c) shall be imprisoned
21 in the county jail for a period not exceeding 6 months,
22 fined not more than \$10,000, or both.

-End-

1 SENATE BILL NO. 267

2 INTRODUCED BY TOWE, DRISCOLL, LYNCH, HARRINGTON, WHALEN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A PERSON
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12 situation or, to a person hired and employed as a security
13 agent at least 6 months prior to the commencement of a
14 strike, OR TO ANY EMPLOYEE LICENSED UNDER 37-60-301 WHEN THE
15 EMPLOYER IS A SECURITY COMPANY WHICH IS ITSELF ON STRIKE.

16 (5) It is intended that this section be interpreted to
17 prohibit a person whose employment may cause a disruption or
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4 year.

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6 and this section must be deposited in the state special
7 revenue fund for use by the department.

8 **NEW SECTION. Section 4. Denial or revocation of permit**
9 **-- appeal.** (1) Based upon an evaluation of the information
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-End-

HOUSE STANDING COMMITTEE REPORT

March 18, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Labor report that Senate Bill 267 (third reading copy -- blue) be concurred in as amended.

Signed: 
Carolyn Squires, Chairman

Carried by: Rep. Whalen

And, that such amendments read:

1. Page 1, line 15.
Following: "employers"
Insert: "or unions"
2. Page 1, lines 19 and 23.
Following: "employees"
Insert: "or organizations"
3. Page 2, lines 3 and 23
Page 4, line 1.
Following: "employer"
Insert: "or a union"
4. Page 2, lines 23 and 24.
Following: "business"
Insert: "or organization"
5. Page 2, line 25.
Following: "employer's"
Insert: "or the organization's"
6. Page 3, line 1.
Following: "employer"
Insert: "or the organization"

HOUSE
SB 267

580908SC.Hpd

SENATE BILL NO. 267

INTRODUCED BY TOWE, DRISCOLL, LYNCH, HARRINGTON, WHALEN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A PERSON SEEKING EMPLOYMENT AS A SECURITY AGENT DURING A STRIKE TO OBTAIN AN EMPLOYMENT PERMIT FROM THE DEPARTMENT OF LABOR AND INDUSTRY; PROVIDING AN EXEMPTION FOR CERTAIN PERSONS; ESTABLISHING REQUIREMENTS FOR OBTAINING A PERMIT; PROVIDING FOR COLLECTION AND DEPOSIT OF FEES; PROVIDING AN APPEAL PROCESS FOR DENIAL OR REVOCATION OF A PERMIT; AUTHORIZING THE DEPARTMENT OF LABOR AND INDUSTRY TO ADOPT RULES; REQUIRING THE DEPARTMENT OF LABOR AND INDUSTRY TO MAINTAIN RECORDS; AND PROVIDING FOR PENALTIES."

WHEREAS, in recent times employers OR UNIONS involved in labor disputes resulting in a strike have hired professional security persons for the express purpose of disrupting negotiations or creating violence in a manner calculated to make striking employees OR ORGANIZATIONS appear responsible for the disruption or violence; and

WHEREAS, persons employed for security purposes often use modern electronic and technological equipment for surveillance of striking employees OR ORGANIZATIONS or use the equipment to impress local law enforcement officials in hopes that the officials will overlook violations of law by

security personnel; and

WHEREAS, improper conduct by security personnel hired by an employer OR A UNION during an already emotionally tense situation can easily lead to additional disruption and violence during a strike.

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 5] authorizes the department of labor and industry to adopt rules to issue employment permits for security agents. It is the intent of the legislature that the department adopt rules establishing forms for permit applications and procedures for the issuance, suspension, or revocation of permits and maintain records on permits issued, suspended, or revoked.

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

NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 7], the following definitions apply:

(1) "Department" means the department of labor and industry as provided in 2-15-1701.

(2) "Security agent" means a person hired by an employer OR A UNION whose business OR ORGANIZATION is involved, or who anticipates that his business OR ORGANIZATION will be involved, in a labor dispute resulting

1 in a strike, to guard or protect the employer's OR THE
 2 ORGANIZATION'S property or to assist the employer OR THE
 3 ORGANIZATION with activities directly relating to and
 4 necessitated by the strike.

5 NEW SECTION. Section 2. Application for employment
 6 permit -- contents -- employer's submission of information
 7 to commissioner -- exemptions. (1) Except as provided in
 8 subsection (4), a person may not be employed as a security
 9 agent without first obtaining an employment permit issued by
 10 the department.

11 (2) To obtain a permit, an applicant shall submit to
 12 the commissioner of labor and industry on a form provided by
 13 the department:

14 (a) a job description of the position and the duties
 15 for which the applicant is applying;

16 (b) the applicant's employment experience and training
 17 as a security agent;

18 (c) a job description of previous employment during a
 19 strike with any employer within the previous 15 years,
 20 including information relating to the applicant's direct
 21 involvement in violence occurring during the employment;

22 (d) information relating to the applicant's
 23 authorization to use or carry a firearm;

24 (e) information relating to any criminal convictions;
 25 and

1 (f) any additional information requested by the
 2 department.

3 (3) An employer OR A UNION hiring a security agent
 4 shall submit to the commissioner of labor and industry
 5 within 10 days of employment the name and address of the
 6 security agent, a job description of the position, and a
 7 listing of the technical equipment the security agent will
 8 use in connection with his employment. Any change in the
 9 security agent's job description or use of equipment must be
 10 reported to the commissioner within 10 days of the change.

11 (4) This section does not apply to a licensed attorney
 12 or any other professional person who is involved in
 13 collective bargaining negotiations during an actual strike
 14 situation or, to a person hired and employed as a security
 15 agent at least 6 months prior to the commencement of a
 16 strike, OR TO ANY EMPLOYEE LICENSED UNDER 37-60-301 WHEN THE
 17 EMPLOYER IS A SECURITY COMPANY WHICH IS ITSELF ON STRIKE.

18 (5) It is intended that this section be interpreted to
 19 prohibit a person whose employment may cause a disruption or
 20 result in violence from working as a security agent during a
 21 strike and not as a condition of employment for a person
 22 working as a professional security agent generally.

23 NEW SECTION. Section 3. Issuance of permit -- fee --
 24 deposit of fees and fines. (1) Upon payment of a fee
 25 commensurate with administrative costs related directly to

1 issuing permits and recordkeeping required under [section
2 6], the department shall issue a permit to each person who
3 meets the requirements provided in [section 2]. The permit
4 entitles the permittee to act as a security agent within
5 this state until the expiration of the current calendar
6 year.

7 (2) Money collected by the department under [section 7]
8 and this section must be deposited in the state special
9 revenue fund for use by the department.

10 NEW SECTION. Section 4. Denial or revocation of permit
11 -- appeal. (1) Based upon an evaluation of the information
12 provided by the applicant in [section 2], the commissioner
13 of labor and industry may refuse to grant a permit to an
14 applicant whose employment the commissioner believes may
15 cause a disruption or result in violence.

16 (2) Following an investigation, the commissioner of
17 labor and industry may suspend or revoke a permit of a
18 permittee found to have committed a misdemeanor under
19 [section 7].

20 (3) An applicant denied a permit or a security agent
21 whose permit is revoked is entitled to a hearing pursuant to
22 the Montana Administrative Procedure Act.

23 NEW SECTION. Section 5. Powers of department -- rules.
24 (1) The department is authorized to obtain assistance and
25 procure records, supplies, and equipment as are necessary to

1 carry out the provisions of [sections 1 through 7].

2 (2) The department shall establish rules necessary to
3 implement the provisions of [sections 1 through 7].

4 NEW SECTION. Section 6. Records. The department shall
5 maintain in Helena, Montana, the records of all applicants
6 and all permits issued or revoked and shall, upon receipt of
7 \$1, furnish to any person a certified copy of any permit
8 issued or revoked. The records must be open to public
9 inspection during office hours.

10 NEW SECTION. Section 7. Violations -- penalties. (1) A
11 person may not:

12 (a) work as a security agent during a strike without
13 receiving a permit under [section 2] unless he is exempt
14 under [section 2(4)];

15 (b) obtain or attempt to obtain a permit by fraudulent
16 representation; or

17 (c) knowingly employ a person who has failed to obtain
18 a permit as required in [section 2] or who has fraudulently
19 obtained an employment permit.

20 (2) A person convicted under subsection (1)(a) or
21 (1)(b) shall be imprisoned in the county jail for a period
22 not exceeding 6 months, fined not more than \$500, or both. A
23 person convicted under subsection (1)(c) shall be imprisoned
24 in the county jail for a period not exceeding 6 months,
25 fined not more than \$10,000, or both.

-End-

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill No. 267, met and considered the amendments in the House Standing Committee Report dated March 18, 1991.

We recommend that Senate Bill No. 267 (reference copy - salmon) be amended as follows:

1. Page 1, line 15.
Strike: "OR UNIONS"
2. Page 1, lines 19 and 23.
Strike: "OR ORGANIZATIONS"
3. Page 2, lines 3 and 23.
Strike: "OR A UNION"
4. Page 2, lines 23, 24 and 25.
Strike: "OR ORGANIZATION"
5. Page 3, lines 1 and 2.
Strike: "OR THE ORGANIZATION'S"
6. Page 3, lines 2 and 3.
Strike: "OR THE ORGANIZATION"
7. Page 4, line 3.
Strike: "OR A UNION"

And that this Conference Committee report be adopted.

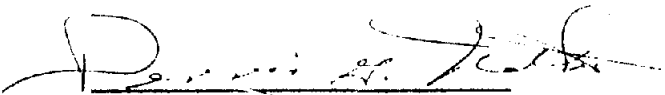
For the Senate:



Chair, Tom Towe



Bob Pipinich



Dennis Nathe



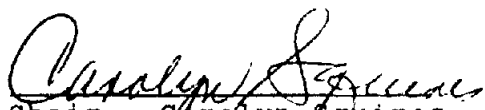
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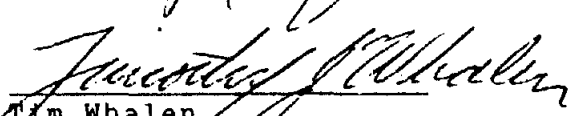
Sec. of Senate

ADOPT
REJECT

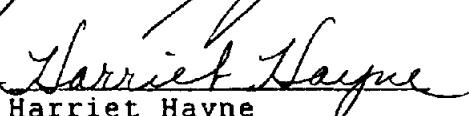
For the House:



Chair, Carolyn Squires



Tim Whalen



Harriet Hayne

CCR#1
SB 267

1 SENATE BILL NO. 267

2 INTRODUCED BY TOWE, DRISCOLL, LYNCH, HARRINGTON, WHALEN

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State of Montana
Office of the Governor
Helena, Montana 59620
406-444-3111

STAN STEPHENS
GOVERNOR

April 29, 1991

The Honorable Joseph P. Mazurek
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Hal Harper
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Mazurek and Speaker Harper:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto the adoption of Senate Bill 267, "AN ACT REQUIRING A PERSON SEEKING EMPLOYMENT AS A SECURITY AGENT DURING A STRIKE TO OBTAIN AN EMPLOYMENT PERMIT FROM THE DEPARTMENT OF LABOR AND INDUSTRY; PROVIDING AN EXEMPTION FOR CERTAIN PERSONS; ESTABLISHING REQUIREMENTS FOR OBTAINING A PERMIT; PROVIDING FOR COLLECTION AND DEPOSIT OF FEES; PROVIDING AN APPEAL PROCESS FOR DENIAL OR REVOCATION OF A PERMIT; AUTHORIZING THE DEPARTMENT OF LABOR AND INDUSTRY TO ADOPT RULES; REQUIRING THE DEPARTMENT OF LABOR AND INDUSTRY TO MAINTAIN RECORDS; AND PROVIDING FOR PENALTIES."

Senate Bill 267 interferes with the right to contract between businesses and individuals by setting up a cumbersome and time consuming permit process.

In addition, Senate Bill 267 unduly burdens businesses who seek to protect their property during a strike through the hiring of security guards. The bill alleges that many problems might occur if such individuals are hired yet fails to balance this concern with the concern of businesses who feel the need to protect their property.

Senate Bill 267 disrupts the delicate balance between business and labor.

For these reasons, I must veto Senate Bill 267.

Sincerely,

A handwritten signature in black ink, appearing to read "Stan Stephens", written over a circular stamp or mark.

STAN STEPHENS
Governor