

HOUSE BILL 632

IN THE HOUSE

February 7, 1979	Introduced and referred to Committee on Labor and Employment Relations.
February 13, 1979	Committee recommend bill, do not pass.
February 14, 1979	Report adopted. Objection.
February 15, 1979	On motion postponed until 41st Legislative day.
February 19, 1979	Second reading, pass consideration.
	On motion taken from second reading and referred to Labor and Employment Relations.

1 House BILL NO. 632 Sales
2 INTRODUCED BY Mary, Martha, Jeff, James, Yoder, Wycliffe, Fifteen, Ruth, BURNETT, NATH, Ellison
3 Yoder, Wycliffe, Fifteen, Ruth, BURNETT, NATH, Ellison
4 A BILL FOR AN ACT ENTITLED: AN ACT TO PROHIBIT STRIKES BY PUBLIC
5 Curtis, Kropp, Kropp, Goodwin, Leen, Shissen, Lukan, Hayne, Bergmiller, Doyle
6 PUBLIC EMPLOYEES AGAINST PUBLIC EMPLOYERS; AMENDING SECTIONS
7 39-31-201, 39-31-402, AND 39-32-110, MCA.
8 SET ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Left
9
10 NEW SECTION. Section 1. Strikes by public employees.
11 (1) No public employee or employee organization may engage
12 in a strike or cause, instigate, encourage, or condone a
13 strike against a public employer.
14 (2) Whenever a strike occurs, the employer shall
15 petition the appropriate district court for relief. The
16 court may assess civil damages against the striking
17 employees or employee organizations, or both.
18 Section 2. Section 39-31-201, MCA, is amended to read:
19 *39-31-201. Public employees protected in right of
20 self-organization. Public employees shall have and shall be
21 protected in the exercise of the right of self-organization,
22 to form, join, or assist any labor organizations, to bargain
23 collectively through representatives of their own choosing
24 on questions of wages, hours, fringe benefits, and other
25 conditions of employment, and to engage in other concerted
activities, except strikes against a public employer, for

1 the purpose of collective bargaining or other mutual aid or
2 protection free from interference, restraint, or coercion."

3 Section 3. Section 39-31-402, MCA, is amended to read:

4 "39-31-402. Unfair labor practices of labor
5 organization. It is an unfair labor practice for a labor
6 organization or its agents to:

7 (1) restrain or coerce employees in the exercise of
8 the right guaranteed in 39-31-201 or a public employer in
9 the selection of his representative for the purpose of
10 collective bargaining or the adjustment of grievances;

11 (2) refuse to bargain collectively in good faith with
12 a public employer if it has been designated as the exclusive
13 representative of employees;

14 (3) use agency shop fees for contributions to
15 political candidates or parties at state or local levels;"
16 (4) strike or cause, instigate, encourage, or condone
17 a strike against a public employer."

18 Section 4. Section 39-32-110, MCA, is amended to read:

19 "39-32-110. Unlawful strikes. (1) It shall be unlawful
20 for any employee of a health care facility, as defined in
21 39-32-102, to participate in a strike if there is another
22 strike in effect at another health care facility within a
23 radius of 150 miles.

24 (2) Employees of a health care facility, as defined in
25 39-32-102, or their duly elected representative must give

1 the health care facility 30 days* written notice of any
2 strike by them and must specify in the notice the day the
3 strike is to begin.

4 (3) Nothing in this section may be interpreted to
5 permit a strike that is unlawful under the provisions of
6 [section 1]."

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