

HOUSE BILL 636

IN THE HOUSE

February 7, 1979	Introduced and referred to Committee on Labor and Employment Relations.
February 17, 1979	Committee recommend bill, as amended.
February 19, 1979	Printed and placed on members' desks.
February 20, 1979	Second reading, do not pass.

1 House BILL NO. 636
 2 INTRODUCED BY Hayes
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE EMPLOYMENT
 5 PREFERENCE FOR CITIZENS WITHIN THE POVERTY LEVEL IN STATE,
 6 COUNTY, AND MUNICIPAL ENTITIES, WITH AN EXCEPTION FOR
 7 POSITIONS FILLED THROUGH THE MERIT SYSTEM; AND TO PROVIDE
 8 PREFERENCE TO EMPLOYEES FUNDED UNDER THE COMPREHENSIVE
 9 EMPLOYMENT AND TRAINING ACT WHEN PERMANENT EMPLOYMENT
 10 POSITIONS ARE FILLED."

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

13 Section 1. Definitions. As used in [this act], unless
 14 the context indicates otherwise, the following definitions
 15 apply:

16 (1) "Citizen" means any person who has been a resident
 17 of Montana for at least 1 year prior to employment under the
 18 poverty level preference and who is also a resident of the
 19 county or municipality in which employment is sought if the
 20 employer is a county or municipality.

21 (2) "Poverty level" means the amount of income of an
 22 individual set forth in 45 CFR 1060.2-1 through 1060.2-2, as
 23 amended.

24 Section 2. Employment preference for citizens within
 25 the poverty level. (1) Except as provided in subsection (2),

1 in every state, county, and municipal entity or political
 2 subdivision thereof employment preference must be given to
 3 citizens within the poverty level.

4 (2) The employment preference does not apply to
 5 positions filled under policies and procedures established
 6 by the merit system council.

7 (3) Age, loss of limb, or other physical impairment
 8 which does not in fact incapacitate does not disqualify any
 9 citizen qualified under subsection (1) from employment
 10 preference, provided he possesses the business capacity,
 11 competency, skills, and education to discharge the duties of
 12 the position involved.

13 Section 3. Employment preference applicable to
 14 positions funded under CETA. The employment preference in
 15 [section 2] applies to all positions funded under the
 16 federal Comprehensive Employment and Training Act
 17 notwithstanding the existence of any contrary federal
 18 guidelines on participant eligibility.

19 Section 4. Employment preference applicable to
 20 permanent positions for which a CETA employee is qualified.
 21 Notwithstanding the poverty level employment preference in
 22 [section 2], state, county, and municipal entities or
 23 political subdivisions thereof must give preference to
 24 employees funded under the federal Comprehensive Employment
 25 and Training Act when filling permanent employment

1 positions.

2 Section 5. Enforcement of preference. (1) Any citizen
 3 entitled to preference in [sections 2 through 4] who applies
 4 for employment with any state, county, or municipal entity
 5 or political subdivision thereof or as an employee of such
 6 entity or subdivision funded under the federal Comprehensive
 7 Employment and Training Act applies for permanent employment
 8 with the entity or subdivision and is denied employment and
 9 feels that the spirit of [sections 2 through 4] has been
 10 violated and that he is in fact qualified physically and
 11 mentally and possesses business capacity, competency, and
 12 education to discharge the duties of the position applied
 13 for may petition the district court of the state in the
 14 county in which the work is to be performed.

15 (2) The petition must set forth the facts of the
 16 application, qualifications, competency, and any other
 17 information warranting the preference under [sections 2
 18 through 4]. Upon filing of the petition the court shall
 19 issue an order to the employer to appear in the court at a
 20 specified time and place, not less than 5 or more than 10
 21 days after the filing of the verified petition, to show
 22 cause, if any exists, why the petitioner should not be
 23 employed by the appointing authority. The district court has
 24 jurisdiction upon the proper showings to issue its order
 25 directing and ordering the employer to comply with this law

1 in giving the employment preference.

-End-

HOUSE BILL NO. 636
INTRODUCED BY HARPER

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE EMPLOYMENT PREFERENCE FOR CITIZENS WITHIN THE POVERTY LEVEL IN STATE GOVERNMENT POSITIONS COUNTY, AND MUNICIPAL ENTITIES, WITH AN EXCEPTION FOR POSITIONS FILLED THROUGH THE MERIT SYSTEM; AND TO PROVIDE PREFERENCE TO EMPLOYEES FUNDED UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT WHEN PERMANENT EMPLOYMENT POSITIONS ARE FILLED."

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

Section 1. Definitions. As used in [this act], unless the context indicates otherwise, the following definitions apply:

(1) "Citizen" means any person who has been a resident of Montana for at least 1 year prior to employment under the poverty level preference and who is also a resident of the county or municipality in which employment is sought if the employer is a county or municipality.

(2) "Poverty level" means ~~the amount of income of an individual~~ AN INDIVIDUAL OR FAMILY RECEIVING GENERAL ASSISTANCE OR AID TO FAMILIES WITH DEPENDENT CHILDREN PAYMENTS set forth in 45 CFR 1060.2-1 through 1060.2-2, as amended.

Section 2. Employment preference for citizens within the poverty level. (1) Except as provided in subsection (2), ~~in every state, county and municipal entity or political subdivision thereof employment preference must be given to citizens within the poverty level.~~ IF ALL OTHER FACTORS ARE EQUAL, AN EMPLOYMENT PREFERENCE MUST BE GIVEN ANY PERSON WITHIN THE POVERTY LEVEL WHO APPLIES FOR A STATE GOVERNMENT POSITION.

(2) The employment preference does not apply to positions filled under policies and procedures established by the merit system council.

(3) Age, loss of limb, or other physical impairment which does not in fact incapacitate does not disqualify any citizen qualified under subsection (1) from employment preference, provided he possesses the business capacity, competency, skills, and education to discharge the duties of the position involved.

(4) THE PROVISIONS OF [THIS ACT] DO NOT APPLY TO MINORS.

Section 3. Employment preference applicable to positions funded under CETA. The employment preference in [section 2] applies to all positions funded under the federal Comprehensive Employment and Training Act notwithstanding the existence of any contrary federal guidelines on participant eligibility.

1 Section 4. Employment preference applicable to
 2 permanent positions for which a CETA employee is qualified.
 3 Notwithstanding the poverty level employment preference in
 4 [section 2], ~~THE state, county, and municipal entities or~~
 5 ~~political subdivisions thereof~~ must give preference to
 6 employees funded under the federal Comprehensive Employment
 7 and Training Act when filling permanent employment
 8 positions. PROVIDED THAT ALL OTHER FACTORS ARE EQUAL.

9 Section 5. Enforcement of preference. (1) ~~Any citizen~~
 10 ~~entitled to preference in [sections 2 through 4] who applies~~
 11 ~~for employment with any state, county, or municipal entity~~
 12 ~~or political subdivision thereof or as an employee of such~~
 13 ~~entity or subdivision funded under the federal Comprehensive~~
 14 ~~Employment and Training Act applies for permanent employment~~
 15 ~~with the entity or subdivision and is denied employment and~~
 16 IF ANY PERSON WHO IS ENTITLED TO AN EMPLOYMENT PREFERENCE IN
 17 [SECTIONS 2 THROUGH 4] APPLIES FOR A STATE POSITION OR WHO,
 18 AS AN EMPLOYEE OF THE STATE IN A CETA POSITION, APPLIES FOR
 19 PERMANENT EMPLOYMENT AND IS DENIED EMPLOYMENT AND feels that
 20 the spirit of [sections 2 through 4] has been violated and
 21 that he is in fact qualified physically and mentally and
 22 possesses business capacity, competency, and education to
 23 discharge the duties of the position applied for may
 24 petition the district court of the state in the county in
 25 which the work is to be performed.

1 (2) The petition must set forth the facts of the
 2 application, qualifications, competency, and any other
 3 information warranting the preference under [sections 2
 4 through 4]. Upon filing of the petition the court shall
 5 issue an order to the employer to appear in the court at a
 6 specified time and place, not less than 5 or more than 10
 7 days after the filing of the verified petition, to show
 8 cause, if any exists, why the petitioner should not be
 9 employed by the appointing authority. The district court has
 10 jurisdiction upon the proper showings to issue its order
 11 directing and ordering the employer to comply with this law
 12 in giving the employment preference.

-End-