

CHAPTER NO. 572

SENATE BILL NO. 155

INTRODUCED BY BOYLAN, KOLSTAD

IN THE SENATE

January 18, 1979	Introduced and referred to Committee on Labor and Employment Relations.
February 1, 1979	Committee recommend bill do pass as amended. Report adopted.
February 3, 1979	Printed and placed on members' desks.
February 5, 1979	Second reading, do pass.
February 6, 1979	Considered correctly engrossed.
February 7, 1979	On motion taken from third reading and referred to second reading.  Second reading, do pass as amended.
February 8, 1979	Correctly engrossed.
February 9, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 10, 1979	Introduced and referred to Committee on Labor and Employment Relations.
March 9, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 13, 1979	Second reading, concurred in as amended.
March 16, 1979	Third reading, concurred in as amended.

IN THE SENATE

March 17, 1979	Returned from second house. Concurred in as amended.
March 19, 1979	Second reading, pass consideration.
March 20, 1979	Second reading, amendments rejected.  On motion, Joint Conference Committee requested.
March 21, 1979	Joint Conference Committee appointed.
March 30, 1979	Joint Conference Committee reported.
March 31, 1979	Second reading, adopted.
April 2, 1979	Third reading, adopted.
April 3, 1979	Adopted by House.
April 4, 1979	Sent to enrolling.  Reported correctly enrolled.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INTRODUCED BY *Sen. [Signature]* BILL NO. *155*  
*Related*

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT CERTAIN EMPLOYEES FROM PROVISIONS OF THE OVERTIME COMPENSATION LAW."

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

Section 1. Overtime exclusions. The provisions of 39-3-405 do not apply to:

- (1) an employee with respect to whom the interstate commerce commission has power to establish qualifications and maximum hours of service pursuant to the provisions of 49 U.S.C. 304;
- (2) an employee of an employer subject to the provisions of part I of the Interstate Commerce Act;
- (3) an individual employed as an outside buyer of poultry, eggs, cream, or milk, in their raw or natural state;
- (4) an employee of a street, suburban or interurban electric railway, or local trolley or motorbus carrier;
- (5) an employee of a gasoline service station;
- (6) a salesman, partsman, or mechanic primarily engaged in selling or servicing automobiles, trucks, or farm implements if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

- such vehicles or implements to ultimate purchasers;
- (7) a salesman primarily engaged in selling trailers, boats, or aircraft if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling trailers, boats, or aircraft to ultimate purchasers;
- (8) an employee employed as a driver or driver's helper making local deliveries who is compensated for such employment on the basis of trip rates, or other delivery payment plan, if the commissioner finds that such plan has the general purpose and effect of reducing hours worked by such employees to or below the maximum workweek applicable to them under 39-3-405;
- (9) an employee employed in agriculture or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways not owned or operated for profit and not operated on a sharecrop basis and which are used exclusively for supply and storing of water for agricultural purposes;
- (10) an employee with respect to his employment in agriculture by a farmer, notwithstanding other employment of such employee in connection with livestock auction operations in which such farmer is engaged as an adjunct to the raising of livestock, either on his own account or in conjunction with other farmers, if such employee is:
  - (a) primarily employed during his workweek in

-2- *SB 155*  
INTRODUCED BILL

1 agriculture by such farmer; and

2 (b) paid for his employment in connection with such  
3 livestock auction operations at a wage rate not less than  
4 that prescribed by 34-3-404;

5 (11) an employee of an establishment commonly  
6 recognized as a country elevator, including an establishment  
7 which sells products and services used in the operation of a  
8 farm, if no more than five employees are employed by the  
9 establishment;

10 (12) a driver employed by an employer engaged in the  
11 business of operating taxicabs;

12 (13) an employee who is employed with his spouse by a  
13 nonprofit educational institution to serve as the parents of  
14 children who are orphans or one of whose natural parents is  
15 deceased or who are enrolled in such institution and reside  
16 in residential facilities of the institution so long as the  
17 children are in residence at the institution and so long as  
18 such employee and his spouse reside in such facilities and  
19 receive, without cost, board and lodging from the  
20 institution and are together compensated, on a cash basis,  
21 at an annual rate of not less than \$10,000; or

22 (14) an employee employed in planting or tending trees;  
23 cruising, surveying, or felling timber; or transporting logs  
24 or other forestry products to a mill, processing plant,  
25 railroad, or other transportation terminal if the number of

1 employees employed by his employer in such forestry or  
2 lumbering operations does not exceed eight.

-End-

Approved by Committee  
on Labor & Employment  
Relations

1 SENATE BILL NO. 155

2 INTRODUCED BY BOYLAN, KOLSTAD

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT CERTAIN  
5 EMPLOYEES FROM PROVISIONS OF THE OVERTIME COMPENSATION LAW."

6  
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8 Section 1. Overtime exclusions. The provisions of  
9 39-3-405 do not apply to:

10 (1) an employee with respect to whom the interstate  
11 ~~commerce---commissioner~~ UNITED STATES SECRETARY OF  
12 TRANSPORTATION has power to establish qualifications and  
13 maximum hours of service pursuant to the provisions of 49  
14 U.S.C. 304;

15 (2) an employee of an employer subject to the  
16 provisions of part I of the Interstate Commerce Act;

17 (3) an individual employed as an outside buyer of  
18 poultry, eggs, cream, or milk, in their raw or natural  
19 state;

20 ~~(4)--an--employee--of--a--street--suburban--or--interurban~~  
21 ~~electric-railway--or--local-trolley--or--motorbus-carrier;~~

22 ~~(5)--an-employee-of-a-gasoline-service-station;~~

23 ~~(6)(4)~~ a salesman, partsman, or mechanic primarily  
24 engaged in selling or servicing automobiles, trucks, or farm  
25 implements if he is employed by a nonmanufacturing

1 establishment primarily engaged in the business of selling  
2 such vehicles or implements to ultimate purchasers;

3 ~~(7)(5)~~ a salesman primarily engaged in selling  
4 trailers, boats, or aircraft if he is employed by a  
5 nonmanufacturing establishment primarily engaged in the  
6 business of selling trailers, boats, or aircraft to ultimate  
7 purchasers;

8 ~~(8)(6)~~ an employee employed as a driver or driver's  
9 helper making local deliveries who is compensated for such  
10 employment on the basis of trip rates, or other delivery  
11 payment plan, if the commissioner finds that such plan has  
12 the general purpose and effect of reducing hours worked by  
13 such employees to or below the maximum workweek applicable  
14 to them under 39-3-405;

15 ~~(9)(7)~~ an employee employed in agriculture or in  
16 connection with the operation or maintenance of ditches,  
17 canals, reservoirs, or waterways not owned or operated for  
18 profit and not operated on a sharecrop basis and which are  
19 used exclusively for supply and storing of water for  
20 agricultural purposes;

21 ~~(10)(8)~~ an employee with respect to his employment in  
22 agriculture by a farmer, notwithstanding other employment of  
23 such employee in connection with livestock auction  
24 operations in which such farmer is engaged as an adjunct to  
25 the raising of livestock, either on his own account or in

1 conjunction with other farmers, if such employee is:

2 (a) primarily employed during his workweek in  
3 agriculture by such farmer; and

4 (b) paid for his employment in connection with such  
5 livestock auction operations at a wage rate not less than  
6 that prescribed by 34-3-404;

7 ~~(11)~~ an employee of an establishment commonly  
8 recognized as a country elevator, including an establishment  
9 which sells products and services used in the operation of a  
10 farm, if no more than five employees are employed by the  
11 establishment;

12 ~~(12)~~ a driver employed by an employer engaged in  
13 the business of operating taxicabs;

14 ~~(13)~~ an employee who is employed with his spouse by  
15 a nonprofit educational institution to serve as the parents  
16 of children who are orphans or one of whose natural parents  
17 is deceased or who are enrolled in such institution and  
18 reside in residential facilities of the institution so long  
19 as the children are in residence at the institution and so  
20 long as such employee and his spouse reside in such  
21 facilities and receive, without cost, board and lodging from  
22 the institution and are together compensated, on a cash  
23 basis, at an annual rate of not less than \$10,000; or

24 ~~(14)~~ an employee employed in planting or tending  
25 trees; cruising, surveying, or felling timber; or

1 transporting logs or other forestry products to a mill,  
2 processing plant, railroad, or other transportation terminal  
3 if the number of employees employed by his employer in such  
4 forestry or lumbering operations does not exceed eight.

-End-

SENATE BILL NO. 155

INTRODUCED BY BOYLAN, KOLSTAD

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT CERTAIN EMPLOYEES FROM PROVISIONS OF THE OVERTIME COMPENSATION LAW."

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

Section 1. Overtime exclusions. The provisions of 39-3-405 do not apply to:

(1) an employee with respect to whom the interstate commerce---commission UNITED STATES SECRETARY OF TRANSPORTATION has power to establish qualifications and maximum hours of service pursuant to the provisions of 49 U.S.C. 304;

(2) an employee of an employer subject to the provisions of part I of the Interstate Commerce Act;

(3) an individual employed as an outside buyer of poultry, eggs, cream, or milk, in their raw or natural state;

~~(4) an employee of a street, suburban or interurban electric railway or local trolley or motorbus carrier;~~

~~(5) an employee of a gasoline service station;~~

~~(6)~~ (4) a salesman, partsman, or mechanic primarily engaged in selling or servicing automobiles, trucks, or farm implements if he is employed by a nonmanufacturing

establishment primarily engaged in the business of selling such vehicles or implements to ultimate purchasers;

~~(7)~~ (5) a salesman primarily engaged in selling trailers, boats, or aircraft if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling trailers, boats, or aircraft to ultimate purchasers;

~~(8)~~ (6) an employee employed as a driver or driver's helper making local deliveries who is compensated for such employment on the basis of trip rates, or other delivery payment plan, if the commissioner finds that such plan has the general purpose and effect of reducing hours worked by such employees to or below the maximum workweek applicable to them under 39-3-405;

~~(9)~~ (7) an employee employed in agriculture or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways not owned or operated for profit and not operated on a sharecrop basis and which are used exclusively for supply and storing of water for agricultural purposes;

~~(10)~~ (8) an employee with respect to his employment in agriculture by a farmer, notwithstanding other employment of such employee in connection with livestock auction operations in which such farmer is engaged as an adjunct to the raising of livestock, either on his own account or in

1 conjunction with other farmers, if such employee is:

2 (a) primarily employed during his workweek in  
3 agriculture by such farmer; and

4 (b) paid for his employment in connection with such  
5 livestock auction operations at a wage rate not less than  
6 that prescribed by 34-3-404;

7 ~~(12)~~ an employee of an establishment commonly  
8 recognized as a country elevator, including an establishment  
9 which sells products and services used in the operation of a  
10 farm, if no more than five employees are employed by the  
11 establishment;

12 ~~(10)~~ a driver employed by an employer engaged in  
13 the business of operating taxicabs;

14 ~~(11)~~ an employee who is employed with his spouse by  
15 a nonprofit educational institution to serve as the parents  
16 of children who are orphans or one of whose natural parents  
17 is deceased or who are enrolled in such institution and  
18 reside in residential facilities of the institution so long  
19 as the children are in residence at the institution and so  
20 long as such employee and his spouse reside in such  
21 facilities and receive, without cost, board and lodging from  
22 the institution and are together compensated, on a cash  
23 basis, at an annual rate of not less than \$10,000; or

24 ~~(12)~~ an employee employed in planting or tending  
25 trees; cruising, surveying, or felling timber; or

1 transporting logs or other forestry products to a mill,  
2 processing plant, railroad, or other transportation terminal  
3 if the number of employees employed by his employer in such  
4 forestry or lumbering operations does not exceed eight.

-End-



SENATE BILL NO. 155

INTRODUCED BY BOYLAN, KOLSTAD

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT CERTAIN EMPLOYEES FROM PROVISIONS OF THE OVERTIME COMPENSATION LAW."

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

Section 1. Overtime exclusions. The provisions of 39-3-405 do not apply to:

(1) an employee with respect to whom the interstate commerce---commission UNITED STATES SECRETARY OF TRANSPORTATION has power to establish qualifications and maximum hours of service pursuant to the provisions of 49 U.S.C. 304;

(2) an employee of an employer subject to the provisions of part I of the Interstate Commerce Act;

(3) an individual employed as an outside buyer of poultry, eggs, cream, or milk, in their raw or natural state;

~~(4)--an--employee--of--a--street--suburban--or--interurban electric-railway--or--trolley--or--motorbus--carrier~~

~~(5)--an--employee--of--a--gasoline--service--station~~

(6)(4) a salesman, partsman, or mechanic PAID ON A COMMISSION OR CONTRACT BASIS AND primarily engaged in selling or servicing automobiles, trucks, or farm implements

if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles or implements to ultimate purchasers;

(7)(5) a salesman primarily engaged in selling trailers, boats, or aircraft if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling trailers, boats, or aircraft to ultimate purchasers;

(8)(6) an employee employed as a driver or driver's helper making local deliveries who is compensated for such employment on the basis of trip rates, or other delivery payment plan, if the commissioner finds that such plan has the general purpose and effect of reducing hours worked by such employees to or below the maximum workweek applicable to them under 39-3-405;

(9)(7) an employee employed in agriculture or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways not owned or operated for profit and not operated on a sharecrop basis and which are used exclusively for supply and storing of water for agricultural purposes;

(10)(8) an employee with respect to his employment in agriculture by a farmer, notwithstanding other employment of such employee in connection with livestock auction operations in which such farmer is engaged as an adjunct to

1 the raising of livestock, either on his own account or in  
2 conjunction with other farmers, if such employee is:

3 (a) primarily employed during his workweek in  
4 agriculture by such farmer; and

5 (b) paid for his employment in connection with such  
6 livestock auction operations at a wage rate not less than  
7 that prescribed by 34-3-404;

8 ~~(11)~~ an employee of an establishment commonly  
9 recognized as a country elevator, including an establishment  
10 which sells products and services used in the operation of a  
11 farm, if no more than five employees are employed by the  
12 establishment;

13 ~~(12)~~ a driver employed by an employer engaged in  
14 the business of operating taxicabs;

15 ~~(13)~~ an employee who is employed with his spouse by  
16 a nonprofit educational institution to serve as the parents  
17 of children who are orphans or one of whose natural parents  
18 is deceased or who are enrolled in such institution and  
19 reside in residential facilities of the institution so long  
20 as the children are in residence at the institution and so  
21 long as such employee and his spouse reside in such  
22 facilities and receive, without cost, board and lodging from  
23 the institution and are together compensated, on a cash  
24 basis, at an annual rate of not less than \$10,000; or

25 ~~(14)~~ an employee employed in planting or tending

1 trees; cruising, surveying, or felling timber; or  
2 transporting logs or other forestry products to a mill,  
3 processing plant, railroad, or other transportation terminal  
4 if the number of employees employed by his employer in such  
5 forestry or lumbering operations does not exceed eight.

-End-

SENATE BILL NO. 155

INTRODUCED BY BOYLAN, KOLSTAD

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT CERTAIN EMPLOYEES FROM PROVISIONS OF THE OVERTIME COMPENSATION LAW."

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

Section 1. Overtime exclusions. The provisions of 39-3-405 do not apply to:

{1}--an-employee-with-respect-to-whom-the-interstate-commerce-commission UNITED STATES SECRETARY OF TRANSPORTATION has-power-to-establish-qualifications-and maximum-hours-of-service-pursuant-to-the-provisions-of-49 USC-384;

{2}--an-employee-of-an-employer-subject-to-the-provisions-of-part-I-of-the-Interstate-Commerce-Act;

{3}--an-individual-employed-as-an-outside-buyer-of poultry, eggs, cream, or milk, in their raw or natural state;

{4}--an-employee-of-a-street, suburban-or-interurban electric-railway, or local trolley-or-motorbus-carrier;

{5}--an-employee-of-a-gasoline-service-station;

11 AN INDIVIDUAL EMPLOYED AS AN OUTSIDE BUYER OF POULTRY, EGGS, CREAM, OR MILK, IN THEIR RAW OR NATURAL STATE;

{6} a salesman, partsman, or mechanic PAID ON A COMMISSION OR CONTRACT BASIS AND primarily engaged in selling or servicing automobiles, trucks, MOBILE HOMES, RECREATIONAL VEHICLES, or farm implements if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles or implements to ultimate purchasers;

{7} a salesman primarily engaged in selling trailers, boats, or aircraft if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling trailers, boats, or aircraft to ultimate purchasers;

{8} an-employee-employed-as-a-driver-or-driver's helper-making-local-deliveries-who-is-compensated-for-such employment-on-the-basis-of-trip-rates, or other delivery payment-plan-if-the-commissioner-finds-that-such-plan-has the-general-purpose-and-effect-of-reducing-hours-worked-by such-employees-to-or-below-the-maximum-workweek-applicable to-them-under-39-3-405;

{9} an-employee-employed-in-agriculture-or-in connection-with-the-operation-or-maintenance-of-ditches, canals, reservoirs, or waterways-not-owned-or-operated-for profit-and-not-operated-on-a-sharecrop-basis-and-which-are used-exclusively-for-supply-and-storing-of-water-for agriculture-purposes;

1        (10)(18) an employee with respect to his employment in  
2 agriculture by a farmer notwithstanding other employment of  
3 such employee in connection with livestock auction  
4 operations in which such farmer is engaged as an adjunct to  
5 the raising of livestock either on his own account or in  
6 conjunction with other farmers if such employee is

7        (a) primarily employed during his workweek in  
8 agriculture by such farmer and

9        (b) paid for his employment in connection with such  
10 livestock auction operations at a wage rate not less than  
11 that prescribed by 34-3-404.

12        (11)(19) an employee of an establishment commonly  
13 recognized as a country elevator including an establishment  
14 which sells products and services used in the operation of a  
15 farm if no more than five employees are employed by the  
16 establishment.

17        (12)(20) a driver employed by an employer engaged in  
18 the business of operating taxicabs.

19        (13)(21) an employee who is employed with his spouse by  
20 a nonprofit educational institution to serve as the parents  
21 of children who are orphans or one of whose natural parents  
22 is deceased or who are enrolled in such institution and  
23 reside in residential facilities of the institution so long  
24 as the children are in residence at the institution and so  
25 long as such employee and his spouse reside in such

1 facilities and receive without cost board and lodging from  
2 the institution and are together compensated on a cash  
3 basis at an annual rate of not less than \$10,000 or

4        (14)(22) an employee employed in planting or tending  
5 trees, cruising, surveying, or felling timber or  
6 transporting logs or other forestry products to a mill,  
7 processing plant, railroad, or other transportation terminal  
8 if the number of employees employed by his employer in such  
9 forestry or lumbering operations does not exceed eight.

10        (4) A MECHANIC PRIMARILY ENGAGED IN SERVICING FARM  
11 IMPLEMENTS;

12        (5) AN EMPLOYEE EMPLOYED IN PLANTING OR TENDING TREES;  
13 CRUISING, SURVEYING, OR FELLING TIMBER; OR TRANSPORTING LOGS  
14 OR OTHER FORESTRY PRODUCTS TO A MILL, PROCESSING PLANT,  
15 RAILROAD, OR OTHER TRANSPORTATION TERMINAL IF THE NUMBER OF  
16 EMPLOYEES EMPLOYED BY HIS EMPLOYER IN SUCH FORESTRY OR  
17 LUMBERING OPERATIONS DOES NOT EXCEED EIGHT.

-End-

SENATE BILL NO. 155  
INTRODUCED BY BOYLAN, KOLSTAD

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT CERTAIN EMPLOYEES FROM PROVISIONS OF THE OVERTIME COMPENSATION LAW."

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

Section 1. Overtime exclusions. The provisions of 39-3-405 do not apply to:

~~(1) an employee with respect to whom the interstate commerce commission UNITED STATES SECRETARY OF TRANSPORTATION has power to establish qualifications and maximum hours of service pursuant to the provisions of 49 U.S.C. 3041~~

~~(2) an employee of an employer subject to the provisions of part 1 of the Interstate Commerce Act~~

~~(3) an individual employed as an outside buyer of poultry, eggs, cream, or milk in their raw or natural state~~

~~(4) an employee of a street, suburban or interurban electric railway or local trolley or motor bus carrier~~

~~(5) an employee of a gasoline service station~~

~~(1) AN INDIVIDUAL EMPLOYED AS AN OUTSIDE BUYER OF POULTRY, EGGS, CREAM, OR MILK IN THEIR RAW OR NATURAL STATE~~

~~(1) AN EMPLOYEE WITH RESPECT TO WHOM THE UNITED STATES SECRETARY OF TRANSPORTATION HAS POWER TO ESTABLISH QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE PURSUANT TO THE PROVISIONS OF 49 U.S.C. 3041~~

~~(2) AN EMPLOYEE OF AN EMPLOYER SUBJECT TO THE PROVISIONS OF PART 1 OF THE INTERSTATE COMMERCE ACT;~~

~~(3) AN INDIVIDUAL EMPLOYED AS AN OUTSIDE BUYER OF POULTRY, EGGS, CREAM, OR MILK IN THEIR RAW OR NATURAL STATE;~~

~~(6) (1) (2) (4) a salesman, partsmen or mechanic PAID ON A COMMISSION OR CONTRACT BASIS AND PARTSMAN OR MECHANIC PAID ON A COMMISSION OR CONTRACT BASIS AND primarily engaged in selling or servicing OR SERVICING automobiles, trucks, MOBILE HOMES, RECREATIONAL VEHICLES, or farm implements if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles or implements to ultimate purchasers;~~

~~(7) (5) (3) (2) a salesman primarily engaged in selling trailers, boats, or aircraft if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling trailers, boats, or aircraft to ultimate purchasers;~~

~~(8) (6) an employee employed as a driver or driver's helper making local deliveries who is compensated for such employment on the basis of trip rates or other delivery~~

REFERENCE BILL: Includes Free Joint -2-  
Conference Committee Report  
Dated 3/28/09

1 payment--plan--if-the-commissioner-finds-that-such-plan-has  
2 the-general-purpose-and-effect-of-reducing-hours-worked-by  
3 such-employees--to-or-below-the-maximum-workweek-applicable  
4 to-them-under-39-3-405;

5 (9)(11) an-employee-employed-in-agriculture-or-in  
6 connection-with-the-operation-or-maintenance-of-ditches,  
7 canals, reservoirs, or waterways not owned or operated for  
8 profit and not operated on a sharecrop basis and which are  
9 used exclusively for supply and storing of water for  
10 agriculture purposes;

11 (10)(11) an-employee-with-respect-to-his-employment-in  
12 agriculture-by-a-farmer, notwithstanding other employment of  
13 such-employee-in-connection-with-livestock-auction  
14 operations-in-which-such-farmer-is-engaged-as-an-adjunct-to  
15 the-raising-of-livestock, either on his own account or in  
16 conjunction-with-other-farmers, if such-employee-is:

17 (a) primarily employed during his workweek in  
18 agriculture-by-such-farmer; and

19 (b) paid-for-his-employment-in-connection-with-such  
20 livestock-auction-operations-at-a-wage-rate-not-less-than  
21 that-prescribed-by-34-3-404;

22 (11)(12) an-employee-of-an-establishment-commonly  
23 recognized-as-a-country-elevator-including-an-establishment  
24 which-sells-products-and-services-used-in-the-operation-of-a  
25 farm, if no more than five-employees-are-employed-by-the

1 establishment;

2 (12)(11) a-driver-employed-by-an-employer-engaged-in  
3 the-business-of-operating-taxicabs;

4 (13)(11) an-employee-who-is-employed-with-his-spouse-by  
5 a-nonprofit-educational-institution-to-serve-as-the-parents  
6 of-children-who-are-orphans-or-one-of-whose-natural-parents  
7 is-deceased-or-who-are-enrolled-in-such-institution-and  
8 reside-in-residential-facilities-of-the-institution-so-long  
9 as-the-children-are-in-residence-at-the-institution-and-so  
10 long-as-such-employee-and-his-spouse-reside-in-such  
11 facilities-and-receive-without-cost-board-and-lodging-from  
12 the-institution-and-are-together-compensated-on-a-cash  
13 basis-at-an-annual-rate-of-not-less-than-\$10,000; or

14 (14)(12) an-employee-employed-in-planting-or-tending  
15 trees--cruising--surveying--or--felling--timber--or  
16 transporting-logs-or-other-forestry-products-to-a-mill,  
17 processing-plant, railroad or other-transportation-terminal  
18 if-the-number-of-employees-employed-by-his-employer-in-such  
19 forestry-or-timbering-operations-does-not-exceed-eight;

20 (15)(16) ~~A MECHANIC PRIMARILY ENGAGED IN SERVICING FARM~~  
21 ~~IMPLEMENTIS;~~

22 (15)(17) ~~AN EMPLOYEE EMPLOYED IN PLANNING OR TENDING~~  
23 ~~TREES--CRUISING--SURVEYING--OR--FELLING--TIMBER--OR~~  
24 ~~TRANSPORTING LOGS--OR--OTHER--FORESTRY--PRODUCTS--TO--A--MILL~~  
25 ~~OR--OTHER--TRANSPORTATION--TERMINAL~~

1 ~~IF THE NUMBER OF EMPLOYEES EMPLOYED BY HIS EMPLOYER IN SUCH~~  
 2 ~~FORESTRY OR LUMBERING OPERATIONS DOES NOT EXCEED EIGHT:~~

3 (6) AN EMPLOYEE EMPLOYED AS A DRIVER OR DRIVER'S  
 4 HELPER MAKING LOCAL DELIVERIES WHO IS COMPENSATED FOR SUCH  
 5 EMPLOYMENT ON THE BASIS OF TRIP RATES, OR OTHER DELIVERY  
 6 PAYMENT PLAN, IF THE COMMISSIONER FINDS THAT SUCH PLAN HAS  
 7 THE GENERAL PURPOSE AND EFFECT OF REDUCING HOURS WORKED BY  
 8 SUCH EMPLOYEES TO OR BELOW THE MAXIMUM WORKWEEK APPLICABLE  
 9 TO THEM UNDER 39-3-405;

10 (7) AN EMPLOYEE EMPLOYED IN AGRICULTURE OR IN  
 11 CONNECTION WITH THE OPERATION OR MAINTENANCE OF DITCHES,  
 12 CANALS, RESERVOIRS, OR WATERWAYS NOT OWNED OR OPERATED FOR  
 13 PROFIT AND NOT OPERATED ON A SHARECROP BASIS AND WHICH ARE  
 14 USED EXCLUSIVELY FOR SUPPLY AND STORING OF WATER FOR  
 15 AGRICULTURAL PURPOSES;

16 (8) AN EMPLOYEE WITH RESPECT TO HIS EMPLOYMENT IN  
 17 AGRICULTURE BY A FARMER, NOTWITHSTANDING OTHER EMPLOYMENT OF  
 18 SUCH EMPLOYEE IN CONNECTION WITH LIVESTOCK AUCTION  
 19 OPERATIONS IN WHICH SUCH FARMER IS ENGAGED AS AN ADJUNCT TO  
 20 THE RAISING OF LIVESTOCK, EITHER ON HIS OWN ACCOUNT OR IN  
 21 CONJUNCTION WITH OTHER FARMERS, IF SUCH EMPLOYEE IS:

22 (A) PRIMARILY EMPLOYED DURING HIS WORKWEEK IN  
 23 AGRICULTURE BY SUCH FARMER; AND

24 (B) PAID FOR HIS EMPLOYMENT IN CONNECTION WITH SUCH  
 25 LIVESTOCK AUCTION OPERATIONS AT A WAGE RATE NOT LESS THAN

1 THAT PRESCRIBED BY 39-3-444;

2 (9) AN EMPLOYEE OF AN ESTABLISHMENT COMMONLY  
 3 RECOGNIZED AS A COUNTRY ELEVATOR, INCLUDING AN ESTABLISHMENT  
 4 WHICH SELLS PRODUCTS AND SERVICES USED IN THE OPERATION OF A  
 5 FARM, IF NO MORE THAN FIVE EMPLOYEES ARE EMPLOYED BY THE  
 6 ESTABLISHMENT;

7 (10) A DRIVER EMPLOYED BY AN EMPLOYER ENGAGED IN THE  
 8 BUSINESS OF OPERATING TAXICABS;

9 (11) AN EMPLOYEE WHO IS EMPLOYED WITH HIS SPOUSE BY A  
 10 NONPROFIT EDUCATIONAL INSTITUTION TO SERVE AS THE PARENTS OF  
 11 CHILDREN WHO ARE ORPHANS OR ONE OF WHOSE NATURAL PARENTS IS  
 12 DECEASED OR WHO ARE ENROLLED IN SUCH INSTITUTION AND RESIDE  
 13 IN RESIDENTIAL FACILITIES OF THE INSTITUTION SO LONG AS THE  
 14 CHILDREN ARE IN RESIDENCE AT THE INSTITUTION AND SO LONG AS  
 15 SUCH EMPLOYEE AND HIS SPOUSE RESIDE IN SUCH FACILITIES AND  
 16 RECEIVE, WITHOUT COST, BOARD AND LODGING FROM THE  
 17 INSTITUTION AND ARE TOGETHER COMPENSATED, ON A CASH BASIS,  
 18 AT AN ANNUAL RATE OF NOT LESS THAN \$10,000; OR

19 (12) AN EMPLOYEE EMPLOYED IN PLANTING OR TENDING TREES;  
 20 CRUISING, SURVEYING, OR FELLING TIMBER; OR TRANSPORTING LOGS  
 21 OR OTHER FORESTRY PRODUCTS IN A MILL, PROCESSING PLANT,  
 22 RAILROAD, OR OTHER TRANSPORTATION TERMINAL IF THE NUMBER OF  
 23 EMPLOYEES EMPLOYED BY HIS EMPLOYER IN SUCH FORESTRY OR  
 24 LUMBERING OPERATIONS DOES NOT EXCEED EIGHT.

-end-

Labor & Employment Relations Committee amendments to Senate Bill 155,  
second printing, 3rd reading copy, as follows:

1. Page 1, line 10 through 19.  
Following: line 9  
Strike: lines 10 through 19 in their entirety
2. Page 1, lines 23 and 24.  
Following: "salesman,"  
Strike: "partsman, or mechanic PAID ON A COMMISSION OR CONTRACT BASIS AND"
3. Page 1, line 25.  
Following: "selling"  
Strike: "or servicing"
4. Page 2, line 9 through line 5 on page 4  
Following: line 8  
Strike: remainder of bill in its entirety

AND AS AMENDED, BE CONCURRED IN



HOUSE OF REPRESENTATIVES

March 9, 1979

Labor and Employment Relations Committee amendments to SENATE BILL  
NO. 155, third reading, second printing.

1. Page 1, line 10 through 19.

Following: line 9

Strike: lines 10 through 19 in their entirety

2. Page 1, lines 23 and 24.

Following: "salesman,"

Strike: "partsman, or machanic PAID ON A COMMISSION OR CONTRACT  
BASIS AND"

3. Page 1, line 25.

Following: "selling"

Strike: "or servicing"

4. Page 2, line 9 through line 5 on page 4.

Following: line 8

Strike: remainder of bill in its entirety

AND AS AMENDED, BE CONCURRED IN

HOUSE OF REPRESENTATIVES  
March 13, 1979

Committee of the Whole Amendments to Senate Bill No. 155, third reading copy, second printing, as follows:

1. Page 1.

Following: line 19

Insert: "(1) an individual employed as an outside buyer of poultry, eggs, cream, or milk, in their raw or natural state;"

Renumber: subsequent subsections

2. Page 1, line 25.

Following: "trucks,"

Insert: "mobile homes, recreational vehicles,"

3. Page 2.

Following: line 8

Insert: "(4) a mechanic primarily engaged in servicing farm implements;"

4. Page 4.

Following: line 5

Insert: "(5) an employee employed in planting or tending trees; cruising, surveying, or felling timber; or transporting logs or other forestry products to a mill, processing plant, railroad, or other transportation terminal if the number of employees employed by his employer in such forestry or lumbering operations does not exceed eight."

AND AS AMENDED,  
BE CONCURRED IN