CHAPTER 'NO. _572___.

Ŧ

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 HOU	SE
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 con- sideration.
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.

• •,

LC 0210/01

BILL NON 155 1 INTRODUCED BY 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT CERTAIN 4 5 EMPLOYEES FROM PROVISIONS OF THE OVERTIME COMPENSATION LAW. 6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 7 8 Section 1. Overtime exclusions. The provisions of 39-3-405 do not apply to: 9 (1) an employee with respect to whom the interstate 10 commerce commission has power to establish qualifications 11 and maximum hours of service pursuant to the provisions of 12 13 49 U.S.C. 304; (2) an employee of an employer subject to the 14 provisions of part I of the Interstate Commerce Act; 15 (3) an individual employed as an outside buyer of 16 poultry, eggs, cream, or milk, in their raw or natural 17 18 state: (4) an employee of a street, suburban or interurban 19 electric railway, or local trolley or motorbus carrier; 20 (5) an employee of a gasoline service station; 21 (6) a salesman, partsman, or mechanic primarily 22 engaged in selling or servicing automobiles, trucks, or farm 23 implements if he is employed by a nonmanufacturing 24 25 establishment primarily engaged in the business of selling

1 such vehicles or implements to ultimate purchasers;

2 (7) a solesman primarily engaged in selling trailers.
3 boats. or aircraft if he is employed by a nonmanufacturing
4 establishment primarily engaged in the business of selling
5 trailers. boats. or aircraft to ultimate purchasers:

6 (8) an employee employed as a driver or driver's 7 helper making local deliveries who is compensated for such 8 employment on the basis of trip rates, or other delivery 9 payment plan, if the commissioner finds that such plan has 10 the general purpose and effect of reducing hours worked by 11 such employees to or below the maximum workweek applicable 12 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 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:

25 (a) primarily employed during his workweek in

INTRODUCED BILL

SBISS

LC 0210/01

1 agriculture by such farmer; and

(b) paid for his employment in connection with such
livestock auction operations at a wage rate not less than
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;

(12) a driver employed by an employer engaged in the
 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 in residential facilities of the institution so long as the 16 17 children are in residence at the institution and so long as such employee and his spouse reside in such facilities and 18 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

(14) 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

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

-End-

25

SB 0155/02

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:
9	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	commercecommission <u>UNITEDSTATESSECRETARY</u> DE
12	IRANSPORIATION 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 amployee 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)anemployeeofa-streety-suburban-or-interurban
21	electric-railwayy-or-local-trolley-or-motorbus-corriert
22	(5)an-amployee- of -a-gasoline-service-station t
23	t 6)[4] a salesman, partsman, or mechanic primarily
24	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 such vehicles or implements to ultimate purchasers;

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

t6t(6) an employee employed as a driver or driver's 8 9 helper making local deliveries who is compensated for such 10 employment on the basis of trip rates, or other delivery payment plan, if the commissioner finds that such plan has 11 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)(I) 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 profit and not operated on a sharecrop basis and which are 18 used exclusively for supply and storing of water for 19 20 agricultural purposes;

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

> -2-SECOND READING SB 155

 conjunction with other farmers, if such employee is:
 (a) primarily employed during his workweek in agriculture by such farmer; and
 (b) paid for his employment in connection with such livestock auction operations at a wage rate not less than

6 that prescribed by 34-3-404;
7 <u>fl37(0)</u> 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 <u>fi2;[10]</u> a driver employed by an employer engaged in 13 the business of operating taxicabs;

(13)(11) an employee who is employed with his spouse by 14 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 as the children are in residence at the institution and so 19 long as such employee and his spouse reside in such 20 facilities and receive, without cost, board and lodging from 21 the institution and are together compensated, on a cash 22 basis, at an annual rate of not less than \$10,000; or 23

24 <u>fl4f[12]</u> an employee employed in planting or tending 25 trees: cruising, surveying, or felling timber; or

-3-

- 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-

۰.

-4-

ı	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	commercecommission <u>UNITEDSTATESSECRETARY</u> QE
12	IRANSPORTATION 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	t+;onemployeeofa-streety-suburban-or-interurban
21	electric-railwayv-or-local-trolley-or-motorbus-carriert
27	(5)an-employee-of-a-gasoline-service-stationt
23	(6)<u>(4)</u> 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

58 0155/02

,

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

.

3 (77)[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 t99<u>(I)</u> 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)(10)
21 (10)(10)
21 (10)(10)
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

-2- SB 155

THIRD READING

SB 155

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 <u>filip(9)</u> 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)(10) a driver employed by an employer engaged in
 13 the business of operating taxicabs;

14 ft3;(11) an employee who is employed with his spouse by a nonprofit educational institution to serve as the parents 15 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 as the children are in residence at the institution and so 19 20 long as such employee and his spouse reside in such facilities and receive, without cost, board and lodging from 21 the institution and are together compensated, on a cash 22 basis, at an annual rate of not less than \$10,000; or 23

24 <u>fittill</u> an employee employed in planting or tending 25 trees; cruising, surveying, or felling timber; or

-3-

- 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-

-4-

S8 0155/03

1	SENATE BILL NO. 155	1	if he is employed by a nonmanufacturing establishment
2	INTRODUCED BY BOYLAN, KOLSTAD	2	primarily engaged in the business of selling such vehicles
3		3	or implements to ultimate purchasers;
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT CERTAIN	4	[7][5] a salesman primarily engaged in selling
5	EMPLOYEES FROM PROVISIONS OF THE OVERTIME COMPENSATION LAW."	5	trailers, boats, or aircraft if he is employed by a
6		6	nonmanufacturing establishment primarily engaged in the
7	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	7	business of selling trailers, boats, or aircraft to ultimate
8	Section 1. Overtime exclusions. The provisions of	8	purchasersi
9	39-3-405 do not apply to:	9	f8 <u>1(6)</u> an employee employed as a driver or driver's
10	(1) an employee with respect to whom the interstate	10	helper making local deliveries who is compensated for such
11	commercecommission <u>UNITEDSTATESSECRETARYDF</u>	11	employment on the basis of trip rates, or other delivery
12	<u>IRANSPORIATION</u> has power to establish qualifications and	12	payment plan; if the commissioner finds that such plan has
13	maximum hours of service pursuant to the provisions of 49	13	the general purpose and effect of reducing hours worked by
14	U.S.C. 304;	14	such employees to or below the maximum workweek applicable
15	{2} an employee of an employer subject to the	15	to them under 39-3+405;
16	provisions of part I of the Interstate Commerce Act;	16	(9)<u>(7)</u> an employee em ployed in agriculture or in
17	(3) an individual employed as an outside buyer of	17	connection with the operation or maintenance of ditches.
18	poultry, eggs, cream, or milk, in their raw or natural	18	canals, reservoirs, or waterways not owned or operated for
19	state;	19	profit and not operated on a sharecrop basis and which are
20	(+}anemployeeofa-streety-suburban-or-interurban	20	used exclusively for supply and storing of water for
21	electric-railwayy-or-local-trolley-or-motorbus-carriert	21	agricultural purposes;
22	t5}an-employee-of-a-gasoline-service-station;	22	[10][8] an employee with respect to his employment in
23	(6)[4] a salesman, partsman, or mechanic <u>PAID_ON_A</u>	23	agriculture by a farmer, notwithstanding other employment of
24	COMMISSION OR CONTRACT BASIS AND primarily engaged in	24	such employee in connection with livestock auction
25	selling or servicing automobiles, trucks, or farm implements	25	operations in which such farmer is engaged as an adjunct to
			-2 SB 155

٠

-2- SECOND PRINTING THIRD READING

SB 155

the raising of livestock+ either on his own account or in
 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 <u>flijfil</u> 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 <u>flef(10)</u> a driver employed by an employer engaged in
 14 the business of operating taxicabs;

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

25 <u>t14;(12)</u> an employee employed in planting or tending

-3-

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-

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	{}}
11	commercecommission <u>UNITEDSTATESSEGRETARYBE</u>
12	<u>IRANSPORTATION</u> has-powertoestablishqualificationsand
13	meximumhoursofservice-pursuant-to-the-provisions-of-49
14	4=5=C=-384#
15	{2}anemployeeofanemployersubjecttothe
16	provisions-of-pert-I-of-the-Interstate-Commerce-Act;
17	t3}anindividualemployedasanoutside-buyer-of
18	poultry==egga==cream==or==milk===in==their==raw==or==natural
19	state;
20	{4}onemployeeofo-streety-suburbon-or-interurbon
21	electric-railwayy-or-local-trolley-or-motorbus-corrier;
22	t5;an-employee-of-s-gasoline-service-station;
23	111_AN_INDIVIDUAL_ENPLOYED_AS_AN_DUISIDEBUYEROF
24	POULIRY: EGGS: CREAM: OR MILK: IN IHEIR RAH OR NAIVBAL
25	STATE:

1 f6<u>ffff[2]</u> a salesman, pertymony-or-mechanic <u>PAIB-ON--A</u> 2 EBMM15518N=-BR--EBNIRAEI-BAS15+-AND primarily engaged in selling or--servicing automobiles, trucks, MOBILE_HOMES, 3 4 RECREATIONAL__YEHICLES, or farm implements if he is employed 5 by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles or implements to ultimate ٨ purchasers; 7 8 (7)(5)(3) a salesman primarily engaged in selling 9 trailers, boats, or aircraft if he is employed by a nonwanufacturing establishment primarily engaged in the 10 11 business of selling trailers, boats, or aircraft to ultimate purchasers; 12 13 f8t<u>t61</u>--an-employee-employed-as-a--driver--or--driver*s hetper--making--tocat-detiveries-who-is-compensated-for-such 14 15 employment-on-the-bosis-of-trip--retesy--or--ether--delivery 16 payment--plany--if-the-commissioner-finds-that-such-plan-has 17 the-general-purpose-and-effect-of-reducing-hours--worked--by 18 such--employees--to-or-below-the-moximum-workweek-applicable 19 to-them-under-39-3-485t 20 connection--with--the--operation--or-maintenance-of-ditchesy 21 22 canalyy-reservoirsy-or-waterways-not-owned-or--operated--for profit--and--not-operated-on-a-sharecrop-basis-and-which-are 23 24 used--exclusively--for--supply--and--storing--of--water--for 25 sericultural-purposest

.

-2- SE 155 REFERENCE BILL

SP 155

L	{i0}<u>;</u>0]
Z	agriculture-by-n-formery-notwithstanding-other-employment-of
3	suchemployeeinconnectionwithlivestockauction
4	operationsin-which-such-farmer-is-engaged-as-an-adjunct-to
5	the-raising-of-livestocky-either-on-his-ownaccountorin
6	conjunction-with-other-farmersy-if-such-employee-is+
7	ta}primorilyemployedduringhisworkweekin
8	agricuiture-by-such-farmert-and
9	{b}paid-for-his-employment-inconnectionwithsuch
10	}ivestockauctionoperationsat-a-wage-rate-not-less-than
11	that-preseribed-by-34-3-404:
15	(11) <u>(9)</u> anemployeeofanestablishmentcommonly
13	recognized-os-a-country-alevatory-including-an-establishment
14	which-sells-products-and-services-used-in-the-operation-of-a
15	formyifnoworethon-five-employees-are-employed-by-the
16	establishment;
17	{12} [18]-a-driver-em p loyed-by-anemployerengagedin
18	the-business-of-operating-toxicabs;
19	ti3<u>till</u>-on-employee-who-is-employed-with-hi s-spouse-by
20	snonprofit-educational-institution-to-serve-as-the-parents
21	of-children-who-ore-orphans-or-one-of-whose-naturalparents
22	isdeceasedorwhoareenroited-in-such-institution-and
23	reside-in-residential -fac ilities-of-the -institution-solong
24	asthechildran-are-in-residence-at-the-institution-and-so
25	tongassuchemptoyeeandhisspouseresideinsuch

-3-

facilities-and-receives-without-costs-board-and-lodging-from 1 2 the--institution--and--are--together--compensatedy-on-a-cash basisy-at-an-annual-rate-of-not-less-than-\$10,000+-or 3 4 ti4) <u>ti21</u>-an-employee-employed-in--planting--or--tending 5 treest---cruising---surveying,---or---feiling---timbert--or 6 transporting-logs-or-other--forestry--products--to--s--milly 7 processing-planty-railroady-or-other-transportation-terminal +f--the-number-of-employees-employed-by-his-employer-in-such 8 9 forestry-or-lumbering-operations-does-not-exceed-eight. 10 141 A MECHANIC PRIMARILY ENGAGED IN SERVICING EARM IMPLEMENTS: 11 12 15) AN EMPLOYEE EMPLOYED IN PLANTING OR IENDING TREES: 13 CRUISING, SURVEYING, OR FELLING TIMBER: OR TRANSPORTING LOGS 14 OR OTHER EORESTRY PRODUCTS TO A MILL+ PROCESSING PLANT+ RAILROAD, OR OTHER TRANSPORTATION TERMINAL IE THE NUMBER OF 15

EMPLOYEES EMPLOYED BY HIS EMPLOYER IN SUCH FORESTRY OR

17 LUMBERING OPERATIONS DOES NOT EXCEED EIGHT.

16

-End-

-4-

S8 155

\$8 0155/05

9

1	SENATE BILL NO. 155	1	<u>11)_AN_EUPLOYEE_WITH_RESPECT_TO_WHOH_THE_UNITED_STATES</u>
2	INTRODUCED BY BOYLAN, KOLSTAD	2	SECRETARY_OF_TRANSPORTATION_HAS_POWER_TO_ESTABLISH
3		3	QUALIFICATIONS AND MAXIBUB HOURS OF SERVICE PURSUANT TO THE
4	A BILL FOR AN ACT ENTITLED: MAN ACT TO EXEMPT CERTAIN	4	PROVISIONS DE 49 Vesele 4051
5	EMPLOYEES FROM PROVISIONS OF THE OVERTIME COMPENSATION LAW."	5	121 AN EMPLOYEE OF AN EMPLOYER SUBJECT TO THE
6		6	PROVISIONS_UE_PART_I_DE_INE_INTERSTATE_COMMERCE_ACT:
7	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	٦	131 AN INDIVIDUAL ENPLOYED AS AN OUTSIDE BUYER OF
8	Section 1. Uvertime exclusions. The provisions of	8	POULTRY . EGGS . CREAN. OR HILK. IN THEIR BAN OR NATURAL
9	39-3-405 do not apply to:	9	STATE:
10	{}} an-employee-with-respect-towhomtheinterstate	10	(6)151121[5] a salesman, partsman, or-mechanic <u>PAID-BN</u>
11	commercecommission <u>UNITEDSTATESSEERFIARYOF</u>	11	A==60MHISIIdu==08==60HIRAGI==86919=8N0 PARISMAN1_OR_MECHANIC
12	<u>IRANSPORIATION</u> has-powertoestablishqualificationsand	12	PAID ON A COMMISSION OR CONTRACT BASIS AND primarily engaged
13	mox+mumhoursofservice-pursuant-to-the-provisions-of-49	13	in selling or-servicing <u>DR_SERVICING</u> automobiles, trucks,
14	U =5=C=-304\$	14	MOBILE_HOMESsRECREATIONAL_VEHICLESs or farm implements if
15	{2}anexp}oyeeofan-exp}oyersubjectthe	15	he is employed by a nonmanufacturing establishment primarily
16	prov isions -of-part-I-of-the-Int erstate-Comme rce-Act j	16	engaged in the business of selling such vehicles or
17	{3}anindividualemployedasanautside-buyer-af	17	implements to ultimate purchasers;
19	poultryv-eggsv-creamv-ormiltvvintheirrowornoburol	18	t7)<u>15</u>1131 (1) a salesman primarily engaged in selling
19	statet	19	trailers, boats, or aircraft if he is employed by a
20	[4]anemployeeofa-sereety-su burbon-or-interurban	20	nonmanufacturing establishment primarily engaged in the
21	e lectric-railways-or-local-trolley-or-motorb us-carriert	21	business of selling trailers, boats, or aircraft to ultimate
22	t5]an-employee-of-a-gosoline-service-station ;	22	purchasers;
23	<u> </u>	23	t8j<u>tal</u>an-employes-employed-as-adriverardriver*s
24	28 <u>941777226653722688AM72287217116792392848728468866</u> 28A <u>1982845</u>	24	helper-making-tocal-deliveries-who-is-compensated-for-such
25	STATES	25	employment-on-the-basis-of-triprotesyorotherdelivery

REFERENCE BILL: Includes Free Joint -2-Conference Committee Report Dated ______

SB 155

58 0155/05

1	p oymentpionif-the-commissioner-find s-that-such-pian-has
2	the-general-putpose-and-etfect-of-reducing-hoursworkedby
3	suchemployeeste-or-below-the-meximum-workweek-applicable
4	to-them-under-39-3-405t
5	{?}<u>{</u>?}anaup toyeeeuptoyedinagricuteureorin
6	connectionwiththeoperationor-sointenance-of-ditenegy
7	constay-reservoirsy-or-waterways-not-owned-oroperatedfer
8	p rofitandnot-operatod-on-a-sherecrop-basis-and-which-are
9	usedexclusivelyforsupplyendstoringofwaterfor
10	agriculturol-purposest
11	{}0}_0}anemployee-with-respect-to-his-employment-in
12	agriculture-by-e-farmery-notwithstanding-other-employment-of
13	suchemployeeinconnectionwithlivestockaustion
14	operationsin-which-such-formar-is- engaged-os- an-odju net-to
15	the-roising-of-livestocky-sither-on-his-ownaccountorin
16	c on junction - with-other-farmer sy - if - su ch-emp lo yee - is+
17	tajprimerityemptoyedduringhisworkweekin
18	agriculture-by-such-former; and
19	{b}paid-for-his-caplayment-inconnectionwithsuch
20	}ivestocksuctionoperations-at-a-wage-rate-not-less-than
21	that-prescribed-by-j4-3-404t
22	[11]191 anemployeeofonestablishmentcommonly
23	racognized-as-a-country-clevatory-including -an -establishment
24	which-sells-products-and-services-used-in-the-operation-of-a
25	f ormyifnomorethan-five-omployees-ere-employed-by-the
	-3~ Sa 155

ı	estab lishment)
Z	{]]}}}
3	the-business-of-operating-taxicabs;
4	<u>{}}}</u>
5	an onprofit-ed ucation s]-institution-to-serve-as-the -parente
6	of -eh il dr en-who-are-orphans-or-one-of-whose -hat ur alpa re nts
7	isdecessedorwhooreenfolied-in-such-institutio a-and
8	reside-in-re sid ontial-facilities-of-t he-institution-solong
9	asthechildran-are-in-residence-at-the -inst it ut ion-a nd-so
10	iongassuchsapioyeeondhisspouseresidei nsuch
11	f actlities-and-receiver-witnout-costr-board -and-lo dgi ng-from
12	t heinstitutionondoratogether compensated y-on- o-cash
13	bssisy-at-an-annual-rate-of-not-less-tha n-sig v0001-or
14	{14}{12}-an-emptoyee-emptoye d-inplantingortending
15	treestcruisingvsurveyingver feilingtimber i er
16	transporting-logs-or-otherforestryproductstoemill+
17	processing-planty-railroody-or-other-transportation-terainal
18	÷f-~the-number-of-empłoyees-empłoyed-by-h † s-e mpłoyer-tn-such
19	forestry-or-lumbering-operations-dots-not-extees-tight+
20	142161A=NEGHANIG=PHIMARILY=ENGAGEQ=IN= \$ER <u>VIEING=EAR</u> H
21	INPLEMENTSE
22	151131==AN==EBCLQYEE==EBCLQYED==IN=_CLAN IIN Q_QU =IENDING
23	<u> TREES#68025206#SWRYEY2NG#=FELLING==-ZZM8ER#=9R</u>
24	IRANSPURTINGLOGSD8UTUEREQRESTRYPRUDUEIS_TQ_A_NILL_
25	<u>PROGESSING-PLANIX-RAILROADX-DR-DIHER-IRANSPUR</u> IA <u>IIDN-ICRMI</u> NAL

-4

SB 0155/05

SB 155

SB 155

¥,

<u>₹₽_₹₩₽~₩₩₩₩₽₽₩_₩₽₽₩₽₽₩₽₽₩₽₽₩₽₩₽₩₽₩₽₩₽₩₽₩₽₩₽₩</u>
EBBESTRX-OR-LYNGERING-OPERATIONS-DDES-NOT-ERGEED-EIGUIT#
<u>161. AN EMPLOYEE EMPLOYED AS A DRIVER OR DRIVER'S</u>
HELPER_MAKING_LUCAL_DELIVERIES_WHU_IS_COMPENSATED_EOR_SUCH
EMPLOYMENT ON THE BASIS OF TRIP RATES: OR DIHER DELIVERY
PAYNENT PLANS IE THE COMMISSIONER FINDS THAT SUCH PLAN HAS
IHE_GENERAL_PUBPOSE_AND_EEFECI_DE_BEQUEING_HOURS_HORKED_BY
SUCH EMPLOYEES TO OR BELOW THE MAXIMUM _ HORKWEEK _ APPLICABLE
10_THEM_UNDER_39-3-405:
<u>171 AN EHPLOYEE EMPLOYED IN AGRICULTURE OR IN</u>
CONNECTION_WITH_THE_OPERATIONORMAINIENANCEDEDITCHES:
<u>CANALSIRESERVOIRSIOR_MATERWAYS_NOT_OWNED_OR_OPERATED_EDR</u>
PROFIL AND NOT OPERATED ON A SHARECROP BASIS AND WHICH ARE
<u>USED_EXCLUSIVELY_EOR_SUPPLY_AND_SIOBING_OE_HATEK_EOR</u>
AGRICULIURAL_PURPOSES:
(B)_AN_EMPLOYEE_WITH_BESPECT_IO_HIS_EMPLOYMENT_IN
AGRICULTURE BY A FARMER, NOIHITHSTANDING OTHER EMPLOYMENT OF
<u>SACH FUSTOR IN CONVECTION RILY LIVESIDCK ANCIION</u>
OPERALIONS_IN_HHIGH_SUCH_EARMER_IS_ENGAGED_AS_AN_AQUUNCIIQ
IHE BAISING OF LIVESTOCK, EITHER ON HIS OWN ACCOUNT OB IN
CONJUNCTION HITH OTHER FARMERS. IF SUCH EMPLOYEE IS:
IAL_PRIMARILY_EMPLOYED_DUBING_HIS_MORAMEEKIN
AGRICULIURE BY SUCH FARMER: AND
13) PAID EDR HIS EMPLOYMENT IN CONNECTION WITH SUCH
LIYESIQCK_AUCIION_OPERAILINS_AI_A_WAGE_BAIENOILESSIMAN
-5- SB 155

1	THAT_PRESCRIBED_BY_34=3=444:
2	19) AN EMPLOYEE DE AN ESTABLISHMENT COMMONLY
3	RECOGNIZED_AS_A_COUNTRY_ELEVATORINCLUDING_AN_ESTABLISHMENT
4	WHICH SELLS PRODUCTS AND SERVICES USED IN THE OPERATION DE A
5	EARNALE NO HURE THAN FIVE EMPLOYEES ARE EMPLOYED BY THE
6	ESTABLISHMENT:
7	(10) A DRIVER EMPLOYED BY AN EMPLOYER ENGAGED IN THE
8	BUSINESS_OF_OPERATING_IAXICA85:
9	(111 AN ENGLOYEE WHO IS ENGLOYED WITH HIS SPOUSE BY A
10	NONPROFIT_EDUCATIONAL_INSTITUTION_TO_SERVE_AS_THE_PARENTS_OF
11	CHILDREN HHQ_ARE_DRPHANS_UK_ONE_VE_HHDSE_NATUBAL_PARENIS_IS
12	DECEASED OR WHO ARE ENROLLED IN SUCH INSTITUTION AND BESIDE
13	IN _BESIDENTIAL FACILITIES OF THE INSTITUTION SO LONG AS THE
14	CHILDREN_ARE_IN_RESIDENCE_AT_THE_INSTITUTION_AND_SQ_LONGAS
15	SUCHENGLOYEEAND_HIS_SCOUSE_RESIDE_IN_SUCH_EACILITIES_AND
16	RECEIVESHITHOUL_COSIS_BOARDANDLODGINGERDMTHE
17	INSTITUTION_AND_ARE_IUGETHER_COMPENSATED. ON A CASH_BASIS.
18	AI_AN_ANNUAL_KAIE_DE_NUI_LESS_THAN_AIQ+0Q0+_OB
19	(12) AN EMPLOYEE EMPLOYED IN PLANTING OB TENDING TREES:
20	CRUISING.SUBXEYING.OK_ELLING_IIMBER:_OB_TRANSPORTING_LOGS
21	OR OTHER FORESTRY PRODUCTS TO A MILLS PROCESSING PLANIS
22	BALLEGADOB_OTHER_THANSPUBLATION_TERMINAL_TE_THE_NUMBER_OF
23	ENPLOYEES_ENPLOYED_0Y_UIS_ENPLOYER_IN_SUCH_EORESIRY_OR
24	LUNDERING_OPERATIONS_DOES_NOT_EXCEED_EIGHT.
	-fuq-

-6-

SB 0155/05

SB 155

HOUSE OF REPRESENTATIVES March 8, 1979
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