INTRODUCED BY BOYLAN, KOLSTAD

IN THE SENATE

January 18; 1979

February 1, 1979

February 3, 1979

February 5, 1979
February 6, 1979
February 7, 1979

February 8, 1979
February 9, 1979

Introduced and referred to Committee on Labor and Employment Relations.

Committee recommend bill do pass as amended. Report adopted.

Printed and placed on members' desks.

Second reading, do pass.
Considered correctly engrossed.
On motion taken from third reading and referred to second reading.

Second reading, do pass as amended.

Correctly engrossed.
Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 10, 1979

March 9, 1979

March 13, 1979

March 16, 1979

Introduced and referred to Committee on Labor and Employment Relations.

Committee recommend bill be concurred in as amended. Report adopted.

Second reading, concurred in as amended.

Third reading, concurred in as amended.

March 17, 1979

March 19, 1979

March 20, 1979

March 21, 1979

March 30, 1979

March 31, 1979
April 2, 1979
April 3, 1979

April 4, 1979

Returned from second house. Concurred in as amended.

Second reading, pass consideration.

Second reading, amendments rejected.

On motion, Joint Conference Committee requested.

Joint Conference Committee appointed.

Joint Conference Committee reported.

Second reading, adopted.

Third reading, adopted.

Adopted by House.

Sent to enrolling.

Reported correctly enrolled.


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such vehicles or implements to ultimate purchasers;
    (7) a salesman primarily engaged in selling trailers,
Dodts: or aircraft if he is employed by a nonmamufacturing
establishment primarily engaged in the business of selling
trailers. boats, or aircraft to ultimate purchasers;
    (8) an eaployee employed as a driver or driver*s
helper making local deliveries who is compensated for such
amployment on the basis of trip rates: or other delivery
payment plang if the commissioner finds that such plan has
the general purpose and effect of reducing tours worked by
such employers to or belom the maximue workweek applicable
to them under 39-3-405:
    (9) an employee employed in agriculture or in
connectionmith the operation or maintenance of ditches.
canals, reservoirs, or watermays 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
3griculture 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 livestockp either on his own account or in
conjunction with other farmers, if such employce is:
(a) priwarily employed during his workweek
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such vehicles or implements to ultimate purchasers;
(7) a salesman primarily engaged in selling trailers, Doats: or aircraft if he is employed by a nonmamfacturing astablishment primarily engaged in the business of selling railers, boatsp or aircraft to ultimate purchasers:
(8) an eaployee employed as a driver or driver:s helper making local deliveries who is compensated for such amployment on the basis of trip rates. or other delivery paywent plane if the commissioner finds that such plan has the general purpose and effect of reducing nours worked by such empioyers to or below the maximue workweek applicable to the under 39-3-405:
(9) an employee employed in agriculture or in connection with the operation or waintenance of ditches. canals, reservoirsp or watermays not owned or operated for profit and not operated on a sharecrop basis and which are used exciusively for supply and storing of water for gricultural purposes;
(10) an employee with respect to his employment in ggriculture by a farmer, notwithstanding other exployment of such employe in connection with livestock auction operations in which such farmer is engaged as an adjunct to he raising of livestock either on his own account or in onjunction with other farmers, if such employee is:
(a) primarily employed during his workweek in

INTRODUCED BILL

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agriculture by such farmer; and
    (b) paid for his employment in connection with such
livestock auction operdtions at a wage rate not less than
that prescribed by 34-3-404;
    (11) en employee of an establisment commonly
recognized as a country elevator, including an establishment
which sells products and services used in the operation of a
farm, if no more than five employees are employed by the
establishment:
            (12) a driver employed by an employer engaged in the
businoss of operating taxicabs;
            (13) an employee who is employad with his spouse by a
nonproflt educational institution to serve as the parents of
childiren who are orphans or one of whose natural perents is
deceased or who are enrolled In such institution and reside
in residential facilities of the institution so long as the
children are in residence at the institution and so long as
such employee and his spouse reside in such facilities and
receive, without cost, board and lodging from the
institution and are together compensated, on a cash basis,
at an annual rate of not less than $10,000; or
            (14) an employee employed in planting or tendimg 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
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1 employees emplayed by his employer in such forestry or 2 lumbering operations does not exceed eight. -End-

## Approved by Committee on Labor \& Employment Relations

SENATE BILL NO. 155
INTRDDUCED BY BOYLAN, KOLSTAD

A BILL FOR AN ACT ENTITLED: MAN ACT TO EXEMPT CERTAIN employees from provisions of the overtime compensation lawow be it enacted by the legislature of the state of montana:

Section l. Overtime exclusions. The provisions of 39-3-405 do not apply to:
(i) an employee with respect to whom the interstete commerce---eomints UHIIEQ_SIAIES SECREIARY_OE IRANSPRRLALION has power to establish qualifications and maximum hours of service pursuant to the provisions of 49 U.S.C. 304;
(2) an amployee 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, creamp or milk, in their raw or natural state;
t4t--an--emptoyee--of--e-streety-suburban-or-interurban efeetric-rothway-or-7 oeat-trattey-or-motorbus-earriert
f5t--an-emptoyee-of-a-gesotine-service-stationt
f6t141 a salesman, partsmany or mechanic primarlly engaged in selling or servicing automotiles, trucks, or fare implements if ne is employed by a nonmanufacturing
establishment primarily engaged in the business of selling such vehicles or implements to ultimate purchasersi
t칸́ a salesman primarily engeged in seliing trallers. boats: or aircraft if he is enployed by a nonmanufacturing establishment primarily engaged in the business of selling trailers, boatsy or aircraft to ultimate purchasers;
totibi an emplovee 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 comissioner finds that such plan has the general purpose and effect of reducing hours worked by such employees to or below the mantaum morkweek applicable to them under 39-3-405;
(9tLI) an employee employed in agriculture or in connection with the operation or maintenance of ditches: canals, reservoirsp or waterways not owned or operated for profit and not operated on a sharecrop basis and which are used exciusively for supply and storing of water for agricultural purposes:
tietill 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

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conjunction with other farmers, if such employee is:
    (a) primarily employed during his workmeak in
agriculture by such farmer: and
    (b) paid for his Employment in connection with such
livestock auction operatiens at a wage rate not less than
that prescribed br 34-3-404;
    tt+tl21 an emplovee of an estabijstrment comonly
recognized as a country elevator, including an establishment
which sells produces and services used in the operation of a
farav, If no more than five employees are emploved by the
establishment;
    tratL104 a driver empleyed by an employer engaged in
the business of operating texicebs;
    4*3;4114 an employee who it employed with his spouse by
a nonprofit educational instfteition to serve as the parments
of children who are orphans or one of whose natural parents
is deceased or who are enrolied in such institution and
reside in residential facimities of the institution so long
as the children are in residence at the institution and so
long es such employee and this spouse resfde in such
facilities and receive, without cost, board and lodging from
the institution and are together compensated, on a cash
basis: at an annual rate of not less than $10,000; or
    t+4+1121 an employee employed in planting or tending
trees: cruising. surveying, or felling timber: or
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> transporting logs or other forestry products to a mill. prucessing plant, raitroade or other transportation terminal if the number of employees employed by his employer in such forestry or lumbering operations daes not exceed eight.

-End-

SENATE BILL NO. 155
INTRODUCED BY BOYLAN, KOLSTAD

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A BILL FOR AN ACT EMTITLED: mAN ACT TO EXEMPT CERTAIN
EMPLOYEES FROM PROVISIONS OF THE OVERTIME COMPENSATION LAME*
ge it enacted gy 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 interstete
eommeree----commission UMLIED___SIALES___SEGRELABY_O__OE
IRANSPORIALION 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, egqs, cream, or milk. in their raw or natural
state;
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efectrie-raitwayv-or-7oeat-tret+ey-or-motorbus-eaprtert
    tst--on-employee-of-a-gosotine-strvtee-stattont
    f6t441 a salesman. partsman, or mechanic primarily
engaged in selling or servicing automobiles. trucks. or farm
implements if he is employed by a nonmanufacturing
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establishment primarily engaged in the business of selling such vehicles or implements to ultimate purchasers;
t7+151 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;
tetc6 an employee employed as a driver or oriver's . Helper making local deliveries who is compensated for such employeent on the basis of trip rates. or other delivery payment plan, if the commissioner finds that such pian has the general purpose and effect of reducing nours worked by such amployess to or below the animum workweek applicable to then under 39-3-405;
t91111 an employee employed in agriculture or in connection with the operation or malntenance of ditches. canals: reservoirst or waterways not owned or operated for profit and not operated on sharecrop basis and which are used exclusively for supply and storing of water for agricultural purposes:
tteti8l an employee witn respect to his employment in agriculture by a farmer. notwithstanding other employment of such employee in connection with livestock auction operdtions in wnich such farmer is engaged as an adjunct to the raising of livestock, either on his own account or in

THIRD READING
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 comection with such livestock auction operations at age rate not less than that prescribed by 34-3-404;
fty+121 an employe of an estabiishment commonly recognized as a country elevator, including an establishment which sells products and services used in the operation of a farm. if no more then five employeas are employed by the establishment;
ttziflal a driver employed by an employer engaged in the business of operating taxicabs;
ti3till an employee who is employed with his spouse by a nomprofit educational institution to serve as the parents of children who are orphans or one of whose natural parants is deceased or tho are enrolled in such institution and reside in residential facilities of the institution so long as the children are in residence at the institution and so long as such employee and his spouse reside in such facilities and receive, without cost. board and ladging fram the Institution and are together compensatedy on ash basisp at an annual rate of not less than $\$ 10,000$; or
ti4ifll2 an employee employed in planting or tending trees; cruising, surveying, or felling timber; or

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transporting logs or other forestry products to a mill.
processing plant, railroady or other transportation terminal
if the number of employees employed by his employer in such
forestry or lumbering operations does not exceed eight.
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            SENATE BILL NO. 155
    INTRODUCED BY BOYLAN. KOLSTAD
A BILL FOR AN ACT ENTITLED: MAN ACT TO EXEMPT CERTAIN EMPLOYEES FROM PROVISIONS OF THE OVERTIME COMPENSATIOM LAW.*
be it enacteo by the legislature of the state of montana:
Section 1. Gvertime exclusions. The provisions of 39-3-405 do not apply to:
(1) an employee with respect to whom the fneerstete commeree---commisaion HMLIER_SIAKES_SEGBELABY_DE IRANSEORIALION 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 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;
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t6t141 a salesmane partsmant or mechanic ealo on_o CTMMLSSION _OR_CONIRACI_BASLS_AND primarily engaged in selling or servicing automobilesp trucksp or farm implements

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if me is employed by a noneanufacturing establishment primarily engaged in the business of selling such vehicles or implements to ultimate purchasers;
f7ti5i a salesman primarily engaged in selling trailers. boats, or aircraft if he is employed by a nonmanufacturing establishment primarily engagad in the business of selling trailers, boats, or aircraft to ultimate purchasers:
fotcol 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 dellyery payment planp 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 39-3-405i
\(+9+111\) an employe employed in agriculture or in connection with the operation or maintenance of ditches. canals, reservoirs, or materways not owned or operated for profit and not operated on a sharecrop basis and which are used exclusively for supply and storling of water for agricultural purposes;
tiefcil an employee with respect to his employment in agriculture by a farmery 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 1 ifvestocke either on his own account or in conjunction with other farmers, if such employee is:
(a) primarily employed during his workweek in agricultare 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;
tikilel an employee of an establishment commonly recognized as country elevator, including an establishment which sells products and services used In the operation of a farm. if no more than five employees are employed by the establishment:
tyetiliol driver employed by an eaployer engaged in the Dusiness of operatinn texicabs:
past114 an employe who is employed with his spouse by a nomprofit educational institution to serve as the parents of children tho are orphons or one of whose netural parents is decessed or who are enrolled in such inseltution and reside in residential facilities of the institution so long as the children are in residence at the institution and so long as such emplovee and his spouse reside in such facilities and receive, without cost, board and lodging from the institution and are together compensated, on a cash basis, at an annual rate of not less than \(\$ 10,000\); or
ftutil2i an employee employed in planting or tending

1 treesi crulsing: surveying, or felling timber; or transporting logs or other forestry products to amill. processing plant, railroade or other transportation terminal 4 if the number of employees employed by his employer in such 5 forestry or lumbering operations toes not exceed eight.

\section*{-End-} 2 transporting logs or other forestry products to a mif.
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            SENATE BILL NO. 155
    INTRODUCED by boylaN, KOLSTAD
A BILL FOR AN ACT ENTITLED：WAN ACT TO EXEMPT CERTAIN
EMPLOYEES FROM PROVISIONS OF THE OVERTIME COMPENSATION LAW．＊ be it enacteo by the legislature of the state of montana：
Section 1．Overtine exclusions．The provisions of 39－3－405 do not apply to：
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 selling or－－servieing automobilesv trucks．MOBLLE＿HOHESE BEGREALIONAL＿XEHICLES2 of farm implements if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles or implements to ultimate purchasers：
t7tifilil a salesman primarity engaged in selling trailers，boats，or aircraft if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling trdilers，boats，or aircraft to ultimate purchasers：
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-End

## SENATE BILL ND. 155

INTRODUCED BY BOYLAN, KOLSTAO

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT CERTAIN employees from provisions of the overtime compensation law."
ae it enacted by the legislature of the state of montana:
section 1. Uvertige exclusions. The provisions of 39-3-405 do not apply to:
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 RALD OM_A_COMASSLON OR_COHIGACL_BASIS_AND primarily engaged in selling or-servieing p\&_sEgydCitali automodiles, trucks.
 he is employed by a nonamufacturing establishaent primarily engaged in the bustness of selling such vehicles or implements to ultimate purchasers:
t7tiEtt3il22 a salesan primarily engageo in selifing trailers. boats, or aircraft if he is employed by a nonmanufacturing establishaent primarily engaged in the business of sulliny trailers, boats, or aircraft to ultimate purchasers:
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* 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 l0 through 19 in their entirety
2. Page l, lines 23 and 24.
Following: "salesman,"
*Stike: "partsman, or mechanic PAID ON A COMMISSION OR CONTRACT BASIS AND"
3. Page l, 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
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HOUSE OF REPRESENTATIVES
March 9, 1979
Labor and Employment Relations Committee amendments to SENATE BILLNO. 155, third reading, second printing.

1. Page l, line 10 through ..... 19.
Following: line 9
Strike: lines 10 through 19 in their entirety
2. Page l, lines 23 and 24.
Following: "salesman,"
Strike: "partsman, or machanic PAID ON A COMMISSION OR CONTRACTBASIS 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: "(l) 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

