

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 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.

1
2 INTRODUCED BY

*Aug. 155
Boyle, Kelted*

BILL NO.

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 commission has power to establish qualifications
12 and maximum hours of service pursuant to the provisions of
13 49 U.S.C. 304;

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

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

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

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

22 (6) a salesman, partsman, or mechanic primarily
23 engaged in selling or servicing automobiles, trucks, or farm
24 implements if he is employed by a nonmanufacturing
25 establishment primarily engaged in the business of selling

1 such vehicles or implements to ultimate purchasers;
2 (7) a salesman 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;

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

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

25 (a) primarily employed during his workweek in

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) 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) 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) 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) 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) 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 #47191 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 #471101 a driver employed by an employer engaged in
13 the business of operating taxicabs;
14 #471111 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 #471121 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-

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11 commerce---commission 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 ~~47--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

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 ~~77151~~ 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 **§87(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 to fill 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;

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 ~~121~~ 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 ~~122~~ a driver employed by an employer engaged in
13 the business of operating taxicabs;

14 ~~123~~ 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 ~~124~~ 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-

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13 maximum hours of service pursuant to the provisions of 49
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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 +--+an--employee--of--a-street--suburban-or-interurban
21 electric--car--way--or--local--trolley--or--motorbus--carries

153--an-employee-of-a-gasoline-service-station

23 ~~6714~~ a salesman, partsman, or mechanic PAID ON A
24 COMMISSION OR CONTRACT BASIS AND primarily engaged in
25 selling or servicing automobiles, trucks, or farm implements

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

4 77151 a salesman primarily engaged in selling
5 trailers, boats, or aircraft if he is employed by a
6 nonmanufacturing establishment primarily engaged in the
7 business of selling trailers, boats, or aircraft to ultimate
8 purchasers;

9 f87161 an employee employed as a driver or driver's
10 helper making local deliveries who is compensated for such
11 employment on the basis of trip rates, or other delivery
12 payment plan, if the commissioner finds that such plan has
13 the general purpose and effect of reducing hours worked by
14 such employees to or below the maximum workweek applicable
15 to them under 39-3-405;

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

22 ~~is or has~~ an employee with respect to his employment in
23 agriculture by a farmer, notwithstanding other employment of
24 such employee in connection with livestock auction
25 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:

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 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 ~~1237121~~ 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 ~~12371101~~ a driver employed by an employer engaged in
 14 the business of operating taxicabs;

15 ~~12371111~~ 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 ~~12371121~~ 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.

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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:

15 {2}--an--employee--of--an--employer--subject---to---the
16 provisions-of-part-I-of-the-interstate-commerce-Act;

20 ~~t4--an--employee--of--a--street--suburban--or--interurban~~
21 ~~electric--rallyway--or--local--trolley--or--motorbus--carriers~~

1 f67f52121 a salesman, pertsonalty-or-mechanic ~~PA#-BN--A~~
2 COMMISSION--OR--CONTRACT--BASIS--AND primarily engaged in
3 selling or--servicing automobiles, trucks, MOBILE HOMES,
4 RECREATIONAL VEHICLES or farm implements if he is employed
5 by a nonmanufacturing establishment primarily engaged in the
6 business of selling such vehicles or implements to ultimate
7 purchasers;

13 ~~t8t151--an-employee-employed-as-a-driver--or--driver's~~
14 ~~helper--making--local-deliveries-who-is-compensated-for-such~~
15 ~~employment-on-the-basis-of-trip--rates--or--other--delivery~~
16 ~~payment--plan--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-maximum-workweek-applicable~~
19 ~~to-them-under-39-3-405t~~

20 ~~that~~--an--employee--employed--in--agriculture--or--in
21 connection--with--the--operation--or--maintenance--of--ditches,
22 canals--reservoirs--or--waterways--not--owned--or--operated--for
23 profit--and--not--operated--on--a--sharecrop--basis--and--which--are
24 used--exclusively--for--supply--and--storing--of--water--for
25 agricultural--purposes.

1 (a) an employee with respect to his employment in
 2 agriculture by a farmer notwithstanding other employment of
 3 such employee in connection with a 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 farmers 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 (b) an employee of an establishment commonly
 13 recognized as a country storey 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 (c) a driver employed by an employer engaged in
 18 the business of operating taxicabs
 19 (d) 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 receiver without costs 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 (e) 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 (f) A MECHANIC PRIMARILY ENGAGED IN SERVICING FARM
 11 IMPLEMENTS
 12 (g) 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 PLANTS;
 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-

1 SENATE BILL NO. 155
2 INTRODUCED BY BOYLAN, KOLSTAD

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5 EMPLOYEES FROM PROVISIONS OF THE OVERTIME COMPENSATION LAW."

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:

17 +3+-en--individu+st--employed--es--an--outside-buyer-of
18 poultry+eggs+-creamy-or--salty+-in--their--row--or--nature+
19 states

20 ~~t4--an--employee--of--a-streets--suburban-or-interurban~~
21 ~~streetcar--railways--or--local-trolley--or--motorbus--carriers~~

22 ~~t5--an-employee-of-a-gasoline-service-station~~
23 ~~t5--an-INDIVIDUAL-EMPLOYEE--AS--AN--OUTSIDE--BUYER--OF~~

24 ~~PROPERTY--ESSAY--CREAM--OR--MILK--IN--THEIR-RAW-OR-NATURAL~~
25 ~~STATE~~

1 1) AN EMPLOYEE WITH RESPECT TO WHOM THE UNITED STATES
2 SECRETARY OF TRANSPORTATION HAS POWER TO ESTABLISH
3 QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE PURSUANT TO THE
4 PROVISIONS OF THIS SECTION.

5 (2) AN EMPLOYEE OF AN EMPLOYER SUBJECT TO THE
6 PROVISIONS OF PART I OF THE INTERSTATE COMMERCE ACT;

7 131 AN INDIVIDUAL EMPLOYED AS AN OUTSIDE BUYER OF
8 POULTRY, EGGS, CREAM, OR MILK, IN THEIR RAW OR NATURAL
9 STATE:

10 ~~6675527141~~ a salesman, porterman-or-mechanic PAID-ON
11 COMMISSION-OR-CONTRACT-BASIS-AND PARTISAN-OR-MECHANIC
12 PAID-ON-A-COMMISSION-OR-CONTRACT-BASIS-AND primarily engaged
13 in selling or-servicing OR SERVICING automobiles, trucks,
14 MOBILE HOMES, RECREATIONAL VEHICLES; or farm implements if
15 he is employed by a nonmanufacturing establishment primarily
16 engaged in the business of selling such vehicles or
17 implements to ultimate purchasers;

23 tottal--an-employee-employed-as-a--driver--or--driver's
24 helper--making--toest-deliveries-who-is-compensated-for-such
25 employment-on-the-basis-of-trip--ratest--or--other--delivery

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-appeasable
 4 to-them-under-39-3-405;

5 (9) if--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--storage--of--water--for
 10 agricultural--purposes;

11 (10) if--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) if--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) if--a--driver--employed--by--an--employer--engaged--in
 3 the--business--of--operating--taxicab
 4 (13) if--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) if--an--employee--employed--in--planting--or--tending
 15 trees--crushing--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) if--a--MECHANIC--PRIMARILY--ENGAGED--IN--SERVICING--FARM
 21 IMPLEMENTS
 22 (16) if--an--EMPLOYEE--EMPLOYED--IN--PLANTING--OR--TENDING
 23 TREES--CRUSHING--SURVEYING--OR--FELLING--TIMBER--OR
 24 TRANSPORTING--LOGS--OR--OTHER--FORESTRY--PRODUCTS--TO--A--MILL--
 25 PROCESSING--PLANT--RAILROAD--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 34-3-614;
 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 WHOMSE 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 TO 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-

• 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 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 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