

HOUSE BILL NO. 118

INTRODUCED BY ANDERSON, THOFT, PAVLOVICH, DOZIER
BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

IN THE HOUSE

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| January 8, 1981 | Introduced and referred to Committee on Labor. |
| January 22, 1981 | Committee recommend bill do pass as amended. Report adopted. |
| January 23, 1981 | Bill printed and placed on members' desks. |
| January 24, 1981 | Second reading, do pass. |
| January 26, 1981 | Correctly engrossed. Third reading, passed. Transmitted to Senate. |

IN THE SENATE

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| January 27, 1981 | Introduced and referred to Committee on Labor and Employment Relations. |
| February 10, 1981 | Committee recommend bill be concurrent in. Report adopted. |
| February 12, 1981 | Second reading, pass con- sideration. |
| February 13, 1981 | Second reading, concurred in as amended. |
| February 17, 1981 | Third reading, concurred in as amended. Yeas, 40; Nays, 10. |

IN THE HOUSE

February 18, 1981

Returned from Senate with amendments. Concurred in as amended.

February 20, 1981

Second reading, amendments concurred in.

February 24, 1981

Third reading, amendments concurred in. Yeas, 93; Nays, 2. Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 118
 2 INTRODUCED BY Amerson, Dept. Labor Ind. Dg
 3 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 6 2-15-1705, MCA; PROVIDING FOR REPLACEMENT OF A NEUTRAL
 7 MEMBER ON THE BOARD OF PERSONNEL APPEALS; PROVIDING FOR THE
 8 VOTE NECESSARY TO ADOPT A DECISION; AND PROVIDING AN
 9 IMMEDIATE EFFECTIVE DATE."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 2-15-1705, MCA, is amended to read:
 13 "2-15-1705. Board of personnel appeals -- allocation
 14 -- composition ~~--- vote necessary for decision~~ --
 15 quasi-judicial. (1) There is a board of personnel appeals.
 16 (2) The board is allocated to the department of labor
 17 and industry for administrative purposes only as prescribed
 18 in 2-15-121.
 19 (3) The board consists of five members appointed by
 20 the governor. Two members shall represent management, two
 21 members shall represent employees or employee organizations
 22 of the state, and one member shall represent a neutral
 23 position.
 24 ~~(4) When the member representing a neutral position is~~
 25 ~~unable to participate in a proceeding before the board, an~~

1 ~~equal number of management and labor members of the board~~
 2 ~~shall select an individual to serve in the place of the~~
 3 ~~neutral member in that proceeding. The individual selected~~
 4 ~~is entitled to the same compensation and per diem that~~
 5 ~~members of the board receive.~~

6 ~~(5) In all proceedings before the board, a favorable~~
 7 ~~vote of at least a majority of a quorum is sufficient to~~
 8 ~~adopt any resolution, motion, or other decision.~~

9 ~~(6) The board is designated a quasi-judicial board~~
 10 ~~for purposes of 2-15-124."~~

11 Section 2. Effective date. This act is effective on
 12 passage and approval.

-End-

Approved by Committee
on Labor & Employment
Relations

1 HOUSE BILL NO. 118
 2 INTRODUCED BY ANDERSON, THOFT, PAVLOVICH, DOZIER
 3 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY
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 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 6 2-15-1705, MCA; PROVIDING FOR REPLACEMENT OF A NEUTRAL
 7 MEMBER ON THE BOARD OF PERSONNEL APPEALS; ~~PROVIDING FOR THE~~
 8 ~~YOTE--NECESSARY--TO--ADOPT--A--DECISION;~~ AND PROVIDING AN
 9 IMMEDIATE EFFECTIVE DATE."
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 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 2-15-1705, MCA, is amended to read:
 13 "2-15-1705. Board of personnel appeals -- allocation
 14 -- composition ~~== vote==necessary==for==decision==~~
 15 quasi-judicial. (1) There is a board of personnel appeals.
 16 (2) The board is allocated to the department of labor
 17 and industry for administrative purposes only as prescribed
 18 in 2-15-121.
 19 (3) The board consists of five members appointed by
 20 the governor. Two members shall represent management, two
 21 members shall represent employees or employee organizations
 22 of the state, and one member shall represent a neutral
 23 position.
 24 (4) ~~When the member representing a neutral position is~~
 25 ~~unable to participate in a proceeding before the board, an~~

1 ~~equal number of management and labor members of the board~~
 2 ~~shall select an individual to serve in the place of the~~
 3 ~~neutral member in that proceeding. The individual selected~~
 4 ~~is entitled to the same compensation and per diem that~~
 5 ~~members of the board receive.~~
 6 ~~It is the intent of this act that a favorable~~
 7 ~~vote of at least a majority of a quorum is sufficient to~~
 8 ~~adopt any resolution, motion, or other decision.~~
 9 (4) (5) The board is designated a quasi-judicial
 10 board for purposes of 2-15-124."
 11 Section 2. Effective date. This act is effective on
 12 passage and approval.

-End-

SECOND READING

1 HOUSE BILL NO. 118
 2 INTRODUCED BY ANDERSON, THOFT, PAVLOVICH, DOZIER
 3 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 6 2-15-1705, MCA; PROVIDING FOR REPLACEMENT OF A NEUTRAL
 7 MEMBER ON THE BOARD OF PERSONNEL APPEALS; ~~PROVIDING FOR THE~~
 8 ~~VOTE NECESSARY FOR ADOPTING A REGULATION~~ AND PROVIDING AN
 9 IMMEDIATE EFFECTIVE DATE."

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

12 Section 1. Section 2-15-1705, MCA, is amended to read:
 13 "2-15-1705. Board of personnel appeals -- allocation
 14 -- composition ~~== vote necessary for decision ==~~
 15 quasi-judicial. (1) There is a board of personnel appeals.

16 (2) The board is allocated to the department of labor
 17 and industry for administrative purposes only as prescribed
 18 in 2-15-121.

19 (3) The board consists of five members appointed by
 20 the governor. Two members shall represent management, two
 21 members shall represent employees or employee organizations
 22 of the state, and one member shall represent a neutral
 23 position.

24 ~~(4) When the member representing a neutral position is~~
 25 ~~unable to participate in a proceeding before the board, an~~

1 equal number of management and labor members of the board
 2 shall select an individual to serve in the place of the
 3 neutral member in that proceeding. The individual selected
 4 is entitled to the same compensation and per diem that
 5 members of the board receive.

6 ~~if in all proceedings before the board a favorable~~
 7 ~~vote of at least a majority of a quorum is sufficient to~~
 8 ~~adopt any resolution, motion, or other decision.~~

9 ~~(4)(5)~~ The board is designated a quasi-judicial
 10 board for purposes of 2-15-124."

11 Section 2. Effective date. This act is effective on
 12 passage and approval.

-End-

THIRD READING

HOUSE BILL NO. 118

INTRODUCED BY ANDERSON, THOFT, PAVLOVICH, DOZIER
BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 2-15-1705, MCA; PROVIDING FOR REPLACEMENT OF A NEUTRAL MEMBER ON THE BOARD OF PERSONNEL APPEALS; ~~PROVIDING FOR THE~~ PROVIDING FOR THE VOTE ~~NECESSARY TO ADOPT A DECISION;~~ NECESSARY TO ADOPT A DECISION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 2-15-1705, MCA, is amended to read:

"2-15-1705. Board of personnel appeals -- allocation -- composition -- ~~vote-necessary-for-decision~~ VOTE NECESSARY FOR DECISION -- quasi-judicial. (1) There is a board of personnel appeals.

(2) The board is allocated to the department of labor and industry for administrative purposes only as prescribed in 2-15-121.

(3) The board consists of five members appointed by the governor. Two members shall represent management, two members shall represent employees or employee organizations of the state, and one member shall represent a neutral position.

~~(4) When the member representing a neutral position is unable to participate in a proceeding before the board, an equal number of management and labor members of the board shall select an individual, WHO SHALL BE A NEUTRAL PERSON, to serve in the place of the neutral member in that proceeding AND HE SHALL PARTICIPATE IN THE DECISION IN THAT PROCEEDING. THERE SHALL BE ONLY ONE ADDITIONAL NEUTRAL PERSON APPOINTED AND SERVING AT ANY ONE TIME. The individual selected is entitled to the same compensation and per diem that members of the board receive.~~

~~(5) In all proceedings before the board, a favorable vote of at least a majority of a quorum is sufficient to adopt any resolution, motion, or other decision.~~

(5) IN ALL PROCEEDINGS BEFORE THE BOARD, A FAVORABLE VOTE OF A LEAST A MAJORITY OF A QUORUM IS SUFFICIENT TO ADOPT ANY RESOLUTION, MOTION, OR OTHER DECISION.

~~(6) The board is designated a quasi-judicial board for purposes of 2-15-124.~~

Section 2. Effective date. This act is effective on passage and approval.

-End-

COMMITTEE OF THE WHOLE AMENDMENT

Proposed Senate amendments to House Bill no. 118

MR. CHAIRMAN: I MOVE TO AMEND HOUSE BILL 118, SECOND READING BILL, AS FOLLOWS:

1. Title, lines 7 and 8.
Following: "APPEALS;"
Insert: all stricken language.
2. Page 1, line 14.
Following: "-- composition --"
Insert: all stricken language.
3. Page 2, line 2.
Following: "individual"
Insert: ", who shall be a neutral person,"
4. Page 2, line 3.
Following: "proceeding"
Insert: "and he shall participate in the decision in that proceeding. There shall be only one additional neutral person appointed and serving at any one time"
5. Page 2, lines 6 through 8.
Insert: the stricken subsection (5).
Re-number: the following subsection.


