

HOUSE BILL NO. 118

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

IN THE HOUSE

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

January 27, 1981	Introduced and referred to Committee on Labor and Employment Relations.
February 10, 1981	Committee recommend bill be concurred in. Report adopted.
February 12, 1981	Second reading, pass consideration.
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.

LC 0378/01

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."

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.

6 151. 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 **t4t161** 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-

-2- INTRODUCED BILL

HB 118

Approved by Committee
on Labor & Employment
Relations

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.

24 141. 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
7 f5t--in--all--proceedings--before--the--board--is--a--favorable
8 vote--of--at--least--a--majority--of--a--quorum--is--sufficient--to
9 adopt--any--resolution--or--motion--or--other--decision.
10
11 f4t6151 The board is designated a quasi-judicial
12 board for purposes of 2-15-124."

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

-End-

SECOND READING

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

ALL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
-1705, MCA; PROVIDING FOR REPLACEMENT OF A NEUTRAL
ER ON THE BOARD OF PERSONNEL APPEALS; PROVIDING FOR--THE
--NECESSARY--TO--ADOPT--A--DECISION AND PROVIDING AN
DIRECTIVE EFFECTIVE DATE."

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.

141 When the member representing a neutral position is
142 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) if the~~ 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 VOTE--NECESSARY--TO-ADOPT-A-DECISION~~ PROVIDING FOR THE VOTE 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).

Renumber: the following subsection.

