HOUSE BILL NO. 118

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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. Eeport adopted.
February 12, 1981	Second reading, pass con- sideration.
Pebruary 13, 1981	Second reading, concurred in as amended.
February 17, 1981	Third reading, concurred in as amended. Yeas, 40; Mays, 10.

IN THE HOUSE

February 18, 1981

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Returned from Senate with amendments. Concurred in as amended.

Pebruary 20, 1981

February 24, 1981

Second reading, amendments concurred in.

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

Reported correctly enrolled.

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HOUSE BILL NO. INTRODUCED BY HUARSON 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; 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 --

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.

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. and

1	equal_number_of_management_and_labor_members_of_the_board
2	<u>shall_select_an_individual_to_serve_in_the_place_of_the</u>
3	<u>peutralmemberin_that_proceedings_The_individual_selected</u>
4	<u>is_entitled_to_thesamecompensation_and_perdiemthat</u>
5	members_of_the_board_receive.
6	<u>151. In all proceedings before the board, a favorable</u>
7	<u>vote_of_at_least_a_majority_of_aquorumissufficientto</u>
8	adopt any resolution, motion, or other decision.
9	<pre>teleficity the board is designated a quasi-judicial board</pre>
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

47th Legislature

H8 0118/02

HB 0118/02

Approved by Committee on Labor & Employment Relations

1	HOUSE BILL NO. 113
2	INTRODUCED BY ANDERSON, THOFT, PAVLOVICH, DOZIER
3	BY REQUEST OF THE DEPARTMENT OF LABOR AND INCUSTRY
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-FORTHE
3	VOTENECESSARYTOAOOPTADECISICH; AND PROVIDING AN
9	IMMEDIATE EFFECTIVE DATE."
10	
11	\mathfrak{E}_{Σ} 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	compositionvoter_necessaryfordecision
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.

141_When_the_sember_representing_a_neutral_position_is
 unable_to_participate_in_a_proceeding_before_the_boards__an

1 equal_number_of_management_and_labor_members_of_the_board 2 shall_select_ao_individual_to_serve_io_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 f5t__in_still_proceedings_before_the_boardx_a_favorable 7 vote:of:st:lest:s:mojority:of:s::suprum::is::sufficient::to 8 adapt_apy_resolutiony_motiony_pr_other_decision* 9 (4)(15) The board is designated a guasi-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

-2-

HB 119

47th Legislature

H8 0118/02

HOUSE BILL NO. 118 1 2 INTRODUCED BY ANDERSON+ THOFT+ PAVLOVICH+ DOZIER BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY. 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 5 2-15-1705. MCA: PROVIDING FOR REPLACEMENT OF A NEUTRAL 6 MEMBER ON THE BOARD OF PERSONNEL APPEALS; PROVIDENCE-FOR--THE 7 VOTE--NEEESSARY--TO--ADOPT--A--DEETSTONT AND PROVIDING AN 8 9 IMMEDIATE EFFECTIVE DATE." 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 2-15-1705, MCA, is amended to read: 12 13 #2-15-1705. Board of personnel appeals --- allocation -- composition ____ vote_necessary__for__decision----14 15 quasi-judicial. (1) There is a board of personnel appeals. (2) The board is allocated to the department of labor 16 17 and industry for administrative purposes only as prescribed 18 in 2-15-121. 19 (3) The board consists of five members appointed by the governor. Two members shall represent management, two 20

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 i5i__in_sili_proceedings_before_the_boardy_a_favorable

- 7 vote=of=st=lest=s=ssiority=of=s==quorus==is==sufficient==to
- 8 adopt-apy-resolutiony-motiony-or-other-decisiony
- 9 (4)(5) The board is designated a guasi-judicia)
- 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

-2-

HB 119

HB 0118/03

HOUSE BILL NO. 118 ł INTRODUCED BY ANDERSON, THOFT, PAVLOVICH, DOZIER 2 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 5 2-15-1705, MCA; PROVIDING FOR REPLACEMENT OF A NEUTRAL 6 7 MEMBER ON THE BOARD OF PERSONNEL APPEALS; PROVIDING-FOR--THE VOTE--NEGESSARY--TO-ADOPT-A-DEGISION+ PROVIDING FOR THE VOTE 8 NECESSARY TO ADOPT A DECISION; AND PROVIDING AN IMMEDIATE 9 10 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 14 "2-15-1705. Board of personnel appeals -- allocation

15 -- composition <u>vote-mecessary-for-decision----</u> <u>VOTE</u>
16 <u>NELESSARY FOR DECISION --</u> quasi-judicial. (1) There is a
17 board of personnel appeals.

18 (2) The board is allocated to the department of labor
19 and industry for administrative purposes only as prescribed
20 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.

1	(4) When the member representing a neutral position is
2	unable to participate in a proceeding before the board, an
3	equal number of management and labor members of the board
4	shall select an individual, WHO SHALL BE A NEUTRAL PERSON,
5	to serve in the place of the neutral member in that
6	proceeding AND HE SHALL PARTICIPATE IN THE DECISION IN THAT
7	PROCEEDING. THERE SHALL BE ONLY ONE ADDITIONAL NEUTRAL
8	PERSON APPOINTED AND SERVING AT ANY ONE TIME. The individual
9	selected is entitled to the same compensation and per diem
10	that members of the board receive.
11	<u> 157Inallproceedings-before-the-boardy-a-favorable</u>
11 12	<u>t5}inallproceedings-before-the-boardy-a-favorable</u> <u>vote-of-at-least-a-majority-of-aguorumissufficientto</u>
12	<u>vote-of-at-least-a-majority-of-aquorumissufficientto</u>
12 13	<u>vote-of-at-least-a-majority-of-aquorumissufficientto</u> adopt-any-resolutiony-motiony-or-other_decisiony
12 13 14	vote-of-at-least-a-majority-of-a-guorum-is-sufficient-to adapt-any-resolutiony-motiony-or-other-decisiony (5) IN ALL PROCEEDINGS BEFORE THE BOARD, A FAVORABLE
12 13 14 15	<pre>vote-of-at-least-a-majority-of-aguorumissufficientto adopt-any-resolutiony-motiony-or-other-decisiony</pre>
12 13 14 15 16	<pre>vote-of-at-least-a-majority-of-a-guorum-is-sufficient-to adopt-any-resolutiony-motiony-or-other_decision* (5) IN ALL PROCEEDINGS BEFORE THE BOARD, A FAVORABLE VOTE DF A LEAST A MAJORITY OF A QUORUM_IS_SUFFICIENT_TO ADUPT ANY RESOLUTION, MOTION, OR OTHER DECISION.</pre>
12 13 14 15 16 17	<pre>vote-of-at-least-a-majority-of-a-guorum-is-sufficient-to adopt-any-resolutiony-motiony-or-other-decisiony (5) IN ALL PROCEEDINGS BEFORE THE BOARD, A FAVORABLE vote of a least a Majority of a guorum is sufficient to adupt any resolution, motion, or other decision. toticial</pre>
12 13 14 15 16 17 18	<pre>vote-of-at-least-a-majority-of-a-guorum-is-sufficient-to adopt-any-resolutiony-motiony-or-other-decision* (5) IN_ALL_PROCEEDINGS_BEFORE_IHE_BOARD, A_FAYORABLE VOIE_OF_A_LEAST_A_MAJORITY_OF_A_QUORUMIS_SUFFICIENTTO ADOPT_ANY_RESOLUTION, MOTION, OR_OTHER_DECISION. t++f6ff5f(6) The_board_is_designated a_quasi-judicial board_for_purposes_of_2-15-124.*</pre>

-End-

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HB 118

REFERENCE BILL

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:

l. 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.

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