

Senate Bill 52

In The Senate

January 5, 1981	Introduced and referred to Committee on Labor and Employment Relations.
January 6, 1981	Fiscal note requested.
January 12, 1981	Fiscal note returned.
January 23, 1981	Committee recommend bill do not pass as amended.
January 24, 1981	On motion, Senate reconsider its action taken on Adverse Committee Report. Motion failed.

1 SENATE BILL NO. 52
2 INTRODUCED BY REGAN
3 BY REQUEST OF THE MONTANA HUMAN RIGHTS COMMISSION
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO TRANSFER THE
6 SUBSTANTIVE PROVISIONS REGARDING MATERNITY LEAVE TO THE
7 MONTANA HUMAN RIGHTS COMMISSION FROM THE DEPARTMENT OF LABOR
8 AND INDUSTRY; REPEALING PROCEDURAL PROVISIONS REGARDING
9 ENFORCEMENT OF MATERNITY LEAVE; PROVIDING A SAVING CLAUSE;
10 AMENDING SECTION 39-7-203, MCA; AND REPEALING SECTIONS
11 39-7-201 AND 39-7-205 THROUGH 39-7-209, MCA."
12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14
15 Section 1. Section 39-7-203, MCA, is amended to read:
16 "39-7-203. Unlawful Maternity leave--unlawful acts
17 of employers. It shall be unlawful for an employer or his
18 agent to:
19 (1) terminate a woman's employment because of her
20 pregnancy;
21 (2) refuse to grant to the employee a reasonable leave
22 of absence for such pregnancy;
23 (3) deny to the employee who is disabled as a result
24 of pregnancy any compensation to which she is entitled as a
25 result of the accumulation of disability or leave benefits
 accrued pursuant to plans maintained by her employer,

1 provided that the employer may require disability as a
2 result of pregnancy to be verified by medical certification
3 that the employee is not able to perform her employment
4 duties;
5 (4) retaliate against any employee who files a
6 complaint with the commissioner under the provisions of this
7 part section or [39-7-204]; or
8 (5) require that an employee take a mandatory
9 maternity leave for an unreasonable length of time."
10 Section 2. Saving clause. This act does not affect any
11 complaints filed under Title 39, chapter 7, part 2, with the
12 department of labor and industry prior to the effective date
13 of this act. Any maternity leave complaints filed after the
14 effective date of this act must be filed with the human
15 rights commission.
16 Section 3. Codification instruction. Sections 39-7-203
17 and 39-7-204, MCA, are intended to be renumbered and
18 codified as an integral part of Title 49, chapter 2, part 3,
19 and the provisions of Title 49, chapter 2, part 3, apply to
20 sections 39-7-203 and 39-7-204.
21 Section 4. Repeater. Sections 39-7-201 and 39-7-205
22 through 39-7-209, MCA, are repealed.

-End-

STATE OF MONTANA

REQUEST NO. 19-81

FISCAL NOTE

Form BD-15

In compliance with a written request received January 6, 1981, there is hereby submitted a Fiscal Note for Senate Bill 52 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation

An act to transfer the substantive provisions regarding maternity leave to the Montana Human Rights Commission from the Department of Labor and Industry.

Fiscal Impact

None. The Human Rights Commission is currently handling the proposed workload.

Syle Manley, for
BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 1/10/81