

HOUSE BILL NO. 554

INTRODUCED BY HOWE, CHRISTIAENS,
HALLIGAN, TOWE, KENNERLY, BERG, METCALF, CONNELLY,
J. JENSEN, NISBET, SCHYE, DARKO, B. BROWN

BY REQUEST OF THE HUMAN RIGHTS COMMISSION

IN THE HOUSE

January 28, 1983	Introduced and referred to Committee on Labor and Employment Relations.
February 10, 1983	Committee recommend bill do pass. Report adopted.
February 11, 1983	Bill printed and placed on members' desks.
February 12, 1983	Second reading, do pass.
February 14, 1983	Considered correctly engrossed.
February 15, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 16, 1983	Introduced and referred to Committee on Labor and Employment Relations.
March 14, 1983	Committee recommend bill be concurrent in. Report adopted.
March 16, 1983	Second reading, concurrent in.
March 18, 1983	Third reading, concurrent in. Ayes, 39; Noes, 11.

IN THE HOUSE

March 18, 1983

Returned to House.

March 19, 1983

Sent to enrolling.

Reported correctly enrolled.

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 4 Mutaiti Connelly J. Jensen Nicket Schye Bob Brown
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO TRANSFER FUNCTIONS
 6 REGARDING MATERNITY LEAVE FROM THE COMMISSIONER OF LABOR AND
 7 INDUSTRY TO THE COMMISSION FOR HUMAN RIGHTS; AMENDING
 8 SECTION 39-7-203, MCA; REPEALING SECTIONS 39-7-201,
 9 39-7-202, AND 39-7-205 THROUGH 39-7-209, MCA; AND PROVIDING
 10 AN EFFECTIVE DATE."
 11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Section 39-7-203, MCA, is amended to read:
 14 "39-7-203. ~~Unlawful Maternity leave -- unlawful~~ acts
 15 of employers. It shall be unlawful for an employer or his
 16 agent to:
 17 (1) terminate a woman's employment because of her
 18 pregnancy;
 19 (2) refuse to grant to the employee a reasonable leave
 20 of absence for such pregnancy;
 21 (3) deny to the employee who is disabled as a result
 22 of pregnancy any compensation to which she is entitled as a
 23 result of the accumulation of disability or leave benefits
 24 accrued pursuant to plans maintained by her employer,
 25 provided that the employer may require disability as a

1 result of pregnancy to be verified by medical certification
 2 that the employee is not able to perform her employment
 3 duties;
 4 ~~(4) retaliate against any employee who files a~~
 5 ~~complaint with the commissioner under the provisions of this~~
 6 ~~part or~~
 7 ~~(5)(4)~~ require that an employee take a mandatory
 8 maternity leave for an unreasonable length of time."
 9 NEW SECTION. Section 2. Functions transferred --
 10 sections renumbered. The functions of the commissioner of
 11 labor and industry regarding maternity leave provided in
 12 Title 39, chapter 7, part 2, are transferred to the
 13 commission for human rights. Sections 39-7-203 and 39-7-204,
 14 MCA, are intended to be renumbered and recodified as an
 15 integral part of Title 49, chapter 2, part 3, and the
 16 provisions of Title 49, chapter 2, apply to sections
 17 39-7-203 and 39-7-204.
 18 NEW SECTION. Section 3. Repealer. Sections 39-7-201,
 19 39-7-202, and 39-7-205 through 39-7-209, MCA, are repealed.
 20 NEW SECTION. Section 4. Saving clause. This act does
 21 not affect any complaints filed with the commissioner of
 22 labor and industry under Title 39, chapter 7, part 2, prior
 23 to July 1, 1983.
 24 NEW SECTION. Section 5. Effective date. This act is
 25 effective July 1, 1983.

STATE OF MONTANA

REQUEST NO. 284-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 31, 19 83, there is hereby submitted a Fiscal Note for House Bill 554 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:

House Bill 554 transfers functions regarding maternity leave from the Commissioner of Labor and Industry to the Commission for Human Rights.

ASSUMPTIONS:

- 1) Workload consists of investigation by Labor Standards Division staff of complaints filed against employers relative to maternity leave, and resolution thereof.
- 2) Same number of cases for FY's 84 and 85 as the actual average was for FY's 81 and 82 (12 per year).
- 3) An annual 5% inflation in program costs.
- 4) Ratio of personal services and operating expenses to total costs are the same as FY 82 actual.

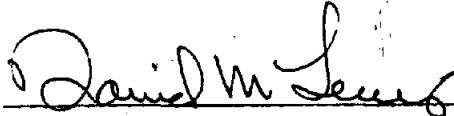
FISCAL IMPACT:

	<u>FY 84</u>	<u>FY 85</u>
Expenditures		
Under Current Law	\$ 4,657	\$ 4,890
Under Proposed Law	-0-	-0-
Decrease To General Fund	<u>\$(4,657)</u>	<u>\$(4,890)</u>

COMMENTS:

Under current law, the Labor Standards Division estimates that each case costs \$352 to complete. The Human Rights Division has stated that under the proposed law they could process these cases with existing staff at no additional costs because of similarity of current cases.

FISCAL NOTE 10:T/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-3-83

Approved by Committee
on Labor & Employment
Relations

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-End-
-2-

SECOND READING
AB554

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