

HOUSE BILL NO. 899

INTRODUCED BY ADDY

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

IN THE HOUSE

March 7, 1983	On motion, rules suspended. Bill allowed to be introduced. Introduced and referred to Committee on Labor and Employment Relations.
March 9, 1983	Committee recommend bill do pass as amended. Report adopted.
March 10, 1983	Bill printed and placed on members' desks.
March 11, 1983	Second reading, do pass.
March 12, 1983	Considered correctly engrossed.
March 14, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 15, 1983	Introduced and referred to Committee on Rules.
April 7, 1983	On motion, HB 899 not accepted.
April 8, 1983	Motion to reconsider action.
April 11, 1983	Rereferred to Committee on State Administration.

April 15, 1983

Committee recommend bill be
concurrent in. Report adopted.

April 18, 1983

Second reading, concurrent in.

April 19, 1983

Third reading, concurrent in.
Ayes, 46; Noes, 0.

IN THE HOUSE

April 19, 1983

Returned to House. Sent to
enrolling.

Reported correctly enrolled.

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 2 INTRODUCED BY Alley
 3 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE
 6 APPOINTMENT QUALIFICATIONS OF MEMBERS OF THE BOARD OF
 7 PERSONNEL APPEALS TO REMOVE POTENTIALLY UNCONSTITUTIONAL
 8 APPOINTMENT QUALIFICATIONS; PROVIDING FOR A TRANSITION AND
 9 APPOINTMENTS SUBJECT TO THE NEW APPOINTMENT QUALIFICATIONS;
 10 AMENDING SECTION 2-15-1705, MCA; AND PROVIDING AN IMMEDIATE
 11 EFFECTIVE DATE."
 12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 14 Section 1. Section 2-15-1705, MCA, is amended to read:
 15 "2-15-1705. Board of personnel appeals -- allocation
 16 -- composition -- vote necessary for decision --
 17 quasi-judicial. (1) There is a 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.
 21 (3) ~~(a)~~ The board consists of five members appointed
 22 by the governor. ~~Two members shall represent management~~
 23 ~~two members shall represent employees or employee~~
 24 ~~organizations of the state and one member shall represent a~~
 25 ~~neutral position as follows:~~

1 ~~(i) two members, each having management experience~~
 2 ~~involving collective bargaining;~~
 3 ~~(ii) two members, each having experience as a member or~~
 4 ~~employee of an employee organization; and~~
 5 ~~(iii) one other member having no such experience, who~~
 6 ~~shall be the chairperson.~~
 7 ~~(b) All members of the board shall serve as impartial~~
 8 ~~decisionmakers and are not appointed to serve the interests~~
 9 ~~represented by their experience.~~
 10 (4) When the member representing a neutral position
 11 chairperson is unable to participate in a proceeding before
 12 the board, an equal number of management and labor the
 13 remaining members of the board shall select an individual,
 14 who shall be a neutral person who qualifies under subsection
 15 (3)(a)(iii), to serve in the place of the neutral member
 16 chairperson in that proceeding and he shall participate in
 17 the decision in that proceeding. There shall be only one
 18 additional neutral person chairperson replacement appointed
 19 and serving at any one time. The individual selected is
 20 entitled to the same compensation and per diem that members
 21 of the board receive.
 22 (5) In all proceedings before the board, a favorable
 23 vote of at least a majority of a quorum is sufficient to
 24 adopt any resolution, motion, or other decision.
 25 (6) The board is designated a quasi-judicial board for

1 purposes of 2-15-124."

2 NEW SECTION. Section 2. Transition -- appointment of
3 new members. Notwithstanding the provisions of section 1 and
4 2-15-124:

5 (1) within 30 days after the effective date of this
6 act, the governor shall appoint members of the board of
7 personnel appeals in compliance with the provisions of
8 section 1;

9 (2) a majority of the board members appointed by the
10 governor shall be appointed for a term ending January 1,
11 1985, and remaining members shall be appointed for a term
12 ending January 1, 1987; and

13 (3) the terms of members of the board of personnel
14 appeals serving on the effective date of this act are
15 terminated on the appointment of their successors.

16 NEW SECTION. Section 3. Effective date. This act is
17 effective on passage and approval.

-End-

Approved by Committee
on Labor & Employment
Relations

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APPOINTMENT QUALIFICATIONS; PROVIDING FOR A TRANSITION AND
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-- 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.

(3) (a) 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 as follows:~~

~~(i) two members, each having management experience
involving collective bargaining;
(ii) two members, each having experience as a member or
employee of an employee organization; and
(iii) one other member having no such GENERAL
LABOR-MANAGEMENT experience, who shall be the chairperson.
(b) All members of the board shall serve as impartial
decisionmakers and are not appointed to serve the interests
represented by their experience.~~

(4) When the member ~~representing a neutral position~~
chairperson is unable to participate in a proceeding before
the board, ~~an equal number of management and labor the~~
remaining members of the board shall select an individual,
who shall be a neutral person who qualifies under subsection
(3)(a)(iii), to serve in the place of the ~~neutral member~~
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the decision in that proceeding. There shall be only one
additional ~~neutral person chairperson replacement~~ 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.

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

(3) ~~(a)~~ 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 as follows:~~

~~(i) two members, each having management experience involving collective bargaining;~~

~~(iii) two members, each having experience as a member or employee of an employee organization; and~~

~~(iii) one other member having no such GENERAL LABOR-MANAGEMENT experience; who shall be the chairperson.~~

~~(b) All members of the board shall serve as impartial decisionmakers and are not appointed to serve the interests represented by their experience.~~

(4) When the member ~~representing a neutral position~~ chairperson is unable to participate in a proceeding before the board, ~~an equal number of management and labor~~ the remaining members of the board shall select an individual, who shall be a neutral person who qualifies under subsection (3)(a)(iii), to serve in the place of the ~~neutral member~~ chairperson in that proceeding and he shall participate in the decision in that proceeding. There shall be only one additional ~~neutral person~~ chairperson replacement 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.

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~~(i) two members, each having management experience involving collective bargaining;~~

~~(iii) two members, each having experience as a member or employee of an employee organization; and~~

~~(iiii) one other member having no such GENERAL LABOR-MANAGEMENT experience, who shall be the chairperson.~~

~~(b) All members of the board shall serve as impartial decisionmakers and are not appointed to serve the interests represented by their experience.~~

~~(4) When the member--representing-a-neutral-position chairperson is unable to participate in a proceeding before the board, an--equal--number--of--management-and-labor the remaining members of the board shall select an individual, who shall be a neutral person who qualifies under subsection (2)(a)(iii), to serve in the place of the neutral-member chairperson in that proceeding and he shall participate in the decision in that proceeding. There shall be only one additional neutral-person chairperson-replacement 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.~~

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