

HOUSE JOINT RESOLUTION NO. 41

INTRODUCED BY WILLIAMS, HARPER, PAVLOVICH,
MAZUREK, ECK, FARRIS, J. BROWN

IN THE HOUSE

April 9, 1983	Introduced and referred to Committee on Labor and Employment Relations.
April 12, 1983	Committee recommend bill do pass. Report adopted. Bill printed and placed on members' desks.
April 14, 1983	Second reading, do pass. Considered correctly engrossed.
April 15, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

April 16, 1983	Introduced and referred to Committee on Labor and Employment Relations.
April 20, 1983	On motion taken from Committee on Labor and Employment Relations. Rereferred to Committee on Legislative Administration. Committee recommend bill be concurrent in. Report adopted. Second reading, concurred in.
April 21, 1983	Third reading, concurred in. Ayes, 43; Noes, 7.

IN THE HOUSE

April 21, 1983

**Returned to House. Sent to
enrolling.**

Reported correctly enrolled.

1 House JOINT RESOLUTION NO. 401
 2 INTRODUCED BY Williams, Fager, Fairchild
Meagher, Felt, Harris, J. Brown
 3
 4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
 5 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN
 6 INTERIM STUDY OF MONTANA'S EMPLOYMENT PREFERENCE LAWS
 7 CONCERNING VETERANS, VETERANS' SPOUSES AND DEPENDENTS, AND
 8 DISABLED CIVILIANS; AND REQUIRING A REPORT OF THE FINDINGS
 9 AND RECOMMENDATIONS OF THE STUDY TO THE 49TH LEGISLATURE.

10

11 WHEREAS, Montana's employment preference laws for
 12 veterans, veterans' spouses and dependents, and disabled
 13 civilians, contained in Title 10, chapter 2, part 2,
 14 originally were enacted for veterans in 1921 and were
 15 amended to include disabled civilians in 1927; and

16 WHEREAS, the preference laws have historically been
 17 interpreted to entitle tie-breaking preference in initial
 18 employment to veterans, veterans' spouses and dependents,
 19 and disabled civilians, but in the recent case of Crabtree
 20 vs. Montana State Library, a state District Court interpreted
 21 the laws as entitling minimally qualified veterans,
 22 veterans' spouses and dependents, and disabled civilians to
 23 employment preference over all others; and

24 WHEREAS, the preference laws are extremely ambiguous,
 25 lacking adequate definitions with regard both to the

1 individuals covered and to procedures for implementing the
 2 preference; and

3 WHEREAS, the preference granted under these laws has
 4 historically been administered inconsistently; and

5 WHEREAS, Montana's public policy with regard to
 6 veterans, veterans' spouses and dependents, and disabled
 7 civilians is of great significance to all Montanans; and

8 WHEREAS, the 48th Legislature considered House Bill No.
 9 378, Senate Bill No. 197, and Senate Bill No. 377, all of
 10 which pertain to this subject, and was unable to reach a
 11 consensus regarding the policy direction that must be taken,
 12 largely because the subject is highly emotional and
 13 controversial and requires decisions to be made involving
 14 the competing interests of many groups, all of which are
 15 vital to Montana's well-being; and

16 WHEREAS, although the various interest groups also were
 17 unable to reach a consensus regarding the policy direction
 18 that must be taken, they did agree prior to the 48th
 19 Legislative Session on the need for clarification of the
 20 preference and procedures for administering it.

21

22 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
 23 OF REPRESENTATIVES OF THE STATE OF MONTANA:

24 That an appropriate interim committee be assigned to
 25 study Montana's employment preference laws for veterans,

1 veterans' spouses and dependents, and disabled civilians and
2 to address the following issues:

3 (1) what ambiguities or omissions exist in the current
4 statutory language;

5 (2) whether the preference should be used as a tie
6 breaker between equally qualified applicants or as an
7 entitlement for minimally qualified veterans, veterans'
8 spouses and dependents, and disabled civilians;

9 (3) whether the preference conflicts with the
10 constitutional and statutory rights of other groups of
11 citizens or conflicts with the obligations of employment
12 relations contained in collective bargaining agreements;

13 (4) the purpose the preference laws are intended to
14 serve and other possible means for serving similar purposes,
15 including providing positive recognition to veterans,
16 veterans' spouses and dependents, and disabled civilians;

17 (5) the extent to which preference should be applied,
18 including whether application of the preference should be
19 expanded or narrowed with regard to the individuals or
20 employers covered or in duration of eligibility; whether
21 preference should be applied equally or prioritized among
22 the individuals covered; and whether the individuals covered
23 should have obligations to make their preference known and
24 determine their eligibility for preference;

25 (6) the status of similar preference laws in other

1 states;

2 (7) the history of the implementation of Montana's
3 laws in state, county, city, university, and other
4 applicable government agencies; and

5 (8) any other issues the committee considers to be
6 relevant.

7 BE IT FURTHER RESOLVED, that in its study the committee
8 work with and seek input from representatives of all levels
9 of government, veterans' organizations, organizations
10 protecting the rights of the handicapped, women's
11 organizations, and any other interested persons or groups.

12 BE IT FURTHER RESOLVED, that the committee make
13 recommendations for improving the existing preference laws
14 and report these and any other findings to the 49th
15 Legislature.

-End-

House JOINT RESOLUTION NO. *41*
INTRODUCED BY *Williams, Fager, Schmidt*
Marguth, Felt, Harris, J. Brown

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF MONTANA'S EMPLOYMENT PREFERENCE LAWS CONCERNING VETERANS, VETERANS' SPOUSES AND DEPENDENTS, AND DISABLED CIVILIANS; AND REQUIRING A REPORT OF THE FINDINGS AND RECOMMENDATIONS OF THE STUDY TO THE 49TH LEGISLATURE.

WHEREAS, Montana's employment preference laws for veterans, veterans' spouses and dependents, and disabled civilians, contained in Title 10, chapter 2, part 2, originally were enacted for veterans in 1921 and were amended to include disabled civilians in 1927; and

WHEREAS, the preference laws have historically been interpreted to entitle tie-breaking preference in initial employment to veterans, veterans' spouses and dependents, and disabled civilians, but in the recent case of Crabtree v. Montana State Library, a state District Court interpreted the laws as entitling minimally qualified veterans, veterans' spouses and dependents, and disabled civilians to employment preference over all others; and

WHEREAS, the preference laws are extremely ambiguous, lacking adequate definitions with regard both to the

individuals covered and to procedures for implementing the preference; and

WHEREAS, the preference granted under these laws has historically been administered inconsistently; and

WHEREAS, Montana's public policy with regard to veterans, veterans' spouses and dependents, and disabled civilians is of great significance to all Montanans; and

WHEREAS, the 48th Legislature considered House Bill No. 378, Senate Bill No. 197, and Senate Bill No. 377, all of which pertain to this subject, and was unable to reach a consensus regarding the policy direction that must be taken, largely because the subject is highly emotional and controversial and requires decisions to be made involving the competing interests of many groups, all of which are vital to Montana's well-being; and

WHEREAS, although the various interest groups also were unable to reach a consensus regarding the policy direction that must be taken, they did agree prior to the 48th Legislative Session on the need for clarification of the preference and procedures for administering it.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That an appropriate interim committee be assigned to study Montana's employment preference laws for veterans,

1 veterans' spouses and dependents, and disabled civilians and
2 to address the following issues:

3 (1) what ambiguities or omissions exist in the current
4 statutory language;

5 (2) whether the preference should be used as a tie
6 breaker between equally qualified applicants or as an
7 entitlement for minimally qualified veterans, veterans'
8 spouses and dependents, and disabled civilians;

9 (3) whether the preference conflicts with the
10 constitutional and statutory rights of other groups of
11 citizens or conflicts with the obligations of employment
12 relations contained in collective bargaining agreements;

13 (4) the purpose the preference laws are intended to
14 serve and other possible means for serving similar purposes,
15 including providing positive recognition to veterans,
16 veterans' spouses and dependents, and disabled civilians;

17 (5) the extent to which preference should be applied,
18 including whether application of the preference should be
19 expanded or narrowed with regard to the individuals or
20 employers covered or in duration of eligibility; whether
21 preference should be applied equally or prioritized among
22 the individuals covered; and whether the individuals covered
23 should have obligations to make their preference known and
24 determine their eligibility for preference;

25 (6) the status of similar preference laws in other

1 states;

2 (7) the history of the implementation of Montana's
3 laws in state, county, city, university, and other
4 applicable government agencies; and

5 (8) any other issues the committee considers to be
6 relevant.

7 BE IT FURTHER RESOLVED, that in its study the committee
8 work with and seek input from representatives of all levels
9 of government, veterans' organizations, organizations
10 protecting the rights of the handicapped, women's
11 organizations, and any other interested persons or groups.

12 BE IT FURTHER RESOLVED, that the committee make
13 recommendations for improving the existing preference laws
14 and report these and any other findings to the 49th
15 Legislature.

-End-

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-End-

REFERENCE BILL

MISSING