

SENATE BILL NO. 453

**INTRODUCED BY FULLER, KOLSTAD, GAGE,
SEVERSON, LEE, CHRISTIAENS,
REGAN, KEATING, GOODOVER**

**BY REQUEST OF THE SENATE BUSINESS AND
INDUSTRY COMMITTEE**

IN THE SENATE

February 16, 1983	Introduced and referred to Committee on Business and Industry.
February 17, 1983	Committee recommend bill do pass. Report adopted.
February 18, 1983	Bill printed and placed on members' desks.
February 19, 1983	Second reading, do pass as amended.
February 21, 1983	Correctly engrossed.
February 22, 1983	Third reading, passed. Ayes, 45; Noes, 4. Transmitted to House.

IN THE HOUSE

February 28, 1983	Introduced and referred to Committee on Labor and Employment Relations.
March 11, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 19, 1983	Second reading, concurred in.
March 21, 1983	Third reading, concurred in.

IN THE SENATE

March 22, 1982

Returned to Senate with
amendments.

March 23, 1983

Second reading, amendments
concurred in.

March 24, 1983

Third reading, amendments
concurred in. Ayes, 49;
Noes, 0.

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *453*
 2 INTRODUCED BY *Fuller Holstad*
 3 *Christensen*
 4 BY REQUEST OF THE SENATE BUSINESS AND *Reynolds*
 5 *Barlow* INDUSTRY COMMITTEE

6 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE FEE
 7 CHARGED BY AN EMPLOYMENT AGENCY IS TO BE BASED ON THE FIRST
 8 MONTH'S GROSS INCOME; AMENDING SECTION 39-5-303, MCA; AND
 9 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 39-5-303, MCA, is amended to read:

12 "39-5-303. Regulation of fees -- disapproval of
 13 contract. (1) The fee charged by any employment agency for
 14 its services must ~~will be based on~~ a percentage of the
 15 income ~~of the applicant during his first year of employment~~
 16 ~~first month's gross income of any person placed in~~
 17 ~~employment as provided for in the agency's fee schedule.~~
 18 The percentage charged must be determined by the agency and
 19 is not subject to disapproval by the director.

20 (2) No applicant may be required to pay more than one
 21 fee per placement.

22 (3) No employment agency may impose a fee in excess of
 23 that agreed to in writing.

24 (4) A fee schedule must be printed on all contracts,
 25

1 and a copy of the contract containing the fee schedule must
 2 be given to each applicant prior to any discussion of
 3 available employment.

4 (5) Prior to using any contract in the transaction of
 5 its business with applicants, each employment agency shall
 6 obtain the director's approval for the use of such contract.
 7 The director shall disapprove any proposed contract which
 8 either tends to be or is vague, deceitful, or
 9 misrepresentative."

10 ~~NEW SECTION~~ Section 2. Effective date. This act is
 11 effective on passage and approval.

-End-

Approved by Committee
on Business and Industry

1 *Senate* BILL NO. *452*
2 INTRODUCED BY *Fuller Holstad Sup. Samuel Lee*
3 *Christiansen*
BY REQUEST OF THE SENATE BUSINESS AND *Ray*
4 *Baldwin* INDUSTRY COMMITTEE
5
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16 income of the applicant during his first year of employment
17 first month's gross income of any person placed in
18 employment, as provided for in the agency's fee schedule.
19 The percentage charged must be determined by the agency and
20 is not subject to disapproval by the director.
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22 fee per placement.
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9 misrepresentative."
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-End-

SECOND READING

SENATE BILL NO. 453

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SEVERSON, LEE, CHRISTIAENS,

REGAN, KEATING, GOODOVER

BY REQUEST OF THE SENATE BUSINESS AND

INDUSTRY COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE FEE CHARGED BY AN EMPLOYMENT AGENCY IS TO BE BASED ON THE FIRST FULL MONTH'S GROSS INCOME; AMENDING SECTION 39-5-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 39-5-303, MCA, is amended to read:

"39-5-303. Regulation of fees -- disapproval of contract. (1) The fee charged by any employment agency for its services must will be based--on a percentage of the income of the applicant during his first year of employment first full month's gross income of any person placed in employment as provided for in the agency's fee schedule. The percentage charged must be determined by the agency and is not subject to disapproval by the director.

(2) No applicant may be required to pay more than one fee per placement.

(3) No employment agency may impose a fee in excess of

that agreed to in writing.

(4) A fee schedule must be printed on all contracts, and a copy of the contract containing the fee schedule must be given to each applicant prior to any discussion of available employment.

(5) Prior to using any contract in the transaction of its business with applicants, each employment agency shall obtain the director's approval for the use of such contract. The director shall disapprove any proposed contract which either tends to be or is vague, deceitful, or misrepresentative."

NEW SECTION. Section 2. Effective date. This act is effective on passage and approval.

-End-

AND AS AMENDED
BE CONCURRED IN

HOUSE COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS
March 10, 1983
Senate Bill 453

1. Title, line 11.
Strike: "IMMEDIATE"

2. Page 2, line 13.
Strike: "on passage and approval"
Insert: "July 1, 1983"

AND AS AMENDED
BE CONCURRED IN

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The percentage charged ~~must~~ be determined by the agency and is not subject to disapproval by the director.

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NEW SECTION. Section 2. Effective date. This act is effective ~~on passage and approval~~ JULY 1, 1983.

-End-