

HOUSE BILL NO. 391

1/23 Introduced
1/23 Referred to Business & Labor
2/07 Hearing
2/08 Adverse Committee Report
2/09 Bill Killed

1 HOUSE BILL NO. 391
2 INTRODUCED BY Stayer

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A PUBLIC
5 EMPLOYER TO DEDUCT A REPRESENTATION FEE FROM THE PAY OF AN
6 EMPLOYEE WHO IS NOT A MEMBER OF AN EXCLUSIVE BARGAINING
7 REPRESENTATIVE IF THE COLLECTIVE BARGAINING AGREEMENT
8 REQUIRES A REPRESENTATION FEE FROM SUCH EMPLOYEE; AMENDING
9 SECTIONS 39-31-203 AND 39-31-401, MCA; AND PROVIDING AN
10 IMMEDIATE EFFECTIVE DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 39-31-203, MCA, is amended to read:

14 "39-31-203. Deduction of dues and representation fees
15 from employee's pay. (1) Upon written authorization of any
16 public employee within a who is a member of an exclusive
17 bargaining unit, the public employer shall deduct from the
18 pay of the public employee the monthly amount of dues as
19 certified by the secretary of the exclusive representative
20 and shall deliver the dues to the treasurer of the exclusive
21 representative.

22 (2) Whenever a collective bargaining agreement
23 contains a requirement, as allowed by 39-31-401, that all
24 public employees within the bargaining unit share fairly in
25 the financial support of the exclusive bargaining

1 representative, the public employer shall deduct from the
2 pay of an employee who is not a member of the exclusive
3 representative a representation fee equal to the certified
4 amount of fees and dues required of members of the exclusive
5 representative. Such representation fee deductions do not
6 require an employee's written authorization."

7 Section 2. Section 39-31-401, MCA, is amended to read:

8 "39-31-401. Unfair labor practices of public employer.

9 It is an unfair labor practice for a public employer to:

10 (1) interfere with, restrain, or coerce employees in
11 the exercise of the rights guaranteed in 39-31-201;

12 (2) dominate, interfere, or assist in the formation or
13 administration of any labor organization; however, subject
14 to rules adopted by the board under 39-31-104, an employer
15 is not prohibited from permitting employees to confer with
16 him during working hours without loss of time or pay;

17 (3) discriminate in regard to hire or tenure of
18 employment or any term or condition of employment in order
19 to encourage or discourage membership in any labor
20 organization; however, nothing in this chapter or in any
21 other statute of this state precludes a public employer from
22 making an agreement with an exclusive representative to
23 require, as a condition of employment, that an employee who
24 is not or does not become a union member, must have an
25 amount equal to the union initiation fee and monthly dues



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1 deducted from his wages in-the-same-manner--as--checkoff--of
2 union-dues;

3 (4) discharge or otherwise discriminate against an
4 employee because he has signed or filed an affidavit,
5 petition, or complaint or given any information or testimony
6 under this chapter; or

7 (5) refuse to bargain collectively in good faith with
8 an exclusive representative."

9 NEW SECTION. Section 3. Effective date. This act is
10 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

HOUSE BILL NO. 351

INTRODUCED BY SCHULTZ

BY REQUEST OF THE PUBLIC EMPLOYEES' RETIREMENT BOARD

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING EMPLOYMENT OF AN ACTUARY BY THE PUBLIC RETIREMENT BOARDS FROM LAWS GOVERNING EMPLOYMENT OF CONSULTANTS BY STATE AGENCIES; DEFINING THE MANNER BY WHICH THE PUBLIC---EMPLOYEES+ RETIREMENT--BOARD BOARDS MAY RETAIN AN ACTUARY; AMENDING SECTIONS 18-8-103 AND, 19-3-305, AND 19-4-203, MCA."

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

Section 1. Section 18-8-103, MCA, is amended to read:

"18-8-103. Exemptions. This part does not apply to employment of:

(1) registered professional engineers, surveyors, real estate appraisers, or registered architects;

(2) physicians, dentists, or other medical, dental, or health-care providers; and

(3) expert witnesses hired for use in litigation, hearings officers hired in rulemaking and contested case proceedings under the Montana Administrative Procedure Act, or attorneys as specified by executive order of the governor; or

(4) consulting actuaries to the public retirement

boards."

Section 2. Section 19-3-305, MCA, is amended to read:

"19-3-305. Employment of actuary -- biennial investigation and valuation. (1) The board shall retain, on a full-time basis, a competent actuary who is a member of the American academy of actuaries and who is familiar with public systems of pensions. The actuary shall be the technical advisor of the board on matters regarding the operation of the system. Biennially he shall make an actuarial investigation into the suitability of the actuarial tables used by the system and an actuarial valuation of the assets and liabilities of the retirement system. From time to time, he shall also determine the rate of interest being earned on the retirement fund. He shall report his findings to the board.

(2) The board may retain an actuary in a manner it considers to be in the best interests of the state and may contract for a period not to exceed 10 years. Payment and performance obligations for those bienniums following the biennium in which a contract is made are subject to the availability and appropriation of funds therefor."

SECTION 3. SECTION 19-4-203, MCA, IS AMENDED TO READ:

"19-4-203. Officers and employees of retirement board.

It is the duty of the retirement board to:

(1) elect a chairman from its membership;

1 (2) appoint a secretary who may be one of its members;
 2 (3) employ technical or administrative employees who
 3 are necessary for the transaction of the business of the
 4 retirement system;

5 (4) when the retirement board considers it necessary,
 6 designate a medical board to be composed of three physicians
 7 who are not eligible to participate in the retirement system
 8 to investigate and report to the retirement board on all
 9 medical matters related to the administration of the
 10 retirement system;

11 (5) designate an actuary to assist the retirement
 12 board with the technical actuarial aspects of the operation
 13 of the retirement system, which includes establishing
 14 mortality and service tables and making an actuarial
 15 investigation at least once every 5 years into the
 16 mortality, service, and compensation experience of the
 17 members and beneficiaries of the retirement system. The
 18 retirement board may retain an actuary in a manner it
 19 considers to be in the best interests of the state and may
 20 contract for a period not to exceed 10 years. Payment and
 21 performance obligations for those bienniums following the
 22 biennium in which a contract is made are subject to the
 23 availability and appropriation of funds therefor."

24 NEW SECTION. Section 4. Extension of authority. Any
 25 existing authority of the public employees' AND TEACHERS'

1 retirement board BOARDS to make rules on the subject of the
 2 provisions of this act is extended to the provisions of this
 3 act.

-End-