HOUSE BILL NO. 414

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INTRODUCED BY IVERSON, AKLESTAD

IN THE HOUSE

January 23, 1985	Introduced and referred to Committee on Local Government.
February 15, 1985	Committee recommend bill do pass as amended. Report adopted.
February 16, 1985	Bill printed and placed on members' desks.
February 18, 1985	Second reading, do pass.
	Considered correctly engrossed.
February 19, 1985	Third reading, passed.
	Transmitted to Senate.
IN THE SI	ENATE
February 21, 1985	Introduced and referred to Committee on Local Government.
March 18, 1985	Committee recommend bill be concurred in. Report adopted.
March 21, 1985	Second reading, concurred in.
March 23, 1985	Third reading, concurred in. Ayes, 47; Noes, 2.
	Returned to House.

IN THE HOUSE

March 25, 1985

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Received from Senate. Sent to enrolling. Reported correctly enrolled. LC 0657/01

Montana Legislative Council

49th Legislature

LC 0657/01

INTRODUCED BY ALESTAD 1 2 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE SALARY, AND OVERTIME COMPENSATION PROVISIONS OF 5 WORK PERIOD. EMPLOYEES OF A LOCAL DEPARTMENT OF PUBLIC SAFETY; PROVIDING 6 7 MINIMUM SALARIES BASED ON DEPUTY SHERIFF COMPENSATION, WITH EXCEPTIONS; PROVIDING FOR A WORK PERIOD DESIGNATION TO 8 REPLACE THE WORKWEEK; PROVIDING THAT EMPLOYEES' RATE OF 9 OVERTIME MAY BE ESTABLISHED BY THE BOARD OF COUNTY 10 11 COMMISSIONERS: AMENDING SECTIONS 7-32-104 AND 39-3-406, MCA; AND PROVIDING AN EFFECTIVE DATE." 12 13

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 14 Section 1. Section 7-32-104, MCA, is amended to read: 15 "7-32-104. Salaries. The provisions of 7-4-2503 16 notwithstanding, the salaries of the director and employees 17 of the department of public safety shall be established by 18 the public safety commission and shall be paid by the city 19 or town with the board of county commissioners. Said 20 salaries -- in -- any -event-shall The salary of the director may 21 not be less than those that specified in 7-4-2503. The 22 23 salaries of employees may not be less than the salaries specified in 7-4-2508; however, employees are not required 24 to be paid any fixed percentage of the director's or 25

1 sheriff's salary, and they are not required to be paid 2 longevity under 7-4-2510."

3 <u>NEW SECTION.</u> Section 2. Work period in lieu of 4 workweek -- overtime compensation. (1) (a) A department of 5 public safety may establish a work period other than the 6 workweek provided in 7-32-2111 or 39-3-405 for determining 7 when an employee may be paid overtime.

8 (b) The aggregate of all work periods in a year, when9 expressed in hours, may not exceed 2,080 hours.

10 (2) The board of county commissioners may by 11 resolution establish that any employee who works in excess 12 of his regularly scheduled work period will be compensated 13 for the hours worked in excess of the work period at a rate 14 to be determined by the board of county commissioners.

Section 3. Section 39-3-406, MCA, is amended to read:
"39-3-406. Exclusions. (1) The provisions of 39-3-404
and 39-3-405 shall not apply with respect to:

18 (a) students participating in a distributive education
19 program established under the auspices of an accredited
20 educational agency;

(b) persons employed in private homes whose duties
consist of menial chores such as babysitting, mowing lawns,
cleaning sidewalks;

(c) persons employed directly by the head of ahousehold to care for children dependent upon the head of

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1 the household;

2 (d) immediate members of the family of an employer or
3 persons dependent upon an employer for half or more of their
4 support in the customary sense of being a dependent;

5 (e) any persons not regular employees thereof who
6 voluntarily offer their services to a nonprofit organization
7 on a fully or partially reimbursed basis;

8 (f) handicapped workers engaged in work which is
9 incidental to training or evaluation programs or whose
10 earning capacity is so severely impaired that they are
11 unable to engage in competitive employment;

12 (g) apprentices or learners, who may be exempted by 13 the commissioner for a period not to exceed 30 days of their 14 employment;

15 (h) learners under the age of 18 who are employed as 16 farm workers, provided that such exclusion shall not exceed 17 a period of 180 days from their initial date of employment 18 and further provided that during this exclusion period wages 19 paid such learners may not be less than 50% of the minimum 20 wage rate established in this part;

21 (i) retired or semiretired persons performing 22 part-time incidental work as a condition of their residence 23 on a farm or ranch;

24 (j) any individual employed in a bona fide executive,25 administrative, or professional capacity as these terms are

defined and delimited by regulations of the commissioner;
 (k) any individual employed by the United States of

3 America.

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(2) The provisions of 39-3-405 do not apply to:

5 (a) an employee with respect to whom the United States 6 Secretary of Transportation has power to establish 7 qualifications and maximum hours of service pursuant to the 8 provisions of 49 U.S.C. 304;

9 (b) an employee of an employer subject to the
 10 provisions of part I of the Interstate Commerce Act;

(c) an individual employed as an outside buyer of
 poultry, eggs, cream, or milk, in their raw or natural
 state;

(d) a salesman, partsman, or mechanic paid on a
commission or contract basis and primarily engaged in
selling or servicing automobiles, trucks, mobile homes,
recreational vehicles, or farm implements if he is employed
by a nonmanufacturing establishment primarily engaged in the
business of selling such vehicles or implements to ultimate
purchasers;

(e) a salesman primarily engaged in selling trailers,
boats, or aircraft if he is employed by a nonmanufacturing
establishment primarily engaged in the business of selling
trailers, boats, or aircraft to ultimate purchasers;

(f) an employee employed as a driver or driver's

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helper making local deliveries who is compensated for such
 employment on the basis of trip rates, or other delivery
 payment plan, if the commissioner finds that such plan has
 the general purpose and effect of reducing hours worked by
 such employees to or below the maximum workweek applicable
 to them under 39-3-405;

7 (g) an employee employed in agriculture or in 8 connection with the operation or maintenance of ditches, 9 canals, reservoirs, or waterways not owned or operated for 10 profit and not operated on a sharecrop basis and which are 11 used exclusively for supply and storing of water for 12 agricultural purposes;

(h) an employee with respect to his employment in
agriculture by a farmer, notwithstanding other employment of
such employee in connection with livestock auction
operations in which such farmer is engaged as an adjunct to
the raising of livestock, either on his own account or in
conjunction with other farmers, if such employee is:

19 (i) primarily employed during his workweek in20 agriculture by such farmer; and

(ii) paid for his employment in connection with such
livestock auction operations at a wage rate not less than
that prescribed by 39-3-404;

24 (i) an employee of an establishment commonly25 recognized as a country elevator, including an establishment

which sells products and services used in the operation of a
 farm, if no more than five employees are employed by the
 establishment;

4 (j) a driver employed by an employer engaged in the
5 business of operating taxicabs;

6 (k) an employee who is employed with his spouse by a nonprofit educational institution to serve as the parents of 7 children who are orphans or one of whose natural parents is 8 9 deceased or who are enrolled in such institution and reside 10 in residential facilities of the institution so long as the children are in residence at the institution and so long as 11 such employee and his spouse reside in such facilities and 12 13 receive, without cost, board and lodging from the institution and are together compensated, on a cash basis, 14 at an annual rate of not less than \$10,000; 15

(1) an employee employed in planting or tending trees;
cruising, surveying, or felling timber; or transporting logs
or other forestry products to a mill, processing plant,
railroad, or other transportation terminal if the number of
employees employed by his employer in such forestry or
lumbering operations does not exceed eight;

22 (m) an employee of a sheriff's department who is 23 working under an established work period in lieu of a 24 workweek pursuant to 7-4-2509(1);

25 (n) an employee of a municipal or county government

who is working under a work period not exceeding 40 hours in 1 2 a 7-day period established through a collective bargaining 3 agreement when a collective bargaining unit represents the 4 employee or by mutual agreement of the employer and employee where no bargaining unit is recognized. Employment in 5 6 excess of 40 hours in a 7-day, 40-hour work period must be 7 compensated at a rate of not less than $1 \frac{1}{2}$ times the 8 hourly wage rate for the employee.

9 (o) an employee of a hospital or other establishment 10 primarily engaged in the care of the sick, disabled, aged, or mentally ill or defective who is working under a work 11 12 period not exceeding 80 hours in a 14-day period established 13 through either a collective bargaining agreement when a collective bargaining unit represents the employee or by 14 15 mutual agreement of the employer and employee where no bargaining unit is recognized. Employment in excess of 8 16 17 hours per day or 80 hours in a 14-day period must be 18 compensated for at a rate of not less than $1 \frac{1}{2}$ times the 19 hourly wage rate for the employee.

(p) a firefighter who is working under a work period
established in a collective bargaining agreement entered
into between a public employer and a firefighters'
organization or its exclusive representative;

24 (q) an officer or other employee of a police25 department in a city of the first or second class who is

1 working under a work period established by the chief of 2 police under $7-32-4118_{\pm \frac{1}{2}}$ 3 (r) an employee of a department of public safety

4 working under a work period established pursuant to [section

5 2]."

6 NEW SECTION. Section 4. Effective date. This act is

7 effective July 1, 1985.

-End-

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49th Legislature

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HB 0414/02

HB 0414/02

APPROVED BY COMM. ON LOCAL GOVERNMENT

1	HOUSE BILL NO. 414	1	of the director's or sheriff's salary-and-they-are-not
2	INTRODUCED BY IVERSON, AKLESTAD	2	required-to-be-paid-longevity-under-7-4-2510."
3		3	NEW SECTION. Section 2. Work period in lieu of
4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE SALARY,	4	workweek overtime compensation. (1) (a) A department of
5	WORK PERIOD, AND OVERTIME COMPENSATION PROVISIONS OF	5	public safety may establish a work period other than the
6	EMPLOYEES OF A LOCAL DEPARTMENT OF PUBLIC SAFETY; PROVIDING	6	workweek provided in 7-32-2111 or 39-3-405 for determining
7	MINIMUM SALARIES BASED ON DEPUTY SHERIFF COMPENSATION, WITH	7	when an employee may be paid overtime.
8	EXCEPTIONS; PROVIDING FOR A WORK PERIOD DESIGNATION TO	8	(b) The aggregate of all work periods in a year, when
9	REPLACE THE WORKWEEK; PROVIDING THAT EMPLOYEES' RATE OF	9	expressed in hours, may not exceed 2,080 hours.
10	OVERTIME MAY BE ESTABLISHED BY THE BOARD OF COUNTY	10	(2) The board of county commissioners may by
11	COMMISSIONERS; AMENDING SECTIONS 7-32-104 AND 39-3-406, MCA;	11	resolution establish that any employee who works in excess
12	AND PROVIDING AN EFFECTIVE DATE."	12	of his regularly scheduled work period will be compensated
13		13	for the hours worked in excess of the work period at a rate
14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	14	to be determined by the board of county commissioners.
15	Section 1. Section $7-32-104$, MCA, is amended to read:	15	Section 3. Section 39-3-406, MCA, is amended to read:
16	"7-32-104. Salaries. The provisions of 7-4-2503	16	"39-3-406. Exclusions. (1) The provisions of 39-3-404
17	notwithstanding, the salaries of the director and employees	17	and 39-3-405 shall not apply with respect to:
18	of the department of public safety shall be established by	18	(a) students participating in a distributive education
19	the public safety commission and shall be paid by the city	19	program established under the auspices of an accredited
20	or town with the board of county commissioners. Said	20	educational agency;
21	salariesinany-event-shall The salary of the director may	21	(b) persons employed in private homes whose duties
22	not be less than those that specified FOR THE SHERIFF in	22	consist of menial chores such as babysitting, mowing lawns,
23	7-4-2503. The salaries of employees may not be less than the	23	cleaning sidewalks;
24	salaries specified in 7-4-2508 AND 7-4-2510; however,	24	(c) persons employed directly by the head of a
25	employees are not required to be paid any fixed percentage	25	household to care for children dependent upon the head of

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2 (d) immediate members of the family of an employer or
3 persons dependent upon an employer for half or more of their
4 support in the customary sense of being a dependent;

5 (e) any persons not regular employees thereof who
6 voluntarily offer their services to a nonprofit organization
7 on a fully or partially reimbursed basis;

8 (f) handicapped workers engaged in work which is
9 incidental to training or evaluation programs or whose
10 earning capacity is so severely impaired that they are
11 unable to engage in competitive employment;

12 (g) apprentices or learners, who may be exempted by 13 the commissioner for a period not to exceed 30 days of their 14 employment;

15 (h) learners under the age of 18 who are employed as 16 farm workers, provided that such exclusion shall not exceed 17 a period of 180 days from their initial date of employment 18 and further provided that during this exclusion period wages 19 paid such learners may not be less than 50% of the minimum 20 wage rate established in this part;

21 (i) retired or semiretired persons performing
22 part-time incidental work as a condition of their residence
23 on a farm or ranch;

(j) any individual employed in a bona fide executive,administrative, or professional capacity as these terms are

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1 defined and delimited by regulations of the commissioner;

2 (k) any individual employed by the United States of3 America.

(2) The provisions of 39-3-405 do not apply to:

5 (a) an employee with respect to whom the United States 6 Secretary of Transportation has power to establish 7 qualifications and maximum hours of service pursuant to the 8 provisions of 49 U.S.C. 304;

9 (b) an employee of an employer subject to the10 provisions of part I of the Interstate Commerce Act;

11 (c) an individual employed as an outside buyer of 12 poultry, eggs, cream, or milk, in their raw or natural 13 state;

(d) a salesman, partsman, or mechanic paid on a
commission or contract basis and primarily engaged in
selling or servicing automobiles, trucks, mobile homes,
recreational vehicles, or farm implements if he is employed
by a nonmanufacturing establishment primarily engaged in the
business of selling such vehicles or implements to ultimate
purchasers;

(e) a salesman primarily engaged in selling trailers,
boats, or aircraft if he is employed by a nonmanufacturing
establishment primarily engaged in the business of selling
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(f) an employee employed as a driver or driver's

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helper making local deliveries who is compensated for such employment on the basis of trip rates, or other delivery payment plan, if the commissioner finds that such plan has the general purpose and effect of reducing hours worked by such employees to or below the maximum workweek applicable to them under 39-3-405;

7 (g) an employee employed in agriculture or in 8 connection with the operation or maintenance of ditches, 9 canals, reservoirs, or waterways not owned or operated for 10 profit and not operated on a sharecrop basis and which are 11 used exclusively for supply and storing of water for 12 agricultural purposes;

13 (h) an employee with respect to his employment in 14 agriculture by a farmer, notwithstanding other employment of 15 such employee in connection with livestock auction 16 operations in which such farmer is engaged as an adjunct to 17 the raising of livestock, either on his own account or in 18 conjunction with other farmers, if such employee is:

19 (i) primarily employed during his workweek in 20 agriculture by such farmer; and

(ii) paid for his employment in connection with such
 livestock auction operations at a wage rate not less than
 that prescribed by 39-3-404;

24 (i) an employee of an establishment commonly25 recognized as a country elevator, including an establishment

which sells products and services used in the operation of a
 farm, if no more than five employees are employed by the
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4 (j) a driver employed by an employer engaged in the
5 business of operating taxicabs;

б (k) an employee who is employed with his spouse by a nonprofit educational institution to serve as the parents of 7 children who are orphans or one of whose natural parents is 8 9 deceased or who are enrolled in such institution and reside in residential facilities of the institution so long as the 10 children are in residence at the institution and so long as 11 12 such employee and his spouse reside in such facilities and receive, without cost, board and lodging from the 13 14 institution and are together compensated, on a cash basis, 15 at an annual rate of not less than \$10,000;

16 (1) an employee employed in planting or tending trees;
17 cruising, surveying, or felling timber; or transporting logs
18 or other forestry products to a mill, processing plant,
19 railroad, or other transportation terminal if the number of
20 employees employed by his employer in such forestry or
21 lumbering operations does not exceed eight;

(m) an employee of a sheriff's department who is
working under an established work period in lieu of a
workweek pursuant to 7-4-2509(1);

25 (n) an employee of a municipal or county government

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1 who is working under a work period not exceeding 40 hours in 2 a 7-day period established through a collective bargaining 3 agreement when a collective bargaining unit represents the employee or by mutual agreement of the employer and employee 4 where no bargaining unit is recognized. Employment in 5 excess of 40 hours in a 7-day, 40-hour work period must be 6 compensated at a rate of not less than 1 1/2 times the 7 8 hourly wage rate for the employee.

9 (o) an employee of a hospital or other establishment 10 primarily engaged in the care of the sick, disabled, aged, or mentally ill or defective who is working under a work 11 period not exceeding 80 hours in a 14-day period established 12 13 through either a collective bargaining agreement when a 14 collective bargaining unit represents the employee or by 15 mutual agreement of the employer and employee where no bargaining unit is recognized. Employment in excess of 8 16 17 hours per day or 80 hours in a 14-day period must be 18 compensated for at a rate of not less than 1 1/2 times the 19 hourly wage rate for the employee.

(p) a firefighter who is working under a work period
established in a collective bargaining agreement entered
into between a public employer and a firefighters'
organization or its exclusive representative;

24 (q) an officer or other employee of a police25 department in a city of the first or second class who is

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1 working under a work period established by the chief of 2 police under 7-32-4118; 3 (r) an employee of a department of public safety 4 working under a work period established pursuant to [section 5 2]." 6 <u>NEW SECTION.</u> Section 4. Effective date. This act is 7 effective July 1, 1985.

-End-

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25	employees are not required to be paid any fixed percentage	25	household to care for children dependent upon the head of



THIRD READING

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2 (d) immediate members of the family of an employer or persons dependent upon an employer for half or more of their 3 4 support in the customary sense of being a dependent;

5 (e) any persons not regular employees thereof who voluntarily offer their services to a nonprofit organization 6 7 on a fully or partially reimbursed basis;

(f) handicapped workers engaged in work which is 8 9 incidental to training or evaluation programs or whose earning capacity is so severely impaired that they are 10 unable to engage in competitive employment; 11

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(i) retired or semiretired persons 21 performing 22 part-time incidental work as a condition of their residence 23 on a farm or ranch:

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helper making local deliveries who is compensated for such 1 2 employment on the basis of trip rates, or other delivery payment plan, if the commissioner finds that such plan has 3 the general purpose and effect of reducing hours worked by 4 5 such employees to or below the maximum workweek applicable to them under 39-3-405; 6

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working under a work period established by the chief of police under 7-32-4118-; 3 (r) an employee of a department of public safety working under a work period established pursuant to [section 2]."

б NEW SECTION. Section 4. Effective date. This act is 7 effective July 1, 1985.

-End-

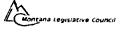
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15	Section 1. Section 7-32-104, MCA, is amended to read:	15	Section 3. Section 39-3-406, MCA, is amended to read:
16	"7-32-104. Salaries. The provisions of 7-4-2503	16	"39-3-406. Exclusions. (1) The provisions of 39-3-404
17	notwithstanding, the salaries of the director and employees	17	and 39-3-405 shall not apply with respect to:
18	of the department of public safety shall be established by	18	(a) students participating in a distributive education
19	the public safety commission and shall be paid by the city	19	program established under the auspices of an accredited
20	or town with the board of county commissioners. Said	20	educational agency;
21	salariesinany-event-shall The salary of the director may	21	(b) persons employed in private homes whose duties
22	not be less than those that specified FOR THE SHERIFF in	22	consist of menial chores such as babysitting, mowing lawns,
23	7-4-2503. The salaries of employees may not be less than the	23	cleaning sidewalks;
24	salaries specified in 7-4-2508 AND 7-4-2510; however,	24	(c) persons employed directly by the head of a
25	employees are not required to be paid any fixed percentage	25	household to care for children dependent upon the head of



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1 the household;

2 (d) immediate members of the family of an employer or
3 persons dependent upon an employer for half or more of their
4 support in the customary sense of being a dependent;

5 (e) any persons not regular employees thereof who
6 voluntarily offer their services to a nonprofit organization
7 on a fully or partially reimbursed basis;

8 (f) handicapped workers engaged in work which is
9 incidental to training or evaluation programs or whose
10 earning capacity is so severely impaired that they are
11 unable to engage in competitive employment;

12 (g) apprentices or learners, who may be exempted by 13 the commissioner for a period not to exceed 30 days of their 14 employment;

(h) learners under the age of 18 who are employed as farm workers, provided that such exclusion shall not exceed a period of 180 days from their initial date of employment and further provided that during this exclusion period wages paid such learners may not be less than 50% of the minimum wage rate established in this part;

(i) retired or semiretired persons performing
 part-time incidental work as a condition of their residence
 on a farm or ranch;

(j) any individual employed in a bona fide executive,administrative, or professional capacity as these terms are

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1 defined and delimited by regulations of the commissioner;

2 (k) any individual employed by the United States of3 America.

(2) The provisions of 39-3-405 do not apply to:

5 (a) an employee with respect to whom the United States 6 Secretary of Transportation has power to establish 7 qualifications and maximum hours of service pursuant to the 8 provisions of 49 U.S.C. 304;

9 (b) an employee of an employer subject to the10 provisions of part I of the Interstate Commerce Act;

11 (c) an individual employed as an outside buyer of 12 poultry, eggs, cream, or milk, in their raw or natural 13 state;

(d) a salesman, partsman, or mechanic paid on a
commission or contract basis and primarily engaged in
selling or servicing automobiles, trucks, mobile homes,
recreational vehicles, or farm implements if he is employed
by a nonmanufacturing establishment primarily engaged in the
business of selling such vehicles or implements to ultimate
purchasers;

(e) a salesman primarily engaged in selling trailers,
boats, or aircraft if he is employed by a nonmanufacturing
establishment primarily engaged in the business of selling
trailers, boats, or aircraft to ultimate purchasers;

25 (f) an employee employed as a driver or driver's

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helper making local deliveries who is compensated for such employment on the basis of trip rates, or other delivery payment plan, if the commissioner finds that such plan has the general purpose and effect of reducing hours worked by such employees to or below the maximum workweek applicable to them under 39-3-405;

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7 (g) an employee employed in agriculture or in 8 connection with the operation or maintenance of ditches, 9 canals, reservoirs, or waterways not owned or operated for 10 profit and not operated on a sharecrop basis and which are 11 used exclusively for supply and storing of water for 12 agricultural purposes;

13 (h) an employee with respect to his employment in 14 agriculture by a farmer, notwithstanding other employment of 15 such employee in connection with livestock auction 16 operations in which such farmer is engaged as an adjunct to 17 the raising of livestock, either on his own account or in 18 conjunction with other farmers, if such employee is:

19 (i) primarily employed during his workweek in20 agriculture by such farmer; and

(ii) paid for his employment in connection with such
livestock auction operations at a wage rate not less than
that prescribed by 39-3-404;

24 (i) an employee of an establishment commonly25 recognized as a country elevator, including an establishment

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which sells products and services used in the operation of a
 farm, if no more than five employees are employed by the
 establishment;

4 (j) a driver employed by an employer engaged in the
5 business of operating taxicabs;

6 (k) an employee who is employed with his spouse by a 7 nonprofit educational institution to serve as the parents of children who are orphans or one of whose natural parents is 8 9 deceased or who are enrolled in such institution and reside 10 in residential facilities of the institution so long as the children are in residence at the institution and so long as 11 such employee and his spouse reside in such facilities and 12 receive, without cost, board and lodging from the 13 14 institution and are together compensated, on a cash basis, 15 at an annual rate of not less than \$10,000;

(1) an employee employed in planting or tending trees;
cruising, surveying, or felling timber; or transporting logs
or other forestry products to a mill, processing plant,
railroad, or other transportation terminal if the number of
employees employed by his employer in such forestry or
lumbering operations does not exceed eight;

(m) an employee of a sheriff's department who is
working under an established work period in lieu of a
workweek pursuant to 7-4-2509(1);

(n) an employee of a municipal or county government

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who is working under a work period not exceeding 40 hours in 1 a 7-day period established through a collective bargaining 2 agreement when a collective bargaining unit represents the 3 employee or by mutual agreement of the employer and employee 4 where no bargaining unit is recognized. Employment in 5 excess of 40 hours in a 7-day, 40-hour work period must be 6 compensated at a rate of not less than 1 1/2 times the 7 hourly wage rate for the employee. 8

(o) an employee of a hospital or other establishment 9 10 primarily engaged in the care of the sick, disabled, aged, or mentally ill or defective who is working under a work 11 12 period not exceeding 80 hours in a 14-day period established 13 through either a collective bargaining agreement when a collective bargaining unit represents the employee or by 14 mutual agreement of the employer and employee where no 15 bargaining unit is recognized. Employment in excess of 8 16 hours per day or 80 hours in a 14-day period must be 17 compensated for at a rate of not less than 1 1/2 times the 18 hourly wage rate for the employee. 19

(p) a firefighter who is working under a work period
established in a collective bargaining agreement entered
into between a public employer and a firefighters'
organization or its exclusive representative;

24 (q) an officer or other employee of a police25 department in a city of the first or second class who is

- 1 working under a work period established by the chief of
- 2 police under 7-32-4118+;
- 3 (r) an employee of a department of public safety

4 working under a work period established pursuant to [section
5 • 2]."

6 <u>NEW SECTION.</u> Section 4. Effective date. This act is 7 effective July 1, 1985.

-End-

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