

HOUSE BILL NO. 467

INTRODUCED BY HANNAH, MARKS, CAMPBELL

IN THE HOUSE

January 24, 1985	Introduced and referred to Committee on Judiciary.
February 8, 1985	Committee recommend bill do pass. Report adopted. Bill printed and placed on members' desks.
February 9, 1985	Second reading, pass consideration.
February 11, 1985	Second reading, do pass. Considered correctly engrossed.
February 12, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 13, 1985	Introduced and referred to Committee on Labor and Employment Relations.
March 13, 1985	Committee recommend bill be concurred in. Report adopted.
March 15, 1985	Second reading, concurred in.
March 18, 1985	Third reading, concurred in. Ayes, 48; Noes, 1. Returned to House.

IN THE HOUSE

March 19, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 467

2 INTRODUCED BY *Donna M. Campbell*

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO IMPLEMENT THE
5 CONSTITUTIONAL RIGHT TO FREEDOM OF RELIGION BY CLARIFYING
6 EXISTING LAW TO PROVIDE THAT A PUBLIC EMPLOYEE MAY NOT BE
7 REQUIRED TO JOIN A PARTICULAR LABOR ORGANIZATION AS A
8 CONDITION OF EMPLOYMENT IF HIS RELIGION FOR ANY REASON
9 OPPOSES THAT REQUIREMENT; AMENDING SECTION 39-31-204, MCA;
10 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

13 Section 1. Section 39-31-204, MCA, is amended to read:

14 "39-31-204. Right of nonassociation with labor
15 organization on religious grounds -- requirements and
16 procedure for assertion of right. (1) No public employee who
17 is a member of a bona fide religious sect or division
18 thereof, the established and traditional tenets or teachings
19 of which oppose a requirement that a member of such sect or
20 division join or financially support a particular or any
21 labor organization, may be required to join or financially
22 support any that particular labor organization or any labor
23 organization if the tenets or teachings oppose a requirement
24 that any labor organization be joined or supported as a
25 condition of employment if such public employee pays in lieu

1 of periodic union dues, initiation fees, and assessments, at
2 the same time or times such periodic union dues, initiation
3 fees, and assessments would otherwise be payable, a sum of
4 money equivalent to such periodic union dues, initiation
5 fees, and assessments to a nonreligious, nonunion charity
6 designated by the labor organization.. Such public employee
7 shall furnish to such labor organization written receipts
8 evidencing such payments, and failure to make such payments
9 or furnish such receipts shall subject the employee to the
10 same sanctions as would nonpayment of dues, initiation fees,
11 or assessments under the applicable collective bargaining
12 agreement.

13 (2) A public employee desiring to avail himself or
14 herself to the right of nonassociation with a labor
15 organization as provided in this section shall make written
16 application to the chairman of the board of personnel
17 appeals. Within 10 days of the date of receipt of such
18 application, the chairman shall appoint a committee of
19 three, consisting of a clergyman not connected with the sect
20 in question, a labor union official not directly connected
21 with the labor organization in question, and a member of the
22 public at large who shall be the chairman. The committee
23 shall within 10 days of the date of its appointment meet at
24 the locale of either the employee's residence or place of
25 employment and, after receiving written or oral

1 presentations from all interested parties, determine by a
2 majority vote whether or not such public employee qualifies
3 for the right of nonassociation with such labor
4 organization. The committee's decision shall be made in
5 writing within 3 days of the meeting date, and a copy
6 thereof shall be forthwith mailed to such public employee,
7 labor organization, and the chairman of the board of
8 personnel appeals."

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

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

1 HOUSE BILL NO. 467
2 INTRODUCED BY Samuel Mackin Campbell

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