

HB 798 INTRODUCED BY SIMON
REQUIRES LABOR NEGOTIATIONS TO BE DELAYED UNTIL THE
LEGISLATURE SETS FUNDING

2/17 INTRODUCED
2/17 REFERRED TO STATE ADMINISTRATION
2/23 HEARING
2/23 TABLED IN COMMITTEE

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2 INTRODUCED BY House BILL NO. 798
Simon

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT STATE
5 EMPLOYEE COLLECTIVE BARGAINING AGREEMENTS NOT BE NEGOTIATED
6 OR SETTLED UNTIL THE LEGISLATURE HAS ESTABLISHED FUNDING
7 LEVELS FOR OPERATION OF STATE GOVERNMENT AGENCIES; AMENDING
8 SECTION 39-31-305, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
9 DATE."

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

12 NEW SECTION. Section 1. Collective bargaining of
13 state labor contracts. No collective bargaining agreement
14 between the state of Montana and a labor organization
15 representing state employees may be negotiated or settled
16 until the legislature has approved funding levels for the
17 agencies of state government for the fiscal period covered
18 by the agreement.

19 NEW SECTION. Section 2. Construction. (1) Nothing in
20 [section 1] may be construed to abridge or deny the right of
21 state employees to bargain collectively.

22 (2) Nothing in [section 1] may be interpreted as an
23 unfair labor practice under 39-31-401.

24 Section 3. Section 39-31-305, MCA, is amended to read:
25 "39-31-305. Duty to bargain collectively -- good

1 faith. (1) The public employer and the exclusive
2 representative, through appropriate officials or their
3 representatives, shall have the authority and the duty to
4 bargain collectively. This duty extends to the obligation to
5 bargain collectively in good faith as set forth in
6 subsection (2) of this section.

7 (2) For the purpose of this chapter, to bargain
8 collectively is the performance of the mutual obligation of
9 the public employer or his designated representatives and
10 the representatives of the exclusive representative to meet
11 at reasonable times and negotiate in good faith with respect
12 to wages, hours, fringe benefits, and other conditions of
13 employment or the negotiation of an agreement or any
14 question arising thereunder and the execution of a written
15 contract incorporating any agreement reached. Such
16 obligation does not compel either party to agree to a
17 proposal or require the making of a concession.

18 (3) For purposes of state government only, the
19 requirement of negotiating in good faith ~~may be met by the~~
20 ~~submission of a negotiated settlement to the legislature--in~~
21 ~~the executive budget--or by bill or joint resolution--The~~
22 ~~failure to reach a negotiated settlement for submission is~~
23 ~~not, by itself, prima facie evidence of a failure to~~
24 ~~negotiate in good faith~~ exists only after the legislature
25 has approved funding levels for state government agencies as



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1 provided in [section 1]."

2 NEW SECTION. Section 4. Extension of authority. Any
3 existing authority of the board of personnel appeals to make
4 rules on the subject of the provisions of this act is
5 extended to the provisions of this act.

6 NEW SECTION. Section 5. Saving clause. This act does
7 not affect rights and duties that matured, penalties that
8 were incurred, or proceedings that were begun before the
9 effective date of this act.

10 NEW SECTION. Section 6. Effective date. This act is
11 effective on passage and approval.

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