SENATE BILL NO. 276

INTRODUCED BY BLAYLOCK

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

IN THE SENATE

JANUARY 28, 1989 INTRODUCED AND REFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS.

FIRST READING.

- FEBRUARY 7, 1989 COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
- FEBRUARY 8, 1989 PRINTING REPORT.
- FEBRUARY 9, 1989 SECOND READING, DO PASS.
- FEBRUARY 10, 1989 ENGROSSING REPORT.
- FEBRUARY 11, 1989 THIRD READING, PASSED. AYES, 46; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 11, 1989

FEBRUARY 20, 1989

MARCH 13, 1989

MARCH 16, 1989

MARCH 18, 1989

INTRODUCED AND REFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS.

FIRST READING.

COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.

SECOND READING, CONCURRED IN.

THIRD READING, CONCURRED IN. AYES, 89; NOES, 2.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 1, 1989 RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS NOT CONCURRED IN.

APRIL 3, 1989 SECOND READING, AMENDMENTS CONCURRED IN.

APRIL 5, 1989 THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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LC 0770/01

Sente BILL NO. 276 1 INTRODUCED BY Blan / ort 2 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY 3 Δ 5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE BOARD 6 OF PERSONNEL APPEALS AS A REVIEW BOARD FOR WAGE CLAIMS: 7 REVISING WAGE CLAIM PROCEDURES; INCLUDING ALL PREVAILING WAGE CASES UNDER WAGE CLAIM REVIEW PROCEDURES; AMENDING 8 9 SECTIONS 18-2-407, 39-3-201, AND 39-3-212. MCA: AND 10 PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE." 11 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 13 Section 1. Section 39-3-201, MCA, is amended to read: 14 *39-3-201. Definitions. The following are the definitions used for the purpose of this part: 15 16 (1) "Board" means the board of personnel appeals 17 provided for in 2-15-1705. 18 (1) "Commissioner of labor" refers to the director, 19 commissioner, or chief of the labor department of labor and 20 industry as such the department is defined by law, or any person or persons designated by him for the purpose of this 21 22 part. 23 (3) "Department" means the department of labor and 24 industry as provided for in 2-15-1701. 25 (2)(4) "Employ" means permit or suffer to work.

(3)(5) "Employee" includes any person who works for another for hire.

3 (4)(6) "Employer" includes any individual,
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NEW SECTION. Section 2. Hearing. (1) 13 When the 14 commissioner determines that a wage claim exists and if he fails to settle the claim with the parties, he shall cause 15 the matter to be brought to a hearing before a department 16 17 hearings officer. The hearing must be conducted according to 18 contested case procedures under Title 2, chapter 4, part 6, except that the hearings officer is not bound by statutory 19 20 or common-law rules of evidence.

(2) The decision of the hearings officer is final
unless further review is initiated pursuant to [section 3]
within 15 days after the decision is mailed to each party's
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for good cause.

-2- INTRODUCED BILL 58 276

1 NEW SECTION. Section 3. Appeal to board. If a party is aggrieved by the decision of the hearings officer, he may 2 appeal the decision to the board of personnel appeals. The 3 4 hearing before the board is for review only, and the 5 submission of new or cumulative evidence is not allowed unless the board finds that good cause is shown for the 6 7 failure to produce the evidence before the hearings officer. When a decision is rendered by the board, the board shall 8 mail copies of the decision to each interested party at his 9 10 last-known address, and to the department. The decision is final unless an aggrieved party requests a rehearing or 11 12 initiates judicial review, pursuant to Title 2, chapter 4, 13 part 7, by filing a petition in district court within 30 days of the date of mailing of the board's decision. 14

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(2) Whenever it shall appear to the contracting agency
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10 <u>NEW SECTION.</u> Section 7. Extension of authority. Any 11 existing authority to make rules on the subject of the 12 provisions of [this act] is extended to the provisions of 13 [this act].

14NEW SECTION.Section 8. Codificationinstruction.15[Sections 2, 3, and 5] are intended to be codified as an16integral part of Title 39, chapter 3, part 2, and the17provisions of Title 39, chapter 3, part 2, apply to18[sections 2, 3, and 5].

NEW SECTION. Section 9. Effective date. [This act] is
effective July 1, 1989.

21 <u>NEW SECTION.</u> Section 10. Applicability. [This act]
22 applies to all wage claims filed with the department after
23 July 1, 1989.

-End-

STATE OF MONTANA - FISCAL NOTE Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB276, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an Act entitled: "An Act establishing the Board of Personnel Appeals as a review board for wage claims; revising wage claim procedures; including all prevailing wage cases under wage claim review procedures; amending Sections 18-2-407, and 39-3-212, MCA; and providing an immediate effective date."

ASSUMPTIONS:

- Five board members will require one additional meeting day while in Helena to serve in a review capacity for 1. wage claims for each monthly meeting of the Board of Personnel Appeals;
- Per diem costs for each board member is \$50/day; 2.
- Five board members x 12 monthly meetings x $\frac{50}{day} = 3,000$. 3.

FISCAL IMPACT:		FY90			FY91		
	Current	Proposed		Current	Proposed		
Expenditures:	Law	Law	Difference	Law	Law	Difference	
Federal & Private Sp	ecial Revenue						
	\$ -0-	\$3,000	\$3,000	\$ -0-	\$3,000	\$3,000	

SHACKLEFORD, BUDGET DIRECTOR OFFICE OF BUDGET AND PROGRAM PLANNING

CHET BLAYLOCK, PRIMARY SPONSOR

Fiscal	Note	for	SB276.	as	introduc	ed	
					5 B	2	7

51st Legislature

LC 0770/01

APPROVED BY COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

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(3) "Department" means the department of labor and 23 industry as provided for in 2-15-1701. 24

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(2) (4) "Employ" means permit or suffer to work.

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21 (2) The decision of the hearings officer is final 22 unless further review is initiated pursuant to [section 3] within 15 days after the decision is mailed to each party's 23 last-known address. The period may be extended by the board 24 for good cause. 25

SECOND READING -2-SB 276

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Sections 2, 3, and 5] are intended to be codified as an
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-2- THIRD READING SB 276

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-End-

STANDING COMMITTEE REPORT

March 13, 1989 Page 1 of 1

Mr. Speaker: We, the committee on <u>Labor and Employment</u> <u>Relations</u> report that <u>SENATE BILL 276</u> (third reading copy -blue) be concurred in as amended.

Signed:

[REP. DRISCOLL WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

1. Page 2, line 14.
Strike: "commissioner"
Insert: "department"

2. Page 2, line 14 and line 15. Strike: "he" in both instances Insert: "it" in both instances

3. Page 4, lines 6 through 14. Strike: section 5 in its entirety Renumber: subsequent sections

4. Page 5, lines 15 and 18.
Following: "2"
Strike: ","
Insert: "and"
Following: "3"
Strike: ", and 5"

HOUSE) 5B 276 SB 0276/02

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-2-

SB 276 REFERENCE BILL AS AMENDED

SB 0276/02

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SB 0276/02

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SB 276

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