

SENATE BILL 309

Introduced by Hofman, S., et al.

2/01	Introduced
2/01	Referred to Labor & Employment Relations
2/07	Hearing
2/13	Committee Report--Bill Passed as Amended
2/15	2nd Reading Passed
2/17	3rd Reading Passed

Transmitted to House

2/21	Referred to Labor & Employment Relations
3/16	Hearing
3/20	Tabled in Committee

1 *Spasen* BILL NO. *309*
 2 INTRODUCED BY *Hofman, Kately Anderson*
 3 *J. Brown*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW WORKDAYS OF
 5 MORE THAN 8 HOURS PER DAY IN SMELTERS, CONCENTRATORS, MILLS
 6 FOR THE REDUCTION AND REFINING OF ORES, CEMENT PLANTS, AND
 7 QUARRIES; AMENDING SECTIONS 39-4-103, 39-4-107, AND
 8 39-4-109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Section 39-4-103, MCA, is amended to read:

12 **"39-4-103. Underground miners and smeltermen.** (1) The
 13 period of employment of workers in all underground mines or
 14 workings, including railroad or other tunnels, is 8 hours
 15 per day, except in cases of emergency when life and property
 16 are in imminent danger.

17 (2) The period of employment of workers in smelters,
 18 stamp mills, sampling works, concentrators, and all other
 19 institutions for the reduction of ores and refining of ores
 20 or metals is 8 hours per day, except:

21 (a) if, at the request of the employer, a majority of
 22 the employees have consented, by secret ballot, to institute
 23 a work schedule with workdays in excess of 8 hours per day;
 24 or

25 (b) in cases of emergency where life or property is in

1 imminent danger.

2 (3) Any person, corporation, agent, manager, or
 3 employer who violates any of the provisions of this section
 4 is guilty of a misdemeanor and upon conviction thereof for
 5 each offense is subject to a fine of not less than \$100 or
 6 more than \$600 or by imprisonment in the county jail for a
 7 period of not less than 1 month or more than 7 months or by
 8 both such fine and imprisonment."

9 **Section 2.** Section 39-4-107, MCA, is amended to read:

10 **"39-4-107. State and municipal governments, school**
 11 **districts, and mines, mills, and smelters.** (1) A period of 8
 12 hours constitutes a day's work in all works and undertakings
 13 carried on or aided by any municipal or county government,
 14 the state government, or a first-class school district, and
 15 on all contracts let by them, and for all janitors (except
 16 in courthouses of sixth- and seventh-class counties),
 17 engineers, firefighters, caretakers, custodians, and
 18 laborers employed in or about any buildings, works, or
 19 grounds used or occupied for any purpose by such municipal,
 20 county, or state government or first-class school district.
 21 A period of 8 hours constitutes a day's work in ~~mills and~~
 22 ~~smelters for the treatment of ores~~ in underground mines,
 23 and in the washing, reducing, and treatment of coal. This
 24 subsection does not apply in the event of an emergency when
 25 life or property is in imminent danger or to the situations

specified in subsections (3) and (4).

(2) The provisions of subsection (1) do not apply to firefighters who are working a work period established in a collective bargaining agreement entered into between a public employer and a firefighters' organization or its exclusive representative.

(3) In counties where regular road and bridge departments are maintained, the county commissioners may, with the approval of the employees or their duly constituted representative, establish a 40-hour workweek consisting of 4 consecutive 10-hour days. No employee may be required to work in excess of 8 hours in any one workday if he prefers not to.

(4) In municipal and county governments, the employer and employee may agree to a workday of more than 8 hours and to a 7-day, 40-hour work period:

(a) through a collective bargaining agreement when a collective bargaining unit represents the employee; or

(b) by the mutual agreement of the employer and employee when no bargaining unit is recognized."

Section 3. Section 39-4-109, MCA, is amended to read:

"39-4-109. Cement plants and quarries. (1) A period of 8 hours ~~shall constitute~~ constitutes a day's work, ~~except in cases of emergency where life and property are in imminent danger,~~ for all persons employed in or about cement plants

and at quarries, except as provided in subsection (2) or in cases of emergency in which life or property is in imminent danger.

(2) The employer and employee may agree to a workday of more than 8 hours if a workday is established pursuant to a mutual written agreement between the employer and employee.

~~(2)~~ (3) Any person, corporation, agent, manager, or employer who ~~shall violate~~ violates any of the provisions of this section ~~shall be~~ is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50 or more than \$600 or by imprisonment in the county jail for not less than 30 days or more than 7 months or by both such fine and imprisonment."

NEW SECTION. Section 4. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON LABOR & EMPLOYMENT
RELATIONS

SENATE BILL NO. 309

INTRODUCED BY HOFMAN, KEATING, ANDERSON, J. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW WORKDAYS OF MORE THAN 8 HOURS PER DAY IN SMELTERS, CONCENTRATORS, MILLS FOR THE REDUCTION AND REFINING OF ORES, CEMENT PLANTS, AND QUARRIES; AMENDING SECTIONS 39-4-103, 39-4-107, AND 39-4-109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 39-4-103, MCA, is amended to read:

"39-4-103. Underground miners and smeltermen. (1) The period of employment of workers in all underground mines or workings, including railroad or other tunnels, is 8 hours per day, except in cases of emergency when life and property are in imminent danger.

(2) The period of employment of workers in smelters, stamp mills, sampling works, concentrators, and all other institutions for the reduction of ores and refining of ores or metals is 8 hours per day, except:

~~{a}--if, at the request of the employer, a majority of the employees have consented, by secret ballot, to institute a work schedule with workdays in excess of 8 hours per day;~~

~~or~~

~~{b}~~ AS PROVIDED IN SUBSECTION (3) OR in cases of

emergency where life or property is in imminent danger.

(3) THE EMPLOYER AND EMPLOYEE MAY AGREE TO A WORKDAY OF MORE THAN 8 HOURS IF SUCH WORKDAY IS ESTABLISHED PURSUANT TO A COLLECTIVE BARGAINING AGREEMENT OR WITH THE CONSENT OF A MAJORITY OF THE EMPLOYEES BY SECRET BALLOT ELECTION SUPERVISED BY THE DEPARTMENT OF LABOR AND INDUSTRY.

~~{3}~~(4) Any person, corporation, agent, manager, or employer who violates any of the provisions of this section is guilty of a misdemeanor and upon conviction thereof for each offense is subject to a fine of not less than \$100 or more than \$600 or by imprisonment in the county jail for a period of not less than 1 month or more than 7 months or by both such fine and imprisonment."

Section 2. Section 39-4-107, MCA, is amended to read:

"39-4-107. State and municipal governments, school districts, and mines, ~~mills, and smelters~~. (1) A period of 8 hours constitutes a day's work in all works and undertakings carried on or aided by any municipal or county government, the state government, or a first-class school district, and on all contracts let by them, and for all janitors (except in courthouses of sixth- and seventh-class counties), engineers, firefighters, caretakers, custodians, and laborers employed in or about any buildings, works, or grounds used or occupied for any purpose by such municipal, county, or state government or first-class school district.

1 A period of 8 hours constitutes a day's work ~~in--mills--and~~
 2 ~~smelters--for--the--treatment-of-ores,~~ in underground mines,
 3 and in the washing, reducing, and treatment of coal. This
 4 subsection does not apply in the event of an emergency when
 5 life or property is in imminent danger or to the situations
 6 specified in subsections (3) and (4).

7 (2) The provisions of subsection (1) do not apply to
 8 firefighters who are working a work period established in a
 9 collective bargaining agreement entered into between a
 10 public employer and a firefighters' organization or its
 11 exclusive representative.

12 (3) In counties where regular road and bridge
 13 departments are maintained, the county commissioners may,
 14 with the approval of the employees or their duly constituted
 15 representative, establish a 40-hour workweek consisting of 4
 16 consecutive 10-hour days. No employee may be required to
 17 work in excess of 8 hours in any one workday if he prefers
 18 not to.

19 (4) In municipal and county governments, the employer
 20 and employee may agree to a workday of more than 8 hours and
 21 to a 7-day, 40-hour work period:

22 (a) through a collective bargaining agreement when a
 23 collective bargaining unit represents the employee; or

24 (b) by the mutual agreement of the employer and
 25 employee when no bargaining unit is recognized."

1 **Section 3.** Section 39-4-109, MCA, is amended to read:

2 "39-4-109. Cement plants and quarries. (1) A period of
 3 8 hours ~~shall-constitute~~ constitutes a day's work, ~~except-in~~
 4 ~~cases--of--emergency-where-life-and-property-are-in-imminent~~
 5 ~~danger,~~ for all persons employed in or about cement plants
 6 and at quarries, except as provided in subsection (2) or in
 7 cases of emergency in which life or property is in imminent
 8 danger.

9 (2) The employer and employee may agree to a workday
 10 of more than 8 hours if a SUCH workday is established
 11 pursuant to a mutual-written-agreement-between-the-employer
 12 and-employee COLLECTIVE BARGAINING AGREEMENT OR WITH THE
 13 CONSENT OF THE EMPLOYEES BY SECRET BALLOT ELECTION
 14 SUPERVISED BY THE DEPARTMENT OF LABOR AND INDUSTRY.

15 (2)(3) Any person, corporation, agent, manager, or
 16 employer who ~~shall-violate~~ violates any of the provisions of
 17 this section ~~shall--be~~ is guilty of a misdemeanor and upon
 18 conviction thereof shall be punished by a fine of not less
 19 than \$50 or more than \$600 or by imprisonment in the county
 20 jail for not less than 30 days or more than 7 months or by
 21 both such fine and imprisonment."

22 **NEW SECTION. Section 4.** Extension of authority. Any
 23 existing authority to make rules on the subject of the
 24 provisions of [this act] is extended to the provisions of
 25 [this act].

SB 0309/02

- 1 NEW SECTION. **Section 5.** Effective date. [This act] is
- 2 effective on passage and approval.

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