

HOUSE BILL 451

Introduced by Harrington, et al.

2/03	Introduced
2/03	Referred to State Administration
2/03	First Reading
2/10	Hearing
2/11	Tabled in Committee

1 *House* BILL NO. 451
 2 INTRODUCED BY *Harry J. ...*
 3 *Ben ...*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT
 5 NEGOTIATIONS RELATING TO PUBLIC EMPLOYEE COLLECTIVE
 6 BARGAINING COMMENCE AT LEAST 1 YEAR PRIOR TO SUBMISSION OF
 7 THE BUDGET BY THE GOVERNOR TO THE LEGISLATURE; AMENDING
 8 SECTION 39-31-305, MCA; AND PROVIDING AN EFFECTIVE DATE AND
 9 AN APPLICABILITY DATE."

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

12 **Section 1.** Section 39-31-305, MCA, is amended to read:

13 *39-31-305. Duty to bargain collectively -- good faith.

14 (1) The public employer and the exclusive representative,
 15 through appropriate officials or their representatives,
 16 shall have the authority and the duty to bargain
 17 collectively. This duty extends to the obligation to bargain
 18 collectively in good faith as set--forth provided in
 19 subsection (2) of this section.

20 (2) For the purpose of this chapter, to bargain
 21 collectively is the performance of the mutual obligation of
 22 the public employer or his the public employer's designated
 23 representatives and the representatives of the exclusive
 24 representative to meet at reasonable times and negotiate in
 25 good faith with respect to wages, hours, fringe benefits,

1 and other conditions of employment or the negotiation of an
 2 agreement or any question arising thereunder under an
 3 agreement and the execution of a written contract
 4 incorporating any agreement reached. Such The obligation
 5 does not compel either party to agree to a proposal or
 6 require the-making-of a concession.

7 (3) For purposes of state government only, the
 8 requirement of negotiating in good faith may be met by the
 9 submission--of submitting a negotiated settlement to the
 10 legislature in the executive budget or by bill or joint
 11 resolution. Negotiations must commence at least 1 year prior
 12 to submission of the budget by the governor to the
 13 legislature. The failure to reach a negotiated settlement
 14 for submission is not, by itself, prima facie evidence of a
 15 failure to negotiate in good faith."

16 **NEW SECTION. Section 2. Applicability.** [This act]
 17 applies to settlement negotiations beginning on or after
 18 [the effective date of this act].

19 **NEW SECTION. Section 3. Effective date.** [This act] is
 20 effective July 1, 1993.

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