

HOUSE BILL NO. 300

INTRODUCED BY K. FLYNN, OLSON, KLOCK, BERRY, STAHL, WELBORN, BALYEAT, ANKNEY,  
JACKSON, KEANE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LABOR LAWS; PROVIDING THAT THE WORKDAY FOR UNDERGROUND MINERS, SMELTER WORKERS, AND EMPLOYEES AT STRIP MINES, CEMENT PLANTS, AND QUARRIES MAY NOT EXCEED 8 HOURS A DAY UNLESS THE EMPLOYER AND EMPLOYEE AGREE TO A WORKDAY OF MORE THAN 8 HOURS; REVISING PENALTIES; AND AMENDING SECTIONS 39-4-103, 39-4-104, 39-4-107, AND 39-4-109, MCA."

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 smelter workers.** (1) The period of employment of workers in all underground mines or workings, including railroad or other tunnels, ~~is may not exceed 8 hours a day, except in cases of emergency when life and property are in imminent danger~~ unless the employer and employee agree to a workday of more than 8 hours:

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

or

(b) by mutual agreement when a collective bargaining unit is not recognized.

(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 may not exceed 8 hours a day, except in cases of emergency when life or property is in imminent danger~~ unless the employer and employee agree to a workday of more than 8 hours:

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

or

(b) by mutual agreement when a collective bargaining unit is not recognized.

(3) A person, corporation, agent, manager, or employer who violates any of the provisions of this section is guilty of a misdemeanor and upon conviction 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 6~~ 6 months,

1 or both."

2

3 **Section 2.** Section 39-4-104, MCA, is amended to read:

4 **"39-4-104. Strip mining.** (1) For the purpose of this section, "strip mining" ~~is defined as~~ means the  
5 removal of the overburden and coal or other materials from the ground and all of the operations pertaining ~~thereto~~  
6 to the removal, without the necessity of providing timbers for ~~the holding of said the~~ the ground in place.

7 (2) ~~A~~ The period of employment may not exceed more than 8 hours a day ~~will constitute a day's labor~~  
8 ~~of all for~~ employees working in strip mining, ~~except in cases of emergencies for the protection of life or property~~  
9 ~~when same is in danger~~ unless the employer and employee agree to a workday of more than 8 hours:

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

11 or

12 (b) by mutual agreement when a collective bargaining unit is not recognized.

13 (3) Any person, company, corporation, or lessee of ~~the same a strip mine who shall violate that violates~~  
14 the provisions of this section shall upon conviction be punished by a fine of not less than \$50 or more than \$600  
15 or by imprisonment of not ~~less than 30 days or~~ more than ~~7 6~~ 6 months, ~~or both such fine and imprisonment.~~ Each  
16 ~~and every~~ day that ~~such the~~ person, company, corporation, or lessee ~~may continue~~ continues to violate the  
17 provisions of this section ~~shall~~ must be considered a separate and distinct offense and ~~shall~~ be punished as  
18 such."

19

20 **Section 3.** Section 39-4-107, MCA, is amended to read:

21 **"39-4-107. State and municipal governments; and school districts, mines, mills, and smelters.** (1)

22 A period of 8 hours constitutes a day's work in all works and undertakings carried on or aided by any municipal  
23 or county government, the state government, or a first-class school district, on all contracts let by them, and for  
24 all janitors, ~~(except in courthouses of sixth-~~ sixth-class and seventh-class counties), engineers, firefighters,  
25 caretakers, custodians, and laborers employed in or about any buildings, works, or grounds used or occupied  
26 for any purpose by a municipal, county, or state government or first-class school district. ~~A period of 8 hours~~  
27 ~~constitutes a day's work in mills and smelters for the treatment of ores, in underground mines, and in the washing,~~  
28 ~~reducing, and treatment of coal.~~ This subsection does not apply in the event of an emergency when life or  
29 property is in imminent danger or to the situations specified in subsections (3) and (4).

30 (2) The provisions of subsection (1) do not apply to firefighters who are working a work period

1 established in a collective bargaining agreement entered into between a public employer and a firefighters'  
2 organization or its exclusive representative.

3 (3) In counties where regular road and bridge departments are maintained, the county commissioners  
4 may, with the approval of the employees or their constituted representative, establish a 40-hour workweek  
5 consisting of 4 consecutive 10-hour days. An employee may not be required to work in excess of 8 hours in any  
6 one workday if the employee ~~prefers not to~~ is opposed to working more than 8 hours.

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

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

11 (b) by ~~the mutual agreement of the employer and employee~~ when a bargaining unit is not recognized."  
12

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

14 **"39-4-109. Cement plants and quarries.** (1) ~~(A) A~~ The period of employment may not exceed 8 hours  
15 a day shall constitute a day's work, except in cases of emergency where life and property are in imminent danger,  
16 for all persons employed in or about cement plants and at quarries unless the employer and employee agree to  
17 a workday of more than 8 hours:

18 ~~(a)(i)~~ through a collective bargaining agreement when a collective bargaining unit represents the  
19 employee; or

20 ~~(b)(ii)~~ by mutual agreement when a collective bargaining unit is not recognized.

21 (B) COLLECTIVE BARGAINING AGREEMENTS COVERING CEMENT PLANTS AND ASSOCIATED QUARRIES THAT  
22 PROPOSE TO EXTEND THE EMPLOYMENT PERIOD BEYOND 8 HOURS A DAY MUST CONTAIN PROVISIONS THAT DELINEATE  
23 THE SPECIFIC HOURS OF WORK AGREED UPON BY THE EMPLOYER AND THE COLLECTIVE BARGAINING AGENT.

24 (2) Any person, corporation, agent, manager, or employer ~~who shall violate any of the provisions that~~  
25 violates a provision of this section ~~shall be~~ is guilty of a misdemeanor and upon conviction ~~thereof~~  
26 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~~  
27 30 days or more than 7 6 months, or by both ~~such fine and imprisonment.~~"

28 - END -