## HOUSE BILL NO. 712

INTRODUCED BY SQUIRES, DRISCOLL, DAILY, COHEN, BROOKE, BECKER, SOUTHWORTH, LARSON

IN THE HOUSE

FEBRUARY 8, 1991 INTRODUCED AND REFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS.

FEBRUARY 9, 1991 FIRST READING.

FEBRUARY 22, 1991 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 23, 1991 PRINTING REPORT.

SECOND READING, DO PASS.

FEBRUARY 25, 1991 ENGROSSING REPORT.

THIRD READING, PASSED. AYES, 71; NOES, 28.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 27, 1991

FEBRUARY 26, 1991

MARCH 14, 1991

MARCH 16, 1991

MARCH 18, 1991

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, 49; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 21, 1991

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS CONCURRED IN.

# MARCH 23, 1991

THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

52nd Legislature

LC 0588/01

Hause BILL NO. 712 INTRODUCED BY Hacing 1 2 Quarke Becker An 3 ILL FOR AN ACT ENTITLED: "AN ACT TO MANDATE THAT AN 4 EMPLOYER \_ PURCHASE, FURNISH, AND REQUIRE THE USE OF 5 6 PROTECTIVE CLOTHING OR OTHER HEALTH AND SAFETY ITEMS THAT 7 MAY BE REQUIRED FOR THE PROTECTION OF AN EMPLOYEE IN THE WORKPLACE; TO PROHIBIT A PERSON FROM REMOVING, INTERFERING 8 9 WITH, OR REFUSING TO USE REQUIRED HEALTH AND SAFETY ITEMS; 10 AND AMENDING SECTIONS 50-71-201 AND 50-71-203, MCA." 11 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 50-71-201, MCA, is amended to read: 13 "50-71-201. Employer to provide safe workplace and to 14 15 purchase, furnish, and require the use of health and safety devices items and -- safe practices. Every Each employer 16 17 shall: 18 (1) furnish a place of employment which that is safe for each of his employees therein-and-shall; 19 (2) purchase, furnish and-use, and require the use of 20 such health and safety devices, and safeguards and, 21 22 protective clothing, or other health and safety items,

23 including air masks, hardhats, and protective gloves, that

24 may be required by state or federal law, the employer, or

25 the terms of an employment contract;

1 (3) shall adopt and use such practices, means, methods, 2 operations, and processes as that are reasonably adequate to 3 render the place of employment safe; and shall 4 (4) do every any other thing reasonably necessary to 5 protect the life, health, and safety of his employees." Section 2. Section 50-71-203, MCA, is amended to read: 6 "50-71-203. Removal of or refusal to use health and 7 safety devices items prohibited. No A person shall may not: 8 9 (1) remove, displace, damage, destroy, carry off, or refuse to use any health and safety device or, safeguard, 10 protective clothing, or other health and safety item 11 furnished and-provided for his use in--any--employment--or 12 place-of-employment by his employer; or 13 14 (2) interfere in--any--way with the use thereof of any required health and safety device, safeguard, protective 15 clothing, or other health and safety item by any other 16 17 person; of 18 [3] interfere with the use of any a method or process adopted for the protection of any an employee in such 19 20 employment-or the place of employment; or (4) fail to do any other thing reasonably necessary to 21 protect the life, health, and safety of such employees." 22

-End-

LC 0588/01



#### STATE OF MONTANA - FISCAL NOTE Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0712, as introduced.

#### DESCRIPTION OF PROPOSED LEGISLATION:

A bill to mandate that an employer purchase, furnish, and require the use of protective clothing or other health and safety items that may be required for the protection of an employee in the workplace; to prohibit a person from removing, interfering with, or refusing to use required health and safety items.

### ASSUMPTIONS:

- 1. The federal Occupational Safety and Health Administration (OSHA) supersedes state enforcement in the private sector where OSHA has jurisdiction.
- 2. Enforcement of new requirements in the public sector and mining industry would be implemented within the current level budget of the Safety Bureau.

### FISCAL IMPACT:

None.

ROD SUNDSTED, BUDGET DIRECTOR DATE Office of Budget and Program Planning

CAROLIN M. SQUIRES, PRIMARY

CAROLIN M. SQUIRES, PRIMARY SPONSOR

DATE

Fiscal Note for <u>HB0712</u>, as introduced.

HB 712

### 52nd Legislature

### HB 0712/02

APPFOVED BY COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

1	HOUSE BILL NO. 712	1
2	INTRODUCED BY SQUIRES, DRISCOLL, DAILY,	2
3	COHEN, BROOKE, BECKER, SOUTHWORTH, LARSON	3
4		4
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO MANDATE THAT, WITH	5
6	THE EXCEPTION OF FOOTWEAR, AN EMPLOYER PURCHASE, FURNISH,	6
7	AND REQUIRE THE USE OF PROTECTIVE SAFETY CLOTHING OR OTHER	7
8	HEALTH AND SAFETY ITEMS THAT MAY BE REQUIRED FOR THE	8
9	PROTECTION OF AN EMPLOYEE IN THE WORKPLACE; TO PROHIBIT A	9
10	PERSON FROM REMOVING, INTERFERING WITH, OR REFUSING TO USE	10
11	REQUIRED HEALTH AND SAFETY ITEMS; AND AMENDING SECTIONS	11
12	50-71-201 AND 50-71-203, MCA."	12
13		13
14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	14
15	Section 1. Section 50-71-201, MCA, is amended to read:	15
16	<b>"50-71-201. Employer</b> to provide safe workplace and to	16
1 <b>7</b>	purchase, furnish, and require the use of health and safety	17
18	devices <u>items</u> and <u> safe</u> practices. Every Each employer	18
19	shall <u>:</u>	19
20	(1) furnish a place of employment which that is safe	20
21	for <u>each of his</u> employees therein-and-shall;	21
22	(2) WITH THE EXCEPTION OF FOOTWEAR, purchase, furnish	22
23	and-use, and require the use of such health and safety	23
24	devices, and safeguards and, protective SAFETY clothing, or	24
25	other health and safety items, including air masks,	25

1	hardhats, and protective gloves, that may be required by			
2	state or federal law, the employer, or AND the terms of an			
3	employment contract;			
4	(3) shall adopt and use such practices, means, methods,			
5	operations, and processes as that are reasonably adequate to			
6	render the place of employment safe; and shall			
7	(4) do every any other thing reasonably necessary to			
8	protect the life, health, and safety of his employees."			
9	Section 2. Section 50-71-203, MCA, is amended to read:			
10	"50-71-203. Removal of or refusal to use health and			
11	safety devices items prohibited. No A person shall may not:			
12	<ol> <li>remove, displace, damage, destroy, carry off, or</li> </ol>			
13	refuse to use any <u>health and</u> safety device or, safeguard,			
14	protective clothing, or other health and safety item			
15	furnished and-provided for his use inanyemploymentor			
16	place-of-employment by his employer; or			
17	(2) interfere inanyway with the use thereof of any			
18	required health and safety device, safeguard, protective			
19	clothing, or other health and safety item by any other			
20	person; <del>or</del>			
21	(3) interfere with the use of any a method or process			
22	adopted for the protection of any <u>an</u> employee in such			
23	employment or the place of employment; or			
24	(4) fail to do any other thing reasonably necessary to			
25	protect the life, health, and safety of such employees."			
	-End-			

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Linontana Legislative Council

HB 712 SECOND READING

HB 0712/02

1	HOUSE BILL NO. 712	1	hardhats, and protective gloves, that may be required by
2	INTRODUCED BY SQUIRES, DRISCOLL, DAILY,	2	state or federal law, the employer, or AND the terms of an
3	COHEN, BROOKE, BECKER, SOUTHWORTH, LARSON	3	employment contract;
4		4	(3) shall adopt and use such practices, means, methods,
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO MANDATE THAT, WITH	5	operations, and processes as that are reasonably adequate to
6	THE EXCEPTION OF FOOTWEAR, AN EMPLOYER PURCHASE, FURNISH,	6	render the place of employment safe; and shall
7	AND REQUIRE THE USE OF PROTECTIVE SAFETY CLOTHING OR OTHER	7	(4) do every any other thing reasonably necessary to
8	HEALTH AND SAFETY ITEMS THAT MAY BE REQUIRED FOR THE	8	protect the life, health, and safety of his employees."
9	PROTECTION OF AN EMPLOYEE IN THE WORKPLACE; TO PROHIBIT A	9	Section 2. Section 50-71-203, MCA, is amended to read:
10	PERSON FROM REMOVING, INTERFERING WITH, OR REFUSING TO USE	10	"50-71-203. Removal of or refusal to use health and
11	REQUIRED HEALTH AND SAFETY ITEMS; AND AMENDING SECTIONS	11	safety devices items prohibited. No A person shall may not:
12	50-71-201 AND 50-71-203, MCA."	12	(1) remove, displace, damage, destroy, carry off, or
13		13	refuse to use any <u>health and</u> safety device or, safeguard,
14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	14	protective clothing, or other health and safety item
15	Section 1. Section 50-71-201, MCA, is amended to read:	15	furnished and-provided for his use inanyemploymentor
16	<b>"50-71-201. Employer</b> to provide safe workplace and to	16	place-of-employment by his employer; or
17	purchase, furnish, and require the use of health and safety	17	(2) interfere inanyway with the use thereof of any
18	devices <u>items</u> and <u> safe</u> practices. Every <u>Each</u> employer	18	required health and safety device, safeguard, protective
19	shall:	19	clothing, or other health and safety item by any other
20	(1) furnish a place of employment which that is safe	20	person <u>:</u> or
21	for <u>each of his</u> employees <del>therein-and-shall;</del>	21	(3) interfere with the use of any a method or process
22	(2) WITH THE EXCEPTION OF FOOTWEAR, purchase, furnish	22	adopted for the protection of any an employee in such
23	and-use, and require the use of such health and safety	23	employment-or the place of employment; or
24	devices, and safeguards and, protective SAFETY clothing, or	24	(4) fail to do any other thing reasonably necessary to
25	other health and safety items, including air masks,	25	protect the life, health, and safety of such employees."
			-End-
	Δ.		-2- НВ 712

HB 712 THIRD READING

## SENATE STANDING COMMITTEE REPORT

Page 1 of 1 March 14, 1991

MR. PRESIDENT: We, your committee on Labor and Employment Relations having had under consideration House Bill No. 712 (third reading copy -blue), respectfully report that House Bill No. 712 be amended and as so amended be concurred in: 1. Page 1, line 25. Following: "including" Insert: "but not limited to" 2. Page 2, line 2. Following: "or" Strike: "AND" Insert: "or" 3. Page 2, line 3. Following: "contract" Insert: ", unless the terms of a collective bargaining agreement

provide otherwise"

Signed: Thomas E. Towe, Vice-Chairman

Amd. /Coord.

<u>3-14-91</u> 12:35 Sec. of Senate

SENATE HB 712

52nd Legislature

## HB 0712/03

Montana Legislative Council

1 2 3 4 5 6 7 B 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	<text></text>	<ul> <li>air masks, hardhats, and protective gloves, that may be</li> <li>required by state or federal law, the employer, or ANB OR</li> <li>the terms of an employment contract, UNLESS THE TERMS OF A</li> <li>COLLECTIVE BAGAINING AGREEMENT PROVIDE OTHERWISE;</li> <li>(3) shall adopt and use such practices, means, methods,</li> <li>operations, and processes as that are reasonably adequate to</li> <li>render the place of employment safe; and shall</li> <li>(4) do every any other thing reasonably necessary to</li> <li>protect the life, health, and safety of his employees."</li> <li>Section 2. Section 50-71-203, MCA, is amended to read:</li> <li>"50-71-203, Removal of or refusal to use health and</li> <li>safety devices items prohibited. No A person shall may noti:</li> <li>(1) remove, displace, damage, destroy, carry off, or</li> <li>refuse to use any health and safety device or, safeguard,</li> <li>protective clothing, or other health and safety item</li> <li>furnished and-provided for his use in-any-employment-or</li> <li>place-of-employment by his employer; or</li> <li>(2) interfere in-any-way with the use thereof of any</li> <li>required health and safety device, safeguard, protective</li> <li>clothing, or other health and safety item by any other</li> <li>personi or</li> <li>(3) interfere with the use of any a method or process</li> </ul>
	(2) WITH THE EXCEPTION OF FOOTWEAR, purchase, furnish	

HB 712 REFERENCE BILL AS AMENDED

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HB 0712/03

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protect the life, health, and safety of such employees."

-End-

HB 712

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