

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.

FEBRUARY 26, 1991 THIRD READING, PASSED.
 AYES, 71; NOES, 28.

 TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 27, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON LABOR & EMPLOYMENT RELATIONS.

 FIRST READING.

MARCH 14, 1991 COMMITTEE RECOMMEND BILL BE
 CONCURRED IN AS AMENDED. REPORT
 ADOPTED.

MARCH 16, 1991 SECOND READING, CONCURRED IN.

MARCH 18, 1991 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.

HOUSE BILL NO. 712

INTRODUCED BY

Spivak
Daryl *Donale Becker* *Anthony*

A BILL FOR AN ACT ENTITLED: "AN ACT 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; AND AMENDING SECTIONS 50-71-201 AND 50-71-203, MCA."

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

Section 1. Section 50-71-201, MCA, is amended to read:

"50-71-201. Employer to provide safe workplace and to purchase, furnish, and require the use of health and safety devices items and -- safe practices. Every Each employer shall:

- (1) furnish a place of employment which that is safe for each of his employees therein-and-shall;
- (2) purchase, furnish and-use, and require the use of such health and safety devices, and safeguards and, protective clothing, or other health and safety items, including air masks, hardhats, and protective gloves, that may be required by state or federal law, the employer, or the terms of an employment contract;

(3) shall adopt and use such practices, means, methods, operations, and processes as that are reasonably adequate to render the place of employment safe; and shall

(4) do every any other thing reasonably necessary to protect the life, health, and safety of his employees."

Section 2. Section 50-71-203, MCA, is amended to read:

"50-71-203. Removal of or refusal to use health and safety devices items prohibited. No A person shall may not:

(1) remove, displace, damage, destroy, carry off, or refuse to use any health and safety device or, safeguard, protective clothing, or other health and safety item furnished and-provided for his use in--any--employment--or place-of-employment by his employer; or

(2) interfere in--any--way with the use thereof of any required health and safety device, safeguard, protective clothing, or other health and safety item by any other person; or

(3) interfere with the use of any a method or process adopted for the protection of any an employee in such employment--or the place of employment; or

(4) fail to do any other thing reasonably necessary to protect the life, health, and safety of such employees."

-End-

INTRODUCED BILL
HB 712



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:

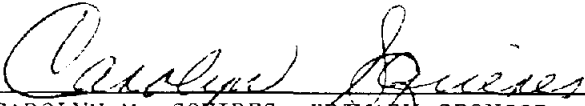
1. The federal Occupational Safety and Health Administration (OSHA) supersedes state enforcement in the private sector where OSHA has jurisdiction.
2. Enforcement of new requirements in the public sector and mining industry would be implemented within the current level budget of the Safety Bureau.

FISCAL IMPACT:

None.



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



CAROLYN M. SQUIRES, PRIMARY SPONSOR DATE
Fiscal Note for HB0712, as introduced.

HB 712

APPROVED BY COMMITTEE
ON LABOR & EMPLOYMENT
RELATIONS

HOUSE BILL NO. 712

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

A BILL FOR AN ACT ENTITLED: "AN ACT TO MANDATE THAT, WITH
THE EXCEPTION OF FOOTWEAR, AN EMPLOYER PURCHASE, FURNISH,
AND REQUIRE THE USE OF PROTECTIVE SAFETY 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; AND AMENDING SECTIONS
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devices items and -- safe practices. Every Each employer
shall:

(1) furnish a place of employment which that is safe
for each of his employees therein-and-shall;

(2) WITH THE EXCEPTION OF FOOTWEAR, purchase, furnish
and-use, and require the use of such health and safety
devices, and safeguards and, protective SAFETY clothing, or
other health and safety items, including air masks,

hardhats, and protective gloves, that may be required by
state or federal law, the employer, or AND the terms of an
employment contract;

(3) shall adopt and use such practices, means, methods,
operations, and processes as that are reasonably adequate to
render the place of employment safe; and shall

(4) do every any other thing reasonably necessary to
protect the life, health, and safety of his employees."

Section 2. Section 50-71-203, MCA, is amended to read:

"50-71-203. Removal of or refusal to use health and
safety devices items prohibited. No A person shall may not:

(1) remove, displace, damage, destroy, carry off, or
refuse to use any health and safety device or, safeguard,
protective clothing, or other health and safety item
furnished and-provided for his use in--any--employment--or
place-of-employment by his employer; or

(2) interfere in--any--way with the use thereof of any
required health and safety device, safeguard, protective
clothing, or other health and safety item by any other
person; or

(3) interfere with the use of any a method or process
adopted for the protection of any an employee in such
employment-or the place of employment; or

(4) fail to do any other thing reasonably necessary to
protect the life, health, and safety of such employees."

-End-
-2-

HOUSE BILL NO. 712

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

A BILL FOR AN ACT ENTITLED: "AN ACT TO MANDATE THAT, WITH THE EXCEPTION OF FOOTWEAR, AN EMPLOYER PURCHASE, FURNISH, AND REQUIRE THE USE OF PROTECTIVE SAFETY 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; AND AMENDING SECTIONS 50-71-201 AND 50-71-203, MCA."

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hardhats, and protective gloves, that may be required by state or federal law, the employer, or AND the terms of an employment contract;

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"50-71-203. Removal of or refusal to use health and safety devices items prohibited. No A person shall may not:

(1) remove, displace, damage, destroy, carry off, or refuse to use any health and safety device or, safeguard, protective clothing, or other health and safety item furnished and-provided for his use in--any--employment--or place-of-employment by his employer; or

(2) interfere in--any--way with the use thereof of any required health and safety device, safeguard, protective clothing, or other health and safety item by any other person; or

(3) interfere with the use of any a method or process adopted for the protection of any an employee in such employment-or the place of employment; or

(4) fail to do any other thing reasonably necessary to protect the life, health, and safety of such employees."

-End-
-2-



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

SB 3/14/91
Amd. Coord.

SB 3-14-91
Sec. of Senate

12:35

SENATE
HB 712

1 HOUSE BILL NO. 712

2 INTRODUCED BY SQUIRES, DRISCOLL, DAILY,
3 COHEN, BROOKE, BECKER, SOUTHWORTH, LARSON
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO MANDATE THAT, WITH
6 THE EXCEPTION OF FOOTWEAR, AN EMPLOYER PURCHASE, FURNISH,
7 AND REQUIRE THE USE OF PROTECTIVE SAFETY CLOTHING OR OTHER
8 HEALTH AND SAFETY ITEMS THAT MAY BE REQUIRED FOR THE
9 PROTECTION OF AN EMPLOYEE IN THE WORKPLACE; TO PROHIBIT A
10 PERSON FROM REMOVING, INTERFERING WITH, OR REFUSING TO USE
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17 purchase, furnish, and require the use of health and safety
18 devices items and -- safe practices. Every Each employer
19 shall:

20 (1) furnish a place of employment which that is safe
21 for each of his employees therein-and-shall;

22 (2) WITH THE EXCEPTION OF FOOTWEAR, purchase, furnish
23 and-use, and require the use of such health and safety
24 devices, and safeguards and, protective SAFETY clothing, or
25 other health and safety items, including BUT NOT LIMITED TO

1 air masks, hardhats, and protective gloves, that may be
2 required by state or federal law, the employer, or AND OR
3 the terms of an employment contract, UNLESS THE TERMS OF A
4 COLLECTIVE BARGAINING AGREEMENT PROVIDE OTHERWISE;

5 (3) shall adopt and use such practices, means, methods,
6 operations, and processes as that are reasonably adequate to
7 render the place of employment safe; and shall

8 (4) do every any other thing reasonably necessary to
9 protect the life, health, and safety of his employees."

10 **Section 2.** Section 50-71-203, MCA, is amended to read:

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14 refuse to use any health and safety device or, safeguard,
15 protective clothing, or other health and safety item
16 furnished and--provided for his use in-any-employment-or
17 place-of-employment by his employer; or

18 (2) interfere in-any-way with the use thereof of any
19 required health and safety device, safeguard, protective
20 clothing, or other health and safety item by any other
21 person; or

22 (3) interfere with the use of any a method or process
23 adopted for the protection of any an employee in such
24 employment-or the place of employment; or

25 (4) fail to do any other thing reasonably necessary to



HB 0712/03

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

-End-