

TURMAN  
CURTISS  
Meyer  
Bennett  
Dunton  
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1 Berlelsen H JOINT RESOLUTION NO. 25 Tavel  
2 INTRODUCED BY George Conway Moore  
3 Kropp Reyer Field Urbank Roth Agnew  
4 Hirsch Kanduck Wynick Emet Stewart  
5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF Embrey  
6 REPRESENTATIVES OF THE STATE OF MONTANA URGING CONGRESS TO Manuel  
7 REPEAL OSHA AND DIRECTING THE MONTANA ATTORNEY GENERAL TO Schubert  
8 BRING AN ACTION TO DECLARE OSHA UNCONSTITUTIONAL. Per  
9 Dupre Stairquilla Leen Ellerd

9 WHEREAS, the Occupational Safety and Health Act of 1970  
10 (hereinafter referred to as OSHA) is a cumbersome,  
11 unworkable, bureaucratic, and unconstitutional delegation of  
12 power; and

13 WHEREAS, the procedures outlined by OSHA for its  
14 administrators are without authorization by the Congress;  
15 and

16 WHEREAS, better, less harmful methods of administering  
17 the purposes of the act are readily available; and

18 WHEREAS, Title 29, USC Chapter 15, Section 651, is an  
19 unconstitutional delegation by the Congress to the Secretary  
20 of Labor, without setting out guidelines or delineating  
21 limits upon the administrator and therefore is void; and

22 WHEREAS, Section 659 of the act gives an unfair  
23 advantage to the Federal Government in severely limiting the  
24 time for an appeal and foreclosing the grounds for  
25 additional remedies; and

1 WHEREAS, Section 666 imposes criminal penalties upon  
2 private businessmen with little or no guidance and the  
3 administrators are granted unconstitutional delegation of  
4 power by the Congress in determination of assessment of  
5 penalties and fines; and

6 WHEREAS, OSHA threatens the existence of business  
7 enterprises because if a firm lacks the resources to  
8 institute the changes required by OSHA, there is no  
9 alternative but to close down; and

10 WHEREAS, undue delegation of authority is granted to  
11 the OSHA inspectors; and

12 WHEREAS, OSHA is unconstitutional as a violation of the  
13 Fifth Amendment, in that it deprives a person of property  
14 without due process of law; and

15 WHEREAS, OSHA is unconstitutional in that it violates  
16 the Fourth Amendment's prohibition against unwarranted  
17 searches because OSHA agents enter without warrants under  
18 authorization of the act to enter without delay and at any  
19 reasonable time; and

20 WHEREAS, regulations under OSHA contained in more than  
21 800 pages with more than 4,400 sections are complex, the  
22 language is convoluted beyond recognition except by a  
23 scientist or lawyer, and businessmen who have no legal or  
24 scientific training are unable to understand OSHA  
25 regulations; and

INTRODUCED BILL

HJR 25

1           WHEREAS, a Cornell Law School Professor has said  
2 perhaps the statute should be declared void for rampant  
3 complexity because citizens must understand what they are  
4 not permitted to do; and

5           WHEREAS, in the first 33 businesses obtaining small  
6 business loans for the purpose of OSHA compliance averaged  
7 loans of \$200,000 apiece, so it is obvious that OSHA  
8 regulations are remaking the daily practices of the business  
9 world in a major way; and

10           WHEREAS, according to Robert Stewart Smith, formerly in  
11 charge of safety and health evaluation for the Department of  
12 Labor, OSHA has done nothing to improve the industrial  
13 accident record and injury rates were higher, not lower, in  
14 industries with good compliance ratings; and

15           WHEREAS, the OSHA normal practice of fining an  
16 employer, even if a worker willfully violates a rule, is  
17 grossly unfair to businessmen.

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19 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
20 OF REPRESENTATIVES OF THE STATE OF MONTANA:

21           That Congress is urged to repeal the Occupational  
22 Safety and Health Act of 1970.

23           BE IT FURTHER RESOLVED, that the Attorney General of  
24 Montana is directed to file an action, in the name of the  
25 people of the State of Montana, in Federal District Court,

1 to have the act declared unconstitutional. This shall be  
2 done in the capacity of the Attorney General, as a  
3 representative of the people and the state, in that private  
4 corporations are chartered by the State of Montana, which  
5 has general supervisory authority over such corporations and  
6 is empowered to see that no actions are taken which endanger  
7 the free enterprise of the people of the State of Montana.

8           BE IT FURTHER RESOLVED, that the Secretary of State  
9 send copies of this resolution to the Assistant Secretary  
10 for Occupational Safety and Health, Morton Corn; the Montana  
11 Congressional Delegation; and to each of the other State  
12 Legislatures; and to the Montana Attorney General.

-End-

Labor & Employment Relations

Objection Raised to Adverse Committee Report

T. AMM  
CURTIS  
Meyer  
Barnett  
Davis  
Wood

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23 WHEREAS, Section 659 of the act gives an unfair  
24 advantage to the Federal Government in severely limiting the  
25 time for an appeal and foreclosing the grounds for  
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1 WHEREAS, Section 666 imposes criminal penalties upon  
2 private businessmen with little or no guidance and the  
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10 WHEREAS, undue delegation of authority is granted to  
11 the OSHA inspectors; and

12 WHEREAS, OSHA is unconstitutional as a violation of the  
13 Fifth Amendment, in that it deprives a person of property  
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15 WHEREAS, OSHA is unconstitutional in that it violates  
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17 searches because OSHA agents enter without warrants under  
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7 the free enterprise of the people of the State of Montana.

8           BE IT FURTHER RESOLVED, that the Secretary of State  
9 send copies of this resolution to the Assistant Secretary  
10 for Occupational Safety and Health, Morton Corn; the Montana  
11 Congressional Delegation; and to each of the other State  
12 Legislatures; and to the Montana Attorney General.

-End-

## 1 HOUSE JOINT RESOLUTION NO. 25

2 INTRODUCED BY FABREGA, CONROY, MOORE, TOWER, GOULD,

3 KRUPP, KEYSER, FEDA, UNDERDAL, ROTH, AAGESON, L. HIRSCH,

4 KANDUCH, MYRICK, ERNST, SEVERSON, EUDAILY, MANUEL,

5 JOHNSTON, PORTER, ELLERD, TURNER, CURTISS, MEYER, BURNETT,

6 SIVERTSEN, DAVIS, WOOD, TROPILA, STAIGMILLER, LIEN, BERTELSEN

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8 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
9 REPRESENTATIVES OF THE STATE OF MONTANA URGING CONGRESS TO  
10 REPEAL REVIEW OSHA AND DIRECTING THE MONTANA ATTORNEY  
11 GENERAL TO BRING AN ACTION TO DECLARE OSHA UNCONSTITUTIONAL.  
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19 and20 WHEREAS, better, less harmful methods of administering  
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2 WHEREAS, Section 659 of the act gives an unfair  
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22 searches because OSHA agents enter without warrants under  
23 authorization of the act to enter without delay and at any  
24 reasonable time; and

25 WHEREAS, regulations under OSHA contained in more than

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-End-

March 24, 1977

SENATE  
STANDING COMMITTEE REPORT  
Labor & Employment Relations Committee

That House Joint Resolution No. 25, third reading, be amended as follows:

1. Amend page 2, lines 20 through 24.

Following: line 19

Strike: lines 20 through 24 in their entirety.

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