

1 *Merrill House* BILL NO. *164*
 2 INTRODUCED BY *Requested by Dept. of Labor & Industry*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
 5 41-1605, R.C.M. 1947, AUTHORIZING THE COMMISSIONER OF LABOR
 6 TO INVESTIGATE LABOR VIOLATIONS AND INSTITUTE PROCEEDINGS TO
 7 ENFORCE LABOR LAWS; AND PROVIDING AN IMMEDIATE EFFECTIVE
 8 DATE."
 9

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

11 Section 1. Section 41-1605, R.C.M. 1947, is amended to
 12 read as follows:

13 "41-1605. Duties of department. (1) The department of
 14 labor and industry shall be charged with the duty of
 15 enforcing all the laws of Montana relating to hours of
 16 labor, conditions of labor, prosecution of employers who
 17 default in payment of wages, protection of employees, all
 18 laws relating to child labor regulating the employment of
 19 children in any manner, and to administer the laws of the
 20 state relating to free employment offices, and all labor
 21 laws enacted by legislation.

22 (2) In discharging the duties imposed upon the
 23 department of labor and industry, the commissioner of labor
 24 and industry may administer oaths, examine witnesses under
 25 oath, take depositions or cause same to be taken, deputize

1 any citizen eighteen (18) years of age or older to serve
 2 subpoenas upon witnesses, and issue subpoenas for the
 3 attendance of witnesses before him in the same manner as for
 4 attendance before district courts. The commissioner of
 5 labor and industry may likewise inspect any mine, factory,
 6 workshop, smelter, mill, warehouse, elevator, foundry,
 7 machine shop, or other industrial establishment, and any
 8 person who refuses the commissioner admission to any of the
 9 industrial establishments herein enumerated when admission
 10 is requested for the purpose of inspection, or who shall,
 11 when requested by the commissioner, willfully neglect or
 12 refuse to furnish to him any statistics or other information
 13 which may be in the possession or under the control of such
 14 person, or who shall refuse to obey any subpoena issued by
 15 the commissioner, is guilty of a misdemeanor and shall be
 16 punished accordingly. Nothing herein contained shall in any
 17 manner confer upon the commissioner of labor and industry
 18 the authority to interfere in any manner with the conduct of
 19 the matters under the control of the workmen's compensation
 20 division, nor shall the commissioner be charged with the
 21 duty of enforcing any of the laws of the state of Montana
 22 pertaining to the affairs of the workmen's compensation
 23 division, nor with the enforcement of the safety provisions
 24 of the Workmen's Compensation Act."
 25

Section 2. This act is effective on passage and

HB 164

LC 1066

1 approval.

-End-

Approved by Committee
on Labor & Employment
Relations

HOUSE BILL NO. 164

INTRODUCED BY MENAHAN

(BY REQUEST OF DEPARTMENT OF LABOR AND INDUSTRY)

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laws relating to child labor regulating the employment of
children in any manner, and to administer the laws of the
state relating to free employment offices, and all STATE
labor laws enacted by legislation.

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person who refuses the commissioner admission to any of the
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is requested for the purpose of inspection, or who shall,
when requested by the commissioner, willfully neglect or
refuse to furnish to him any statistics or other information
which may be in the possession or under the control of such
person, or who shall refuse to obey any subpoena issued by
the commissioner, is guilty of a misdemeanor and shall be
punished accordingly. Nothing herein contained shall in any
manner confer upon the commissioner of labor and industry
the authority to interfere in any manner with the conduct of
the matters under the control of the workmen's compensation
division, nor shall the commissioner be charged with the
duty of enforcing any of the laws of the state of Montana
pertaining to the affairs of the workmen's compensation
division, nor with the enforcement of the safety provisions
of the Workmen's Compensation Act. NOTHING IN THIS ACT

1 APPLIES TO LABOR VIOLATIONS PREEMPT BY FEDERAL LAW OR
2 REGULATION."

3 Section 2. This act is effective on passage and
4 approval.

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15 labor and industry shall be charged with the duty of
16 enforcing all the laws of Montana relating to hours of
17 labor, conditions of labor, prosecution of employers who
18 default in payment of wages, protection of employees, all
19 laws relating to child labor regulating the employment of
20 children in any manner, and to administer the laws of the
21 state relating to free employment offices, and all STATE
22 labor laws enacted by legislation.

23 (2) In discharging the duties imposed upon the
24 department of labor and industry, the commissioner of labor
25 and industry may administer oaths, examine witnesses under

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3 subpoenas upon witnesses, and issue subpoenas for the
4 attendance of witnesses before him in the same manner as for
5 attendance before district courts. The commissioner of
6 labor and industry may likewise inspect any mine, factory,
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8 machine shop, or other industrial establishment, and any
9 person who refuses the commissioner admission to any of the
10 industrial establishments herein enumerated when admission
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12 when requested by the commissioner, willfully neglect or
13 refuse to furnish to him any statistics or other information
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15 person, or who shall refuse to obey any subpoena issued by
16 the commissioner, is guilty of a misdemeanor and shall be
17 punished accordingly. Nothing herein contained shall in any
18 manner confer upon the commissioner of labor and industry
19 the authority to interfere in any manner with the conduct of
20 the matters under the control of the workmen's compensation
21 division, nor shall the commissioner be charged with the
22 duty of enforcing any of the laws of the state of Montana
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25 of the Workmen's Compensation Act. NOTHING IN THIS ACT

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-End-

March 21, 1975

SENATE COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS

AMENDMENTS TO HOUSE BILL NO. 164

That House Bill No. 164, third reading, be amended as follows:

1. Amend page 2, section 1, line 16 and 17.
 - Following: "commissioner,"
 - Strike: "is guilty of a misdemeanor and shall be
punished accordingly"
 - Insert: "may be punished in proper contempt proceedings"

April 2, 1975

SENATE COMMITTEE ON JUDICIARY
AMENDMENTS TO HOUSE BILL NO. 164

That House Bill No. 164, be amended as follows:

Amend Senate Committee on Labor and Employment Relations amendments dated March 21, 1975, as follows:

1. Amend amendment no. 1.
Strike: amendment no. 1 in its entirety

and amend House Bill 164, third reading, as follows:

2. Amend page 1, section 1, line 25.
Following: "industry"
Insert: "or his authorized representative"
3. Amend page 2, section 1, line 6
Following: "likewise"
Strike: "inspect"
Insert: "cause to be inspected"
4. Amend page 2, section 1, lines 8 through 16 and line 17.
Following: "establishment"
Strike: "and any person who refuses the commissioner admission to any of the industrial establishments herein enumerated when admission is requested for the purpose of inspection, or who shall, when requested by the commissioner, willfully neglect or refuse to furnish to him any statistics or other information which may be in the possession or under the control of such person, or who shall refuse to obey any subpoena issued by the commissioner, is guilty of a misdemeanor and shall be punished accordingly"

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24 department of labor and industry, the commissioner of labor
25 and industry OR HIS AUTHORIZED REPRESENTATIVE may administer

1 oaths, examine witnesses under oath, take depositions or
2 cause same to be taken, deputize any citizen eighteen (18)
3 years of age or older to serve subpoenas upon witnesses, and
4 issue subpoenas for the attendance of witnesses before him
5 in the same manner as for attendance before district courts.
6 The commissioner of labor and industry may likewise inspect
7 CAUSE TO BE INSPECTED any mine, factory, workshop, smelter,
8 mill, warehouse, elevator, foundry, machine shop, or other
9 industrial establishment, and any person who refuses the
10 commissioner admission to any of the industrial
11 establishments herein enumerated when admission is requested
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17 commissioner, is guilty of a misdemeanor and shall be
18 punished accordingly MAY BE PUNISHED IN PROPER CONTEMPT
19 PROCEEDINGS is guilty of a misdemeanor and shall be punished
20 accordingly. Nothing herein contained shall in any manner
21 confer upon the commissioner of labor and industry the
22 authority to interfere in any manner with the conduct of the
23 matters under the control of the workmen's compensation
24 division, nor shall the commissioner be charged with the
25 duty of enforcing any of the laws of the state of Montana

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