

1 H BILL NO. 241  
 2 INTRODUCED BY Dessinger  
 3 BY REQUEST OF THE DEPARTMENT OF LABOR

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE  
 6 CORRECT PERIOD FOR APPEALING BOARD OF LABOR APPEALS DECISION  
 7 AS PROVIDED FOR IN SECTION 87-108, R.C.M. 1947."

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

10 Section 1. Section 87-108, R.C.M. 1947, is amended to  
 11 read as follows:

12 "87-108. Procedure and appeals. (a) Procedure. The  
 13 manner in which disputed claims shall be presented, the  
 14 reports thereon required from the claimant and from  
 15 employers, and the conduct of hearings and appeals shall be  
 16 in accordance with regulations prescribed by the division  
 17 for determining the rights of the parties, whether or not  
 18 such regulations conform to common law or statutory rules of  
 19 evidence and other technical rules or procedure. A full and  
 20 complete record shall be kept of all proceedings in  
 21 connection with a disputed claim. All testimony at any  
 22 hearing upon a disputed claim shall be recorded, but need  
 23 not be transcribed unless the disputed claim is further  
 24 appealed. The division shall have continuing jurisdiction  
 25 over all claims filed for benefits to revise, modify, alter,

1 cancel and amend all orders, findings and determinations  
 2 made therein at any time and shall not lose such  
 3 jurisdiction unless and until the jurisdiction of such claim  
 4 and subject matter thereof has been taken by a court of  
 5 competent jurisdiction in a proceedings filed therein as  
 6 provided for in subsection (d) of this section.

7 (b) Witness fees. Witnesses subpoenaed pursuant to  
 8 this section shall be allowed fees at a rate fixed by the  
 9 division. Such fees shall be deemed a part of the expense of  
 10 administering this act.

11 (c) Appeal to courts. Any decision of the board of  
 12 labor appeals in the absence of an appeal therefrom as  
 13 herein provided shall become final ~~ten~~ 30 days after the  
 14 date of notification or mailing thereof, and judicial review  
 15 thereof shall be permitted only after any party claiming to  
 16 be aggrieved thereby has exhausted his remedies before the  
 17 board of labor appeals as provided by this act. The division  
 18 or board of labor appeals shall be deemed to be a party to  
 19 any judicial action involving any such decision, and may be  
 20 represented in any such judicial action by any qualified  
 21 attorney employed by the division or board of labor appeals  
 22 and has been designated by it for that purpose, or at the  
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25 (d) Court review. Within ~~ten~~ 30 days after the date of

HB. 241

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 3 may secure judicial review thereof by commencing an action  
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 7 proceeding before the board of labor appeals shall be made a  
 8 defendant. In such action, a petition which need not be  
 9 verified, but which shall state the grounds upon which a  
 10 review is sought, shall be served upon a member of the board  
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 12 such service shall be deemed completed service on all  
 13 parties, but there shall be left with the party so served as  
 14 many copies of the petition as there are defendants and the  
 15 board of labor appeals shall forthwith mail one such copy to  
 16 each such defendant. With its answer, the board of labor  
 17 appeals shall certify and file with said court all documents  
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1 court shall be confined to questions of law. Such action,  
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-End-

Approved by Committee  
on Labor & Employment  
Relations

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