

SB 280 INTRODUCED BY MCCALLUM
OUT-OF-STATE WORKER WORKING IN STATE SUBJECT TO
MONTANA WORKERS' COMPENSATION LAWS

2/04	INTRODUCED		
2/04	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
2/12	HEARING		
2/18	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/20	FISCAL NOTE REQUESTED		
2/20	2ND READING PASSED	49	0
2/21	FISCAL NOTE RECEIVED		
2/23	3RD READING PASSED	49	0
	TRANSMITTED TO HOUSE		
2/24	REFERRED TO BUSINESS & LABOR		
3/13	HEARING		
3/13	TABLED IN COMMITTEE		

1 *Senate* BILL NO. 280
2 INTRODUCED BY *M. Sullivan*
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A
5 WORKER AND HIS EMPLOYER FROM ANOTHER STATE ARE SUBJECT TO
6 MONTANA'S WORKERS' COMPENSATION LAWS WHILE THE WORKER IS
7 WORKING IN THIS STATE; AND AMENDING SECTION 39-71-402, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 39-71-402, MCA, is amended to read:

11 "39-71-402. Extraterritorial application and
12 reciprocity. (1) If a worker employed in this state who is
13 subject to the provisions of this chapter temporarily leaves
14 the state incidental to that employment and receives an
15 injury arising out of and in the course of such employment,
16 the provisions of this chapter shall apply to such worker as
17 though he were injured within this state.

18 (2) If a worker from another state and his employer
19 from another state are temporarily engaged in work within
20 this state, this chapter ~~shall not apply to them;~~ applies to
21 them in all respects.

22 ~~{a)--if--the--employer--and--employee--are--bound--by--the~~
23 ~~provisions--of--the--workers'-compensation-law--or--similar--law~~
24 ~~of--such--other--state--which--applies--to--them--while--they--are--in~~
25 ~~the--state--of--Montana;--and~~

1 ~~{b)--if--the--Workers'-Compensation-Act--of--this--state--is~~
2 ~~recognized--and--given--effect--as--the--exclusive--remedy--for~~
3 ~~workers--employed--in--this--state--who--are--injured--while~~
4 ~~temporarily--employed--in--such--other--state;~~

5 ~~{3)--A--certificate--from--an--authorized--officer--of--the~~
6 ~~workers'-compensation--department--or--similar--agency--of~~
7 ~~another--state--certifying--that--an--employer--of--such--other~~
8 ~~state--is--bound--by--the--Workers'-Compensation-Act--of--the--state~~
9 ~~and--that--its--act--will--be--applied--to--employees--of--the~~
10 ~~employer--while--in--the--state--of--Montana--shall--be--prima--facie~~
11 ~~evidence--of--the--application--of--the--workers'-compensation-law~~
12 ~~of--the--certifying--state;~~

13 ~~{4)--The--division--may,--with--the--approval--of--the~~
14 ~~governor,--enter--into--agreements--with--workers'-compensation~~
15 ~~agencies--of--other--states--for--the--purpose--of--promulgating~~
16 ~~regulations--not--inconsistent--with--the--provisions--of--this~~
17 ~~chapter--to--carry--out--the--extraterritorial--application--of--the~~
18 ~~workers'-compensation-laws--of--the--agreeing--states;"~~

19 NEW SECTION. Section 2. Extension of authority. Any
20 existing authority of the division of workers' compensation
21 to make rules on the subject of the provisions of this act
22 is extended to the provisions of this act.

-End-



-2- INTRODUCED BILL
SB 280

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB280, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to provide that a worker and his employer from another state are subject to Montana's workers' compensation laws while the worker is working in this state; and amending section 39-71-402, MCA.

ASSUMPTIONS:

1. The State Compensation Insurance Fund may insure additional employers who were insured in their home state, and may pay more benefits.
2. For FY86, there were 379 certifications of extra-territorial coverage.

FISCAL IMPACT:

It is impossible to estimate the impact of the proposed legislation.

 DATE 2/20/87
DAVID L. HUNTER, BUDGET DIRECTOR

Office of Budget and Program Planning

 DATE 2/21/87
GEORGE McCALLUM, PRIMARY SPONSOR

Fiscal Note for SB280, as introduced.

SB 280

APPROVED BY COMMITTEE
ON LABOR & EMPLOYMENT
RELATIONS

1 SENATE BILL NO. 280
2 INTRODUCED BY MCCALLUM
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A
5 WORKER AND HIS EMPLOYER FROM ANOTHER STATE ARE SUBJECT TO
6 MONTANA'S WORKERS' COMPENSATION LAWS WHILE THE WORKER IS
7 WORKING IN THIS STATE; AND AMENDING SECTION 39-71-402, MCA;
8 AND PROVIDING A TERMINATION DATE."

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

11 Section 1. Section 39-71-402, MCA, is amended to read:

12 "39-71-402. Extraterritorial application and
13 reciprocity. (1) If a worker employed in this state who is
14 subject to the provisions of this chapter temporarily leaves
15 the state incidental to that employment and receives an
16 injury arising out of and in the course of such employment,
17 the provisions of this chapter shall apply to such worker as
18 though he were injured within this state.

19 (2) If a worker from another state and his employer
20 from another state are temporarily engaged in work within
21 this state, this chapter ~~shall not apply to them; applies to~~
22 them in all respects.

23 ~~{a)--if-the-employer-and-employee-are-bound-by-the~~
24 ~~provisions-of-the-workers-compensation-law-or-similar-law~~
25 ~~of-such-other-state-which-applies-to-them-while-they-are-in~~

1 the-state-of-Montana-and
2 ~~{b)--if-the-Workers-Compensation-Act-of-this-state-is~~
3 ~~recognized-and-given-effect-as-the-exclusive-remedy-for~~
4 ~~workers-employed-in-this-state-who-are-injured-while~~
5 ~~temporarily-employed-in-such-other-state;~~

6 ~~{3)--A-certificate-from-an-authorized-officer-of-the~~
7 ~~workers-compensation-department-or-similar-agency-of~~
8 ~~another-state-certifying-that-an-employer-of-such-other~~
9 ~~state-is-bound-by-the-Workers-Compensation-Act-of-the-state~~
10 ~~and-that-its-act-will-be-applied-to-employees-of-the~~
11 ~~employer-while-in-the-state-of-Montana-shall-be-prima-facie~~
12 ~~evidence-of-the-application-of-the-workers-compensation-law~~
13 ~~of-the-certifying-state;~~

14 ~~{4)--The-division-may-with-the-approval-of-the~~
15 ~~governor-enter-into-agreements-with-workers-compensation~~
16 ~~agencies-of-other-states-for-the-purpose-of-promulgating~~
17 ~~regulations-not-inconsistent-with-the-provisions-of-this~~
18 ~~chapter-to-carry-out-the-extraterritorial-application-of-the~~
19 ~~workers-compensation-laws-of-the-agreeing-states."~~

20 NEW SECTION. Section 2. Extension of authority. Any
21 existing authority of the division of workers' compensation
22 to make rules on the subject of the provisions of this act
23 is extended to the provisions of this act.

24 NEW SECTION. SECTION 3. TERMINATION. THIS ACT
25 TERMINATES JULY 1, 1989.

-End-
-2-



SENATE BILL NO. 280
INTRODUCED BY MCCALLUM

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A WORKER AND HIS EMPLOYER FROM ANOTHER STATE ARE SUBJECT TO MONTANA'S WORKERS' COMPENSATION LAWS WHILE THE WORKER IS WORKING IN THIS STATE; AND AMENDING SECTION 39-71-402, MCA; AND PROVIDING A TERMINATION DATE."

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

Section 1. Section 39-71-402, MCA, is amended to read:

"39-71-402. Extraterritorial application and reciprocity. (1) If a worker employed in this state who is subject to the provisions of this chapter temporarily leaves the state incidental to that employment and receives an injury arising out of and in the course of such employment, the provisions of this chapter shall apply to such worker as though he were injured within this state.

(2) If a worker from another state and his employer from another state are temporarily engaged in work within this state, this chapter shall not apply to them; applies to them in all respects.

~~(a) if the employer and employee are bound by the provisions of the workers' compensation law or similar law of such other state which applies to them while they are in~~

~~the state of Montana; and
(b) if the Workers' Compensation Act of this state is recognized and given effect as the exclusive remedy for workers employed in this state who are injured while temporarily employed in such other state.~~

~~(3) A certificate from an authorized officer of the workers' compensation department or similar agency of another state certifying that an employer of such other state is bound by the Workers' Compensation Act of the state and that its act will be applied to employees of the employer while in the state of Montana shall be prima facie evidence of the application of the workers' compensation law of the certifying state.~~

~~(4) The division may, with the approval of the governor, enter into agreements with workers' compensation agencies of other states for the purpose of promulgating regulations not inconsistent with the provisions of this chapter to carry out the extraterritorial application of the workers' compensation laws of the agreeing states."~~

NEW SECTION. Section 2. Extension of authority. Any existing authority of the division of workers' compensation to make rules on the subject of the provisions of this act is extended to the provisions of this act.

NEW SECTION. SECTION 3. TERMINATION. THIS ACT TERMINATES JULY 1, 1989.

-End-
-2-



GOVERNOR'S PROPOSED AMENDMENTS TO
SENATE BILL 279
REFERENCE COPY
APRIL 7, 1987

1. Page 8, line 1.
Following: line 1
Insert: "(1) Section 2 is intended to be codified as an integral part of Title 2, chapter 15, part 1, and the provisions of Title 2, chapter 15, part 1 apply to section 2."
Re-number: subsequent subsections
2. Page 8, line 2.
Following: "(1)"
Strike: "Sections 2 and"
Insert: "Section"
Following: "3"
Strike: "are"
Insert: "is"
3. Page 8, line 3.
Following: "chapter"
Strike: "15"
Insert: "17"

Following: "15, part"
Strike: "10"
Insert: "5"
4. Page 8, line 4.
Following: "chapter"
Strike: "15"
Insert: "17"

Following: "part"
Strike: "10"
Insert: "5"
5. Page 8, line 5.
Following: line 4
Strike: "sections 2 and"
Insert: "section"

-END-