

HOUSE BILL 156

Introduced by Smith, C., et al.

1/13	Introduced
1/14	Referred to Labor & Employment Relations
1/26	Hearing
2/01	Committee Report--Bill Not Passed
2/02	Adverse Committee Report Adopted

1 House BILL NO. 156  
2 INTRODUCED BY Smith  
3 BY REQUEST OF THE DIVISION OF WORKERS' COMPENSATION  
4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
6 OCCUPATIONAL HEALTH AND SAFETY LAW; TO CLARIFY THAT THE  
7 MONTANA SAFETY ACT APPLIES ONLY TO PUBLIC EMPLOYERS; TO  
8 ALLOW THE DIVISION OF WORKERS' COMPENSATION TO ESTABLISH THE  
9 QUALIFICATIONS FOR BOILER INSPECTORS AND COAL MINE  
10 INSPECTORS; TO ALLOW THE DIVISION TO ACCEPT A PUBLIC  
11 EMPLOYER'S SAFETY REPORT; AMENDING SECTIONS 50-71-102,  
12 50-71-321, 50-73-401, AND 50-74-201, MCA; AND REPEALING  
13 SECTION 50-74-203, MCA."  
14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
16 **Section 1.** Section 50-71-102, MCA, is amended to read:  
17 "50-71-102. Definitions. Unless the context requires  
18 otherwise, in this chapter, the following definitions apply:  
19 (1) "Amendment" means such modification or change in a  
20 code as shall be intended to be of universal or general  
21 application.  
22 (2) "Code" means a standard body of rules for safety  
23 formulated, adopted, and issued by the division under the  
24 provisions of this chapter.  
25 (3) "Division" means the division of workers'

1 compensation of the department of labor and industry  
2 provided for in 2-15-1702.  
3 (4) "Employee" and "worker" are---defined---as---in  
4 39-71-118 mean a person in this state who is in the service  
5 of an employer under any appointment or contract of hire,  
6 expressed or implied, oral or written.  
7 (5) "Employer" is--defined--as--in--39-71-117 means a  
8 public entity, including the state, a county, city,  
9 consolidated local government, school district, irrigation  
10 district, other district, public corporation, and public  
11 agency.  
12 (6) "Variation" means a special, limited modification  
13 or change in the code which is applicable only to the  
14 particular place of employment of the employer or person  
15 petitioning for such modification or change."  
16 **Section 2.** Section 50-73-401, MCA, is amended to read:  
17 "50-73-401. Coal mine inspector. (1) The division  
18 shall employ an adequate number of qualified coal mine  
19 inspectors for the enforcement of this chapter and shall  
20 prescribe their qualifications, duties, and powers.  
21 {2}--A--person--is-not-eligible-to-be-a-state-coal-mine  
22 inspector-unless-he-is-a-citizen-of--the--United--States;--a  
23 resident--of--this--state;--and-has-been-actually-employed-in  
24 coal-mining-5-years-before-his-appointment.  
25 {3}{2} A state coal mine inspector may not act as

agent for a corporation, superintendent, or manager of a mine, ~~and shall in no manner may not~~ be in the employ of mining companies, ~~nor shall he and may not~~ be interested in any way in coal mining operations, either as owner, lessee, or otherwise."

**Section 3.** Section 50-74-201, MCA, is amended to read:

"50-74-201. State boiler inspectors. The division shall appoint state inspectors of boilers and shall prescribe their qualifications, duties, and term of office ~~and fix their compensation and powers.~~"

**Section 4.** Section 50-71-321, MCA, is amended to read:

"50-71-321. Periodic inspections. (1) The division shall inspect from time to time all the places of employment defined in the Montana Workers' Compensation Act as being hazardous and the machinery and appliances therein contained for the purpose of determining whether they conform to law.

(2) A report of such periodic inspection shall be filed in the office of the division and a copy thereof given the employer. ~~Such The report shall may~~ not be open to public inspection or made public except on order of the division or by the division in the course of a hearing or proceeding.

(3) The division may accept an inspection report from a qualified inspector of a workers' compensation insurer of an employer if the employer has implemented a formal safety

program and the inspection and report meet the requirements established by the division. An inspector making a report under this subsection may not receive a salary or expenses from the state. The state may not collect an inspection fee from the inspector."

**Section 5.** Repealer. Section 50-74-203, MCA, is repealed.

**Section 6.** Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

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