

House BILL NO. *163*

INTRODUCED BY *Memorandum By Request of Labor & Industry*

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 41-1301, R.C.M. 1947, RELATING TO PAYMENT OF WAGES BY DELETING "THE STATE OF MONTANA OR ANY LEGAL SUBDIVISION THEREOF"."

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

Section 1. Section 41-1301, R.C.M. 1947, is amended to read as follows:

"41-1301. Semimonthly payment of wages. Definitions for the purpose of this act.

(1) Each employer, or an authorized representative of the employer, shall on written demand, prior to the commencing of work, notify each employee as to the rate of wages to be paid, whether by the hour, day, week, month or yearly basis and date of paydays. Such notification shall be in writing to each employee or the posting of notice in a conspicuous place. The provisions of this section shall not apply in respect to an employer who has entered into a signed collective bargaining agreement, when such agreement contains conditions of employment, wages to be received and hours to be worked, or to employers engaged in agriculture or stockraising, provided, however, such employers shall

conform with the provisions of section 41-1303.

(2) Every employer of labor in the state of Montana, shall pay to each of his employees the wages earned by such employees at least twice in each month in lawful money of the United States, or checks on banks convertible into cash on demand at the full face value thereof, and no person for whom labor has been performed shall withhold from any employee any wages earned or unpaid for a longer period than five (5) days after the same became due and payable; provided, however, reasonable deductions may be made for board, room, and other incidentals supplied by the employer, whenever such deductions are a part of the conditions of employment, or other deductions provided for by law; provided further, that if at such time of payment of wages any employee shall be absent from the regular place of labor, he shall be entitled to such payment at any time thereafter. Provisions of this section shall not apply to any professional, supervisory or technical employees, who by custom, receive their wages earned at least once monthly.

(3) The following are the definitions used for the purpose of this act:

(a) "Employ" means permit or suffer to work.

(b) "Employer" includes any individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons, acting

1 directly or indirectly in the interest of an employer in
2 relation to an employee, but shall not include the United
3 States, ~~the state of Montana or any legal subdivision~~
4 thereof.

5 (c) "Employee" includes any person who works for
6 another for hire.

7 (d) "Wages" includes any moneys due an employee from
8 the employer or employers whether to be paid by the hour,
9 day, week, semimonthly, monthly or yearly and shall include
10 bonus, piecework, tips and gratuities of any kind.

11 (e) "Commissioner of labor" refers to the director,
12 commissioner or chief of the labor department as such
13 department is defined by law, or any person or persons
14 designated by him for the purpose of this act."

-End-

STATE OF MONTANA

REQUEST NO. 143-75

FISCAL NOTE

Form BD-15

In compliance with a written request received January 31, 19 75, there is hereby submitted a Fiscal Note for House Bill 163 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 163 deletes the "State of Montana or any legal subdivision thereof" relating to payment of wages and thus makes the state and legal subdivisions subject to at least semimonthly payment of wages.

CONCLUSION:

Enactment of House Bill 163 will not significantly affect revenue or expenditures of the state or its legal subdivisions. Presently state employees, with the exception of some state university employees, are being paid at least semimonthly. Some local government and public school employees would be affected. It is impossible to provide quantitative cost estimates for the initial conversion but the recurring administrative costs to the affected subdivisions should be minimal.

Michael H. Billings
for Karen Wilson
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: February 5, 1975

Approved by Committee
on Labor & Employment
Relations

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2 INTRODUCED BY MENAHAN
3 (BY REQUEST OF LABOR AND INDUSTRY)
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21 conspicuous place. The provisions of this section shall not
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23 signed collective bargaining agreement, when such agreement
24 contains conditions of employment, wages to be received and
25 hours to be worked, or to employers engaged in agriculture

1 or stockraising, provided, however, such employers shall
2 conform with the provisions of section 41-1303.
3 (2) Every employer of labor in the state of Montana,
4 shall pay to each of his employees the wages earned by such
5 employees ~~at--least--twice--in--each--month~~ in lawful money of
6 the United States, or checks on banks convertible into cash
7 on demand at the full face value thereof, and no person for
8 whom labor has been performed shall withhold from any
9 employee any wages earned or unpaid for a longer period than
10 ~~five--(5)~~ TEN (10) days after the same became due and
11 payable; provided, however, reasonable deductions may be
12 made for board, room, and other incidentals supplied by the
13 employer, whenever such deductions are a part of the
14 conditions of employment, or other deductions provided for
15 by law; provided further, that if at such time of payment of
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14 department is defined by law, or any person or persons
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-End-

March 4, 1975

SENATE COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS

AMENDMENTS TO HOUSE BILL NO. 163

That House Bill No. 163, third reading, be amended as follows:

1. Amend page 2, section 1, line 10.
Following: "(10)"
Insert: "business"

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