

By request of Dept.

House BILL NO. *260*

1
2 INTRODUCED BY *Kelly*
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS
5 41-2003, 41-2006, AND 41-2010, R.C.M. 1947, TO PROTECT THE
6 STATE OF MONTANA FOR MONEY DUE IT AS A RESULT OF PAYROLL
7 TAXES OWED THE EMPLOYMENT SECURITY DIVISION OF THE
8 DEPARTMENT OF LABOR AND INDUSTRY."
9

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

11 Section 1. Section 41-2003, R.C.M. 1947, is amended to
12 read as follows:

13 "41-2003. Purpose of act. The purpose of this act is
14 to protect the state of Montana and employees of lessees
15 conducting business as restaurants, bars and taverns and to
16 assure the payment of wages to such employees in the event
17 the lessee ceases operation of his business and is unable to
18 pay the wages due and owing to his employees; and to assure
19 the payment of payroll taxes to the employment security
20 division of the department of labor and industry."

21 Section 2. Section 41-2006, R.C.M. 1947, is amended to
22 read as follows:

23 "41-2006. Time of filing of bond -- terms of bond --
24 maintenance of bond required. The bond and affidavit
25 required by section 41-2005 shall be filed with the

1 commissioner of labor and industry. The state of Montana
2 shall be named as the obligee therein with good and
3 sufficient sureties to be approved by the attorney general
4 of the state of Montana. Said bond shall at all times be
5 kept in full force and effect and any cancellation or
6 revocation thereof or withdrawal of the sureties therefrom
7 shall automatically revoke and suspend the certificate
8 issued to the lessee of this act until such time as a new
9 bond of like tenure and effect shall have been filed and
10 approved as herein provided. Such bond shall be conditioned
11 to assure that in any lease transaction of the type referred
12 to in section 41-2002 the persons who perform labor or other
13 personal services for the lessee are guaranteed their wages
14 in the event the lessee ceases operation of the business,
15 for any reason, and is unable to pay the wages due and owing
16 the employees; and to assure payment due the employment
17 security division as a result of payroll taxes."

18 Section 3. Section 41-2010, R.C.M. 1947, is amended to
19 read as follows:

20 "41-2010. New or additional bond -- sureties. The
21 commissioner of labor and industry may require a new bond or
22 a bond of a greater amount than double the semimonthly
23 payroll whenever the commissioner deems it necessary for the
24 protection of the state of Montana or the employees of a
25 lessee. The commissioner may, after due notice given,

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- 1 discharge the existing sureties from further liability and
- 2 require that other sureties be provided."

-End-

SECOND READING

MISSING

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House BILL NO. *260*

INTRODUCED BY Kelly

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS 41-2003, 41-2006, AND 41-2010, R.C.M. 1947, TO PROTECT THE STATE OF MONTANA FOR MONEY DUE IT AS A RESULT OF PAYROLL TAXES OWED THE EMPLOYMENT SECURITY DIVISION OF THE DEPARTMENT OF LABOR AND INDUSTRY."

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

Section 1. Section 41-2003, R.C.M. 1947, is amended to read as follows:

"41-2003. Purpose of act. The purpose of this act is to protect the state of Montana and employees of lessees conducting business as restaurants, bars and taverns and to assure the payment of wages to such employees in the event the lessee ceases operation of his business and is unable to pay the wages due and owing to his employees; and to assure the payment of payroll taxes to the employment security division of the department of labor and industry."

Section 2. Section 41-2006, R.C.M. 1947, is amended to read as follows:

"41-2006. Time of filing of bond -- terms of bond -- maintenance of bond required. The bond and affidavit required by section 41-2005 shall be filed with the

commissioner of labor and industry. The state of Montana shall be named as the obligee therein with good and sufficient sureties to be approved by the attorney general of the state of Montana. Said bond shall at all times be kept in full force and effect and any cancellation or revocation thereof or withdrawal of the sureties therefrom shall automatically revoke and suspend the certificate issued to the lessee of this act until such time as a new bond of like tenure and effect shall have been filed and approved as herein provided. Such bond shall be conditioned to assure that in any lease transaction of the type referred to in section 41-2002 the persons who perform labor or other personal services for the lessee are guaranteed their wages in the event the lessee ceases operation of the business, for any reason, and is unable to pay the wages due and owing the employees; and to assure payment due the employment security division as a result of payroll taxes."

Section 3. Section 41-2010, R.C.M. 1947, is amended to read as follows:

"41-2010. New or additional bond -- sureties. The commissioner of labor and industry may require a new bond or a bond of a greater amount than double the semimonthly payroll whenever the commissioner deems it necessary for the protection of the state of Montana or the employees of a lessee. The commissioner may, after due notice given,

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- 1 discharge the existing sureties from further liability and
- 2 require that other sureties be provided."

-End-

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HOUSE BILL NO. 260

INTRODUCED BY KELLY

(BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY)

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS 41-2003, 41-2006, AND 41-2010, R.C.M. 1947, TO PROTECT THE STATE OF MONTANA FOR MONEY DUE IT AS A RESULT OF PAYROLL TAXES OWED THE EMPLOYMENT SECURITY DIVISION OF THE DEPARTMENT OF LABOR AND INDUSTRY."

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

Section 1. Section 41-2003, R.C.M. 1947, is amended to read as follows:

"41-2003. Purpose of act. The purpose of this act is to protect the state of Montana and employees of lessees conducting business as restaurants, bars and taverns and to assure the payment of wages to such employees in the event the lessee ceases operation of his business and is unable to pay the wages due and owing to his employees; and to assure the payment of payroll taxes to the employment security division of the department of labor and industry."

Section 2. Section 41-2006, R.C.M. 1947, is amended to read as follows:

"41-2006. Time of filing of bond -- terms of bond -- maintenance of bond required. The bond and affidavit

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required by section 41-2005 shall be filed with the commissioner of labor and industry. The state of Montana shall be named as the obligee therein with good and sufficient sureties to be approved by the attorney general of the state of Montana. Said bond shall at all times be kept in full force and effect and any cancellation or revocation thereof or withdrawal of the sureties therefrom shall automatically revoke and suspend the certificate issued to the lessee of this act until such time as a new bond of like tenure and effect shall have been filed and approved as herein provided. Such bond shall be conditioned to assure that in any lease transaction of the type referred to in section 41-2002 the persons who perform labor or other personal services for the lessee are guaranteed their wages in the event the lessee ceases operation of the business, for any reason, and is unable to pay the wages due and owing the employees; and to assure payment due the employment security division as a result of payroll taxes."

Section 3. Section 41-2010, R.C.M. 1947, is amended to read as follows:

"41-2010. New or additional bond -- sureties. The commissioner of labor and industry may require a new bond or a bond of a greater amount than double the semimonthly payroll whenever the commissioner deems it necessary for the protection of the state of Montana or the employees of a

1 lessee. The commissioner may, after due notice given,
2 discharge the existing sureties from further liability and
3 require that other sureties be provided."

-End-