

HOUSE BILL NO. 557

INTRODUCED BY D. BROWN, QUILICI, DAILY, BRAND, WILLIAMS
WALDRON, DOZIER, PAVLOVICH, HARRINGTON, DUSSAULT,
R. MANNING, McBRIDE, KESSLER, METCALF, NILSON,
O'CONNELL, ZABROCKI, KEEDY, HARPER, HUENNEKENS,
YARDLEY, ABRAMS, OBERG, MENAHAN, SHELDEN, KEMMIS,
TEAGUE, BENGTSON, PISTORIA, AZZARA, HART

IN THE HOUSE

January 29, 1981	Introduced and referred to Committee on Labor and Industry.
February 19, 1981	Committee recommend bill do pass as amended. Report adopted.
February 20, 1981	Bill printed and placed on members' desks.
February 21, 1981	Second reading, do pass.
February 23, 1981	Correctly engrossed.
February 24, 1981	Third reading, passed. Ayes, 93; Noes, 6. Transmitted to Senate.

IN THE SENATE

March 2, 1981	Introduced and referred to Committee on Labor and Employment Relations.
March 31, 1981	On motion taken from Labor and Employment Relations and referred to second reading this legislative day. Motion adopted. Second reading, concurred in as amended. On motion rules suspended. Bill placed on calendar for third reading this day and allowed to be transmitted on 71st legislative day. Motion adopted.

March 31, 1981

Third reading, concurred in
as amended. Ayes, 36; Noes, 14.

IN THE HOUSE

April 1, 1981

Returned from Senate with
amendments.

April 8, 1981

Second reading, amendments
concurred in.

April 9, 1981

Third reading, amendments con-
curred in. Ayes, 68; Noes, 28.
Sent to enrolling.

Reported correctly enrolled.

1 *Williams* HOUSE BILL NO. 557
 2 INTRODUCED BY *Dave Brown, Julie G. Daulton, David Brund*
 3 *Walden, Dan DeB, Carl Smith, Thurgood Marshall, Gus Quinn*
 4 *Richard Manning, McBride, Keele, Mitchell, Nelson*
 5 MINIMUM WAGE; AMENDING SECTION 39-3-404, MCA."
 6 *Shaw, Keady, Farn*
 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: *McGart*

8 Section 1. Section 39-3-404, MCA, is amended to read:
 9 "39-3-404. Minimum wage. (1) Except as may otherwise
 10 be provided pursuant to this part, every employer shall pay
 11 to each of his employees wages at a rate not less than
 12 provided in subsections (1)(a) and (1)(b), save and except
 13 for farm workers as herein defined:
 14 (a) ~~\$1.60~~ \$2.25 an hour for the first year from July
 15 1, ~~1975~~ 1981;
 16 (b) ~~\$2.00~~ \$3.25 an hour for the second year from July
 17 1, ~~1975~~ 1981, and thereafter.
 18 (2) In the case of a farm worker employed for a part
 19 of a calendar year which includes periods requiring working
 20 hours in excess of 8 hours per day and other seasonal
 21 periods requiring working hours substantially less than 8
 22 hours per day, the employer may pay the worker at a fixed
 23 rate of compensation during the term of employment. The
 24 employer may elect to:
 25 (a) keep a record of the total number of hours worked

1 by the worker during the part of the year during which the
 2 worker was employed by him (the total wages paid by such
 3 employer to such employee for that part of the year during
 4 which said employee was employed by him shall not be less
 5 than the applicable minimum wage rate multiplied by the
 6 total number of hours so worked); or
 7 (b) in lieu of the minimum wage set forth herein, pay
 8 the farm worker a wage as herein defined on a monthly basis.
 9 This monthly compensation shall constitute a minimum wage
 10 and shall not be less than the following rates:
 11 (i) ~~\$4.20~~ \$6.80 a month for the first year from July 1,
 12 ~~1975~~ 1981;
 13 (ii) ~~\$4.60~~ \$7.50 a month for the second year from July 1,
 14 ~~1975~~ 1981, and thereafter."

-End-

-2- INTRODUCED BILL
 HB 557

Approved by Committee
on Labor & Employment
Relations

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8

9 A BILL FOR AN ACT ENTITLED: "AN ACT TO RAISE THE STATE
10 MINIMUM WAGE; PROVIDING THAT TIPS ARE THE SOLE PROPERTY OF
11 THE EMPLOYEE; PROHIBITING AN EMPLOYER FROM REQUIRING AN
12 EMPLOYEE TO POOL TIPS BUT ALLOWING THE EMPLOYEE TO DO SO ON
13 A VOLUNTARY BASIS; AMENDING SECTION SECTIONS 39-3-204 AND
14 39-3-404, MCA."
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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 Section 1. Section 39-3-404, MCA, is amended to read:

18 "39-3-404. Minimum wage. (1) Except as may otherwise
19 be provided pursuant to this part, every employer shall pay
20 to each of his employees wages at a rate not less than
21 provided in subsections (1)(a) and (1)(b), save and except
22 for farm workers as herein defined:

23 (a) ~~\$1.60~~ \$2.95 \$2.50 an hour for the first year from
24 July 1, 1975 1981;

25 (b) ~~\$2.00~~ \$3.25 \$2.75 an hour for the second year from

1 July 1, ~~1975~~ 1981, and thereafter.

2 (2) In the case of a farm worker employed for a part
3 of a calendar year which includes periods requiring working
4 hours in excess of 8 hours per day and other seasonal
5 periods requiring working hours substantially less than 8
6 hours per day, the employer may pay the worker at a fixed
7 rate of compensation during the term of employment. The
8 employer may elect to:

9 (a) keep a record of the total number of hours worked
10 by the worker during the part of the year during which the
11 worker was employed by him (the total wages paid by such
12 employer to such employee for that part of the year during
13 which said employee was employed by him shall not be less
14 than the applicable minimum wage rate multiplied by the
15 total number of hours so worked); or

16 (b) in lieu of the minimum wage set forth herein, pay
17 the farm worker a wage as herein defined on a monthly basis.
18 This monthly compensation shall constitute a minimum wage
19 and shall not be less than the following rates:

20 (i) ~~\$420~~ ~~\$600~~ \$575 a month for the first year from
21 July 1, 1975 1981;

22 (ii) ~~\$460~~ ~~\$750~~ \$635 a month for the second year from
23 July 1, 1975 1981, and thereafter."

24 SECTION 2. SECTION 39-3-204, MCA, IS AMENDED TO READ:

25 "39-3-204. Payment of wages generally -- tips as

1 property of employee. (1) Every employer of labor in the
 2 state of Montana shall pay to each employee the wages earned
 3 by such employee in lawful money of the United States or
 4 checks on banks convertible into cash on demand at the full
 5 face value thereof, and no person for whom labor has been
 6 performed may withhold from any employee any wages earned or
 7 unpaid for a longer period than 10 business days after the
 8 same are due and payable. However, reasonable deductions
 9 may be made for board, room, and other incidentals supplied
 10 by the employer, whenever such deductions are a part of the
 11 conditions of employment, or other deductions provided for
 12 by law.

13 (2) If at such time of payment of wages any employee
 14 is absent from the regular place of labor, he is entitled to
 15 such payment at any time thereafter.

16 (3) (a) All tips received by an employee or deposited
 17 in or about a place of business for services rendered by an
 18 employee are the sole property of the employee.

19 (b) No employer may require an employee to share a tip
 20 received by the employee with the employer or other
 21 employees. However, nothing contained in this subsection
 22 prevents an employee from voluntarily and on an individual
 23 basis sharing his tips with other employees.

24 ~~(3)(4)~~ Provisions of this section subsections (1) and
 25 (2) do not apply to any professional, supervisory, or

1 technical employee who by custom receives his wages earned
 2 at least once monthly."

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1 technical employee who by custom receives his wages earned
 2 at least once monthly."

-End-

March 31, 1981

SENATE COMMITTEE OF THE WHOLE

Proposed amendments to House Bill 557, third reading copy, as follows:

1. Title, lines 10 through 13.
Strike: all underlined material
Insert: all stricken material.

2. Page 2, line 24 through page 4, line 2.
Strike: section 2 in its entirety.