SENATE BILL NO. 69

INTRODUCED BY FULLER, HARPER

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

IN THE SENATE

•	er and other forms and
January 6, 1983	Introduced and referred to Committee on Labor and Employment Relations.
January 18, 1983	Committee recommend bill do pass. Report adopted.
January 19, 1983	Bill printed and placed on members' desks.
January 20, 1983	Rereferred to Committee on Labor and Employment Relations.
January 28, 1983	Committee recommend bill do pass as amended. Report adopted.
January 29, 1983	Bill printed and placed on members' desks.
January 31, 1983	Second reading, do pass.
February 1, 1983	Correctly engrossed.
February 2, 1983	Third reading, passed. Ayes, 48; Noes, 2. Transmitted to House.
	IN THE HOUSE
February 3, 1983	Introduced and referred to Committee on Labor and Employment Relations.
March 1, 1983	Committee recommend bill be

concurred in as amended.

Report adopted.

March 3, 1983	Second reading, concurred in as amended.
March 5, 1983	Third reading, concurred in.
	IN THE SENATE
March 5, 1983	Returned to Senate with amendments.
March 7, 1983	Second reading, amendments not concurred in.
	On motion, Conference Committee requested.
March 8, 1983	Conference Committee appointed.
March 29, 1983	Conference Committee dissolved.
	On motion, Free Conference Committee requested and appointed.
April 6, 1983	Free Conference Committee reported.
April 7, 1983	Second reading, adopted.
April 8, 1983	Third reading, adopted. Ayes, 46; Noes, 0.
	Adopted by House.
April 9, 1983	Sent to enrolling.
	Reported correctly enrolled.

1	Senate BILL NO. 69
2	INTRODUCED BY Julye Harge
3	BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY
4	/
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE PENALTY
6	AND INTEREST FOR LATE PAYMENTS OF UNEMPLOYMENT
7	CONTRIBUTIONS; AND TO PROVIDE A PENALTY FOR FAILURE TO FILE
8	A REPORT OR RETURN; AMENDING SECTION 39-51-1301, MCA; AND
9	PROVIDING AN EFFECTIVE DATE.
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 39-51-1301, MCA: is amended to
13	read:
14	#39-51-1301. Penalty and interest on past-due
15	contributions. (1) Contributions unpaid on the date on which
16	they are due and payable, as provided by subsections (1) and
17	(2) of 39-51-1103 and 39-51-1125, that are paid within 20
18	days after the due date shall be subject to a penalty
19	assessment of \$10 or 10% of the contribution due, whichever
20	is greatery, and If the contributions are not paid within 20
21	days after the due dates the employer shall be subject to a
22	penalty assessment of \$15 or 15% of the contributions due:
23	whichever is greater. All past-due contributions shall bear
24	interest at the rate of 1% 18% per month a year, to be

assessed at the rate of .05% a day.

1	12) A penalty of \$25 or 25% of the contributions due
2	whichever is greater, shall be assessed whenever the
3	department applies for a subpoena to obtain wage information
4	or makes a summary or jeopardy assessment pursuant to
5	39-51-1302.
6	(2)(3) Interest and penalties collected pursuant to
7	this section shall be paid into the unemployment insurance
8	trust fund.
9	(3)(4) When failure to pay contributions on time was
10	not caused by willful intent of the employer: the department
11	may abate the penalty and interest.*
12	NEW SECTION. Section 2. Effective date. This act is
13	effective July 1, 1983.

25

Approved by Committee on Labor & Employment Relations

INTRODUCED BY BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE PENALTY AND INTEREST FOR LATE PAYMENTS UNEMPLOYMENT CONTRIBUTIONS: AND TO PROVIDE A PENALTY FOR FAILURE TO FILE A REPORT OR RETURN; AMENDING SECTION 39-51-1301, MCA; AND PROVIDING AN EFFECTIVE DATE. 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 12 Section 1. Section 39-51-1301, MCA, is amended to 13 read: #39-51-1301. Penalty and interest on past-due 14 contributions. (1) Contributions unpaid on the date on which 15 16 they are due and payable, as provided by subsections (1) and 17 (2) of 39-51-1103 and 39-51-1125, that are paid within 20 18 days after the due date shall be subject to a penalty 19 assessment of \$10 or 10% of the contribution due, whichever 2(is greatery, and if the contributions are not paid within 20 21 days after the due date, the employer shall be subject to a 22 penalty assessment of \$15 or 15% of the contributions due. 23 whichever is greater. All past-due contributions shall bear 24 interest at the rate of 14 182 per-month a year, to be

assessed at the rate of .05% a day.

1 121 A penalty of \$25 or 25% of the contributions due. whichever is greater, shall be assessed whenever the department applies for a subpoena to obtain wage information or makes a summary or leopardy assessment pursuant to 39-51-1302-(2)(3) Interest and penalties collected pursuant to 7 this section shall be paid into the unemployment insurance trust fund. +3+14) When failure to pay contributions on time was 10 not caused by willful intent of the employer, the department may abate the penalty and interest." 11 12 NEW SECTION. Section 2. Effective date. This act is 13 effective July 1, 1983.

Rereferred to Comm. on Labor & Emp. relations

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6	AND INTEREST FOR LATE PAYMENTS OF UNEMPLOYMENT
7	CONTRIBUTIONS; AND TO PROVIDE A PENALTY FOR FAILURE TO FILE
8	A REPORT OR RETURN; AMENDING SECTION 39-51-1301, MCA; AND
9	PROVIDING AN EFFECTIVE DATE."
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1	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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.7	(2) of 39-51-1103 and 39-51-1125, that are gaid within 20
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2	penalty assessment of \$15 or 15% of the contributions due.
3	whichever is greater. All past-due contributions shall bear
4	interest at the rate of 1% 18% per-month a year, to be
5	assessed at the rate of a05% a day.

25

1	(2) A penalty of \$25 or-25%-of-the-contributions-duex
2	whicheverisgreatery shall be assessed whenever, AS THE
3	RESULT OF A WILLFUL REFUSAL OF AN EMPLOYER TO FURNISH WAGE
4	INFORMATION OR PAY CONTRIBUTIONS ON TIME: the department
5	application ISSUES a subpoena to obtain wage information or
6	makes a summary or jeopardy assessment pursuant to
7	39-51-1302.
8	$\frac{12}{12}$ Interest and penalties collected pursuant to
9	this section shall be paid into the unemployment insurance
10	trust fund.
11	(3)(4) When failure to pay contributions on time was
12	not caused by willful intent of the employer; the department
13	way abate the penalty and interest."
14	NEW SECTION. Section 2. Effective date. This act is
15	effective July 1, 1983.

HOUSE LABOR AND EMPLOYMENT RELATIONS COMMITTEE AMENDMENTS TO SB 69 THIRD READING COPY (BLUE) March 1, 1983

1) Page 1, line 25

Strike: "assessed at the rate of .05% a day"

Insert: "prorated on a daily basis"

2) Page 2, line 2
Following: "greater;"
Insert: "or up to 25% of the contributions due,
whichever is greater,"

AND AS AMENDED BE CONCURRED IN

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3	(2)(3) Interest and penalties collected pursuant to
•	this section shall be paid into the unemployment insurance
)	trust fund.
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2	not caused by willful intent of the employer: the department
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	nffortivo july 1- 1982.

FREE CONFERENCE COMMITTEE ON SENATE BILL NO. 69

(Report No. 1, April 4, 1983)

Αı	oril	4.	1983
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MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 69, met April 4, 1983, and considered;

House Labor and Employment Relations Committee Amendments to the third reading copy, dated March 1, 1983;

House Committee of the Whole Amendments to the third reading copy, dated March 3, 1983; and recommend as follows:

That the Senate accede to House Labor and Employment Relations Committee amendment no. 1, dated March 1, 1983;

That the Senate accede to Committee of the Whole amendments nos. 1 and 2, dated March 3, 1983;

That the House recede from Committee of the Whole amendments nos. 3 and 4, dated March 3, 1983;

That Senate Bill No. 69 be further amended as specified in CLERICAL INSTRUCTIONS nos. 1 and 2;

That the reference copy of Senate Bill No. 69 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report to Senate Bill No. 69 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 2, line 4. Strike: "WHENEVER"

Insert: "A penalty of \$40 shall be assessed whenever"

2. Page 2, line 9.

Following: "39-51-1302"

Strike: remainder of line 9 through "COSTS" on line 10

FOR THE SENATE:

South Chairman

Addy

Crippen

FOR THE HOUSE:

Driscoll, Chairman

Addy

Thoft

STATE PUB. CO. Helena, Mont.

XXXXXXX

48th Legislature SB 0069/03 \$8 0069/03

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2 121_A:=penoity=of:425 or=25%=of=the=contributions=due+ 3 whichever is greatery OR-UP-10-25%-OF-IHE-CONTRIBUTIONS-DUEV WHIGHEVER-15-6REATER shall-be-assessed--whenever WHENEVER. 5 AS THE RESULT OF A WILLEUL REFUSAL OF AN EMPLOYER TO FURNISH MAGE INFORMATION OR PAY CONTRIBUTIONS ON TIME. the 7 department applies-for ISSUES a subposes to obtain wage information_or_makes_a_summary_or_ieopardy_assessment 9 DUESUADE to 39-51-1302. THE DEPARTMENT SHALL ASSESS A CHARGE 10 IO THE EMPLOYER COMMENSURATE WITH THE DEPARTMENT'S COSTS. 11 (2)(3) Interest and penalties collected pursuant to 12 this section shall be paid into the unemployment insurance 13 trust fund. 14 (3)[4] When failure to pay contributions on time was 15 not caused by willful intent of the employer, the department 16 may abate the penalty and interest." NEW_SECTION. Section 2. Effective date. This act is 17 18 effective July 1, 1983.

48th Legislature SB 0069/04

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-End-

-2- \$8 69
REFERENCE BILL: Includes Free Joint
Conference Committee Report
Dated 4-4-83

SB 0069/04

HOUSE OF REPRESENTATIVES March 3, 1983

Committee of the Whole Amendments to Senate Bill 69, Third Reading Copy, blue

- Strike: amendment (2) of the House Labor and Employment Relations
 Committee Amendments to SB 69, Third reading copy (blue) March 1, 1983.
- 2. Page 2, line 1.
 Strike: "a penalty of \$25"
- 3. Page 2, line 2.
 Strike: "shall be assessed whenever"
 Insert: "Whenever"
- 4. Page 2, line 7.

Following: "39-51-1302"

ADOPTED