

SENATE BILL NO. 69

INTRODUCED BY FULLER, HARPER

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

IN THE SENATE

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 Julie Hanger
 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 greater, 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 1% 18% per month a year, to be
 25 assessed at the rate of .05% a day.

1 (2) 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.

-End-

Approved by Committee
on Labor & Employment
Relations

1 *Senate* BILL NO. 69
2 INTRODUCED BY Fulre Hays
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."
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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 greater, 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 1% 18% per month a year, to be
25 assessed at the rate of .05% a day.

1 ~~(2) 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.

-End-

Rereferred to Comm. on
Labor & Emp. relations

SENATE BILL NO. 69

INTRODUCED BY FULLER, HARPER

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE PENALTY
AND INTEREST FOR LATE PAYMENTS OF 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."

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

Section 1. Section 39-51-1301, MCA, is amended to
read:

"39-51-1301. Penalty and interest on past-due
contributions. (1) Contributions unpaid on the date on which
they are due and payable, as provided by subsections (1) and
(2) of 39-51-1103 and 39-51-1125, that are paid within 20
days after the due date shall be subject to a penalty
assessment of \$10 or 10% of the contribution due, whichever
is greater, and if the contributions are not paid within 20
days after the due date, the employer shall be subject to a
penalty assessment of \$15 or 15% of the contributions due,
whichever is greater. All past-due contributions shall bear
interest at the rate of 1% 18% per-month a year, to be
assessed at the rate of .05% a day.

~~(2) A penalty of \$25 or 25% of the contributions due,~~
~~whichever is greater, shall be assessed whenever, AS THE~~
~~RESULT OF A WILLFUL REFUSAL OF AN EMPLOYER TO FURNISH WAGE~~
~~INFORMATION OR PAY CONTRIBUTIONS ON TIME, the department~~
~~applies for ISSUES a subpoena to obtain wage information or~~
~~makes a summary or jeopardy assessment pursuant to~~
~~39-51-1302.~~

~~(2)(3)~~ Interest and penalties collected pursuant to
this section shall be paid into the unemployment insurance
trust fund.

~~(3)(4)~~ When failure to pay contributions on time was
not caused by willful intent of the employer, the department
may abate the penalty and interest."

NEW SECTION. Section 2. Effective date. This act is
effective July 1, 1983.

-End-

SECOND READING

-2-

SECOND PRINTING SB 69

with amendments dated 1/27

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

SENATE BILL NO. 69

INTRODUCED BY FULLER, HARPER

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE PENALTY AND INTEREST FOR LATE PAYMENTS OF 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."

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

Section 1. Section 39-51-1301, MCA, is amended to read:

"39-51-1301. Penalty and interest on past-due contributions. (1) Contributions unpaid on the date on which they are due and payable, as provided by subsections (1) and (2) of 39-51-1103 and 39-51-1125, that are paid within 20 days after the due date shall be subject to a penalty assessment of \$10 or 10% of the contribution due, whichever is greater, and if the contributions are not paid within 20 days after the due date, the employer shall be subject to a penalty assessment of \$15 or 15% of the contributions due, whichever is greater. All past-due contributions shall bear interest at the rate of ~~1%~~ 18% per-month a year, to be assessed at the rate of .05% a day.

(2) A penalty of \$25 or 25% of the contributions due, whichever is greater, shall be assessed whenever, AS THE RESULT OF A WILLFUL REFUSAL OF AN EMPLOYER TO FURNISH WAGE INFORMATION OR PAY CONTRIBUTIONS ON TIME, the department applies for ISSUES a subpoena to obtain wage information or makes a summary or jeopardy assessment pursuant to 39-51-1302.

(2)(3) Interest and penalties collected pursuant to this section shall be paid into the unemployment insurance trust fund.

(3)(4) When failure to pay contributions on time was not caused by willful intent of the employer, the department may abate the penalty and interest."

NEW SECTION. Section 2. Effective date. This act is effective July 1, 1983.

-End-

FREE CONFERENCE COMMITTEE
ON SENATE BILL NO. 69
(Report No. 1, April 4, 1983)

April 4, 1983

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"

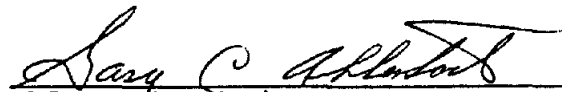
2. Page 2, line 9.

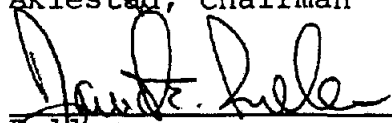
Following: "39-51-1302"

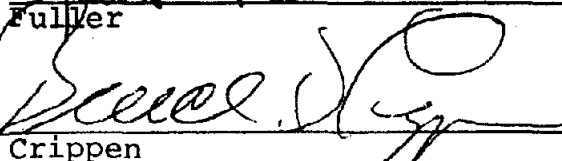
Strike: remainder of line 9 through "COSTS" on line 10


FOR THE SENATE:


FOR THE HOUSE:


Aklestad, Chairman


Fuller


Crippen


Driscoll, Chairman


Addy


Thoft

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BASIS.

~~(2) A penalty of \$25 or 25% of the contributions due, whichever is greater, OR UP TO 25% OF THE CONTRIBUTIONS DUE, WHICHEVER IS GREATER, shall be assessed whenever WHENEVER, AS THE RESULT OF A WILLFUL REFUSAL OF AN EMPLOYER TO FURNISH WAGE INFORMATION OR PAY CONTRIBUTIONS ON TIME, the department applies for ISSUES a subpoena to obtain wage information or makes a summary or jeopardy assessment pursuant to 39-51-1302, THE DEPARTMENT SHALL ASSESS A CHARGE TO THE EMPLOYER COMMENSURATE WITH THE DEPARTMENT'S COSTS.~~

~~(3)(3) Interest and penalties collected pursuant to this section shall be paid into the unemployment insurance trust fund.~~

~~(3)(4) When failure to pay contributions on time was not caused by willful intent of the employer, the department may abate the penalty and interest."~~

NEW SECTION. Section 2. Effective date. This act is effective July 1, 1983.

-End-

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BASIS.

~~(2) A penalty of \$25 or 25% of the contributions due, whichever is greater, or 10-25% of the contributions due, whichever is greater, shall be assessed whenever whenever a penalty of \$40 shall be assessed whenever, as the result of a willful refusal of an employer to furnish wage information or pay contributions on time, the department applies for issues a subpoena to obtain wage information or makes a summary or jeopardy assessment pursuant to 39-51-1302, the department shall assess a charge to the employer commensurate with the department's costs.~~

~~(2)(3) Interest and penalties collected pursuant to this section shall be paid into the unemployment insurance trust fund.~~

~~(3)(4) When failure to pay contributions on time was not caused by willful intent of the employer, the department may abate the penalty and interest."~~

NEW SECTION. Section 2. Effective date. This act is effective July 1, 1983.

-End-

HOUSE OF REPRESENTATIVES
March 3, 1983

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

1. 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"
Insert: " , the department shall assess a charge to the employer
commensurate with the department's costs"

ADOPTED