SENATE BILL NO. 359

INTRODUCED BY HAFFEY, PAVLOVICH, JACOBSON, DRISCOLL, J. BROWN, KEENAN, MANNING, YELLOWTAIL, MENAHAN

IN THE SENATE

- FEBRUARY 17, 1987 INTRODUCED AND REFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS.
- FEBRUARY 21, 1987 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
- FEBRUARY 23, 1987 PRINTING REPORT.

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- FEBRUARY 24, 1987 SECOND READING, DO PASS.
- FEBRUARY 25, 1987 ENGROSSING REPORT.

THIRD READING, PASSED. AYES, 50; NOES, 0.

TRANSMITTED TO HOUSE.

- IN THE HOUSE
- MARCH 3, 1987 INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & LABOR.
- MARCH 18, 1987 COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.

MARCH 28, 1987 SECOND READING, CONCURRED IN.

MARCH 30, 1987 THIRD READING, CONCURRED IN. AYES, 98; NOES, 0.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 2, 1987

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RECEIVED FROM HOUSE.

ON MOTION, CONSIDERATION PASSED FOR THE DAY.

ON MOTION, RECONSIDER ACTION ON SB NO. 359. BILL PLACED ON SECOND READING THIS DAY.

SECOND READING, AMENDMENTS CONCURRED IN.

APRIL 3, 1987

THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

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1 INTRODUCED BY 2 D. Brown Keenar 3 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING, THE MINIMUM WAGE LAWS TO REQUIRE THE STATE MINIMUM WAGE RATES TO 5 BE SET IN ACCORDANCE WITH FEDERAL LAW, TO ALLOW THE STATE 6 MINIMUM WAGE LAW TO APPLY TO EMPLOYEES COVERED BY THE FAIR 7 LABOR STANDARDS ACT. AND TO EXCLUDE TIPS FROM THE MINIMUM 8 WAGE PAID TO MONTANA EMPLOYEES; AMENDING SECTIONS 39-3-402, 9 39-3-404, AND 39-3-408, MCA; AND PROVIDING EFFECTIVE DATES." 10

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

Section 1. Section 39-3-402, MCA, is amended to read:
 "39-3-402. Definitions. As used in this part the
 following definitions apply:

16 (1) "Commissioner" means the commissioner of labor and 17 industry.

18 (2) "Employ" means to suffer or permit to work.

19 (3) "Employee" includes any individual employed by an20 employer.

(4) "Farm or ranch" shall mean any endeavor primarily
engaged in cultivating the soil or in connection with
raising or harvesting any agricultural or horticultural
commodity, including the raising, shearing, feeding, caring
for, training, and management of livestock, bees, and

ntana Legislative Council

poultry and fur-bearing animals and wildlife.

2 (5) "Farm worker" means any person employed to do any3 service performed on a farm or ranch.

4 (6) "Occupation" means any occupation, service, trade,
5 business, industry, or branch or group of industries or
6 employment or class of employment in which employees are
7 gainfully employed.

(7) "Wage" means compensation due to an employee by 8 9 reason of his employment, payable in legal tender of the United States or check on banks convertible into cash on 10 demand at full face value, subject to such allowance as may 11 12 be permitted by regulations of the commissioner under 13 39-3-403. The term "wage" includes the reasonable cost to 14 the employer of furnishing such employee with board, 15 lodging, or other facilities, if such board, lodging, or other facilities are customarily furnished by such employer 16 17 to his employees; provided, however, that in no case shall 18 such inclusion exceed an amount equal to 40% of the total 19 wage paid by such employer to such employee. The term wage 20 does not include the value of any tips received by an employee as a gratuity for service." 21

Section 2. Section 39-3-404, MCA, is amended to read:
"39-3-404. Minimum wage. (1) Except as otherwise
provided in this part and except for farm workers as
provided in subsection (2), every employer shall pay to each

-2- INTRODUCED BILL 58-359

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of his employees: a wage of not less than the applicable 2 minimum wage as determined by the commissioner in accordance 3 with [section 4]. 4 fal--at--least--93-05-an-hour-after-September-307-19857 5 and-before-October-17-1986; (b)--at-least-\$3,35-an-hour-on--October--17--19867--and 6 7 thereafter-(2) In the case of a farm worker employed for a part 8 9 of a calendar year which includes periods requiring working hours in excess of 8 hours per day and other seasonal 10 periods requiring working hours substantially less than 8 11 hours per day, the employer may pay the worker at a fixed 12 13 rate of compensation during the term of employment. The 14 employer may elect to: 15 (a) keep a record of the total number of hours worked

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by the worker during the part of the year during which the 16 17 worker was employed by him (the total wages paid by such employer to such employee for that part of the year during 18 19 which said employee was employed by him shall not be less than the applicable minimum wage rate multiplied by the 20 21 total number of hours so worked); or

(b) in lieu of the minimum wage set forth herein, pay 22 23 the farm worker a wage as herein defined on a monthly basis. This monthly compensation shall constitute a minimum wage 24 25 and shall not be less than the following rates:

(i) \$575 a month for the first year from July 1, 1981; (ii) \$635 a month for the second year from July 1, 1981, and thereafter."

Section 3. Section 39-3-408, MCA, is amended to read: 4 "39-3-408. Provisions cumulative. The rovisions of 5 6 this part shall be in addition to other provisions now provided by law for the payment and collection of wages and 7 8 salaries but shall not apply to employees covered by the Fair Labor Standards Act except with respect to the minimum 9 10 wage."

11 NEW SECTION. Section 4. Adoption of minimum wage 12 rates. The commissioner shall adopt rules to establish a minimum wage that must be the same minimum hourly wage rate 13 14 as provided under federal law.

15 NEW SECTION. Section 5. Extension of authority. Any 16 existing authority of the commissioner of labor and industry to make rules on the subject of the provisions of this act 17 18 is extended to the provisions of this act.

19 NEW SECTION. Section 6. Codification instruction. Section 4 is intended to be codified as an integral part of 20 21 Title 39, chapter 3, part 4, and the provisions of Title 39, 22 chapter 3, part 4, apply to section 4.

23 NEW SECTION. Section 7. Effective dates. (1) Sections 24 4 and 5 and this section are effective October 1, 1987.

(2) The remaining sections of this act are effective

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1 January 1, 1988.

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-End-

50th Legislature

SB 0359/02

APPROVED BY COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

1	SENATE BILL NO. 359
2	INTRODUCED BY HAFFEY, PAVLOVICH, JACOBSON, DRISCOLL,
3	J. BROWN, KEENAN, MANNING, YELLOWTAIL, MENAHAN
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT REVISINGTHE-STATE
6	MINIMUM-WAGE-LAWS-TO-REQUIRE-THE-STATE-MINIMUM-WAGE-RATES-TO
7	BESETINACCORDANCEWITH-PEDERAL-LAW, TO AMEND SECTIONS
8	39-3-402 AND 39-3-408, MCA, TO ALLOW THE STATE MINIMUM WAGE
9	LAW TO APPLY TO EMPLOYEES COVERED BY THE FAIR LABOR
10	STANDARDS ACT7 AND TO EXCLUDE TIPS FROM THE MINIMUM WAGE
11	PAID TO MONTANA EMPLOYEES; AMENDINGSECTIONS39-3-4027
12	39-3-4047AND39-3-4007MCA7 AND PROVIDING A DELAYED
13	EFFECTIVE DATES DATE."
14	
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
16	Section 1. Section 39-3-402, MCA, is amended to read:
17	"39-3-402. Definitions. As used in this part the
18	following definitions apply:
19	(1) "Commissioner" means the commissioner of labor and
20	industry.
21	(2) "Employ" means to suffer or permit to work.
22	(3) "Employee" includes any individual employed by an
23	employer.
24	(4) "Farm or ranch" shall mean any endeavor primarily
25	engaged in cultivating the soil or in connection with



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raising or harvesting any agricultural or horticultural
 commodity, including the raising, shearing, feeding, caring
 for, training, and management of livestock, bees, and
 poultry and fur-bearing animals and wildlife.

5 (5) "Farm worker" means any person employed to do any
6 service performed on a farm or ranch.

7 (6) "Occupation" means any occupation, service, trade,
8 business, industry, or branch or group of industries or
9 employment or class of employment in which employees are
10 gainfully employed.

(7) "Wage" means compensation due to an employee by 11 reason of his employment, payable in legal tender of the 12 United States or check on banks convertible into cash on 13 demand at full face value, subject to such allowance as may 14 be permitted by regulations of the commissioner under 15 39-3-403. The term "wage" includes the reasonable cost to 16 the employer of furnishing such employee with board, 17 lodging, or other facilities, if such board, lodging, or 18 other facilities are customarily furnished by such employer 19 to his employees; provided, however, that in no case shall 20 such inclusion exceed an amount equal to 40% of the total 21 wage paid by such employer to such employee. The term wage 22 does not include the value of any tips received by an 23 24 employee as a gratuity for service."

Section-2---Section--39-3-4047-MEA7-is-amended-to-read+

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SECOND READING

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providedinthispartandexceptforfarmworkers-as provided-in-subsection-(2)7-every-employer-shall-pay-to-each of-his-employees: <u>a-wage-of-notlessthantheapplicable</u> <u>minimum-wage-as-determined-by-the-commissioner-in-accordance</u> <u>with-fsection-4]7</u> (a)atleast\$3705-an-hour-after-September-307-19857 and-before-October-17-19867
 of-his-employees: <u>a-wage-of-notlessthantheapplicable</u> <u>minimum-wage-as-determined-by-the-commissioner-in-accordance</u> <u>with-fsection-4];</u> (a)atleast\$3705-an-hour-after-September-307-19857
5 minimum-wage-as-determined-by-the-commissioner-in-accordance 6 with-fsection-4]- 7 (a)atleast\$3.05-an-hour-after-September-30.1985.7
6 <u>with-{section-4}-</u> 7 {a}atleast\$3.05-an-hour-after-September-301985.
7 {a}atleast\$3-05-an-hour-after-September-30-1985-
8 and-before-October-17-1986;
9 (b)at-least-\$3:35-an-hour-onOctober1;1986;and
10 thereafter.
11 (2)Inthecase-of-a-farm-worker-employed-for-a-part
12 of-a-calendar-year-which-includes-periods-requiringworking
<pre>13 hoursinexcessof0hoursperday-and-other-seasonal</pre>
14 periods-requiring-working-hours-substantiallylessthan8
15 hoursperday,the-employer-may-pay-the-worker-at-a-fixed
16 rate-of-compensation-duringthetermofemploymentThe
17 employer-may-elect-to:
18 tajkeepa-record-of-the-total-number-of-hours-worked
19 by-the-worker-during-the-part-of-the-year-duringwhichthe
20 workerwasemployedbyhim-(the-total-wages-paid-by-such
21 employer-to-such-employee-for-that-part-of-theyearduring
22 whichsaidemployeewas-employed-by-him-shall-not-be-less
23 than-the-applicable-minimumwageratemultipliedbythe
24 total-number-of-hours-so-worked;;-or
25 (b)inlieu-of-the-minimum-wage-set-forth-herein;-pay

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SB 359

existing authority of the commissioner of labor and industry to make rules on the subject of the provisions of this act is extended to the provisions of this act.

the-farm-worker-a-wage-as-herein-defined-on-a-monthly-basis:

This-monthly-compensation-shall-constitute--a--minimum--wage

til--9575-a-month-for-the-first-year-from-July-17-1981;

tiij-\$635--a--month--for--the--second-year-from-July-17

Section 2. Section 39-3-408, MCA, is amended to read:

"39-3-408. Provisions cumulative. (1) The provisions

(2) SECTIONS 39-3-402 AND 39-3-404 SHALL APPLY TO AN

NEW-SECTION---Section-4---Adoption---of---minimum--wage

NEW SECTION. Section 3. Extension of authority. Any

of this part shall be in addition to other provisions now

provided by law for the payment and collection of wages and

salaries but shall not apply to employees covered by the Fair Labor Standards Act except with respect to the minimum

EMPLOYEE COVERED BY THE FAIR LABOR STANDARDS ACT IF STATE

LAW PROVIDES A MINIMUM WAGE THAT IS HIGHER THAN THE MINIMUM

rates ---- The-commissioner-shall-adopt-rules--to--establish--a

minimum--wage-that-must-be-the-same-minimum-hourly-wage-rate

-4-

and-shall-not-be-less-than-the-following-rates:

19817-and-thereafter-"

wager AS PROVIDED IN SUBSECTION (2).

WAGE ESTABLISHED UNDER FEDERAL LAW."

as-provided-under-federal-law-

1	<u>NEW-SECTIONSection-67Codificationinstruction</u>					
2	Section4-is-intended-to-be-codified-as-an-integral-part-of					
3	Title-397-chapter-37-part-47-and-the-provisions-of-Title-397					
4	chapter-37-part-47-apply-to-section-47					
5	<u>NBW-SBCTION-</u> Section-7Bffectivedates(1)					
6	Sections4and-5-and-this-section-are-effective-October-17					
7	1987.					
8	<pre>(2)The-remaining-sections-of-this-actareeffective</pre>					
9	January-17-1988-					
10	NEW SECTION. SECTION 4. EFFECTIVE DATE. THIS ACT IS					

11 EFFECTIVE JANUARY 1, 1988.

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SB 0359/02

1	SENATE BILL NO. 359
_	INTRODUCED BY HAPPEY, PAVLOVICH, JACOBSON, DRISCOLL,
2	J. BROWN, KEENAN, MANNING, YELLOWTAIL, MENAHAN
3	J. DRUMN, REGNAN, MARAING, LEBOULLES, HENRE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING-THE-STATE
6	MININUM-WAGE-LAWS-TO-REQUIRE-THE-STATS-NINIMUM-WAGE-RATES-TO
7	BBSBTINACCORDANCEWITH-PEDERAL-LAW7 TO AMEND SECTIONS
8	39-3-402 AND 39-3-408, MCA, TO ALLOW THE STATE MINIMUM WAGE
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12	39-3-4047AND39-3-4007MCA; AND PROVIDING A DELAYED
13	EFFECTIVE BATBS DATE."
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17	"39-3-402. Definitions. As used in this part the
	following definitions apply:
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20	industry.
21	(2) "Employ" means to suffer or permit to work.
22	(3) "Employee" includes any individual employed by an
23	employer.
24	(4) "Farm or ranch" shall mean any endeavor primarily
25	engaged in cultivating the soil or in connection with

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1 raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring 2 for, training, and management of livestock, bees, and 3 poultry and fur-bearing animals and wildlife. 4

(5) "Farm worker" means any person employed to do any 5 service performed on a farm or ranch. 6

(6) "Occupation" means any occupation, service, trade, 7 business, industry, or branch or group of industries or 8 employment or class of employment in which employees are 9 gainfully employed. 10

(7) "Wage" means compensation due to an employee by 11 reason of his employment, payable in legal tender of the 12 13 United States or check on banks convertible into cash on 14 demand at full face value, subject to such allowance as may be permitted by regulations of the commissioner under 15 39-3-403. The term "wage" includes the reasonable cost to 16 the employer of furnishing such employee with board, 17 lodging, or other facilities, if such board, lodging, or 18 other facilities are customarily furnished by such employer 19 to his employees; provided, however, that in no case shall 20 such inclusion exceed an amount equal to 40% of the total 21 22 wage paid by such employer to such employee. The term wage does not include the value of any tips received by an 23 24 employee as a gratuity for service." 25

Section-2---Section--39-3-4047-MEA7-is-amended-to-read+

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SB 359 THIRD READING

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1 #39~3-4047--Minimum--wager---{i}--Except--as--otherwise 2 provided--in--this--part--and--except--for--farm--workers-as 3 provided-in-subsection-(2),-every-employer-shall-pay-to-each 4 of-his-employees: a-wage-of-not--less--than--the--applicable 5 minimum-wage-as-determined-by-the-commissioner-in-accordance 6 with-{section-4}-7 fa)--at--least--\$3:05-an-hour-after-September-307-19857 and-before-October-17-1986; 8 9 (b)--at-least-\$3,35-an-hour-on--October--17--19867--and 10 thereafter. 11 t2)---In---the---case-of-a-farm-worker-employed-for-a-part of-a-calendar-year-which-includes-periods-requiring--working 12 13 hours--in--excess--of--8--hours--per--day-and-other-seasonal 14 periods-requiring-working-hours-substantially-less--than--0 15 hours--per--day;--the-employer-may-pay-the-worker-at-a-fixed 16 rate-of-compensation-during-the-term-of-employment---The 17 employer-may-elect-to: 18 fa}--keep--a-record-of-the-total-number-of-hours-worked 19 by-the-worker-during-the-part-of-the-year-during--which--the 20 worker--was--employed--by--him-(the-total-wages-paid-by-such 21 employer-to-such-employee-for-that-part-of-the--year--during which--said--employee--was-employed-by-him-shall-not-be-less 22 23 than-the-applicable-minimum--wage--rate--multiplied--by--the total-number-of-hours-so-worked; -or 24

25 (b)--in--lieu-of-the-minimum-wage-set-forth-herein;-pay

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SB 0359/02

1	the-farm-worker-a-wage-as-herein-defined-on-a-monthly-basis-
2	This-monthly-compensation-shall-constituteaminimumwage
3	and-shall-not-be-less-than-the-following-rates+
4	ti}\$575-a-month-for-the-first-year-from-duly-ly-l98l;
5	tii)-\$635amonthforthesecond-year-from-July-ly
6	1981,-and-thereafter.
7	Section 2. Section 39-3-408, MCA, is amended to read:
8	"39-3-408. Provisions cumulative. (1) The provisions
9	of this part shall be in addition to other provisions now
10	provided by law for the payment and collection of wages and
11	salaries but shall not apply to employees covered by the
12	Fair Labor Standards Act except with-respect-to-the-minimum
13	wage: AS PROVIDED IN SUBSECTION (2).
14	(2) SECTIONS 39-3-402 AND 39-3-404 SHALL APPLY TO AN
15	EMPLOYEE COVERED BY THE FAIR LABOR STANDARDS ACT IF STATE
16	LAW PROVIDES A MINIMUM WAGE THAT IS HIGHER THAN THE MINIMUM
17	WAGE ESTABLISHED UNDER FEDERAL LAW."
18	<u>NBW-8BC9ION_</u> Section-4Adoptionofminimumwage
19	ratesThe-commissioner-shall-adopt-rulestoestablisha
20	minimumwage-that-must-be-the-same-minimum-hourly-wage-rate
21	as-provided-under-federal-law;
22	NEW SECTION. Section 3. Extension of authority. Any
23	existing authority of the commissioner of labor and industry
24	to make rules on the subject of the provisions of this act
25	is extended to the provisions of this act.

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SB 359

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1	NBW-BBCTIONSection-6Codificationinstruction-						
2	Section4-is-intended-to-be-codified-as-an-integral-part-of						
3	Title-39y-chapter-3y-part-4y-and-the-provisions-of-Title-39y						
4	chapter-3;-part-4;-apply-to-section-4;						
5	NEW-SECTIONSection-7Effectivedates(1)						
6	Sections4and-5-and-this-section-are-effective-October-17						
7	±987-						
8	{2}The-remaining-sections-of-this-actareeffective						
9	January-17-1988.						
10	NEW SECTION. SECTION 4. EFFECTIVE DATE. THIS ACT IS						
11	EFFECTIVE JANUARY 1, 1988.						

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-End-

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SB 0359/03

1 SENATE BILL NO. 359 2 INTRODUCED BY HAFFEY, PAVLOVICH, JACOBSON, DRISCOLL, 3 J. BROWN, KEENAN, MANNING, YELLOWTAIL, MENAHAN 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING--THE--STATE 5 б Minimum-Wage-Laws-To-Reouire-The-State-Minimum-Wage-Rates-To 7 BE--SET--IN--ACCORDANCE--WITH-FEDERAL-LAWY TO AMEND SECTIONS 39-3-402 AND 39-3-408, MCA, TO ALLOW THE STATE MINIMUM WAGE 8 9 LAW TO APPLY TO EMPLOYEES COVERED BY THE FAIR LABOR STANDARDS ACT, AND TO EXCLUDE TIPS FROM THE MINIMUM WAGE 10 11 PAID TO MONTANA EMPLOYEES; AMENDING--SECTIONS--39-3-4027 39-3-4047-AND-39-3-4087-MCA7 AND PROVIDING A--BELAYED AN 12 13 IMMEDIATE EFFECTIVE DATES DATE." 14 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 39-3-402, MCA, is amended to read: 16 "39-3-402. Definitions. As used in this part the 17 18 following definitions apply: (1) "Commissioner" means the commissioner of labor and 19 20 industry. (2) "Employ" means to suffer or permit to work. 21 22 (3) "Employee" includes any individual employed by an 23 employer. (4) "Farm or ranch" shall mean any endeavor primarily 24 25 engaged in cultivating the soil or in connection with



raising or harvesting any agricultural or horticultural
 commodity, including the raising, shearing, feeding, caring
 for, training, and management of livestock, bees, and
 poultry and fur-bearing animals and wildlife.
 (5) "Farm worker" means any person employed to do any

6 service performed on a farm or ranch.

7 (6) "Occupation" means any occupation, service, trade,
8 business, industry, or branch or group of industries or
9 employment or class of employment in which employees are
10 gainfully employed.

11 (7) "Wage" means compensation due to an employee by reason of his employment, payable in legal tender of the 12 United States or check on banks convertible into cash on 13 demand at full face value, subject to such allowance as may 14 be permitted by regulations of the commissioner under 15 16 39-3-403. The term "wage" includes the reasonable cost to the employer of furnishing such employee with board, 17 lodging, or other facilities, if such board, lodging, or 18 other facilities are customarily furnished by such employer 19 to his employees; provided, however, that in no case shall 20 such inclusion exceed an amount equal to 40% of the total 21 22 wage paid by such employer to such employee. The term wage does not include the value of any tips received by an 23 24 employee as a gratuity for service." 25

Section-2---Section--39-3-4047-MCA7-is-amended-to-read:

REFERENCE BILL

1	#39-3-404Minimumwage(1)Exceptasotherwise
2	providedinthispartandexceptforfarmworkers-as
3	provided-in-subsection-{2}7-every-employer-shall-pay-to-each
4	of-his-employees: <u>a-wage-of-notlessthantheapplicable</u>
5	minimum-wage-as-determined-by-the-commissioner-in-accordance
6	with-{section-4}-
7	ta)atleast\$3.85-an-hour-after-September-38;-1985;
8	and-before-October-17-1986;
9	(b)at-least-\$3-35-an-hour-onOctober1719867and
10	thereafter=
11	<pre>(2)Inthecase-of-a-farm-worker-employed-for-a-part</pre>
12	of-a-calendar-year-which-includes-periods-requiringworking
13	hoursinexcessof8hoursperday-and-other-seasonal
14	periods-requiring-working-hours-substantiallylessthan8
15	hoursperday7the-employer-may-pay-the-worker-at-a-fixed
16	rate-of-compensation-duringthetermofemploymentThe
17	employer-may-elect-to:
18	<pre>(a)keepa-record-of-the-total-number-of-hours-worked</pre>
19	by-the-worker-during-the-part-of-the-year-duringwhichthe
20	workerwasemployedbyhim-{the-total-wages-paid-by-such
21	employer-to-such-employee-for-that-part-of-theyearduring
22	whichsaidemployeewas-employed-by-him-shall-not-be-less
23	than-the-applicable-minimumwageratemultipliedbythe
24	total-number-of-hours-so-worked);-or

25 tb;--in--licu-of-the-minimum-wage-set-forth-herein;-pay

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SB 359

1 the-farm-worker-a-wage-as-herein-defined-on-a-monthly-basis-2 This-monthly-compensation-shall-constitute--a--minimum--wage and-shall-not-be-less-than-the-following-rates: 3 ti)--\$575-a-month-for-the-first-year-from-July-17-1981; 4 5 fii)-9635--a--month--for--the--second-year-from-July-17 6 19817-and-thereafter-" 7 Section 2. Section 39-3-408, MCA, is amended to read: "39-3-408. Provisions cumulative. (1) The provisions 8 9 of this part shall be in addition to other provisions now provided by law for the payment and collection of wages and 10 11 salaries but shall not apply to employees covered by the 12 Fair Labor Standards Act except with-respect-to-the-minimum wager AS PROVIDED IN SUBSECTION (2). 13 14 (2) SECTIONS 39-3-402 AND 39-3-404 SHALL APPLY TO AN 15 EMPLOYEE COVERED BY THE FAIR LABOR STANDARDS ACT IF STATE 16 LAW PROVIDES A MINIMUM WAGE THAT IS HIGHER THAN THE MINIMUM WAGE ESTABLISHED UNDER FEDERAL LAW." 17 18 NEW-SECTION---Section-4---Adoption---of---minimum--wage rates -- The commissioner-shall-adopt-rules--to--establish--a 19 20 minimum--wage-that-must-be-the-same-minimum-hourly-wage-rate 21 as-provided-under-federal-law-22 NEW SECTION. Section 3. Extension of authority. Any existing authority of the commissioner of labor and industry 23 24 to make rules on the subject of the provisions of this act

25 is extended to the provisions of this act.

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1	<u>NEW-SECTION.</u> Section-6Codificationinstruction.						
2	Section4-is-intended-to-be-codified-as-an-integral-part-of						
3	Title-397-chapter-37-part-47-and-the-provisions-of-Title-397						
4	chapter-37-part-47-apply-to-section-4.						
5	<u>NEW-SECTION:</u> Section-7;Effectivedates;(+)						
6	Sections4and-5-and-this-section-are-effective-October-17						
7	1987 .						
8	(2)The-remaining-sections-of-this-actarceffective						
9	January-17-1988-						
10	NEW SECTION. SECTION 4. EFFECTIVE DATE. THIS ACT IS						

11 EFFECTIVE JANUARY-17-1988 ON PASSAGE AND APPROVAL.

×

-End-

-5-

STANDING COMMITTEE REPORT

HOUSE				 _	MARCH	18	19	87
Mr. Speaker: We, the comm	ittee on	BUSI	NESS	AND	LABOR		·	
report	SENATE	BILL NO.	359					
🗌 do pass 🗔 do not pass		concurred in not concurre				🛛 as amended	intent atta	ached
					Les '	White	~	
			R	EP.	LES KI	TSELMAN	Chairm	an

AMENDMENTS AS FOLLOWS:

1) Title	e, line 12	
Strike:	" <u>A DELAYED</u> "	
Insert:	"AN IMMEDIATE"	

	5, line ll	
Strike:	"JANUARY 1,	1988"
Insert:	"on passage	and approval"

) REP. FRED THOMAS will sponsor THIRD __ reading copy (____BLUE____) Ν