SENATE BILL 234

Introduced by Boylan

1/25	Introduced
1/25	Referred to Labor & Employment
	Relations
1/31	Hearing
2/08	Committee ReportBill Not Passed
2/08	Adverse Committee Report Adopted

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1		Senate BILL NO. 234
2	INTRODUCED BY	Soyle-

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A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING "TIPPED EMPLOYEE" IN THE MINIMUM WAGE LAWS; AND AMENDING SECTIONS 39-3-402 AND 39-3-408, MCA."

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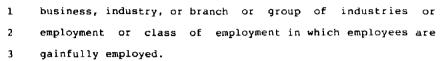
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- BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
- 9 Section 1. Section 39-3-402, MCA, is amended to read:
- 10 *39-3-402. Definitions. As used in this part, the 11
 - following definitions apply:
- 12 (1) "Commissioner" means the commissioner of labor and 13 industry.
- 14 (2) "Employ" means to suffer or permit to work.
 - (3) "Employee" includes means any individual employed by an employer.
 - (4) "Farm or ranch" shall--mean means 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 poultry and fur-bearing animals and wildlife.
- 23 (5) "Farm worker" means any person employed to do any 24 service performed on a farm or ranch.
 - (6) "Occupation" means any occupation, service, trade,



(7) "Tipped employee" means any person who regularly and continuously receives \$30 or more a month in tips.

(7)(8) "Wage" means compensation due to an employee by 6 7 reason of his employment, payable in legal tender of the United States or check on banks convertible into cash on 9 demand at full face value, subject to such an allowance as may be permitted by regulations of the commissioner under 10 39-3-403. The term "wage" includes the reasonable cost to 11 12 the employer of furnishing such the employee with board, lodging, or other facilities, if such board, lodging, or 13 14 other facilities are customarily furnished by such the employer to his employees; provided, however, that in no 15 16 case shall-such may the inclusion exceed an amount equal to 40% of the total wage paid by such the employer to such the 17 18 employee. The-term-"wage"-docs-not-include-the-value-of--any 19 tips-received-by-an-employee-as-a-gratuity-for-service-"

Section 2. Section 39-3-408, MCA, is amended to read: *39-3-408. Provisions cumulative. (1) The provisions of this part shall-be are in addition to other provisions now provided by law for the payment and collection of wages salaries but shall do not apply to employees covered by the Fair Labor Standards Act except as provided in

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subsection (2).

(2) Sections--39-3-402--and-39-3-404-shall-apply-to-an employee-covered-by-the-Pair-babor-Standards--Act--if--state law--provides-a-minimum-wage-that-is-higher-than-the-minimum wage-established-under-federal-law: The provisions of the Fair Labor Standards Act apply to a tipped employee."

-End-