

SENATE BILL NO. 429

INTRODUCED BY THAYER, MEYER, MCLANE, HAGER, NOBLE,
WILLIAMS, WEEDING, LYNCH

BY REQUEST OF THE COMMITTEE ON BUSINESS AND INDUSTRY

IN THE SENATE

FEBRUARY 15, 1989

INTRODUCED AND REFERRED TO COMMITTEE
ON BUSINESS & INDUSTRY.

FIRST READING.

COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 16, 1989

PRINTING REPORT.

FEBRUARY 17, 1989

SECOND READING, DO PASS.

ENGROSSING REPORT.

FEBRUARY 20, 1989

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

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 21, 1989

INTRODUCED AND REFERRED TO COMMITTEE
ON LABOR & EMPLOYMENT RELATIONS.

FEBRUARY 21, 1989

FIRST READING.

MARCH 22, 1989

COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 28, 1989

SECOND READING, CONCURRED IN.

MARCH 29, 1989

THIRD READING, CONCURRED IN.
AYES, 94; NOES, 1.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 3, 1989

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 5, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Sen. Hager* BILL NO. *429*
 2 INTRODUCED BY *Sen. Hager*
 3 BY REQUEST OF THE COMMITTEE ON BUSINESS AND INDUSTRY
 4 *Wesley*
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A STAY OF THE
 6 PAYMENT OF FINAL WAGES DUE AN EMPLOYEE WHO HAS COMMITTED
 7 THEFT OF HIS EMPLOYER'S PROPERTY; AND AMENDING SECTION
 8 39-3-205, MCA."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Section 39-3-205, MCA, is amended to read:

12 "39-3-205. Payment of wages when employee separated
 13 from employment prior to payday -- exception. (1) Except as
 14 provided in subsection subsections (2) and (3), whenever any
 15 when an employee is separated from the employ of any
 16 employer, all the unpaid wages of such the employee shall
 17 become are due and payable within 3 days, except for
 18 employees of the state of Montana and its political
 19 subdivisions who would be paid on the next regular payday
 20 for the pay period during which the employee was separated
 21 from employment or 15 days from the date of separation from
 22 employment, whichever occurs first, either through the
 23 regular pay channels or by mail if requested by the
 24 employee. However, where if an employer's payroll checks
 25 originate at an office outside the state, the time provided

1 herein in this section for payment of wages shall must be
 2 extended for 3 additional days.

3 (2) When Except as provided in subsection (3), if an
 4 employee is separated for cause from employment by the
 5 employer, all the unpaid wages of the employee shall--become
 6 are due and payable immediately upon such the separation.

7 (3) If an employee is separated from employment by the
 8 employer because the employee has committed the offense of
 9 theft of the employer's funds or property and criminal
 10 charges have been filed by the county attorney against the
 11 employee, the employer may apply to the district court for
 12 an order temporarily staying the payment of any unpaid wages
 13 due the employee and staying the running of the penalty
 14 provided for in 39-3-206 pending the final resolution of
 15 criminal proceedings against the employee. If the employee
 16 pleads or is found guilty of the criminal offense, the
 17 district court may order any wages due and owing to the
 18 employee by the employer to be offset against the amount the
 19 employee illegally obtained from the employer."

-End-

APPROVED BY COMM. ON
BUSINESS & INDUSTRY

SENATE BILL NO. 429

INTRODUCED BY

BY REQUEST OF THE COMMITTEE ON BUSINESS AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A STAY OF THE
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-End-

SECOND READING

SB 429

1 *Senate* BILL NO. *429*
 2 INTRODUCED BY *Steve Meyer* *Hager*
 3 BY REQUEST OF THE COMMITTEE ON BUSINESS AND INDUSTRY
 4 *Wednesday April*
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A STAY OF THE
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-End-

STANDING COMMITTEE REPORT

March 22, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Labor report that Senate Bill 429 (third reading copy -- blue) be concurred in as amended .

Signed: Angela Russell
Angela Russell, Chairman

[REP. SIMPKINS WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

1. Page 2, line 19.

Following: "employer."

Insert: "If the employee is found not guilty of the criminal offense, the district court may order the employer to pay the employee any wages due, including interest."

HOUSE
SB 429 JT

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WILLIAMS, WEEDING, LYNCH

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employee illegally obtained from the employer. IF THE
EMPLOYEE IS FOUND NOT GUILTY OF THE CRIMINAL OFFENSE, THE
DISTRICT COURT MAY ORDER THE EMPLOYER TO PAY THE EMPLOYEE
ANY WAGES DUE, INCLUDING INTEREST."

-End-