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SENATE BILL NO. 179
INTRODUCED BY Bill Wilson George

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE MINIMUM HOURLY WAGE RATE FOR ~~Farmers~~ CERTAIN EMPLOYEES TO \$5 AN HOUR OR THE RATE SET UNDER FEDERAL LAW, WHICHEVER IS GREATER; REMOVING THE REQUIREMENT THAT THE MINIMUM WAGE RATE MATCH THE RATE PROVIDED IN THE FEDERAL FAIR LABOR STANDARDS ACT; INCREASING THE FARM WORKER MONTHLY WAGE; AMENDING SECTIONS 39-3-404 AND 39-3-409, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. 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~~ each employer shall pay to each ~~of his employees~~ employee a wage of not less than the applicable minimum wage as ~~determined by the commissioner in accordance with provided in~~ provided in 39-3-409.

(2) In the case of a farm worker employed for a part of a calendar year ~~which~~ that includes periods requiring working hours in excess of 8 hours per day and other seasonal periods requiring working hours substantially less than 8 hours per day, the employer may pay the worker at a fixed rate of compensation during the term of employment. The employer may elect to:

(a) keep a record of the total number of hours worked by the worker during the part of the year during which the worker was employed by ~~him~~ the employer (the total wages paid by ~~such~~ the employer to ~~such~~ the employee for that part of the year during which ~~said~~ the employee was employed by ~~him~~ shall the employer may not be less than the applicable minimum wage rate multiplied by the total number of hours ~~so~~ worked); or

(b) in lieu of the minimum wage set forth ~~herein~~ in this subsection (2), pay the farm worker a wage ~~as herein defined~~ on a monthly basis. This monthly compensation ~~shall constitute~~ constitutes a minimum wage and ~~shall~~ may not be less than ~~\$635~~ \$833 a month ~~beginning January 1, 1990.~~

1 **Section 2.** Section 39-3-409, MCA, is amended to read:

2 "**39-3-409. ~~Adoption of minimum~~ Minimum wage rates rate -- exception.** (1) ~~The commissioner~~
3 ~~shall adopt rules to establish a minimum wage that, except as provided in subsection (2), must be the same~~
4 ~~minimum hourly wage rate as provided under the federal Fair Labor Standards Act (29 U.S.C. 206(a)(1))~~
5 Except as provided in subsection (2), the minimum hourly wage rate is the greater of \$5 an hour or the rate
6 as provided under the federal Fair Labor Standards Act, 29 U.S.C. 206(a)(1), or comparable federal law,
7 excluding the value of tips received by the employee and the special provisions for a training wage.

8 (2) The minimum wage rate for a business whose annual gross sales are \$110,000 or less is \$4
9 an hour."

10

11 **NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.

12

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0179, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act increasing the minimum hourly wage rate for certain employees to \$5 an hour or the rate set under federal law, whichever is greater; removing the requirement that the minimum wage rate match the rate provided in the federal Fair Labor Standards Act; increasing the farm worker monthly wage; and providing an immediate effective date.

FISCAL IMPACT:

Department of Revenue:

Employees receiving an increase in the minimum wage *may* pay more income tax, provided that they are in a positive taxable income situation after taking deductions and exemptions. This could result in a slight increase in individual income tax collections.

However, corporations, sole proprietorships, and partnerships paying either the increased wage or the increased health care benefit provided for in this bill are allowed to deduct the increase in full, resulting in a decrease in corporation license tax revenue and individual income tax revenue. Because corporations and business owners generally pay at a higher marginal tax rate than employees receiving the minimum wage, the net impact of this bill is to reduce individual income tax and corporation license tax revenue. However, the department estimates this impact to be minimal.

On the other hand, old fund liability taxes will increase commensurate with the increase in wages paid under this proposal.

The overall net impact to all tax sources is estimated to be negligible.

Department of Labor and Industry:

Total revenue and expense estimates are not available because the department does not have data to indicate the number of covered workers being paid the minimum wage, nor the number of unemployed workers who have been paid the minimum wage who now draw unemployment benefits. However, an increase in the minimum wage would result in an increase to the taxable wage base which would ultimately be used in the calculation of UI tax amounts and future benefit payments.

Dave Lewis 1-23-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Bill Wilson 1-23-95
BILL WILSON, PRIMARY SPONSOR DATE
Fiscal Note for SB0179, as introduced

SB 179

1 HOUSE BILL NO. 179

2 INTRODUCED BY FELAND

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A CHARGE FOR VIOLATION OF SECTION
5 45-7-306, MCA, AFTER COMMITMENT TO A STATE PRISON OR TO THE DEPARTMENT OF
6 CORRECTIONS AND HUMAN SERVICES MAY, ~~WITHOUT OBJECTION FROM THE CHARGED PERSON~~
7 UNDER CERTAIN CIRCUMSTANCES, BE FILED IN ANY COUNTY IN THE STATE; AND AMENDING
8 SECTIONS 46-3-110, 46-3-112, 46-3-113, 46-3-114, AND 46-3-115, MCA."

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

11
12 **Section 1.** Section 46-3-110, MCA, is amended to read:

13 "46-3-110. **Filing the charge.** (1) In all criminal prosecutions, the charge must be filed in the
14 county where the offense was committed unless otherwise provided by law.

15 (2) A charge for violation of 45-7-306 after imposition of a state prison sentence or after
16 commitment to the department of corrections and human services may, AT THE DISCRETION OF THE
17 COUNTY ATTORNEY FOR THE COUNTY IN WHICH THE PERSON WAS ARRESTED AND without objection
18 from the person charged, be filed in any county in the state."

19
20 **Section 2.** Section 46-3-112, MCA, is amended to read:

21 "46-3-112. **Requisite act in multiple counties.** (1) ~~When~~ Except as provided in 46-3-110(2), if two
22 or more acts are requisite to the commission of an offense or ~~when~~ if two or more acts are committed in
23 furtherance of a common scheme, the charge may be filed in any county in which any of the acts or
24 offenses occurred.

25 (2) ~~When~~ Except as provided in 46-3-110(2), if an act requisite to the commission of an offense
26 occurs or continues in more than one county, the charge may be filed in any county in which the act
27 occurred or continued."

28
29 **Section 3.** Section 46-3-113, MCA, is amended to read:

30 "46-3-113. **Assisting in commission of or committing an offense.** ~~When~~ Except as provided in

1 46-3-110(2), if a person in one county commits an offense or aids, abets, or procures the commission of
2 an offense in another county, the charge may be filed in either county."

3

4 **Section 4.** Section 46-3-114, MCA, is amended to read:

5 "46-3-114. **County of offense unknown.** (1) ~~When~~ Except as provided in 46-3-110(2), if the county
6 in which the offense was committed cannot be readily determined, the offender may be charged in any
7 county in which it appears that an element of the offense occurred.

8 (2) ~~When~~ Except as provided in 46-3-110(2), if an offense is committed in or against a public or
9 private conveyance and it is doubtful in which county the offense occurred, the charge may be filed in any
10 county in or through which the conveyance has traveled."

11

12 **Section 5.** Section 46-3-115, MCA, is amended to read:

13 "46-3-115. **Offense consummated within the state.** ~~When~~ Except as provided in 46-3-110(2), if an
14 offense is committed partly within this state, the offense may be charged in any county where an act
15 requisite to the commission of the offense is committed or continued."

16

-END-