

SENATE BILL NO. 241

INTRODUCED BY R. WEBB

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A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING POLITICAL SUBDIVISIONS FROM REQUIRING EMPLOYERS TO PROVIDE WAGES AND BENEFITS THAT ARE INCONSISTENT WITH STATE AND FEDERAL LAW; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, the Legislature finds that any mandate requiring an employer to provide a particular wage or employment benefit to an employee or class of employees in this state is a matter of statewide concern; and

WHEREAS, the enactment of any mandate by a political subdivision in this state requiring an employer to provide an employee or class of employees with a particular wage or employment benefit that is not required by state or federal law or the administration by a political subdivision of a state or federal mandated wage or employment benefit in a manner different than state and federal law would defeat statewide uniformity.

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

NEW SECTION. **Section 1. Short title.** [Sections 1 through 3] may be cited as the "Political Subdivision Employer Mandate Prohibition Act".

NEW SECTION. **Section 2. Definitions.** As used in [sections 2 and 3], the following definitions apply:

- (1) "Employee" means a person in this state who is in the service of an employer or engaged in employment, as defined in 39-2-101, or under any appointment or contract of hire, written or oral, express or implied.
- (2) "Employer" means a person or entity in this state that has one or more employees.
- (3) "Employment benefit" means anything of value or any type of compensation, other than wages, provided by an employer to an employee without regard to whether the employer places a monetary value on the benefit or whether the benefit is subject to taxation.
- (4) "Political subdivision" means a local government unit, including but not limited to a county, city, or town established under authority of Article XI, section 1, of the Montana constitution.

1 NEW SECTION. **Section 3. Prohibitions -- application.** (1) A political subdivision may not enact,
2 administer, or otherwise require an employer to provide an employee or class of employees with a wage or
3 employment benefit that is not required by state or federal law.

4 (2) [Sections 2 and 3] do not apply to a political subdivision affecting an employment benefit for an
5 employee or class of employees of that political subdivision.

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7 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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