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Benson
Stall
Willems
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Lann
H. Lann
Suebeck

House BILL NO. *109* *Trujillo Lynch*
 INTRODUCED BY *McKittick* *Jessie Brand Johnson*
Helmbeck *Lillian Henderson* *Margaret Murphy*
 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 87-104
 TO WAIVE THE FOUR AND ONE HALF PERCENT (4 1/2%) NATIONAL
 "ON" AND "OFF" TRIGGER FOR EXTENDED BENEFITS AND
 SUBSTITUTING FOUR PERCENT (4%) FOR THE PERIOD JANUARY 1,
 1975 THROUGH DECEMBER 31, 1976 AND TO WAIVE THE ONE HUNDRED
 AND TWENTY PERCENT (120%) FACTOR OF THE STATE "ON" AND "OFF"
 TRIGGER DURING THE SAME PERIOD TO AVAIL THE STATE OF THE ONE
 HUNDRED PERCENT (100%) REIMBURSEMENT FACTOR OF FEDERAL LAW."
 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 Section 1. Section 87-104, R.C.M. 1947, is amended to
 read as follows:
 "87-104. Duration of benefits. The maximum total
 amount of benefits payable to any eligible individual during
 any benefit year shall be:
 (a) (1) Thirteen (13) times his weekly benefit amount if
 he is qualified as an insured worker as defined in section
 87-103 (c), and does not qualify under subsection (2) or (3)
 below.
 (2) Twenty (20) times his weekly benefit amount if in
 addition to meeting the requirements of section 87-103 (c),
 he has been paid wages of one hundred dollars (\$100) or more

Shelden
Manuel
Spoddy
Stacy
Ellison
Leiter
O'Connell
Stoa
Stover
Ishtanough
Conroy
Kimmisfeldt
Johnson
Salverson
Bradley
Kimmis

1 for insured work in each of two (2) quarters in his base
 2 period other than the quarter in which his wages were
 3 highest.
 4 (3) Twenty-six (26) times his weekly benefit amount if
 5 in addition to meeting the requirement of section 87-103
 6 (c), he has been paid wages of one hundred dollars (\$100) or
 7 more for insured work in each of three (3) quarters in his
 8 base period other than the quarter in which his wages were
 9 highest.
 10 (4) Extended benefits if he is qualified as provided
 11 under the provisions of this subsection.
 12 (a) Definitions. --As used in this section, unless the
 13 context clearly requires otherwise--
 14 (1) "Extended benefit period" means a period which
 15 (A) begins with the third week after whichever of the
 16 following weeks occurs first:
 17 (i) a week for which there is a national "on"
 18 indicator, or
 19 (ii) a week for which there is a state "on" indicator;
 20 and
 21 (B) ends with either of the following weeks, whichever
 22 occurs later:
 23 (i) the third week after the first week for which
 24 there is both a national "off" indicator and a state "off"
 25 indicator, or

HB 109

1 (ii) the thirteenth consecutive week of such period;
 2 Provided, that no extended benefit period may begin by
 3 reason of a state "on" indicator before the fourteenth week
 4 following the end of a prior extended benefit period which
 5 was in effect with respect to this state.

6 (2) There is a "national 'on' indicator" for a week if
 7 the U. S. Secretary of Labor determines that for each of
 8 the three (3) most recent completed calendar months ending
 9 before such week, the rate of insured unemployment
 10 (seasonally adjusted) for all states equaled or exceeded
 11 four and one-half per cent (4 1/2%).

12 (3) There is a "national 'off' indicator" for a week
 13 if the U. S. Secretary of Labor determines that for each of
 14 the three (3) most recent completed calendar months ending
 15 before such week, the rate of insured unemployment
 16 (seasonally adjusted) for all states was less than four and
 17 one-half per cent (4 1/2%).

18 (4) There is a "state 'on' indicator" for this state
 19 for a week if the commission determines, in accordance with
 20 the regulations of the U. S. Secretary of Labor, that for
 21 the period consisting of such week and the immediately
 22 preceding twelve (12) weeks, the rate of insured
 23 unemployment (not seasonally adjusted) under this act--

24 (A) equaled or exceeded one hundred and twenty per
 25 cent (120%) of the average of such rates for the

1 corresponding thirteen (13) week period ending in each of
 2 the preceding two (2) calendar years, and

3 (B) equaled or exceeded four per cent (4%).

4 (5) There is a "state 'off' indicator" for this state
 5 for a week if the commission determines, in accordance with
 6 the regulations of the U. S. Secretary of Labor, that for
 7 the period consisting of such week and the immediately
 8 preceding twelve (12) weeks, the rate of insured
 9 unemployment (not seasonally adjusted) under this act--

10 (A) was less than one hundred and twenty per cent
 11 (120%) of the average of such rates for the corresponding
 12 thirteen (13) week period ending in each of the preceding
 13 two (2) calendar years, or

14 (B) was less than four per cent (4%).

15 (6) "Rate of insured unemployment," for purposes of
 16 paragraphs (4) and (5) of this subsection, means the
 17 percentage derived by dividing

18 (i) the average weekly number of individuals filing
 19 claims in this state for weeks of unemployment with respect
 20 to the most recent thirteen (13) consecutive-week period, as
 21 determined by the commission on the basis of his reports to
 22 the U. S. Secretary of Labor, by

23 (ii) the average monthly employment covered under this
 24 act for the first four (4) of the most recent six (6)
 25 completed calendar quarters ending before the end of such

1 thirteen (13) week period.

2 (7) "Regular benefits" means benefits payable to an
3 individual under this act or under any other state law
4 (including benefits payable to federal civilian employees
5 and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other
6 than extended benefits.

7 (8) "Extended benefits" means benefits (including
8 benefits payable to federal civilian employees and to
9 ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to
10 an individual under the provisions of this section for weeks
11 of unemployment in his eligibility period.

12 (9) "Eligibility period" of an individual means the
13 period consisting of the weeks in his benefit year which
14 begin in an extended benefit period and, if his benefit year
15 ends within such extended benefit period, any weeks
16 thereafter which begin in such period.

17 (10) "Exhaustee" means an individual who, with respect
18 to any week of unemployment in his eligibility period:

19 (A) has received, prior to such week, all of the
20 regular benefits that were available to him under this act
21 or any other state law (including dependents' allowances and
22 benefits payable to federal civilian employees and
23 ex-servicemen under 5 U.S.C. chapter 85) in his current
24 benefit year that includes such week;

25 Provided, that, for the purposes of this subparagraph

1 an individual shall be deemed to have received all of the
2 regular benefits that were available to him although (i) as
3 a result of a pending appeal with respect to wages that were
4 not considered in the original monetary determination in his
5 benefit year, he may subsequently be determined to be
6 entitled to added regular benefits.

7 (B) his benefit year having expired prior to such
8 week, has no, or insufficient, wages on the basis of which
9 he could establish a new benefit year that would include
10 such week; and

11 (C) (i) has no right to unemployment benefits or
12 allowances, as the case may be, under the Railroad
13 Unemployment Insurance Act, the Trade Expansion Act of 1962,
14 the Automotive Products Trade Act of 1965 and such other
15 federal laws as are specified in regulations issued by the
16 U. S. Secretary of Labor; and (ii) has not received and is
17 not seeking unemployment benefits under the unemployment
18 compensation law of the Virgin Islands or of Canada; but if
19 he is seeking such benefits and the appropriate agency
20 finally determines that he is not entitled to benefits under
21 such law he is considered an exhaustee.

22 (11) "State law" means the unemployment insurance law
23 of any state, approved by the U. S. Secretary of Labor under
24 section 3304 of the Internal Revenue Code of 1954.

25 (b) Effect of state law provisions relating to regular

HB 109

1 benefits on claims for, and the payment of, extended
 2 benefits. --Except when the result would be inconsistent
 3 with the other provisions of this section, as provided in
 4 the regulations of the commission, the provisions of this
 5 act which apply to claims for, or the payment of, regular
 6 benefits shall apply to claims for, and the payment of,
 7 extended benefits.

8 (c) Eligibility requirements for extended benefits.
 9 --An individual shall be eligible to receive extended
 10 benefits with respect to any week of unemployment in this
 11 eligibility period only if the commission finds that with
 12 respect to such week:

13 (1) he is an "exhaustee" as defined in subsection
 14 (a)(10),

15 (2) he has satisfied the requirements of this act for
 16 the receipt of regular benefits that are applicable to
 17 individuals claiming extended benefits, including not being
 18 subject to a disqualification for the receipt of benefits.

19 (d) Weekly extended benefit amount. --The weekly
 20 extended benefit amount payable to an individual for a week
 21 of total unemployment in his eligibility period shall be an
 22 amount equal to the weekly benefit amount payable to him
 23 during his applicable benefit year.

24 (e) Total extended benefit amount. --The total
 25 extended benefit amount payable to any eligible individual

1 with respect to his applicable benefit year shall be the
 2 least of the following amounts:

3 (1) fifty per cent (50%) of the total amount of
 4 regular benefits which were payable to him under this act in
 5 his applicable benefit year;

6 (2) thirteen (13) times his weekly benefit amount
 7 which was payable to him under this act for a week of total
 8 unemployment in the applicable benefit year.

9 (f) (1) Beginning and termination of extended benefit
 10 period. --Whenever an extended benefit period is to become
 11 effective in this state (or in all states) as a result of a
 12 state or a national "on" indicator, or an extended benefit
 13 period is to be terminated in this state as a result of
 14 state and national "off" indicators, the commission shall
 15 make an appropriate public announcement.

16 (2) Computations required by the provisions of
 17 subsection (a)(6) shall be made by the commission, in
 18 accordance with regulations prescribed by the U. S.
 19 Secretary of Labor.

20 (3) The effective date of subsection (a)(4) of this
 21 section shall be January 1, 1972.

22 (b) An individual disqualified by and pursuant to
 23 section 87-106, subsections (a), (b) and (c), shall have his
 24 maximum weekly duration reduced by the number of weeks equal
 25 to the number of weeks of disqualification.

1 (c) Effective with respect to compensation for weeks
2 of unemployment beginning before December 31, 1976, and
3 beginning after December 31, 1974, the determination of
4 whether there has been a state "on" or "off" indicator
5 beginning or ending an extended benefit period shall be made
6 under this subsection as if paragraph (a) did not contain
7 subparagraph (4) (a) (4) (A) and (4) (a) (5) (A) thereof.

8 (d) Effective with respect to compensation for weeks
9 of unemployment beginning before December 31, 1976, and
10 beginning after December 31, 1974, the determination of
11 whether there has been a national "on" or "off" indicator
12 beginning or ending any extended benefit period shall be
13 made under subsection (a) as if the phrase "4.5 per centum",
14 contained in paragraphs (4) (a) (2) and (4) (a) (3) read "4
15 percent (4%)".

-End-

HB 109

STATE OF MONTANA

REQUEST NO. 79-75

FISCAL NOTE

Form BD-15

In compliance with a written request received January 24, 19 75, there is hereby submitted a Fiscal Note for House Bill 109 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

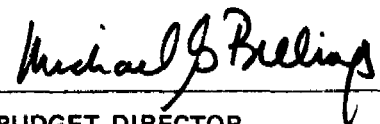
Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 109 waives the 4½% "on" and "off" trigger for extended benefits and substitutes 4% for January 1, 1975 through December 31, 1976; waives the 120% factor of the state "on" and "off" trigger during the same period to avail the state of the 102% reimbursement factor of federal law. This bill deals with unemployment compensation.

CONCLUSION:

Enactment of House Bill 109 will avail the state of federal government extended unemployment benefits. There will be no impact on state government expenditures or revenues.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: January 29, 1975

Approved by Committee
on Labor & Employment
Relations

1 HOUSE BILL NO. 109
2 INTRODUCED BY MCKITTRICK, DRISCOLL, BRAND, JOHNSON, HARPER,
3 QUILICI, GUNDERSON, MAGONE, MURPHY, HAGEMAN, SHELDEN, MANUEL,
4 YARDLEY, SCULLY, GILLIGAN, LESTER, O'CONNELL, SLOAN, KEMMIS,
5 FISHBAUGH, JAMES MOORE, CONROY, KUMMERFELDT, JOHNSTON,
6 KANDUCH, HALVORSON, BRADLEY, RICHARDS, BENGTSON, DAY,
7 GERKE, STOLTZ, KIMBLE, DUSSAULT, WILLIAMS, FINLEY,
8 HUENNEKENS, GWYNN, THOMAS, KELLY, MCFADDEN, WOLFE,
9 STAIGMILLER, W. BAETH, R. BAETH, DASSINGER,
10 LIEN, SOUTH, HOLMES, LUEBECK, PALMER, MULAR,
11 HELMBRECHT, TROPILA, LYNCH

12
13 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 87-104
14 TO WAIVE THE FOUR AND ONE-HALF PERCENT (4 1/2%) NATIONAL
15 "ON" AND "OFF" TRIGGER FOR EXTENDED BENEFITS AND
16 SUBSTITUTING FOUR PERCENT (4%) FOR THE PERIOD JANUARY 1,
17 1975 THROUGH DECEMBER 31, 1976 AND TO WAIVE THE ONE HUNDRED
18 AND TWENTY PERCENT (120%) FACTOR OF THE STATE "ON" AND "OFF"
19 TRIGGER DURING THE SAME PERIOD TO AVAIL THE STATE OF THE ONE
20 HUNDRED PERCENT (100%) REIMBURSEMENT FACTOR OF FEDERAL LAW;
21 AND PROVIDING AN EFFECTIVE DATE."

22
23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

24 Section 1. Section 87-104, R.C.M. 1947, is amended to
25 read as follows:

1 "87-104. Duration of benefits. The maximum total
2 amount of benefits payable to any eligible individual during
3 any benefit year shall be:

4 (a) (i) Thirteen (13) times his weekly benefit amount if
5 he is qualified as an insured worker as defined in section
6 87-103 (c), and does not qualify under subsection (2) or (3)
7 below.

8 (2) Twenty (20) times his weekly benefit amount if in
9 addition to meeting the requirements of section 87-103 (c),
10 he has been paid wages of one hundred dollars (\$100) or more
11 for insured work in each of two (2) quarters in his base
12 period other than the quarter in which his wages were
13 highest.

14 (3) Twenty-six (26) times his weekly benefit amount if
15 in addition to meeting the requirement of section 87-103
16 (c), he has been paid wages of one hundred dollars (\$100) or
17 more for insured work in each of three (3) quarters in his
18 base period other than the quarter in which his wages were
19 highest.

20 (4) Extended benefits if he is qualified as provided
21 under the provisions of this subsection.

22 (a) Definitions. --As used in this section, unless the
23 context clearly requires otherwise--

24 (1) "Extended benefit period" means a period which

25 (A) begins with the third week after whichever of the

1 following weeks occurs first:

2 (i) a week for which there is a national "on"
3 indicator, or

4 (ii) a week for which there is a state "on" indicator;
5 and

6 (B) ends with either of the following weeks, whichever
7 occurs later:

8 (i) the third week after the first week for which
9 there is both a national "off" indicator and a state "off"
10 indicator, or

11 (ii) the thirteenth consecutive week of such period;

12 Provided, that no extended benefit period may begin by
13 reason of a state "on" indicator before the fourteenth week
14 following the end of a prior extended benefit period which
15 was in effect with respect to this state.

16 (2) There is a "national 'on' indicator" for a week if
17 the U. S. Secretary of Labor determines that for each of
18 the three (3) most recent completed calendar months ending
19 before such week, the rate of insured unemployment
20 (seasonally adjusted) for all states equaled or exceeded
21 four and one-half per cent (4 1/2%).

22 (3) There is a "national 'off' indicator" for a week
23 if the U. S. Secretary of Labor determines that for each of
24 the three (3) most recent completed calendar months ending
25 before such week, the rate of insured unemployment

1 (seasonally adjusted) for all states was less than four and
2 one-half per cent (4 1/2%).

3 (4) There is a "state 'on' indicator" for this state
4 for a week if the commission determines, in accordance with
5 the regulations of the U. S. Secretary of Labor, that for
6 the period consisting of such week and the immediately
7 preceding twelve (12) weeks, the rate of insured
8 unemployment (not seasonally adjusted) under this act--

9 (A) equaled or exceeded one hundred and twenty per
10 cent (120%) of the average of such rates for the
11 corresponding thirteen (13) week period ending in each of
12 the preceding two (2) calendar years, and

13 (B) equaled or exceeded four per cent (4%).

14 (5) There is a "state 'off' indicator" for this state
15 for a week if the commission determines, in accordance with
16 the regulations of the U. S. Secretary of Labor, that for
17 the period consisting of such week and the immediately
18 preceding twelve (12) weeks, the rate of insured
19 unemployment (not seasonally adjusted) under this act--

20 (A) was less than one hundred and twenty per cent
21 (120%) of the average of such rates for the corresponding
22 thirteen (13) week period ending in each of the preceding
23 two (2) calendar years, or

24 (B) was less than four per cent (4%).

25 (6) "Rate of insured unemployment," for purposes of

1 paragraphs (4) and (5) of this subsection, means the
2 percentage derived by dividing

3 (i) the average weekly number of individuals filing
4 claims in this state for weeks of unemployment with respect
5 to the most recent thirteen (13) consecutive-week period, as
6 determined by the commission on the basis of his reports to
7 the U. S. Secretary of Labor, by

8 (ii) the average monthly employment covered under this
9 act for the first four (4) of the most recent six (6)
10 completed calendar quarters ending before the end of such
11 thirteen (13) week period.

12 (7) "Regular benefits" means benefits payable to an
13 individual under this act or under any other state law
14 (including benefits payable to federal civilian employees
15 and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other
16 than extended benefits.

17 (8) "Extended benefits" means benefits (including
18 benefits payable to federal civilian employees and to
19 ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to
20 an individual under the provisions of this section for weeks
21 of unemployment in his eligibility period.

22 (9) "Eligibility period" of an individual means the
23 period consisting of the weeks in his benefit year which
24 begin in an extended benefit period and, if his benefit year
25 ends within such extended benefit period, any weeks

1 thereafter which begin in such period.

2 (10) "Exhaustee" means an individual who, with respect
3 to any week of unemployment in his eligibility period:

4 (A) has received, prior to such week, all of the
5 regular benefits that were available to him under this act
6 or any other state law (including dependents' allowances and
7 benefits payable to federal civilian employees and
8 ex-servicemen under 5 U.S.C. chapter 85) in his current
9 benefit year that includes such week;

10 Provided, that, for the purposes of this subparagraph
11 an individual shall be deemed to have received all of the
12 regular benefits that were available to him although (i) as
13 a result of a pending appeal with respect to wages that were
14 not considered in the original monetary determination in his
15 benefit year, he may subsequently be determined to be
16 entitled to added regular benefits.

17 (B) his benefit year having expired prior to such
18 week, has no, or insufficient, wages on the basis of which
19 he could establish a new benefit year that would include
20 such week; and

21 (C) (i) has no right to unemployment benefits or
22 allowances, as the case may be, under the Railroad
23 Unemployment Insurance Act, the Trade Expansion Act of 1962,
24 the Automotive Products Trade Act of 1965 and such other
25 federal laws as are specified in regulations issued by the

1 U. S. Secretary of Labor; and (ii) has not received and is
 2 not seeking unemployment benefits under the unemployment
 3 compensation law of the Virgin Islands or of Canada; but if
 4 he is seeking such benefits and the appropriate agency
 5 finally determines that he is not entitled to benefits under
 6 such law he is considered an exhaustee.

7 (11) "State law" means the unemployment insurance law
 8 of any state, approved by the U. S. Secretary of Labor under
 9 section 3304 of the Internal Revenue Code of 1954.

10 (b) Effect of state law provisions relating to regular
 11 benefits on claims for, and the payment of, extended
 12 benefits. --Except when the result would be inconsistent
 13 with the other provisions of this section, as provided in
 14 the regulations of the commission, the provisions of this
 15 act which apply to claims for, or the payment of, regular
 16 benefits shall apply to claims for, and the payment of,
 17 extended benefits.

18 (c) Eligibility requirements for extended benefits.
 19 --An individual shall be eligible to receive extended
 20 benefits with respect to any week of unemployment in this
 21 eligibility period only if the commission finds that with
 22 respect to such week:

- 23 (1) he is an "exhaustee" as defined in subsection
 24 (a)(10),
 25 (2) he has satisfied the requirements of this act for

1 the receipt of regular benefits that are applicable to
 2 individuals claiming extended benefits, including not being
 3 subject to a disqualification for the receipt of benefits.

4 (d) Weekly extended benefit amount. --The weekly
 5 extended benefit amount payable to an individual for a week
 6 of total unemployment in his eligibility period shall be an
 7 amount equal to the weekly benefit amount payable to him
 8 during his applicable benefit year.

9 (e) Total extended benefit amount. --The total
 10 extended benefit amount payable to any eligible individual
 11 with respect to his applicable benefit year shall be the
 12 least of the following amounts:

13 (1) fifty per cent (50%) of the total amount of
 14 regular benefits which were payable to him under this act in
 15 his applicable benefit year;

16 (2) thirteen (13) times his weekly benefit amount
 17 which was payable to him under this act for a week of total
 18 unemployment in the applicable benefit year.

19 (f) (1) Beginning and termination of extended benefit
 20 period. --Whenever an extended benefit period is to become
 21 effective in this state (or in all states) as a result of a
 22 state or a national "on" indicator, or an extended benefit
 23 period is to be terminated in this state as a result of
 24 state and national "off" indicators, the commission shall
 25 make an appropriate public announcement.

1 (2) Computations required by the provisions of
 2 subsection (a)(6) shall be made by the commission, in
 3 accordance with regulations prescribed by the U. S.
 4 Secretary of Labor.

5 (3) The effective date of subsection (a)(4) of this
 6 section shall be January 1, 1972.

7 (b) An individual disqualified by and pursuant to
 8 section 87-106, subsections (a), (b) and (c), shall have his
 9 maximum weekly duration reduced by the number of weeks equal
 10 to the number of weeks of disqualification.

11 (c) Effective with respect to compensation for weeks
 12 of unemployment beginning before December 31, 1976, and
 13 beginning after December 31, 1974, the determination of
 14 whether there has been a state "on" or "off" indicator
 15 beginning or ending an extended benefit period shall be made
 16 under this subsection as if paragraph (a) did not contain
 17 subparagraph (4)(a)(4)(A) and (4)(a)(5)(A) thereof.

18 (d) Effective with respect to compensation for weeks
 19 of unemployment beginning before December 31, 1976, and
 20 beginning after December 31, 1974, the determination of
 21 whether there has been a national "on" or "off" indicator
 22 beginning or ending any extended benefit period shall be
 23 made under subsection (a) as if the phrase "4.5 per centum",
 24 contained in paragraphs (4)(a)(2) and (4)(a)(3) read "4
 25 percent (4%)".

1 SECTION 2. THIS ACT IS EFFECTIVE ON ITS PASSAGE AND
 2 APPROVAL.

-End-

HOUSE BILL NO. 109

INTRODUCED BY MCKITTRICK, DRISCOLL, BRAND, JOHNSON, HARPER,
 QUILICI, GUNDERSON, MAGONE, MURPHY, HAGEMAN, SHELDEN, MANUEL,
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 AND TWENTY PERCENT (120%) FACTOR OF THE STATE "ON" AND "OFF"
 TRIGGER DURING THE SAME PERIOD TO AVAIL THE STATE OF THE ONE
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AND PROVIDING AN EFFECTIVE DATE."

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 he is qualified as an insured worker as defined in section
 87-103 (c), and does not qualify under subsection (2) or (3)
 below.

(2) Twenty (20) times his weekly benefit amount if in
 addition to meeting the requirements of section 87-103 (c),
 he has been paid wages of one hundred dollars (\$100) or more
 for insured work in each of two (2) quarters in his base
 period other than the quarter in which his wages were
 highest.

(3) Twenty-six (26) times his weekly benefit amount if
 in addition to meeting the requirement of section 87-103
 (c), he has been paid wages of one hundred dollars (\$100) or
 more for insured work in each of three (3) quarters in his
 base period other than the quarter in which his wages were
 highest.

(4) Extended benefits if he is qualified as provided
 under the provisions of this subsection.

(a) Definitions. --As used in this section, unless the
 context clearly requires otherwise--

(1) "Extended benefit period" means a period which

(A) begins with the third week after whichever of the

1 following weeks occurs first:

2 (i) a week for which there is a national "on"
3 indicator, or

4 (ii) a week for which there is a state "on" indicator;
5 and

6 (B) ends with either of the following weeks, whichever
7 occurs later:

8 (i) the third week after the first week for which
9 there is both a national "off" indicator and a state "off"
10 indicator, or

11 (ii) the thirteenth consecutive week of such period;

12 Provided, that no extended benefit period may begin by
13 reason of a state "on" indicator before the fourteenth week
14 following the end of a prior extended benefit period which
15 was in effect with respect to this state.

16 (2) There is a "national 'on' indicator" for a week if
17 the U. S. Secretary of Labor determines that for each of
18 the three (3) most recent completed calendar months ending
19 before such week, the rate of insured unemployment
20 (seasonally adjusted) for all states equaled or exceeded
21 four and one-half per cent (4 1/2%).

22 (3) There is a "national 'off' indicator" for a week
23 if the U. S. Secretary of Labor determines that for each of
24 the three (3) most recent completed calendar months ending
25 before such week, the rate of insured unemployment

1 (seasonally adjusted) for all states was less than four and
2 one-half per cent (4 1/2%).

3 (4) There is a "state 'on' indicator" for this state
4 for a week if the commission determines, in accordance with
5 the regulations of the U. S. Secretary of Labor, that for
6 the period consisting of such week and the immediately
7 preceding twelve (12) weeks, the rate of insured
8 unemployment (not seasonally adjusted) under this act--

9 (A) equaled or exceeded one hundred and twenty per
10 cent (120%) of the average of such rates for the
11 corresponding thirteen (13) week period ending in each of
12 the preceding two (2) calendar years, and

13 (B) equaled or exceeded four per cent (4%).

14 (5) There is a "state 'off' indicator" for this state
15 for a week if the commission determines, in accordance with
16 the regulations of the U. S. Secretary of Labor, that for
17 the period consisting of such week and the immediately
18 preceding twelve (12) weeks, the rate of insured
19 unemployment (not seasonally adjusted) under this act--

20 (A) was less than one hundred and twenty per cent
21 (120%) of the average of such rates for the corresponding
22 thirteen (13) week period ending in each of the preceding
23 two (2) calendar years, or

24 (B) was less than four per cent (4%).

25 (6) "Rate of insured unemployment," for purposes of

1 paragraphs (4) and (5) of this subsection, means the
2 percentage derived by dividing

3 (i) the average weekly number of individuals filing
4 claims in this state for weeks of unemployment with respect
5 to the most recent thirteen (13) consecutive-week period, as
6 determined by the commission on the basis of his reports to
7 the U. S. Secretary of Labor, by

8 (ii) the average monthly employment covered under this
9 act for the first four (4) of the most recent six (6)
10 completed calendar quarters ending before the end of such
11 thirteen (13) week period.

12 (7) "Regular benefits" means benefits payable to an
13 individual under this act or under any other state law
14 (including benefits payable to federal civilian employees
15 and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other
16 than extended benefits.

17 (8) "Extended benefits" means benefits (including
18 benefits payable to federal civilian employees and to
19 ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to
20 an individual under the provisions of this section for weeks
21 of unemployment in his eligibility period.

22 (9) "Eligibility period" of an individual means the
23 period consisting of the weeks in his benefit year which
24 begin in an extended benefit period and, if his benefit year
25 ends within such extended benefit period, any weeks

1 thereafter which begin in such period.

2 (10) "Exhaustee" means an individual who, with respect
3 to any week of unemployment in his eligibility period:

4 (A) has received, prior to such week, all of the
5 regular benefits that were available to him under this act
6 or any other state law (including dependents' allowances and
7 benefits payable to federal civilian employees and
8 ex-servicemen under 5 U.S.C. chapter 85) in his current
9 benefit year that includes such week;

10 Provided, that, for the purposes of this subparagraph
11 an individual shall be deemed to have received all of the
12 regular benefits that were available to him although (i) as
13 a result of a pending appeal with respect to wages that were
14 not considered in the original monetary determination in his
15 benefit year, he may subsequently be determined to be
16 entitled to added regular benefits.

17 (B) his benefit year having expired prior to such
18 week, has no, or insufficient, wages on the basis of which
19 he could establish a new benefit year that would include
20 such week; and

21 (C) (i) has no right to unemployment benefits or
22 allowances, as the case may be, under the Railroad
23 Unemployment Insurance Act, the Trade Expansion Act of 1962,
24 the Automotive Products Trade Act of 1965 and such other
25 federal laws as are specified in regulations issued by the

1 U. S. Secretary of Labor; and (ii) has not received and is
 2 not seeking unemployment benefits under the unemployment
 3 compensation law of the Virgin Islands or of Canada; but if
 4 he is seeking such benefits and the appropriate agency
 5 finally determines that he is not entitled to benefits under
 6 such law he is considered an exhaustee.

7 (11) "State law" means the unemployment insurance law
 8 of any state, approved by the U. S. Secretary of Labor under
 9 section 3304 of the Internal Revenue Code of 1954.

10 (b) Effect of state law provisions relating to regular
 11 benefits on claims for, and the payment of, extended
 12 benefits. --Except when the result would be inconsistent
 13 with the other provisions of this section, as provided in
 14 the regulations of the commission, the provisions of this
 15 act which apply to claims for, or the payment of, regular
 16 benefits shall apply to claims for, and the payment of,
 17 extended benefits.

18 (c) Eligibility requirements for extended benefits.
 19 --An individual shall be eligible to receive extended
 20 benefits with respect to any week of unemployment in this
 21 eligibility period only if the commission finds that with
 22 respect to such week:

- 23 (1) he is an "exhaustee" as defined in subsection
 24 (a)(10),
 25 (2) he has satisfied the requirements of this act for

1 the receipt of regular benefits that are applicable to
 2 individuals claiming extended benefits, including not being
 3 subject to a disqualification for the receipt of benefits.

4 (d) Weekly extended benefit amount. --The weekly
 5 extended benefit amount payable to an individual for a week
 6 of total unemployment in his eligibility period shall be an
 7 amount equal to the weekly benefit amount payable to him
 8 during his applicable benefit year.

9 (e) Total extended benefit amount. --The total
 10 extended benefit amount payable to any eligible individual
 11 with respect to his applicable benefit year shall be the
 12 least of the following amounts:

13 (1) fifty per cent (50%) of the total amount of
 14 regular benefits which were payable to him under this act in
 15 his applicable benefit year;

16 (2) thirteen (13) times his weekly benefit amount
 17 which was payable to him under this act for a week of total
 18 unemployment in the applicable benefit year.

19 (f) (1) Beginning and termination of extended benefit
 20 period. --Whenever an extended benefit period is to become
 21 effective in this state (or in all states) as a result of a
 22 state or a national "on" indicator, or an extended benefit
 23 period is to be terminated in this state as a result of
 24 state and national "off" indicators, the commission shall
 25 make an appropriate public announcement.

1 (2) Computations required by the provisions of
 2 subsection (a)(6) shall be made by the commission, in
 3 accordance with regulations prescribed by the U. S.
 4 Secretary of Labor.

5 (3) The effective date of subsection (a)(4) of this
 6 section shall be January 1, 1972.

7 (b) An individual disqualified by and pursuant to
 8 section 87-106, subsections (a), (b) and (c), shall have his
 9 maximum weekly duration reduced by the number of weeks equal
 10 to the number of weeks of disqualification.

11 (c) Effective with respect to compensation for weeks
 12 of unemployment beginning before December 31, 1976, and
 13 beginning after December 31, 1974, the determination of
 14 whether there has been a state "on" or "off" indicator
 15 beginning or ending an extended benefit period shall be made
 16 under this subsection as if paragraph (a) did not contain
 17 subparagraph (4)(a)(4)(A) and (4)(a)(5)(A) thereof.

18 (d) Effective with respect to compensation for weeks
 19 of unemployment beginning before December 31, 1976, and
 20 beginning after December 31, 1974, the determination of
 21 whether there has been a national "on" or "off" indicator
 22 beginning or ending any extended benefit period shall be
 23 made under subsection (a) as if the phrase "4.5 per centum",
 24 contained in paragraphs (4)(a)(2) and (4)(a)(3) read "4
 25 percent (4%)".

1 SECTION 2. THIS ACT IS EFFECTIVE ON ITS PASSAGE AND
 2 APPROVAL.

-End-

HOUSE BILL NO. 109

INTRODUCED BY MCKITTRICK, DRISCOLL, BRAND, JOHNSON, HARPER,
 QUILICI, GUNDERSON, MAGONE, MURPHY, HAGEMAN, SHELDEN, MANUEL,
 YARDLEY, SCULLY, GILLIGAN, LESTER, O'CONNELL, SLOAN, KEMMIS,
 FISHBAUGH, JAMES MOORE, CONROY, KUMMERFELDT, JOHNSTON,
 KANDUCH, HALVORSON, BRADLEY, RICHARDS, BENGTON, DAY,
 GERKE, STOLTZ, KIMBLE, DUSSAULT, WILLIAMS, FINLEY,
 HUENNEKENS, GWYNN, THOMAS, KELLY, MCFADDEN, WOLFE,
 STAIGMILLER, W. BAETH, R. BAETH, DASSINGER,
 LIEN, SOUTH, HOLMES, LUEBECK, PALMER, MULAR,
 HELMBRECHT, TROPILA, LYNCH

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 87-104
 TO WAIVE THE FOUR AND ONE-HALF PERCENT (4 1/2%) NATIONAL
 "ON" AND "OFF" TRIGGER FOR EXTENDED BENEFITS AND
 SUBSTITUTING FOUR PERCENT (4%) FOR THE PERIOD JANUARY 1,
 1975 THROUGH DECEMBER 31, 1976 AND TO WAIVE THE ONE HUNDRED
 AND TWENTY PERCENT (120%) FACTOR OF THE STATE "ON" AND "OFF"
 TRIGGER DURING THE SAME PERIOD TO AVAIL THE STATE OF THE ONE
 HUNDRED PERCENT (100%) REIMBURSEMENT FACTOR OF FEDERAL LAW;
AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 87-104, R.C.M. 1947, is amended to
 read as follows:

"87-104. Duration of benefits. The maximum total
 amount of benefits payable to any eligible individual during
 any benefit year shall be:

(a)(1) Thirteen (13) times his weekly benefit amount if
 he is qualified as an insured worker as defined in section
 87-103 (c), and does not qualify under subsection (2) or (3)
 below.

(2) Twenty (20) times his weekly benefit amount if in
 addition to meeting the requirements of section 87-103 (c),
 he has been paid wages of one hundred dollars (\$100) or more
 for insured work in each of two (2) quarters in his base
 period other than the quarter in which his wages were
 highest.

(3) Twenty-six (26) times his weekly benefit amount if
 in addition to meeting the requirement of section 87-103
 (c), he has been paid wages of one hundred dollars (\$100) or
 more for insured work in each of three (3) quarters in his
 base period other than the quarter in which his wages were
 highest.

(4) Extended benefits if he is qualified as provided
 under the provisions of this subsection.

(a) Definitions. --As used in this section, unless the
 context clearly requires otherwise--

(1) "Extended benefit period" means a period which

(A) begins with the third week after whichever of the

1 following weeks occurs first:

2 (i) a week for which there is a national "on"
3 indicator, or

4 (ii) a week for which there is a state "on" indicator;
5 and

6 (B) ends with either of the following weeks, whichever
7 occurs later:

8 (i) the third week after the first week for which
9 there is both a national "off" indicator and a state "off"
10 indicator, or

11 (ii) the thirteenth consecutive week of such period;

12 Provided, that no extended benefit period may begin by
13 reason of a state "on" indicator before the fourteenth week
14 following the end of a prior extended benefit period which
15 was in effect with respect to this state.

16 (2) There is a "national 'on' indicator" for a week if
17 the U. S. Secretary of Labor determines that for each of
18 the three (3) most recent completed calendar months ending
19 before such week, the rate of insured unemployment
20 (seasonally adjusted) for all states equaled or exceeded
21 four and one-half per cent (4 1/2%).

22 (3) There is a "national 'off' indicator" for a week
23 if the U. S. Secretary of Labor determines that for each of
24 the three (3) most recent completed calendar months ending
25 before such week, the rate of insured unemployment

1 (seasonally adjusted) for all states was less than four and
2 one-half per cent (4 1/2%).

3 (4) There is a "state 'on' indicator" for this state
4 for a week if the commission determines, in accordance with
5 the regulations of the U. S. Secretary of Labor, that for
6 the period consisting of such week and the immediately
7 preceding twelve (12) weeks, the rate of insured
8 unemployment (not seasonally adjusted) under this act--

9 (A) equaled or exceeded one hundred and twenty per
10 cent (120%) of the average of such rates for the
11 corresponding thirteen (13) week period ending in each of
12 the preceding two (2) calendar years, and

13 (B) equaled or exceeded four per cent (4%).

14 (5) There is a "state 'off' indicator" for this state
15 for a week if the commission determines, in accordance with
16 the regulations of the U. S. Secretary of Labor, that for
17 the period consisting of such week and the immediately
18 preceding twelve (12) weeks, the rate of insured
19 unemployment (not seasonally adjusted) under this act--

20 (A) was less than one hundred and twenty per cent
21 (120%) of the average of such rates for the corresponding
22 thirteen (13) week period ending in each of the preceding
23 two (2) calendar years, or

24 (B) was less than four per cent (4%).

25 (6) "Rate of insured unemployment," for purposes of

1 paragraphs (4) and (5) of this subsection, means the
2 percentage derived by dividing

3 (i) the average weekly number of individuals filing
4 claims in this state for weeks of unemployment with respect
5 to the most recent thirteen (13) consecutive-week period, as
6 determined by the commission on the basis of his reports to
7 the U. S. Secretary of Labor, by

8 (ii) the average monthly employment covered under this
9 act for the first four (4) of the most recent six (6)
10 completed calendar quarters ending before the end of such
11 thirteen (13) week period.

12 (7) "Regular benefits" means benefits payable to an
13 individual under this act or under any other state law
14 (including benefits payable to federal civilian employees
15 and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other
16 than extended benefits.

17 (8) "Extended benefits" means benefits (including
18 benefits payable to federal civilian employees and to
19 ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to
20 an individual under the provisions of this section for weeks
21 of unemployment in his eligibility period.

22 (9) "Eligibility period" of an individual means the
23 period consisting of the weeks in his benefit year which
24 begin in an extended benefit period and, if his benefit year
25 ends within such extended benefit period, any weeks

1 thereafter which begin in such period.

2 (10) "Exhaustee" means an individual who, with respect
3 to any week of unemployment in his eligibility period:

4 (A) has received, prior to such week, all of the
5 regular benefits that were available to him under this act
6 or any other state law (including dependents' allowances and
7 benefits payable to federal civilian employees and
8 ex-servicemen under 5 U.S.C. chapter 85) in his current
9 benefit year that includes such week;

10 Provided, that, for the purposes of this subparagraph
11 an individual shall be deemed to have received all of the
12 regular benefits that were available to him although (i) as
13 a result of a pending appeal with respect to wages that were
14 not considered in the original monetary determination in his
15 benefit year, he may subsequently be determined to be
16 entitled to added regular benefits.

17 (B) his benefit year having expired prior to such
18 week, has no, or insufficient, wages on the basis of which
19 he could establish a new benefit year that would include
20 such week; and

21 (C) (i) has no right to unemployment benefits or
22 allowances, as the case may be, under the Railroad
23 Unemployment Insurance Act, the Trade Expansion Act of 1962,
24 the Automotive Products Trade Act of 1965 and such other
25 federal laws as are specified in regulations issued by the

1 U. S. Secretary of Labor; and (ii) has not received and is
 2 not seeking unemployment benefits under the unemployment
 3 compensation law of the Virgin Islands or of Canada; but if
 4 he is seeking such benefits and the appropriate agency
 5 finally determines that he is not entitled to benefits under
 6 such law he is considered an exhaustee.

7 (11) "State law" means the unemployment insurance law
 8 of any state, approved by the U. S. Secretary of Labor under
 9 section 3304 of the Internal Revenue Code of 1954.

10 (b) Effect of state law provisions relating to regular
 11 benefits on claims for, and the payment of, extended
 12 benefits. --Except when the result would be inconsistent
 13 with the other provisions of this section, as provided in
 14 the regulations of the commission, the provisions of this
 15 act which apply to claims for, or the payment of, regular
 16 benefits shall apply to claims for, and the payment of,
 17 extended benefits.

18 (c) Eligibility requirements for extended benefits.
 19 --An individual shall be eligible to receive extended
 20 benefits with respect to any week of unemployment in this
 21 eligibility period only if the commission finds that with
 22 respect to such week:

23 (1) he is an "exhaustee" as defined in subsection
 24 (a)(10),

25 (2) he has satisfied the requirements of this act for

1 the receipt of regular benefits that are applicable to
 2 individuals claiming extended benefits, including not being
 3 subject to a disqualification for the receipt of benefits.

4 (d) Weekly extended benefit amount. --The weekly
 5 extended benefit amount payable to an individual for a week
 6 of total unemployment in his eligibility period shall be an
 7 amount equal to the weekly benefit amount payable to him
 8 during his applicable benefit year.

9 (e) Total extended benefit amount. --The total
 10 extended benefit amount payable to any eligible individual
 11 with respect to his applicable benefit year shall be the
 12 least of the following amounts:

13 (1) fifty per cent (50%) of the total amount of
 14 regular benefits which were payable to him under this act in
 15 his applicable benefit year;

16 (2) thirteen (13) times his weekly benefit amount
 17 which was payable to him under this act for a week of total
 18 unemployment in the applicable benefit year.

19 (f) (1) Beginning and termination of extended benefit
 20 period. --Whenever an extended benefit period is to become
 21 effective in this state (or in all states) as a result of a
 22 state or a national "on" indicator, or an extended benefit
 23 period is to be terminated in this state as a result of
 24 state and national "off" indicators, the commission shall
 25 make an appropriate public announcement.

1 (2) Computations required by the provisions of
 2 subsection (a)(6) shall be made by the commission, in
 3 accordance with regulations prescribed by the U. S.
 4 Secretary of Labor.

5 (3) The effective date of subsection (a)(4) of this
 6 section shall be January 1, 1972.

7 (b) An individual disqualified by and pursuant to
 8 section 87-106, subsections (a), (b) and (c), shall have his
 9 maximum weekly duration reduced by the number of weeks equal
 10 to the number of weeks of disqualification.

11 (c) Effective with respect to compensation for weeks
 12 of unemployment beginning before December 31, 1976, and
 13 beginning after December 31, 1974, the determination of
 14 whether there has been a state "on" or "off" indicator
 15 beginning or ending an extended benefit period shall be made
 16 under this subsection as if paragraph (a) did not contain
 17 subparagraph (4)(a)(4)(A) and (4)(a)(5)(A) thereof.

18 (d) Effective with respect to compensation for weeks
 19 of unemployment beginning before December 31, 1976, and
 20 beginning after December 31, 1974, the determination of
 21 whether there has been a national "on" or "off" indicator
 22 beginning or ending any extended benefit period shall be
 23 made under subsection (a) as if the phrase "4.5 per centum",
 24 contained in paragraphs (4)(a)(2) and (4)(a)(3) read "4
 25 percent (4 $\frac{1}{2}$)".

1 SECTION 2. THIS ACT IS EFFECTIVE ON ITS PASSAGE AND
 2 APPROVAL.

-End-