

1 H BILL NO. 239
 2 INTRODUCTION BY Broad
 3 BY REQUEST OF THE DEPARTMENT OF LABOR

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR DENIAL
 6 OF UNEMPLOYMENT BENEFITS TO SCHOOL EMPLOYEES WHENEVER THEY
 7 HAVE A CONTRACT OR REASONABLE ASSURANCE OF RETURNING TO WORK
 8 IN THE NEXT ACADEMIC YEAR AND TO PROVIDE FOR A SIMILAR
 9 DENIAL IN THE CASE OF ATHLETES AND ILLEGAL ALIENS AS
 10 PROVIDED FOR IN PUBLIC LAW 94-566; AMENDING SECTION 87-105,
 11 R.C.M. 1947."

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

14 Section 1. Section 87-105, R.C.M. 1947, is amended to
 15 read as follows:

16 "87-105. Benefit eligibility conditions. An unemployed
 17 individual shall be eligible to receive benefits for any
 18 week of total unemployment within his benefit year; only if
 19 the division finds that--

20 (a) He has registered for work at and thereafter has
 21 continued to report at an employment office in accordance
 22 with such regulation as the division may prescribe, except
 23 that the division may, by regulation, prescribe that such
 24 types of cases or situations with respect to which it finds
 25 that compliance with such requirements would be oppressive,

1 or would be inconsistent with the purposes of this act,
 2 provide for registration and reporting for work by mail or
 3 through other governmental agencies.

4 (b) He has made a claim for benefits in accordance
 5 with the provisions of section 87-107(a).

6 (c) He is able to work and is available for work and
 7 is seeking work, provided, however, that no claimant shall
 8 be considered ineligible in any week of unemployment for
 9 failure to comply with the provisions of this subsection if
 10 such failure is due to an illness or disability which occurs
 11 after he has registered for work and no suitable work has
 12 been offered to such claimant after the beginning of such
 13 illness or disability.

14 (d) Prior to any week for which he claims benefits he
 15 has been totally unemployed for a waiting period of one (1)
 16 week. However, if claimant's benefit year expires during a
 17 period of compensable unemployment, claimant will continue
 18 to receive weekly benefits, in a new benefit year, if
 19 otherwise eligible, without interruption to serve the
 20 waiting week for the new benefit year, but will thereafter
 21 be required to serve the waiting week before receiving
 22 benefits during subsequent unemployment in the new benefit
 23 year. No week shall be counted as a week of total
 24 unemployment for the purposes of this subsection:

25 (1) If benefits have been paid with respect thereto;

INTRODUCED BILL

-2- *HB. 239*

1 (2) Unless the individual was eligible for benefits
2 with respect thereto;

3 (3) Unless it occurs within the benefit year of the
4 claimant;

5 (4) Unless it occurs after benefits first could become
6 payable to any individual under this act.

7 (e) An individual who received benefits during a
8 benefit year must perform services for remuneration after
9 the beginning of that year as a condition for receiving
10 benefits in a second benefit year. The service may be in
11 either covered or noncovered employment, however, the
12 individual must have earned the lesser of three-thirteenths
13 (3/13) of his high quarter of his second benefit year or six
14 (6) times his weekly benefit amount of that same year.

15 (f) Benefits based on service in employment defined in
16 section 87-148(j)(6) and (7) and section 87-110(d) shall be
17 payable in the same amount, on the same terms and subject to
18 the same conditions as compensation payable on the basis of
19 other service subject to this act; except that benefits
20 based on service ~~in an instructional, research or principal~~
21 ~~administrative capacity in a public school of the state of~~
22 ~~Monteay or in~~ for an educational institution of higher
23 education ~~(as defined in section 87-140(n))~~ shall not be
24 paid to an individual for any week of unemployment which
25 begins during the period between two successive academic

1 years, or during a similar period between two regular terms,
2 whether or not successive, or during a period of paid
3 sabbatical leave provided for in the individual's contract,
4 if the individual has a contract or contracts ~~to a~~
5 reasonable assurance that such individual will perform
6 services in any such capacity for any such ~~public-school~~
7 educational institution or institutions of higher education
8 for both such academic years or both such terms.

9 (g) Effective January 1, 1978, benefits shall not be
10 paid to any individual on the basis of any services,
11 substantially all of which consist of participating in
12 sports or athletic events or training or preparing to so
13 participate, for any week which commences during the period
14 between two successive sport seasons (or similar periods) if
15 such individual performed such services in the first of such
16 seasons (or similar periods) and there is a reasonable
17 assurance that such individual will perform such services in
18 the later of such seasons (or similar periods).

19 (h) Effective January 1, 1978, benefits shall not be
20 paid on the basis of services performed by an alien unless
21 such alien is an individual who has been lawfully admitted
22 for permanent residence or otherwise is permanently residing
23 in the United States under color of law (including an alien
24 who is lawfully present in the United States as a result of
25 the application of the provisions of section 201(a)(7) or

1 section 212(d)(5) of the Immigration and Nationality Act).
2 (1) Any data or information required of individuals
3 applying for benefits to determine whether benefits are not
4 payable to them because of their alien status shall be
5 uniformly required from all applicants for benefits.
6 (2) In the case of an individual whose application for
7 benefits would otherwise be approved, no determination that
8 benefits to such individual are not payable because of his
9 alien status shall be made except upon a preponderance of
10 the evidence."

-End-

STATE OF MONTANA

REQUEST NO. 120-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 20, 1977, there is hereby submitted a Fiscal Note for House Bill 239 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:

An act to provide for denial of unemployment benefits to school employees whenever they have a contract or reasonable assurance of returning to work in the next academic year and to provide for a similar denial in the case of athletes and illegal aliens.

ASSUMPTIONS:

1. The number of teachers and other school personnel now eligible to file for unemployment insurance benefits would be decreased.
2. The exclusion of athletes and illegal aliens from receiving benefits would be negligible.
3. Since unemployment insurance benefits are not appropriated, the result of the bill would result in a greater balance on hand in the Unemployment Insurance Trust Fund.

FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>	<u>TOTAL</u>
Net reduction in Unemployment Compensation Trust Fund liability resulting from proposed legislation	<u>\$600,000</u>	<u>\$625,000</u>	<u>\$1,225,000</u>

Richard L. Z...
 BUDGET DIRECTOR
 Office of Budget and Program Planning
 Date: 1-26-77

STATE OF MONTANA

Revised

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THIS NOTE REVISES THE ORIGINAL FISCAL NOTE ON HOUSE BILL 239.

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An act to provide for denial of unemployment benefits to school employees whenever they have a contract or reasonable assurance of returning to work in the next academic year and to provide for a similar denial in the case of athletes and illegal aliens.

FISCAL IMPACT:

None. The proposed law, in effect, does not change current practice.

Richard D. Young for

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-15-77

Approved by Committee
on Labor & Employment
Relations

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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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15 read as follows:

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17 individual shall be eligible to receive benefits for any
18 week of total unemployment within his benefit year; only if
19 the division finds that--

20 (a) He has registered for work at and thereafter has
21 continued to report at an employment office in accordance
22 with such regulation as the division may prescribe, except
23 that the division may, by regulation, prescribe that such
24 types of cases or situations with respect to which it finds
25 that compliance with such requirements would be oppressive,

1 or would be inconsistent with the purposes of this act,
2 provide for registration and reporting for work by mail or
3 through other governmental agencies.

4 (b) He has made a claim for benefits in accordance
5 with the provisions of section 87-107(a).

6 (c) He is able to work and is available for work and
7 is seeking work, provided, however, that no claimant shall
8 be considered ineligible in any week of unemployment for
9 failure to comply with the provisions of this subsection if
10 such failure is due to an illness or disability which occurs
11 after he has registered for work and no suitable work has
12 been offered to such claimant after the beginning of such
13 illness or disability.

14 (d) Prior to any week for which he claims benefits he
15 has been totally unemployed for a waiting period of one (1)
16 week. However, if claimant's benefit year expires during a
17 period of compensable unemployment, claimant will continue
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13 (3/13) of his high quarter of his second benefit year or six
14 (6) times his weekly benefit amount of that same year.

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16 section 87-148(j)(6) and (7) and section 87-110(d) shall be
17 payable in the same amount, on the same terms and subject to
18 the same conditions as compensation payable on the basis of
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14 between two successive sport seasons (or similar periods) if
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20 paid on the basis of services performed by an alien unless
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22 for permanent residence or otherwise is permanently residing
23 in the United States under color of law (including an alien
24 who is lawfully present in the United States as a result of
25 the application of the provisions of section 203(a)(7) or

1 section 212(d)(5) of the Immigration and Nationality Act.
2 (1) Any data or information required of individuals
3 applying for benefits to determine whether benefits are not
4 payable to them because of their alien status shall be
5 uniformly required from all applicants for benefits.
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20 paid on the basis of services performed by an alien unless
21 such alien is an individual who has been lawfully admitted
22 for permanent residence or otherwise is permanently residing
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10 the evidence."

-End-

March 25, 1977

STANDING COMMITTEE REPORT
Senate Committee on Education

That House Bill No. 239 be amended as follows:

1. Amend title, lines 6, 7, 8 and 9.

Following: "BENEFITS"

Strike: "TO SCHOOL EMPLOYEES WHENEVER THEY HAVE A CONTRACT OR REASON-
ABLE ASSURANCE OF RETURNING TO WORK IN THE NEXT ACADEMIC YEAR
AND TO PROVIDE FOR A SIMILAR DENIAL"

2. Amend page 3, section 1, line 22.

Following: "in"

Insert: "in an instructional, research, or principal administrative
capacity"

3. Amend page 4, section 1, lines 4 and 5.

Following: "contract"

Strike: "or"

Following: "to"

Strike: "a reasonable assurance that such individual will"

Insert: "to"

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