

1 H BILL NO. 370
2 INTRODUCED BY Thorne

3 BY REQUEST OF THE DEPARTMENT OF LABOR

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
6 87-103 AND 87-104, R.C.M. 1947, TO PROVIDE FOR NONCHARGING
7 FOR BENEFITS PAID TO NEWLY COVERED WORKERS DURING THE
8 TRANSITION AND PROVIDE FOR FEDERAL REIMBURSEMENT TO STATES
9 FOR THE COST OF REGULAR BENEFITS AND THE 50% OF EXTENDED
10 BENEFITS PAID TO THESE NEWLY COVERED WORKERS AS PROVIDED FOR
11 IN PUBLIC LAW 94-566, AS WELL AS TO CHANGE THE MINIMUM
12 BENEFIT AMOUNT, DURATION OF BENEFITS, AND THE BENEFIT
13 SCHEDULE AND TO REVISE THE ORDER IN WHICH THE LAW IS
14 WRITTEN."

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 Section 1. Section 87-103, R.C.M. 1947, is amended to
18 read as follows:

19 "87-103. Benefits. (a) Payment of benefits. Benefits
20 are payable from the fund to any individual who is or
21 becomes unemployed and eligible for benefits as is herein
22 prescribed; provided, however, that wages earned for
23 services performed as an employee representative as defined
24 in the Railroad Unemployment Insurance Act (52 Stat. 1094),
25 or for services performed for an employer, as defined in

1 said act, shall not be included for the purposes of
2 determining eligibility or weekly benefit amount under this
3 act. All benefits shall be paid through public employment
4 offices in the state of Montana, or other agencies
5 designated by the division, in accordance with such rules
6 and regulations as the division may prescribe.

7 (b) Weekly benefit amount. Any individual whose
8 benefit year begins on or after July 1, 1971, shall receive
9 as his weekly benefit amount, an amount equal to one
10 twenty-sixth ~~(1/26)~~ of his total wages for insured work paid
11 during the calendar quarter of his base period in which his
12 wages were highest. Such weekly benefit amount, if not a
13 multiple of ~~one-dollar-(\$1)~~, shall be rounded to the nearest
14 multiple of ~~one-dollar-(\$1)~~.

15 On or before May 31 of each year, the total wages paid
16 by all employers as reported on contribution reports
17 submitted on or before such date for the preceding calendar
18 year shall be divided by the average monthly number of
19 individuals employed during the same preceding calendar year
20 as reported on such contribution reports. The amount thus
21 obtained shall be divided by ~~fifty-two-(52)~~ and the average
22 weekly wage, rounded to the nearest cent, thus determined.
23 ~~Fifty-percent-(59%)~~ Effective July 1, 1977, 15% of the
24 average weekly wage shall constitute the minimum weekly
25 benefit amount and 60% of the average weekly wage shall

1 constitute the maximum weekly benefit amount and shall apply
 2 to all ~~maximum-weekly-benefit-amount~~ claims for benefits
 3 filed to establish a benefit year commencing on or after
 4 July 1 of the same year. Such ~~minimum or maximum~~ weekly
 5 benefit amount if not a multiple of ~~one-dollar-(\$1)~~, shall
 6 be computed to the nearest multiple of ~~one-dollar-(\$1)~~.
 7 ~~Beginning on July 1, 1975, the fifty-percent (50%) of the~~
 8 ~~average-weekly-wage shall be raised to fifty-five percent~~
 9 ~~(55%) and beginning July 1, 1976, be raised to sixty per~~
 10 ~~cent (60%) of the average weekly wage.~~

11 ~~The minimum weekly benefit amount shall be twelve~~
 12 ~~dollars-(\$12).~~

13 The division shall prepare and publish annually a
 14 benefit schedule in accordance with the provisions of this
 15 subsection.

16 (c) Qualifying wages. To qualify as an insured worker
 17 an individual must have been paid wages for insured work in
 18 the quarters of his base period, ~~other than the quarter in~~
 19 ~~which his wages were highest~~, an amount totaling not less
 20 than ~~thirteen (13) times his weekly benefit amount~~ 1 1/2
 21 times his base period high quarter wages.

22 (d) Duration of benefits. Any otherwise eligible
 23 individual shall be entitled during his benefit year to
 24 benefits for the total number of weeks appearing in the
 25 following table on the line which includes his ratio of

1 total base period earnings to highest quarter base period
 2 earnings:
 3 Ratio of Total Base Period _____ Weeks Duration
 4 Earnings to High Quarter _____ of Benefits _____
 5 1.5 to 1.75 _____ 12 _____
 6 1.76 to 2 _____ 14 _____
 7 2.01 to 2.25 _____ 16 _____
 8 2.26 to 2.5 _____ 18 _____
 9 2.51 to 2.75 _____ 20 _____
 10 2.76 to 3 _____ 22 _____
 11 3.01 to 3.25 _____ 24 _____
 12 3.26 or more _____ 26 _____

13 (e) Qualifying wages for regular benefits of newly
 14 covered workers during transition period on the basis of
 15 previously uncovered services--

16 (1) With respect to weeks of unemployment beginning on
 17 or after January 1, 1978, wages for insured work shall
 18 include wages paid for previously uncovered services. For
 19 the purposes of this subsection, the term "previously
 20 uncovered services" means services--

21 (A) which were not employment as defined in
 22 87-148(j)(9)(A) and (B) at any time during the 1-year period
 23 ending December 31, 1975; and

24 (B) Which--
 25 (1) are agricultural labor (as defined in

1 87-148(i)(1)(A) or domestic service (as defined in
 2 87-148(i)(1)(B)); or

3 (iii) are services performed by an employee of this
 4 state or a political subdivision thereof, as provided in
 5 87-148(j)(6), or by an employee of a nonprofit educational
 6 institution which is not an institution of higher education,
 7 as provided in 87-148(j)(7), except to the extent that
 8 assistance under Title II of the Emergency Jobs and
 9 Unemployment Assistance Act of 1974 was paid on the basis of
 10 such services.

11 (d)(f) Wage record. The division shall maintain a
 12 record of the wages paid to an individual in accordance with
 13 wages earned by him for employment by employers during each
 14 quarter.

15 (e)(g) Benefits. All accrued benefits due and payable
 16 at the time of death to any deceased claimant shall be paid
 17 to the surviving spouse, or if there be no surviving spouse,
 18 then to the surviving children, or if there be no surviving
 19 children, then to the next of kin, without the necessity of
 20 any recipient obtaining letters testamentary or of
 21 administration."

22 Section 2. Section 87-104, R.C.M. 1947, is amended to
 23 read as follows:

24 "87-104. Duration of benefits. ~~The maximum total~~
 25 ~~amount of benefits payable to any eligible individual during~~

1 any benefit year shall be:

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

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

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

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

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

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

23 (A) begins with the third week after whichever of the
 24 following weeks occurs first:

25 (i) a week for which there is a national "on"

1 indicator, or
 2 (ii) a week for which there is a state "on" indicator;
 3 and
 4 (B) ends with either of the following weeks, whichever
 5 occurs later:
 6 (i) the third week after the first week for which
 7 there is both a national "off" indicator and a state "off"
 8 indicator, or
 9 (ii) the thirteenth consecutive week of such period;
 10 Provided, that no extended benefit period may begin by
 11 reason of a state "on" indicator before the fourteenth week
 12 following the end of a prior extended benefit period which
 13 was in effect with respect to this state.
 14 (2) There is a "national 'on' indicator" for a week if
 15 the U.S. Secretary of Labor determines that for each of the
 16 three (3) most recent completed calendar months ending
 17 before such week, the rate of insured unemployment
 18 (seasonally adjusted) for all states equaled or exceeded
 19 four and one-half per cent (4 1/2%).
 20 (3) There is a "national 'off' indicator" for a week
 21 if the U.S. Secretary of Labor determines that for each of
 22 the three (3) most recent completed calendar months ending
 23 before such week, the rate of insured unemployment
 24 (seasonally adjusted) for all states was less than four and
 25 one-half per cent (4 1/2%).

1 (4) There is a "state 'on' indicator" for this state
 2 for a week if the division determines, in accordance with
 3 the regulations of the U.S. Secretary of Labor, that for
 4 the period consisting of such week and the immediately
 5 preceding twelve (12) weeks, the rate of insured
 6 unemployment (not seasonally adjusted) under this act--
 7 (A) equaled or exceeded one hundred and twenty per
 8 cent (120%) of the average of such rates for the
 9 corresponding thirteen (13) week period ending in each of
 10 the preceding two (2) calendar years, and
 11 (B) equaled or exceeded four per cent (4%).
 12 (5) There is a "state 'off' indicator" for this state
 13 for a week if the division determines, in accordance with
 14 the regulations of the U.S. Secretary of Labor, that for
 15 the period consisting of such week and the immediately
 16 preceding twelve (12) weeks, the rate of insured
 17 unemployment (not seasonally adjusted) under this act--
 18 (A) was less than one hundred and twenty per cent
 19 (120%) of the average of such rates for the corresponding
 20 thirteen (13) week period ending in each of the preceding
 21 two (2) calendar years, or
 22 (B) was less than four per cent (4%).
 23 (6) "Rate of insured unemployment," for purposes of
 24 paragraphs (4) and (5) of this subsection, means the
 25 percentage derived by dividing

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

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

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

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

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

25 (10) "Exhaustee" means an individual who, with respect

1 to any week of unemployment in his eligibility period:

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

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

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

19 (C) (i) has no right to unemployment benefits or
20 allowances, as the case may be, under the Railroad
21 Unemployment Insurance Act, the Trade Expansion Act of 1962,
22 the Automotive Products Trade Act of 1965 and such other
23 federal laws as are specified in regulations issued by the
24 U.S. Secretary of Labor; and (ii) has not received and is
25 not seeking unemployment benefits under the unemployment

1 compensation law of ~~the Virgin Islands~~ or of Canada; but if
 2 he is seeking such benefits and the appropriate agency
 3 finally determines that he is not entitled to benefits under
 4 such law he is considered an exhaustee.

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

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

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

21 (1) he is an "exhaustee" as defined in subsection
 22 (a)(10),

23 (2) he has satisfied the requirements of this act for
 24 the receipt of regular benefits that are applicable to
 25 individuals claiming extended benefits, including not being

1 subject to a disqualification for the receipt of benefits.

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

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

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

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

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

24 (2) Computations required by the provisions of
 25 subsection (a)(6) shall be made by the division, in

1 accordance with regulations prescribed by the U.S. Secretary
2 of Labor.

3 ~~{3}--The--effective--date--of--subsection--(a){4}--of--this~~
4 ~~section--shall--be--January--17--1972.~~

5 ~~{b)--An--individual--disqualified--by--and--pursuant--to~~
6 ~~section--07--106v--subsections--(a)--(b)--and--(c)--shall--have--his~~
7 ~~maximum--weekly--duration--reduced--by--the--number--of--weeks--equal~~
8 ~~to--the--number--of--weeks--of--disqualification.~~

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

16 ~~{d)--Effective--with--respect--to--compensation--for--weeks~~
17 ~~of--unemployment--beginning--before--December--31--1976--and~~
18 ~~beginning--after--December--31--1974--the--determination--of~~
19 ~~whether--there--has--been--a--national--"on"--or--"off"--indicator~~
20 ~~beginning--or--ending--any--extended--benefit--period--shall--be~~
21 ~~made--under--subsection--(a)--as--if--the--phrase--"45-per-centum"--~~
22 ~~contained--in--paragraphs--(4)(a)(2)--and--(4)(a)(3)--read--"4~~
23 ~~percent--(4%)".~~

-End-

STATE OF MONTANA

REQUEST NO. 242-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 26, 19 77, there is hereby submitted a Fiscal Note for House Bill 370 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 amend Sections 87-103 and 87-104, R.C.M. 1947, to provide for noncharging for benefits paid to newly covered workers during the transition and provide for federal reimbursement to states for the cost of regular benefits and the 50% of extended benefits paid to these newly covered workers as provided for in Public Law 94-566, as well as to change the minimum benefit amount, duration of benefits, and the benefit schedule and to revise the order in which the law is written.

ASSUMPTION:

Administrative costs of the bill will be borne by the federal government.

FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>	<u>TOTAL</u>
Reduction in benefits paid from the Unemployment Insurance Trust			
Fund due to proposed legislation	<u>\$ 2,700,000</u>	<u>\$ 2,650,000</u>	<u>\$ 5,350,000</u>

Richard L. ...
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-1-77

Approved by Committee
on Labor & Employment
Relations

HOUSE BILL NO. 370

INTRODUCED BY MCORE

BY REQUEST OF THE DEPARTMENT OF LABOR

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 87-103 AND 87-104, R.C.M. 1947, TO PROVIDE FOR NONCHARGING FOR BENEFITS PAID TO NEWLY COVERED WORKERS DURING THE TRANSITION AND PROVIDE FOR FEDERAL REIMBURSEMENT TO STATES FOR THE COST OF REGULAR BENEFITS AND THE 50% OF EXTENDED BENEFITS PAID TO THESE NEWLY COVERED WORKERS AS PROVIDED FOR IN PUBLIC LAW 94-566, AS WELL AS TO CHANGE THE ~~MINIMUM BENEFIT AMOUNT~~, DURATION OF BENEFITS, THE METHOD OF DETERMINING ON AND OFF INDICATORS FOR EXTENDED BENEFITS, AND THE BENEFIT SCHEDULE AND TO REVISE THE ORDER IN WHICH THE LAW IS WRITTEN."

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

Section 1. Section 87-103, R.C.M. 1947, is amended to read as follows:

"87-103. Benefits. (a) Payment of benefits. Benefits are payable from the fund to any individual who is or becomes unemployed and eligible for benefits as is herein prescribed; provided, however, that wages earned for services performed as an employee representative as defined in the Railroad Unemployment Insurance Act (52 Stat. 1094),

or for services performed for an employer, as defined in said act, shall not be included for the purposes of determining eligibility or weekly benefit amount under this act. All benefits shall be paid through public employment offices in the state of Montana, or other agencies designated by the division, in accordance with such rules and regulations as the division may prescribe.

(b) Weekly benefit amount. Any individual whose benefit year begins on or after July 1, 1971, shall receive as his weekly benefit amount, an amount equal to one twenty-sixth ~~(1/26)~~ of his total wages for insured work paid during the calendar quarter of his base period in which his wages were highest. Such weekly benefit amount, if not a multiple of ~~one dollar (\$1)~~, shall be rounded to the nearest multiple of ~~one dollar (\$1)~~.

On or before May 31 of each year, the total wages paid by all employers as reported on contribution reports submitted on or before such date for the preceding calendar year shall be divided by the average monthly number of individuals employed during the same preceding calendar year as reported on such contribution reports. The amount thus obtained shall be divided by ~~fifty-two (52)~~ and the average weekly wage, rounded to the nearest cent, thus determined. ~~Fifty percent (50%) effective July 1, 1971, 45% of the average weekly wage shall constitute the minimum weekly~~

SECOND READING

1 ~~benefit amount and 50%~~ 50% of the average weekly wage shall
 2 constitute the maximum weekly benefit amount and shall apply
 3 to all ~~maximum weekly benefit amount~~ MAXIMUM WEEKLY BENEFIT
 4 AMOUNT claims for benefits filed to establish a benefit year
 5 commencing on or after July 1 of the same year. Such ~~minimum~~
 6 ~~or~~ maximum weekly benefit amount if not a multiple of ~~one~~
 7 ~~dollar (\$1)~~, shall be computed to the nearest multiple of
 8 ~~one dollar (\$1)~~. ~~Beginning on July 1, 1975, the fifty~~
 9 ~~percent (50%) of the average weekly wage shall be raised to~~
 10 ~~fifty five percent (55%) and beginning July 1, 1976, be~~
 11 ~~raised to sixty per cent (60%) of the average weekly wage.~~

12 ~~The minimum weekly benefit amount shall be twelve~~
 13 ~~dollars (\$12).~~ BEGINNING ON JULY 1, 1975, THE 50% OF THE
 14 AVERAGE WEEKLY WAGE SHALL BE RAISED TO 55% AND BEGINNING
 15 JULY 1, 1976, BE RAISED TO 60% OF THE AVERAGE WEEKLY WAGE.

16 THE MINIMUM WEEKLY BENEFIT AMOUNT SHALL BE \$12.

17 The division shall prepare and publish annually a
 18 benefit schedule in accordance with the provisions of this
 19 subsection.

20 (c) Qualifying wages. To qualify as an insured worker
 21 an individual must have been paid wages for insured work in
 22 the quarters of his base period, ~~other than the quarter in~~
 23 ~~which his wages were highest,~~ an amount totaling not less
 24 than ~~thirteen (13) times his weekly benefit amount~~ 1 1/2
 25 ~~times his base period high quarter wages.~~

1 (d) Duration of benefits. Any otherwise eligible
 2 individual shall be entitled during his benefit year to
 3 benefits for the total number of weeks appearing in the
 4 following table on the line which includes his ratio of
 5 total base period earnings to highest quarter base period
 6 earnings:

Ratio of Total Base Period Earnings to High Quarter	Weeks Duration of Benefits
1.5 to 1.75	12
1.76 to 2	14
2.01 to 2.25	16
2.26 to 2.5	18
2.51 to 2.75	20
2.76 to 3	22
3.01 to 3.25	24
3.26 or more	26

17 (e) Qualifying wages for regular benefits of newly
 18 covered workers during transition period on the basis of
 19 previously uncovered services--

20 (1) With respect to weeks of unemployment beginning on
 21 or after January 1, 1978, wages for insured work shall
 22 include wages paid for previously uncovered services. For
 23 the purposes of this subsection, the term "previously
 24 uncovered services" means services--

25 (A) which were not employment as defined in

1 87-148(j) (9) (A) and (B) at any time during the 1-year period
 2 ending December 31, 1975; and

3 (B) Which--

4 (I) are agricultural labor (as defined in
 5 87-148(i) (1) (A)) or domestic service (as defined in
 6 87-148(i) (1) (B)); or

7 (II) are services performed by an employee of this
 8 state or a political subdivision thereof, as provided in
 9 87-148(j) (6), or by an employee of a nonprofit educational
 10 institution which is not an institution of higher education,
 11 as provided in 87-148(j) (7), except to the extent that
 12 assistance under Title II of the Emergency Jobs and
 13 Unemployment Assistance Act of 1974 was paid on the basis of
 14 such services.

15 ~~(d)~~ (f) Wage record. The division shall maintain a
 16 record of the wages paid to an individual in accordance with
 17 wages earned by him for employment by employers during each
 18 quarter.

19 ~~(e)~~ (g) Benefits. All accrued benefits due and payable
 20 at the time of death to any deceased claimant shall be paid
 21 to the surviving spouse, or if there be no surviving spouse,
 22 then to the surviving children, or if there be no surviving
 23 children, then to the next of kin, without the necessity of
 24 any recipient obtaining letters testamentary or of
 25 administration."

1 Section 2. Section 87-104, R.C.M. 1947, is amended to
 2 read as follows:

3 "87-104. Duration of benefits. ~~The maximum total~~
 4 ~~amount of benefits payable to any eligible individual during~~
 5 ~~any benefit year shall be~~

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

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

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

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

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

1 (1) "Extended benefit period" means a period which
 2 (A) begins with the third week after whichever of the
 3 following weeks occurs first:
 4 (i) a week for which there is a national "on"
 5 indicator, or
 6 (ii) a week for which there is a state "on" indicator;
 7 and
 8 (B) ends with either of the following weeks, whichever
 9 occurs later:
 10 (i) the third week after the first week for which
 11 there is both a national "off" indicator and a state "off"
 12 indicator, or
 13 (ii) the thirteenth consecutive week of such period;
 14 Provided, that no extended benefit period may begin by
 15 reason of a state "on" indicator before the fourteenth week
 16 following the end of a prior extended benefit period which
 17 was in effect with respect to this state.
 18 (2) There is a "national 'on' indicator" for a week if
 19 the U.S. Secretary of Labor determines that for SUCH WEEK
 20 AND FOR each of the ~~three (3) most recent completed calendar~~
 21 ~~months ending before such week~~ IMMEDIATELY PRECEDING 12
 22 WEEKS, the rate of insured unemployment (seasonally
 23 adjusted) for all states equaled or exceeded four and
 24 one-half per cent (4 1/2%).
 25 (3) There is a "national 'off' indicator" for a week

1 if the U.S. Secretary of Labor determines that for SUCH
 2 WEEK AND FOR each of the ~~three (3) most recent completed~~
 3 ~~calendar months ending before such week~~ IMMEDIATELY
 4 PRECEDING 12 WEEKS, the rate of insured unemployment
 5 (seasonally adjusted) for all states was less than four and
 6 one-half per cent (4 1/2%).
 7 (4) There is a "state 'on' indicator" for this state
 8 for a week if the division determines, in accordance with
 9 the regulations of the U.S. Secretary of Labor, that for
 10 the period consisting of such week and the immediately
 11 preceding twelve (12) weeks, the rate of insured
 12 unemployment (not seasonally adjusted) under this act--
 13 (A) equaled or exceeded one hundred and twenty per
 14 cent (120%) of the average of such rates for the
 15 corresponding thirteen (13) week period ending in each of
 16 the preceding two (2) calendar years, and
 17 (B) equaled or exceeded four per cent (4%).
 18 (5) There is a "state 'off' indicator" for this state
 19 for a week if the division 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) was less than one hundred and twenty per cent
 25 (120%) of the average of such rates for the corresponding

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

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

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

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

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

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

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

1 (9) "Eligibility period" of an individual means the
 2 period consisting of the weeks in his benefit year which
 3 begin in an extended benefit period and, if his benefit year
 4 ends within such extended benefit period, any weeks
 5 thereafter which begin in such period.

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

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

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

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

25 (C) (i) has no right to unemployment benefits or

1 allowances, as the case may be, under the Railroad
 2 Unemployment Insurance Act, the Trade Expansion Act of 1962,
 3 the Automotive Products Trade Act of 1965 and such other
 4 federal laws as are specified in regulations issued by the
 5 U.S. Secretary of Labor; and (ii) has not received and is
 6 not seeking unemployment benefits under the unemployment
 7 compensation law ~~of the Virgin Islands or~~ of Canada; but if
 8 he is seeking such benefits and the appropriate agency
 9 finally determines that he is not entitled to benefits under
 10 such law he is considered an exhaustee.

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

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

22 (c) Eligibility requirements for extended benefits.
 23 --An individual shall be eligible to receive extended
 24 benefits with respect to any week of unemployment in this
 25 eligibility period only if the division finds that with

1 respect to such week:

2 (1) he is an "exhaustee" as defined in subsection
 3 (a) (10),

4 (2) he has satisfied the requirements of this act for
 5 the receipt of regular benefits that are applicable to
 6 individuals claiming extended benefits, including not being
 7 subject to a disqualification for the receipt of benefits.

8 (3) Weekly extended benefit amount. --The weekly
 9 extended benefit amount payable to an individual for a week
 10 of total unemployment in his eligibility period shall be an
 11 amount equal to the weekly benefit amount payable to him
 12 during his applicable benefit year.

13 (e) Total extended benefit amount. --The total
 14 extended benefit amount payable to any eligible individual
 15 with respect to his applicable benefit year shall be the
 16 least of the following amounts:

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

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

23 (f) (1) Beginning and termination of extended benefit
 24 period. --Whenever an extended benefit period is to become
 25 effective in this state (or in all states) as a result of a

1 state or a national "on" indicator, or an extended benefit
 2 period is to be terminated in this state as a result of
 3 state and national "off" indicators, the division shall make
 4 an appropriate public announcement.

5 (2) Computations required by the provisions of
 6 subsection (a)(6) shall be made by the division, in
 7 accordance with regulations prescribed by the U.S. Secretary
 8 of Labor.

9 ~~(3) The effective date of subsection (a)(4) of this~~
 10 ~~section shall be January 1, 1972.~~

11 ~~(b) An individual disqualified by and pursuant to~~
 12 ~~section 87-106, subsections (a), (b) and (c), shall have his~~
 13 ~~maximum weekly duration reduced by the number of weeks equal~~
 14 ~~to the number of weeks of disqualification.~~

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

22 ~~(d) Effective with respect to compensation for weeks~~
 23 ~~of unemployment beginning before December 31, 1976, and~~
 24 ~~beginning after December 31, 1974, the determination of~~
 25 ~~whether there has been a national "on" or "off" indicator~~

1 ~~beginning or ending any extended benefit period shall be~~
 2 ~~made under subsection (a) as if the phrase "4.5 percent",~~
 3 ~~contained in paragraphs (4)(a)(2) and (4)(a)(3) read "4~~
 4 ~~percent (4%)".~~

-End-

1 HOUSE BILL NO. 370

2 INTRODUCED BY MOORE

3 BY REQUEST OF THE DEPARTMENT OF LABOR

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
6 87-103 AND 87-104, R.C.M. 1947, TO PROVIDE FOR NONCHARGING
7 FOR BENEFITS PAID TO NEWLY COVERED WORKERS DURING THE
8 TRANSITION AND PROVIDE FOR FEDERAL REIMBURSEMENT TO STATES
9 FOR THE COST OF REGULAR BENEFITS AND THE 50% OF EXTENDED
10 BENEFITS PAID TO THESE NEWLY COVERED WORKERS AS PROVIDED FOR
11 IN PUBLIC LAW 94-566, AS WELL AS TO CHANGE THE MINIMUM
12 ~~BENEFIT--AMOUNT,~~ DURATION OF BENEFITS, THE METHOD OF
13 DETERMINING ON AND OFF INDICATORS FOR EXTENDED BENEFITS, AND
14 THE BENEFIT SCHEDULE AND TO REVISE THE ORDER IN WHICH THE
15 LAW IS WRITTEN."

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 Section 1. Section 87-103, R.C.M. 1947, is amended to
19 read as follows:

20 "87-103. Benefits. (a) Payment of benefits. Benefits
21 are payable from the fund to any individual who is or
22 becomes unemployed and eligible for benefits as is herein
23 prescribed; provided, however, that wages earned for
24 services performed as an employee representative as defined
25 in the Railroad Unemployment Insurance Act (52 Stat. 1094),

1 or for services performed for an employer, as defined in
2 said act, shall not be included for the purposes of
3 determining eligibility or weekly benefit amount under this
4 act. All benefits shall be paid through public employment
5 offices in the state of Montana, or other agencies
6 designated by the division, in accordance with such rules
7 and regulations as the division may prescribe.

8 (b) Weekly benefit amount. Any individual whose
9 benefit year begins on or after July 1, 1971, shall receive
10 as his weekly benefit amount, an amount equal to one
11 ~~twenty-sixth (1/26)~~ of his total wages for insured work paid
12 during the calendar quarter of his base period in which his
13 wages were highest. Such weekly benefit amount, if not a
14 multiple of ~~one-dollar-(\$1),~~ shall be rounded to the nearest
15 multiple of ~~one-dollar-(\$1).~~

16 On or before May 31 of each year, the total wages paid
17 by all employers as reported on contribution reports
18 submitted on or before such date for the preceding calendar
19 year shall be divided by the average monthly number of
20 individuals employed during the same preceding calendar year
21 as reported on such contribution reports. The amount thus
22 obtained shall be divided by ~~fifty-two (52)~~ and the average
23 weekly wage, rounded to the nearest cent, thus determined,
24 ~~fifty-percent (50%) effective July 1, 1971, 15% of the~~
25 ~~average weekly wage shall constitute the minimum weekly~~

1 ~~benefit amount and 60%~~ 50% of the average weekly wage shall
 2 constitute the maximum weekly benefit amount and shall apply
 3 to all ~~maximum weekly benefit amount~~ MAXIMUM WEEKLY BENEFIT
 4 AMOUNT claims for benefits filed to establish a benefit year
 5 commencing on or after July 1 of the same year. Such ~~minimum~~
 6 ~~or~~ maximum weekly benefit amount if not a multiple of one
 7 dollar ~~(\$1)~~, shall be computed to the nearest multiple of
 8 one dollar ~~(\$1)~~. Beginning on July 1, 1975, the fifty
 9 percent (50%) of the average weekly wage shall be raised to
 10 fifty-five percent (55%) and beginning July 1, 1976, be
 11 raised to sixty per cent (60%) of the average weekly wage.

12 ~~The minimum weekly benefit amount shall be twelve~~
 13 ~~dollars (\$12). BEGINNING ON JULY 1, 1975, THE 50% OF THE~~
 14 ~~AVERAGE WEEKLY WAGE SHALL BE RAISED TO 55% MAXIMUM WEEKLY~~
 15 ~~BENEFIT AMOUNT SHALL BE RAISED TO 55% OF THE AVERAGE WEEKLY~~
 16 ~~WAGE AND BEGINNING JULY 1, 1976, BE RAISED TO 60% OF THE~~
 17 ~~AVERAGE WEEKLY WAGE.~~

18 THE MINIMUM WEEKLY BENEFIT AMOUNT SHALL BE \$12.

19 The division shall prepare and publish annually a
 20 benefit schedule in accordance with the provisions of this
 21 subsection.

22 (c) Qualifying wages. To qualify as an insured worker
 23 an individual must have been paid wages for insured work in
 24 the quarters of his base period, ~~other than the quarter in~~
 25 ~~which his wages were highest~~, an amount totaling not less

1 than ~~thirteen (13) times his weekly benefit amount~~ 1 1/2
 2 times his base period high quarter wages.

3 (d) Duration of benefits. Any otherwise eligible
 4 individual shall be entitled during his benefit year to
 5 benefits for the total number of weeks appearing in the
 6 following table on the line which includes his ratio of
 7 total base period earnings to highest quarter base period
 8 earnings:

Ratio of Total Base Period Earnings to High Quarter	Weeks Duration of Benefits
1.5 to 1.75	12
1.76 to 2	14
2.01 to 2.25	16
2.26 to 2.5	18
2.51 to 2.75	20
2.76 to 3	22
3.01 to 3.25	24
3.26 or more	26

19 (e) Qualifying wages for regular benefits of newly
 20 covered workers during transition period on the basis of
 21 previously uncovered services--

22 (1) With respect to weeks of unemployment beginning on
 23 or after January 1, 1978, wages for insured work shall
 24 include wages paid for previously uncovered services. For
 25 the purposes of this subsection, the term "previously

1 uncovered services" means services--
 2 (A) Which were not employment as defined in
 3 87-148(j)(9)(A) and (B) at any time during the 1-year period
 4 ending December 31, 1975; and
 5 (B) Which--
 6 (i) are agricultural labor (as defined in
 7 87-148(i)(1)(A)) or domestic service (as defined in
 8 87-148(i)(1)(B)); or
 9 (ii) are services performed by an employee of this
 10 state or a political subdivision thereof, as provided in
 11 87-148(j)(6), or by an employee of a nonprofit educational
 12 institution which is not an institution of higher education,
 13 as provided in 87-148(j)(7), except to the extent that
 14 assistance under Title II of the Emergency Jobs and
 15 Unemployment Assistance Act of 1974 was paid on the basis of
 16 such services.
 17 (d)(f) Wage record. The division shall maintain a
 18 record of the wages paid to an individual in accordance with
 19 wages earned by him for employment by employers during each
 20 quarter.
 21 (e)(g) Benefits. All accrued benefits due and payable
 22 at the time of death to any deceased claimant shall be paid
 23 to the surviving spouse, or if there be no surviving spouse,
 24 then to the surviving children, or if there be no surviving
 25 children, then to the next of kin, without the necessity of

1 any recipient obtaining letters testamentary or of
 2 administration."
 3 Section 2. Section 87-104, R.C.M. 1947, is amended to
 4 read as follows:
 5 "87-104. Duration of benefits. The ~~maximum~~ total
 6 ~~amount of benefits payable to any eligible individual during~~
 7 ~~any benefit year shall be~~
 8 ~~(a) (1) Thirteen (13) times his weekly benefit amount~~
 9 ~~if he is qualified as an insured worker as defined in~~
 10 ~~section 87-103 (c), and does not qualify under subsection~~
 11 ~~(2) or (3) below~~
 12 ~~(2) Twenty (20) times his weekly benefit amount if in~~
 13 ~~addition to meeting the requirements of section 87-103 (c),~~
 14 ~~he has been paid wages of one hundred dollars (\$100) or more~~
 15 ~~for insured work in each of two (2) quarters in his base~~
 16 ~~period other than the quarter in which his wages were~~
 17 ~~highest~~
 18 ~~(3) Twenty six (26) times his weekly benefit amount if~~
 19 ~~in addition to meeting the requirement of section 87-103~~
 20 ~~(c), he has been paid wages of one hundred dollars (\$100) or~~
 21 ~~more for insured work in each of three (3) quarters in his~~
 22 ~~base period other than the quarter in which his wages were~~
 23 ~~highest~~
 24 ~~(4) Extended benefits if he is qualified as provided~~
 25 ~~under the provisions of this subsection~~

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

3 (1) "Extended benefit period" means a period which
4 (A) begins with the third week after whichever of the
5 following weeks occurs first:

- 6 (i) a week for which there is a national "on"
7 indicator, or
- 8 (ii) a week for which there is a state "on" indicator;
9 and

10 (B) ends with either of the following weeks, whichever
11 occurs later:

- 12 (i) the third week after the first week for which
13 there is both a national "off" indicator and a state "off"
14 indicator, or
- 15 (ii) the thirteenth consecutive week of such period;

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

20 (2) There is a "national 'on' indicator" for a week if
21 the U.S. Secretary of Labor determines that for SUCH WEEK
22 AND FOR each of the ~~three~~ ~~most~~ ~~recent~~ ~~completed~~ ~~calendar~~
23 ~~months~~ ~~ending~~ ~~before~~ ~~such~~ ~~week~~ IMMEDIATELY PRECEDING 12
24 WEEKS, the rate of insured unemployment (seasonally
25 adjusted) for all states equaled or exceeded four and

1 one-half per cent (4 1/2%).

2 (3) There is a "national 'off' indicator" for a week
3 if the U.S. Secretary of Labor determines that for SUCH
4 WEEK AND FOR each of the ~~three~~ ~~most~~ ~~recent~~ ~~completed~~
5 ~~calendar~~ ~~months~~ ~~ending~~ ~~before~~ ~~such~~ ~~week~~ IMMEDIATELY
6 PRECEDING 12 WEEKS, the rate of insured unemployment
7 (seasonally adjusted) for all states was less than four and
8 one-half per cent (4 1/2%).

9 (4) There is a "state 'on' indicator" for this state
10 for a week if the division determines, in accordance with
11 the regulations of the U.S. Secretary of Labor, that for
12 the period consisting of such week and the immediately
13 preceding twelve (12) weeks, the rate of insured
14 unemployment (not seasonally adjusted) under this act--

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

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

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

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

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

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

9 (i) the average weekly number of individuals filing
 10 claims in this state for weeks of unemployment with respect
 11 to the most recent thirteen (13) consecutive-week period, as
 12 determined by the division on the basis of his reports to
 13 the U.S. Secretary of Labor, by

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

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

23 (8) "Extended benefits" means benefits (including
 24 benefits payable to federal civilian employees and to
 25 ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to

1 an individual under the provisions of this section for weeks
 2 of unemployment in his eligibility period.

3 (9) "Eligibility period" of an individual means the
 4 period consisting of the weeks in his benefit year which
 5 begin in an extended benefit period and, if his benefit year
 6 ends within such extended benefit period, any weeks
 7 thereafter which begin in such period.

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

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

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

23 (B) his benefit year having expired prior to such
 24 week, has no, or insufficient, wages on the basis of which
 25 he could establish a new benefit year that would include

1 such week; and
 2 (C) (i) has no right to unemployment benefits or
 3 allowances, as the case may be, under the Railroad
 4 Unemployment Insurance Act, the Trade Expansion Act of 1962,
 5 the Automotive Products Trade Act of 1965 and such other
 6 federal laws as are specified in regulations issued by the
 7 U.S. Secretary of Labor; and (ii) has not received and is
 8 not seeking unemployment benefits under the unemployment
 9 compensation law of ~~the Virgin Islands~~ or of Canada; but if
 10 he is seeking such benefits and the appropriate agency
 11 finally determines that he is not entitled to benefits under
 12 such law he is considered an exhaustee.
 13 (11) "State law" means the unemployment insurance law
 14 of any state, approved by the U.S. Secretary of Labor under
 15 section 3304 of the Internal Revenue Code of 1954.
 16 (b) Effect of state law provisions relating to regular
 17 benefits on claims for, and the payment of, extended
 18 benefits. --Except when the result would be inconsistent
 19 with the other provisions of this section, as provided in
 20 the regulations of the division, the provisions of this act
 21 which apply to claims for, or the payment of, regular
 22 benefits shall apply to claims for, and the payment of,
 23 extended benefits.
 24 (c) Eligibility requirements for extended benefits.
 25 --An individual shall be eligible to receive extended

1 benefits with respect to any week of unemployment in this
 2 eligibility period only if the division finds that with
 3 respect to such week:
 4 (1) he is an "exhaustee" as defined in subsection
 5 (a)(10);
 6 (2) he has satisfied the requirements of this act for
 7 the receipt of regular benefits that are applicable to
 8 individuals claiming extended benefits, including not being
 9 subject to a disqualification for the receipt of benefits.
 10 (d) Weekly extended benefit amount. --The weekly
 11 extended benefit amount payable to an individual for a week
 12 of total unemployment in his eligibility period shall be an
 13 amount equal to the weekly benefit amount payable to him
 14 during his applicable benefit year.
 15 (e) Total extended benefit amount. --The total
 16 extended benefit amount payable to any eligible individual
 17 with respect to his applicable benefit year shall be the
 18 least of the following amounts:
 19 (1) fifty per cent (50%) of the total amount of
 20 regular benefits which were payable to him under this act in
 21 his applicable benefit year;
 22 (2) thirteen (13) times his weekly benefit amount
 23 which was payable to him under this act for a week of total
 24 unemployment in the applicable benefit year.
 25 (f) (1) Beginning and termination of extended benefit

1 period. --Whenever an extended benefit period is to become
 2 effective in this state (or in all states) as a result of a
 3 state or a national "on" indicator, or an extended benefit
 4 period is to be terminated in this state as a result of
 5 state and national "off" indicators, the division shall make
 6 an appropriate public announcement.

7 (2) Computations required by the provisions of
 8 subsection (a)(6) shall be made by the division, in
 9 accordance with regulations prescribed by the U.S. Secretary
 10 of Labor.

11 ~~(3) --The effective date of subsection (a)(4) of this~~
 12 ~~section shall be January 1, 1972.~~

13 ~~(b) --An individual disqualified by and pursuant to~~
 14 ~~section 87-106, subsections (a), (b) and (c), shall have his~~
 15 ~~maximum weekly duration reduced by the number of weeks equal~~
 16 ~~to the number of weeks of disqualification.~~

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

24 ~~(d) --Effective with respect to compensation for weeks~~
 25 ~~of unemployment beginning before December 31, 1976, and~~

1 beginning after December 31, 1974, the determination of
 2 whether there has been a national "on" or "off" indicator
 3 beginning or ending any extended benefit period shall be
 4 made under subsection (a) as if the phrase "4.5 per centum"
 5 contained in paragraphs (4)(a)(2) and (4)(a)(3) read "4
 6 percent (4%)".

-End-

HOUSE BILL NO. 370

INTRODUCED BY MOORE

BY REQUEST OF THE DEPARTMENT OF LABOR

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 87-103 AND 87-104, R.C.M. 1947, TO PROVIDE FOR NONCHARGING FOR BENEFITS PAID TO NEWLY COVERED WORKERS DURING THE TRANSITION AND PROVIDE FOR FEDERAL REIMBURSEMENT TO STATES FOR THE COST OF REGULAR BENEFITS AND THE 50% OF EXTENDED BENEFITS PAID TO THESE NEWLY COVERED WORKERS AS PROVIDED FOR IN PUBLIC LAW 94-566, AS WELL AS TO CHANGE THE MINIMUM BENEFIT AMOUNT, DURATION OF BENEFITS, THE METHOD OF DETERMINING ON AND OFF INDICATORS FOR EXTENDED BENEFITS, AND THE BENEFIT SCHEDULE AND TO REVISE THE ORDER IN WHICH THE LAW IS WRITTEN."

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

Section 1. Section 87-103, R.C.M. 1947, is amended to read as follows:

"87-103. Benefits. (a) Payment of benefits. Benefits are payable from the fund to any individual who is or becomes unemployed and eligible for benefits as is herein prescribed; provided, however, that wages earned for services performed as an employee representative as defined in the Railroad Unemployment Insurance Act (52 Stat. 1094),

or for services performed for an employer, as defined in said act, shall not be included for the purposes of determining eligibility or weekly benefit amount under this act. All benefits shall be paid through public employment offices in the state of Montana, or other agencies designated by the division, in accordance with such rules and regulations as the division may prescribe.

(b) Weekly benefit amount. Any individual whose benefit year begins on or after July 1, 1971, shall receive as his weekly benefit amount, an amount equal to one twenty-sixth ~~(1/26)~~ of his total wages for insured work paid during the calendar quarter of his base period in which his wages were highest. Such weekly benefit amount, if not a multiple of one-dollar-~~(\$1)~~, shall be rounded to the nearest multiple of one-dollar-~~(\$1)~~.

On or before May 31 of each year, the total wages paid by all employers as reported on contribution reports submitted on or before such date for the preceding calendar year shall be divided by the average monthly number of individuals employed during the same preceding calendar year as reported on such contribution reports. The amount thus obtained shall be divided by fifty-two ~~(52)~~ and the average weekly wage, rounded to the nearest cent, thus determined. ~~Fifty-percent--(50%) effective July 1, 1977, 15% of the average weekly wage shall constitute the minimum weekly~~

1 ~~benefit amount and 60%~~ 50% of the average weekly wage shall
 2 constitute the maximum weekly benefit amount and shall apply
 3 to all ~~maximum weekly benefit amount~~ MAXIMUM WEEKLY BENEFIT
 4 AMOUNT claims for benefits filed to establish a benefit year
 5 commencing on or after July 1 of the same year. Such ~~minimum~~
 6 ~~or~~ maximum weekly benefit amount if not a multiple of one
 7 ~~dollar (\$1), shall be computed to the nearest multiple of~~
 8 ~~one dollar (\$1). Beginning on July 1, 1975, the fifty~~
 9 ~~percent (50%) of the average weekly wage shall be raised to~~
 10 ~~fifty-five percent (55%) and beginning July 1, 1976, be~~
 11 ~~raised to sixty per cent (60%) of the average weekly wage.~~

12 ~~The minimum weekly benefit amount shall be twelve~~
 13 ~~dollars (\$12). BEGINNING ON JULY 1, 1975, THE 50% OF THE~~
 14 ~~AVERAGE WEEKLY WAGE SHALL BE RAISED TO 55% MAXIMUM WEEKLY~~
 15 ~~BENEFIT AMOUNT SHALL BE RAISED TO 55% OF THE AVERAGE WEEKLY~~
 16 ~~WAGE AND BEGINNING JULY 1, 1976, BE RAISED TO 60% OF THE~~
 17 ~~AVERAGE WEEKLY WAGE.~~

18 THE MINIMUM WEEKLY BENEFIT AMOUNT SHALL BE \$12.

19 The division shall prepare and publish annually a
 20 benefit schedule in accordance with the provisions of this
 21 subsection.

22 (c) Qualifying wages. To qualify as an insured worker
 23 an individual must have been paid wages for insured work in
 24 the quarters of his base period, ~~other than the quarter in~~
 25 ~~which his wages were highest,~~ an amount totaling not less

1 than ~~thirteen (13) times his weekly benefit amount~~ 1 1/2
 2 ~~times his base period high quarter wages.~~

3 (d) Duration of benefits. Any otherwise eligible
 4 individual shall be entitled during his benefit year to
 5 benefits for the total number of weeks appearing in the
 6 following table on the line which includes his ratio of
 7 total base period earnings to highest quarter base period
 8 earnings:

Ratio of Total Base Period Earnings to High Quarter	Weeks Duration of Benefits
1. to 1.75	12
1.76 to 2	14
2.01 to 2.25	16
2.26 to 2.5	18
2.51 to 2.75	20
2.76 to 3	22
3.01 to 3.25	24
3.26 or more	26

19 (e) Qualifying wages for regular benefits of newly
 20 covered workers during transition period on the basis of
 21 previously uncovered services--

22 (1) With respect to weeks of unemployment beginning on
 23 or after January 1, 1978, wages for insured work shall
 24 include wages paid for previously uncovered services. For
 25 the purposes of this subsection, the term "previously

1 uncovered services" means services--

2 (A) which were not employment as defined in
 3 87-148(j)(9)(A) and (B) at any time during the 1-year period
 4 ending December 31, 1975; and

5 (B) which--

6 (i) are agricultural labor (as defined in
 7 87-148(i)(1)(A)) or domestic service (as defined in
 8 87-148(i)(1)(B)); or

9 (ii) are services performed by an employee of this
 10 state or a political subdivision thereof, as provided in
 11 87-148(j)(6), or by an employee of a nonprofit educational
 12 institution which is not an institution of higher education,
 13 as provided in 87-148(j)(7), except to the extent that
 14 assistance under Title II of the Emergency Jobs and
 15 Unemployment Assistance Act of 1974 was paid on the basis of
 16 such services.

17 (d)(f) Wage record. The division shall maintain a
 18 record of the wages paid to an individual in accordance with
 19 wages earned by him for employment by employers during each
 20 quarter.

21 (e)(g) Benefits. All accrued benefits due and payable
 22 at the time of death to any deceased claimant shall be paid
 23 to the surviving spouse, or if there be no surviving spouse,
 24 then to the surviving children, or if there be no surviving
 25 children, then to the next of kin, without the necessity of

1 any recipient obtaining letters testamentary or of
 2 administration."

3 Section 2. Section 87-104, R.C.M. 1947, is amended to
 4 read as follows:

5 "87-104. Duration of benefits. ~~The maximum total~~
 6 ~~amount of benefits payable to any eligible individual during~~
 7 ~~any benefit year shall be:~~

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

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

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

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

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

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

4 (A) begins with the third week after whichever of the
5 following weeks occurs first:

6 (i) a week for which there is a national "on"
7 indicator, or

8 (ii) a week for which there is a state "on" indicator;
9 and

10 (B) ends with either of the following weeks, whichever
11 occurs later:

12 (i) the third week after the first week for which
13 there is both a national "off" indicator and a state "off"
14 indicator, or

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

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

20 (2) There is a "national 'on' indicator" for a week if
21 the U.S. Secretary of Labor determines that for SUCH WEEK
22 AND FOR each of the ~~three (3) most recent completed calendar~~
23 ~~months ending before such week~~ IMMEDIATELY PRECEDING 12
24 WEEKS, the rate of insured unemployment (seasonally
25 adjusted) for all states equaled or exceeded four and

1 one-half per cent (4 1/2%).

2 (3) There is a "national 'off' indicator" for a week
3 if the U.S. Secretary of Labor determines that for SUCH
4 WEEK AND FOR each of the ~~three (3) most recent completed~~
5 ~~calendar months ending before such week~~ IMMEDIATELY
6 PRECEDING 12 WEEKS, the rate of insured unemployment
7 (seasonally adjusted) for all states was less than four and
8 one-half per cent (4 1/2%).

9 (4) There is a "state 'on' indicator" for this state
10 for a week if the division determines, in accordance with
11 the regulations of the U.S. Secretary of Labor, that for
12 the period consisting of such week and the immediately
13 preceding twelve (12) weeks, the rate of insured
14 unemployment (not seasonally adjusted) under this act--

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

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

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

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

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

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

9 (i) the average weekly number of individuals filing
10 claims in this state for weeks of unemployment with respect
11 to the most recent thirteen (13) consecutive-week period, as
12 determined by the division on the basis of his reports to
13 the U.S. Secretary of Labor, by

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

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

23 (8) "Extended benefits" means benefits (including
24 benefits payable to federal civilian employees and to
25 ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to

1 an individual under the provisions of this section for weeks
2 of unemployment in his eligibility period.

3 (9) "Eligibility period" of an individual means the
4 period consisting of the weeks in his benefit year which
5 begin in an extended benefit period and, if his benefit year
6 ends within such extended benefit period, any weeks
7 thereafter which begin in such period.

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

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

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

23 (B) his benefit year having expired prior to such
24 week, has no, or insufficient, wages on the basis of which
25 he could establish a new benefit year that would include

1 such week; and

2 (C) (i) has no right to unemployment benefits or
 3 allowances, as the case may be, under the Railroad
 4 Unemployment Insurance Act, the Trade Expansion Act of 1962,
 5 the Automotive Products Trade Act of 1965 and such other
 6 federal laws as are specified in regulations issued by the
 7 U.S. Secretary of Labor; and (ii) has not received and is
 8 not seeking unemployment benefits under the unemployment
 9 compensation law of ~~the Virgin Islands~~ or of Canada; but if
 10 he is seeking such benefits and the appropriate agency
 11 finally determines that he is not entitled to benefits under
 12 such law he is considered an exhaustee.

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

16 (b) Effect of state law provisions relating to regular
 17 benefits on claims for, and the payment of, extended
 18 benefits. --Except when the result would be inconsistent
 19 with the other provisions of this section, as provided in
 20 the regulations of the division, the provisions of this act
 21 which apply to claims for, or the payment of, regular
 22 benefits shall apply to claims for, and the payment of,
 23 extended benefits.

24 (c) Eligibility requirements for extended benefits.
 25 --An individual shall be eligible to receive extended

1 benefits with respect to any week of unemployment in this
 2 eligibility period only if the division finds that with
 3 respect to such week:

4 (1) he is an "exhaustee" as defined in subsection
 5 (a)(10),

6 (2) he has satisfied the requirements of this act for
 7 the receipt of regular benefits that are applicable to
 8 individuals claiming extended benefits, including not being
 9 subject to a disqualification for the receipt of benefits.

10 (d) Weekly extended benefit amount. --The weekly
 11 extended benefit amount payable to an individual for a week
 12 of total unemployment in his eligibility period shall be an
 13 amount equal to the weekly benefit amount payable to him
 14 during his applicable benefit year.

15 (e) Total extended benefit amount. --The total
 16 extended benefit amount payable to any eligible individual
 17 with respect to his applicable benefit year shall be the
 18 least of the following amounts:

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

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

25 (f) (1) Beginning and termination of extended benefit

1 period. --Whenever an extended benefit period is to become
 2 effective in this state (or in all states) as a result of a
 3 state or a national "on" indicator, or an extended benefit
 4 period is to be terminated in this state as a result of
 5 state and national "off" indicators, the division shall make
 6 an appropriate public announcement.

7 (2) Computations required by the provisions of
 8 subsection (a)(6) shall be made by the division, in
 9 accordance with regulations prescribed by the U.S. Secretary
 10 of Labor.

11 ~~(3) The effective date of subsection (a)(4) of this~~
 12 ~~section shall be January 1, 1972.~~

13 ~~(b) An individual disqualified by and pursuant to~~
 14 ~~section 07-106, subsections (a), (b) and (c), shall have his~~
 15 ~~maximum weekly duration reduced by the number of weeks equal~~
 16 ~~to the number of weeks of disqualification.~~

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

24 ~~(d) Effective with respect to compensation for weeks~~
 25 ~~of unemployment beginning before December 31, 1976, and~~

1 ~~beginning after December 31, 1974, the determination of~~
 2 ~~whether there has been a national "on" or "off" indicator~~
 3 ~~beginning or ending any extended benefit period shall be~~
 4 ~~made under subsection (a) as if the phrase "4 1/2 per centum"~~
 5 ~~contained in paragraphs (4)(a)(2) and (4)(a)(3) read "4~~
 6 ~~percent (4%)".~~

-End-

1 HOUSE BILL NO. 370
 2 INTRODUCED BY MOORE
 3 BY REQUEST OF THE DEPARTMENT OF LABOR
 4
 5 A BILL FOR AN ACT ENTITLED: *AN ACT TO AMEND SECTIONS
 6 87-103 AND 87-104, R.C.M. 1947, TO PROVIDE FOR NONCHARGING
 7 FOR BENEFITS PAID TO NEWLY COVERED WORKERS DURING THE
 8 TRANSITION AND PROVIDE FOR FEDERAL REIMBURSEMENT TO STATES
 9 FOR THE COST OF REGULAR BENEFITS AND THE 50% OF EXTENDED
 10 BENEFITS PAID TO THESE NEWLY COVERED WORKERS AS PROVIDED FOR
 11 IN PUBLIC LAW 94-566, AS WELL AS TO CHANGE THE MINIMUM
 12 ~~BENEFIT AMOUNT, DURATION OF BENEFITS, THE METHOD OF~~
 13 ~~DETERMINING ON AND OFF INDICATORS FOR EXTENDED BENEFITS,~~ AND
 14 THE BENEFIT SCHEDULE AND TO REVISE THE ORDER IN WHICH THE
 15 LAW IS WRITTEN."

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

17 Section 1. Section 87-103, R.C.M. 1947, is amended to
18 read as follows:

19 "87-103. Benefits. (a) Payment of benefits. Benefits
 20 are payable from the fund to any individual who is or
 21 becomes unemployed and eligible for benefits as is herein
 22 prescribed; provided, however, that wages earned for
 23 services performed as an employee representative as defined
 24 in the Railroad Unemployment Insurance Act (52 Stat. 1094),
 25

1 or for services performed for an employer, as defined in
 2 said act, shall not be included for the purposes of
 3 determining eligibility or weekly benefit amount under this
 4 act. All benefits shall be paid through public employment
 5 offices in the state of Montana, or other agencies
 6 designated by the division, in accordance with such rules
 7 and regulations as the division may prescribe.

8 (b) Weekly benefit amount. Any individual whose
 9 benefit year begins on or after July 1, 1971, shall receive
 10 as his weekly benefit amount, an amount equal to one
 11 twenty-sixth ~~(1/26)~~ of his total wages for insured work paid
 12 during the calendar quarter of his base period in which his
 13 wages were highest. Such weekly benefit amount, if not a
 14 multiple of ~~one dollar (\$1)~~, shall be rounded to the nearest
 15 multiple of ~~one dollar (\$1)~~.

16 On or before May 31 of each year, the total wages paid
 17 by all employers as reported on contribution reports
 18 submitted on or before such date for the preceding calendar
 19 year shall be divided by the average monthly number of
 20 individuals employed during the same preceding calendar year
 21 as reported on such contribution reports. The amount thus
 22 obtained shall be divided by ~~fifty-two (52)~~ and the average
 23 weekly wage, rounded to the nearest cent, thus determined.
 24 ~~Fifty percent (50%) Effective July 1, 1971, 15% of the~~
 25 ~~average weekly wage shall constitute the minimum weekly~~

1 ~~benefit amount and 60% FIFTY PERCENT~~ of the average weekly
 2 wage shall constitute the maximum weekly benefit amount and
 3 shall apply to all ~~maximum weekly benefit amount~~ MAXIMUM
 4 WEEKLY BENEFIT AMOUNT claims for benefits filed to establish
 5 a benefit year commencing on or after July 1 of the same
 6 year. Such ~~minimum or~~ maximum weekly benefit amount if not a
 7 multiple of ~~one dollar (\$1)~~, shall be computed to the
 8 nearest multiple of ~~one dollar (\$1)~~. Beginning ~~on July 1,~~
 9 ~~1975, the fifty percent (50%) of the average weekly wage~~
 10 ~~shall be raised to fifty five percent (55%) and beginning~~
 11 ~~July 1, 1976, be raised to sixty per cent (60%) of the~~
 12 ~~average weekly wages.~~

13 ~~The minimum weekly benefit amount shall be twelve~~
 14 ~~dollars (\$12). BEGINNING ON JULY 1, 1975, THE 50% OF THE~~
 15 ~~AVERAGE WEEKLY WAGE SHALL BE RAISED TO 55% MAXIMUM WEEKLY~~
 16 ~~BENEFIT AMOUNT SHALL BE RAISED TO 55% OF THE AVERAGE WEEKLY~~
 17 ~~WAGE AND BEGINNING JULY 1, 1976, BE RAISED TO 60% OF THE~~
 18 ~~AVERAGE WEEKLY WAGE.~~

19 ~~THE MINIMUM WEEKLY BENEFIT AMOUNT SHALL BE \$12.~~

20 The division shall prepare and publish annually a
 21 benefit schedule in accordance with the provisions of this
 22 subsection.

23 (c) Qualifying wages. To qualify as an insured worker
 24 an individual must have been paid wages for insured work in
 25 the quarters of his base period, ~~other than the quarter in~~

1 ~~which his wages were highest, an amount totaling not less~~
 2 ~~than thirteen (13) times his weekly benefit amount 1 1/2~~
 3 ~~times his base period high quarter wages.~~

4 ~~(d) Duration of benefits. Any otherwise eligible~~
 5 ~~individual shall be entitled during his benefit year to~~
 6 ~~benefits for the total number of weeks appearing in the~~
 7 ~~following table on the line which includes his ratio of~~
 8 ~~total base period earnings to highest quarter base period~~
 9 ~~earnings:~~

Ratio of Total Base Period Earnings to High Quarter	Weeks Duration of Benefits
1.5 to 1.75	12
1.76 to 2	14
2.01 to 2.25	16
2.26 to 2.5	18
2.51 to 2.75	20
2.76 to 3	22
3.01 to 3.25	24
3.26 or more	26
0 TO 1.75	12
1.76 TO 1.95	14
1.96 TO 2.15	16
2.16 TO 2.35	18
2.36 TO 2.55	20

1	<u>2.56 TO 2.75</u>	<u>22</u>
2	<u>2.76 TO 2.95</u>	<u>24</u>
3	<u>2.96 OR MORE</u>	<u>26</u>

4 (e) Qualifying wages for regular benefits of newly
 5 covered workers during transition period on the basis of
 6 previously uncovered services--

7 (1) With respect to weeks of unemployment beginning on
 8 or after January 1, 1978, wages for insured work shall
 9 include wages paid for previously uncovered services. For
 10 the purposes of this subsection, the term "previously
 11 uncovered services" means services--

12 (A) Which were not employment as defined in
 13 87-148(j)(9)(A) and (B) at any time during the 1-year period
 14 ending December 31, 1975; and

15 (b) Which--

16 (I) are agricultural labor (as defined in
 17 87-148(i)(1)(A)) or domestic service (as defined in
 18 87-148(i)(1)(B)); or

19 (II) are services performed by an employee of this
 20 state or a political subdivision thereof, as provided in
 21 87-148(j)(6), or by an employee of a nonprofit educational
 22 institution which is not an institution of higher education,
 23 as provided in 87-148(j)(7), except to the extent that
 24 assistance under Title II of the Emergency Jobs and
 25 Unemployment Assistance Act of 1974 was paid on the basis of

1 such services.

2 ~~(d)(f)~~ Wage record. The division shall maintain a
 3 record of the wages paid to an individual in accordance with
 4 wages earned by him for employment by employers during each
 5 quarter.

6 ~~(e)(g)~~ Benefits. All accrued benefits due and payable
 7 at the time of death to any deceased claimant shall be paid
 8 to the surviving spouse, or if there be no surviving spouse,
 9 then to the surviving children, or if there be no surviving
 10 children, then to the next of kin, without the necessity of
 11 any recipient obtaining letters testamentary or of
 12 administration."

13 Section 2. Section 87-104, R.C.M. 1947, is amended to
 14 read as follows:

15 "87-104. Duration of benefits. ~~The maximum total~~
 16 ~~amount of benefits payable to any eligible individual during~~
 17 ~~any benefit year shall be~~

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

22 ~~(2) Twenty (20) times his weekly benefit amount if in~~
 23 ~~addition to meeting the requirements of section 87-103 (c),~~
 24 ~~he has been paid wages of one hundred dollars (\$100) or more~~
 25 ~~for insured work in each of two (2) quarters in his base~~

1 ~~period other than the quarter in which his wages were~~
 2 ~~highest~~

3 ~~(3) Twenty-six (26) times his weekly benefit amount if~~
 4 ~~in addition to meeting the requirement of section 07-103~~
 5 ~~(c), he has been paid wages of one hundred dollars (\$100) or~~
 6 ~~more for insured work in each of three (3) quarters in his~~
 7 ~~base period other than the quarter in which his wages were~~
 8 ~~highest~~

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

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

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

14 (A) begins with the third week after whichever of the
 15 following weeks occurs first:

16 (i) a week for which there is a national "on"
 17 indicator, or

18 (ii) a week for which there is a state "on" indicator;
 19 and

20 (B) ends with either of the following weeks, whichever
 21 occurs later:

22 (i) the third week after the first week for which
 23 there is both a national "off" indicator and a state "off"
 24 indicator, or

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

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

5 (2) There is a "national 'on' indicator" for a week if
 6 the U.S. Secretary of Labor determines that for SUCH WEEK
 7 AND FOR each of the ~~three (3) most recent completed calendar~~
 8 ~~months ending before such week~~ IMMEDIATELY PRECEDING 12
 9 WEEKS, the rate of insured unemployment (seasonally
 10 adjusted) for all states equaled or exceeded four and
 11 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 SUCH
 14 WEEK AND FOR each of the ~~three (3) most recent completed~~
 15 ~~calendar months ending before such week~~ IMMEDIATELY
 16 PRECEDING 12 WEEKS, the rate of insured unemployment
 17 (seasonally adjusted) for all states was less than four and
 18 one-half per cent (4 1/2%).

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

25 (A) equaled or exceeded one hundred and twenty per

1 cent (120%) of the average of such rates for the
2 corresponding thirteen (13) week period ending in each of
3 the preceding two (2) calendar years, and

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

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

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

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

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

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

24 (ii) the average monthly employment covered under this
25 act for the first four (4) of the most recent six (6)

1 completed calendar quarters ending before the end of such
2 thirteen (13) week period.

3 (7) "Regular benefits" means benefits payable to an
4 individual under this act or under any other state law
5 (including benefits payable to federal civilian employees
6 and to ex-servicemen pursuant to 5 U.S.C. chapter 35) other
7 than extended benefits.

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

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

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

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

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

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

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

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

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

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

14 (1) he is an "exhaustee" as defined in subsection
 15 (a)(10);

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

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

25 (e) Total extended benefit amount. --The total

1 extended benefit amount payable to any eligible individual
2 with respect to his applicable benefit year shall be the
3 least of the following amounts:

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

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

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

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

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

23 ~~(b) An individual disqualified by and pursuant to~~
24 ~~section 67-106, subsections (a), (b) and (c), shall have his~~
25 ~~maximum weekly duration reduced by the number of weeks equal~~

1 ~~to the number of weeks of disqualification~~

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

9 ~~(d) Effective with respect to compensation for weeks~~
10 ~~of unemployment beginning before December 31, 1976, and~~
11 ~~beginning after December 31, 1974, the determination of~~
12 ~~whether there has been a national "on" or "off" indicator~~
13 ~~beginning or ending any extended benefit period shall be~~
14 ~~made under subsection (a) as if the phrase "45 per centum"~~
15 ~~contained in paragraphs (4)(a)(2) and (4)(a)(3) read "4~~
16 ~~percent (4%)"~~

-End-