

1 *Senate* BILL NO. *109*
 2 INTRODUCED BY *Ma Bellum Murphy Blaylock*
 3 *E. Smith*

4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
 5 87-105, R.C.M. 1947, PROVIDING THAT UNEMPLOYMENT BENEFITS
 6 BASED UPON SERVICE IN A PUBLIC SCHOOL SHALL NOT BE PAID TO
 7 ANY INDIVIDUAL FOR ANY WEEK OF UNEMPLOYMENT DURING THE
 8 PERIOD BETWEEN TWO SUCCESSIVE ACADEMIC YEARS OR TWO REGULAR
 9 TERMS IF SUCH INDIVIDUAL HAS A CONTRACT TO PERFORM SERVICES
 10 FOR ANY SUCH PUBLIC SCHOOL FOR BOTH SUCH YEARS OR TERMS."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Section 87-105, R.C.M. 1947, is amended to
 14 read as follows:

15 "87-105. Benefit eligibility conditions. An unemployed
 16 individual shall be eligible to receive benefits for any
 17 week of total unemployment within his benefit year; only if
 18 the division finds that -- the following conditions have
 19 been met:

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;

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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
17 be payable in the same amount, on the same terms and subject
18 to the same conditions as compensation payable on the basis
19 of 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 Montana, or in an institution of higher education (as
23 defined in section 87-148 (n)) shall not be paid to an
24 individual for any week of unemployment which begins during
25 the period between two successive academic years, or during

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

-End-

STATE OF MONTANA

REQUEST NO. 409-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 8, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 109 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act which provides that unemployment benefits based upon service in a public school shall not be paid to any individual for any week of unemployment during the period between two successive academic years or two regular terms if such individual has a contract to perform services for any such public school for both such years or terms.

FISCAL IMPACT:

The proposed legislation does not produce any additional revenue for the Unemployment Trust Fund nor does it have any significant effect upon the amount of unemployment insurance benefits paid from that fund.

Richard L. Franke
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-16-77