

HOUSE BILL 129

IN THE HOUSE

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| January 12, 1979 | Introduced and referred to Committee on Labor and Employment Relations. |
| January 31, 1979 | Committee recommend bill, do not pass. |
| February 1, 1979 | Printed and placed on members' desks. |
| February 2, 1979 | Second reading, do not pass. Second reading, segregated. On motion, taken from second reading and referred to Committee on Labor and Employment Relations. |
| February 7, 1979 | Committee recommend bill, do pass. |
| February 8, 1979 | Printed and placed on members' desks. |
| February 9, 1979 | On motion, passed until the 35th Legislative day. |
| February 12, 1979 | Motion, pass consideration. |
| February 13, 1979 | Second reading, as amended. |
| February 14, 1979 | Correctly engrossed. |
| February 16, 1979 | Third reading, passed. |

IN THE SENATE

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| February 17, 1979 | Introduced and referred to Committee on Labor and Employment Relations. |
| March 7, 1979 | Committee recommend bill, not concurred. |

IN THE HOUSE

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| March 8, 1979 | Returned from Senate, not concurred. |
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1 HOUSE BILL NO. 129
 2 INTRODUCED BY Carlsmith
 3 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A PROCEDURE
 6 TO RECOVER UNAUTHORIZED OR ERRONEOUS BENEFITS UNDER THE
 7 UNEMPLOYMENT COMPENSATION LAWS; PROVIDING FOR A WAIVER OF
 8 LIABILITY."
 9

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

11 Section 1. Recovery of unauthorized or erroneous
 12 benefits. (1) A person who has received benefits to which he
 13 was not entitled under [Title 39, chapter 51] is liable for
 14 repayment of these benefits. These benefits are referred to
 15 as overpayments in this section.

16 (2) (a) Overpayments, other than those resulting from
 17 a false statement, misrepresentation, or failure to report a
 18 material fact by the claimant, which have not been repaid or
 19 collected may, at the discretion of the administrator or his
 20 authorized representative, be deducted from any future
 21 benefits payable to the claimant under [Title 39, chapter
 22 51].

23 (b) Overpayments which have not been repaid may be
 24 collected in the manner provided in [Title 39, chapter 51]
 25 for the collection of past-due contributions.

1 (c) The administrator may waive liability to repay
 2 overpayments whenever the overpayments were paid to the
 3 claimant in good faith by the division and claimed by the
 4 claimant in good faith.

5 (3) An action to collect overpayments must be brought
 6 within 5 years after the date of the overpayments.

7 Section 2. Codification. It is intended that section 1
 8 of this act be codified as an integral part of Title 39,
 9 chapter 51, part 32, and the provisions of Title 39, chapter
 10 51, apply to section 1 of this act.

-End-

Labor & Employment Relations

Objection Raised to Adverse Committee Report

House BILL NO. 129
Carroll

INTRODUCED BY _____
BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A PROCEDURE TO RECOVER UNAUTHORIZED OR ERRONEOUS BENEFITS UNDER THE UNEMPLOYMENT COMPENSATION LAWS; PROVIDING FOR A WAIVER OF LIABILITY."

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

Section 1. Recovery of unauthorized or erroneous benefits. (1) A person who has received benefits to which he was not entitled under [Title 39, chapter 51] is liable for repayment of these benefits. These benefits are referred to as overpayments in this section.

(2) (a) Overpayments, other than those resulting from a false statement, misrepresentation, or failure to report a material fact by the claimant, which have not been repaid or collected may, at the discretion of the administrator or his authorized representative, be deducted from any future benefits payable to the claimant under [Title 39, chapter 51].

(b) Overpayments which have not been repaid may be collected in the manner provided in [Title 39, chapter 51] for the collection of past-due contributions.

(c) The administrator may waive liability to repay overpayments whenever the overpayments were paid to the claimant in good faith by the division and claimed by the claimant in good faith.

(3) An action to collect overpayments must be brought within 5 years after the date of the overpayments.

Section 2. Codification. It is intended that section 1 of this act be codified as an integral part of Title 39, chapter 51, part 32, and the provisions of Title 39, chapter 51, apply to section 1 of this act.

-End-

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Approved by Committee
on Labor & Employment
Relations

1 HOUSE BILL NO. 129
2 INTRODUCED BY Carbunk
3 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A PROCEDURE
6 TO RECOVER UNAUTHORIZED OR ERRONEOUS BENEFITS UNDER THE
7 UNEMPLOYMENT COMPENSATION LAWS; PROVIDING FOR A WAIVER OF
8 LIABILITY."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Recovery of unauthorized or erroneous
12 benefits. (1) A person who has received benefits to which he
13 was not entitled under [Title 39, chapter 51] is liable for
14 repayment of these benefits. These benefits are referred to
15 as overpayments in this section.

16 (2) (a) Overpayments, other than those resulting from
17 a false statement, misrepresentation, or failure to report a
18 material fact by the claimant, which have not been repaid or
19 collected may, at the discretion of the administrator or his
20 authorized representative, be deducted from any future
21 benefits payable to the claimant under [Title 39, chapter
22 51].

23 (b) Overpayments which have not been repaid may be
24 collected in the manner provided in [Title 39, chapter 51]
25 for the collection of past-due contributions.

1 (c) The administrator may waive liability to repay
2 overpayments whenever the overpayments were paid to the
3 claimant in good faith by the division and claimed by the
4 claimant in good faith.

5 (3) An action to collect overpayments must be brought
6 within 5 years after the date of the overpayments.

7 Section 2. Codification. It is intended that section 1
8 of this act be codified as an integral part of Title 39,
9 chapter 51, part 32, and the provisions of Title 39, chapter
10 51, apply to section 1 of this act.

-End-

115 127
SECOND PRINTING
-2- SECOND READING

1 HOUSE BILL NO. 129

2 INTRODUCED BY PAVOLVICH

3 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A PROCEDURE
6 TO RECOVER UNAUTHORIZED OR ERRONEOUS BENEFITS UNDER THE
7 UNEMPLOYMENT COMPENSATION LAWS; PROVIDING FOR A WAIVER OF
8 LIABILITY."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Recovery of unauthorized or erroneous
12 benefits. (1) A person who has received benefits to which he
13 was not entitled under [Title 39, chapter 51] AS A RESULT OF
14 CARELESSNESS OR FACTUAL MISTAKE is liable for repayment of
15 these benefits. These benefits are referred to as
16 overpayments in this section.

17 (2) (a) Overpayments, RESULTING FROM CARELESSNESS OR
18 FACTUAL MISTAKE, other than those resulting from a false
19 statement, misrepresentation, or failure to report a
20 material fact by the claimant, which have not been repaid or
21 collected may, at the discretion of the administrator or his
22 authorized representative, be deducted from any future
23 benefits payable to the claimant under [Title 39, chapter
24 51].

25 (b) Overpayments which have not been repaid may be

1 collected in the manner provided in [Title 39, chapter 51]
2 for the collection of past-due contributions.

3 (c) The administrator may waive liability to repay
4 overpayments whenever the overpayments were paid to the
5 claimant in good faith by the division and claimed by the
6 claimant in good faith.

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8 within 5 years after the date of the overpayments.

9 Section 2. Codification. It is intended that section 1
10 of this act be codified as an integral part of Title 39,
11 chapter 51, part 32, and the provisions of Title 39, chapter
12 51, apply to section 1 of this act.

-End-