

CHAPTER NO. 67

HOUSE BILL NO. 159

INTRODUCED BY HARPER

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

IN THE HOUSE

January 13, 1979	Introduced and referred to Committee on Labor and Employment Relations.
January 23, 1979	Committee recommend bill do pass as amended and be placed on Consent Calendar. Report adopted.
January 24, 1979	Printed and placed on members' desks.
January 26, 1979	Third reading Consent Calendar passed. Transmitted to second house.

IN THE SENATE

January 27, 1979	Introduced and referred to Committee on Labor and Employment Relations.
February 22, 1979	Committee recommend bill be concurred in. Report adopted.
February 27, 1979	Second reading, concurred in.
March 1, 1979	Third reading, concurred in.

IN THE HOUSE

March 2, 1979	Returned from second house, concurred in. Sent to enrolling.  Reported correctly enrolled.
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1 HOUSE BILL NO. 159  
 2 INTRODUCED BY Hayes  
 3 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY  
 4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT FROM  
 6 UNEMPLOYMENT COMPENSATION COVERAGE CASUAL LABOR OF LESS THAN  
 7 \$50 PER QUARTER WHEN SUCH CASUAL LABOR IS NOT IN THE COURSE  
 8 OF THE EMPLOYER'S TRADE OR BUSINESS AND WHEN THE INDIVIDUAL  
 9 IS NOT REGULARLY EMPLOYED BY SUCH EMPLOYER; AMENDING SECTION  
 10 39-51-204, MCA."

11  
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 13 Section 1. Section 39-51-204, MCA, is amended to read:  
 14 "39-51-204. Exclusions from definition of employment.  
 15 (1) The term "employment" shall not include:  
 16 (a) agricultural labor, except as provided in  
 17 39-51-203(8);  
 18 (b) domestic service in a private home, local college  
 19 club, or local chapter of a college fraternity or sorority,  
 20 except as provided in 39-51-203(9);  
 21 (c) service performed as an officer or member of the  
 22 crew of a vessel on the navigable waters of the United  
 23 States;  
 24 (d) service performed by an individual in the employ  
 25 of his son, daughter, or spouse and service performed by a

1 child under the age of 18 in the employ of his father or  
 2 mother;  
 3 (e) service performed in the employ of any other state  
 4 or its political subdivisions or of the United States  
 5 government or of an instrumentality of any other state or  
 6 states or their political subdivisions or of the United  
 7 States, except that national banks organized under the  
 8 national banking law shall not be entitled to exemption  
 9 under this subsection and shall be subject to this chapter  
 10 the same as state banks, provided that such service is  
 11 excluded from employment as defined in the Federal  
 12 Unemployment Tax Act by section 3306(c)(7) of that act;  
 13 (f) service with respect to which unemployment  
 14 compensation is payable under an unemployment compensation  
 15 system established by an act of congress, provided that the  
 16 division is hereby authorized and directed to enter into  
 17 agreements with the proper agencies under such act of  
 18 congress, which agreements shall become effective 10 days  
 19 after publication thereof in the manner in 39-51-302 for  
 20 general rules, to provide reciprocal treatment to  
 21 individuals who have, after acquiring potential rights to  
 22 benefits under this chapter, acquired rights to unemployment  
 23 compensation under such act of congress or who have, after  
 24 acquiring potential rights to unemployment compensation  
 25 under such act of congress, acquired rights to benefits

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 INTRODUCED BILL

1 under this chapter;

2 (g) services performed in the delivery and  
3 distribution of newspapers or shopping news from house to  
4 house and business establishments by an individual under the  
5 age of 18 years, but not including the delivery or  
6 distribution to any point or points for subsequent delivery  
7 or distribution;

8 (h) services performed by real estate, securities, and  
9 insurance salesmen paid solely by commissions and without  
10 guarantee of minimum earnings;

11 (i) service performed in the employ of a school,  
12 college, or university if such service is performed by a  
13 student who is enrolled and is regularly attending classes  
14 at such school, college, or university or by the spouse of  
15 such a student if such spouse is advised, at the time such  
16 spouse commences to perform such service, that the  
17 employment of such spouse to perform such service is  
18 provided under a program to provide financial assistance to  
19 such student by such school, college, or university and such  
20 employment will not be covered by any program of  
21 unemployment insurance;

22 (j) service performed by an individual under the age  
23 of 22 who is enrolled at a nonprofit or public educational  
24 institution, which normally maintains a regular faculty and  
25 curriculum and normally has a regularly organized body of

1 students in attendance at the place where its educational  
2 activities are carried on, as a student in a full-time  
3 program taken for credit at such institution which combines  
4 academic instruction with work experience if such service is  
5 an integral part of such program and such institution has so  
6 certified to the employer, except that this subsection shall  
7 not apply to service performed in a program established for  
8 or on behalf of an employer or group of employers;

9 (k) service performed in the employ of a hospital if  
10 such service is performed by a patient of the hospital;

11 ~~(l) casual labor not in the course of an employer's~~  
12 ~~trade or business performed in any calendar quarter, unless~~  
13 ~~the cash remuneration paid for such service is \$50 or more~~  
14 ~~and such service is not performed by an individual who is~~  
15 ~~regularly employed by such employer to perform such service.~~

16 (2) "Employment" shall not include elected public  
17 officials.

18 (3) For the purposes of 39-51-203(6), the term  
19 "employment" does not apply to service performed:

20 (a) in the employ of a church or convention or  
21 association of churches or an organization which is operated  
22 primarily for religious purposes and which is operated,  
23 supervised, controlled, or principally supported by a church  
24 or convention or association of churches;

25 (b) by a duly ordained, commissioned, or licensed

1 minister of a church in the exercise of his ministry or by a  
2 member of a religious order in the exercise of duties  
3 required by such order;

4 (c) in the employ of a school which is not an  
5 institution of higher education, prior to December 31, 1977;

6 (d) in a facility conducted for the purpose of  
7 carrying out a program of rehabilitation for individuals  
8 whose earning capacity is impaired by age or physical or  
9 mental deficiency or injury or providing remunerative work  
10 for individuals who, because of their impaired physical or  
11 mental capacity, cannot be readily absorbed in the  
12 competitive labor market by an individual receiving such  
13 rehabilitative or remunerative work;

14 (e) as part of an unemployment work-relief or  
15 work-training program assisted or financed in whole or in  
16 part by a federal agency or any agency of a state or  
17 political subdivision thereof by an individual receiving  
18 such work relief or work training; or

19 (f) for a state prison or other state correctional or  
20 custodial institution by an inmate of that institution."

-End-

HB 159

Approved by Committee  
on Labor & Employment  
Relations

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 20 except as provided in 39-51-203(9);  
 21 (c) service performed as an officer or member of the  
 22 crew of a vessel on the navigable waters of the United  
 23 States;  
 24 (d) service performed by an individual in the employ  
 25 of his son, daughter, or spouse and service performed by a

1 child under the age of 18 in the employ of his father or  
 2 mother;  
 3 (e) service performed in the employ of any other state  
 4 or its political subdivisions or of the United States  
 5 government or of an instrumentality of any other state or  
 6 states or their political subdivisions or of the United  
 7 States, except that national banks organized under the  
 8 national banking law shall not be entitled to exemption  
 9 under this subsection and shall be subject to this chapter  
 10 the same as state banks, provided that such service is  
 11 excluded from employment as defined in the Federal  
 12 Unemployment Tax Act by section 3306(c)(7) of that act;  
 13 (f) service with respect to which unemployment  
 14 compensation is payable under an unemployment compensation  
 15 system established by an act of congress, provided that the  
 16 division is hereby authorized and directed to enter into  
 17 agreements with the proper agencies under such act of  
 18 congress, which agreements shall become effective 10 days  
 19 after publication thereof in the manner in 39-51-302 for  
 20 general rules, to provide reciprocal treatment to  
 21 individuals who have, after acquiring potential rights to  
 22 benefits under this chapter, acquired rights to unemployment  
 23 compensation under such act of congress or who have, after  
 24 acquiring potential rights to unemployment compensation  
 25 under such act of congress, acquired rights to benefits

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2 (g) services performed in the delivery and  
3 distribution of newspapers or shopping news from house to  
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5 age of 18 years, but not including the delivery or  
6 distribution to any point or points for subsequent delivery  
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8 (h) services performed by real estate, securities, and  
9 insurance salesmen paid solely by commissions and without  
10 guarantee of minimum earnings;

11 (i) service performed in the employ of a school,  
12 college, or university if such service is performed by a  
13 student who is enrolled and is regularly attending classes  
14 at such school, college, or university or by the spouse of  
15 such a student if such spouse is advised, at the time such  
16 spouse commences to perform such service, that the  
17 employment of such spouse to perform such service is  
18 provided under a program to provide financial assistance to  
19 such student by such school, college, or university and such  
20 employment will not be covered by any program of  
21 unemployment insurance;

22 (j) service performed by an individual under the age  
23 of 22 who is enrolled at a nonprofit or public educational  
24 institution, which normally maintains a regular faculty and  
25 curriculum and normally has a regularly organized body of

1 students in attendance at the place where its educational  
2 activities are carried on, as a student in a full-time  
3 program taken for credit at such institution which combines  
4 academic instruction with work experience if such service is  
5 an integral part of such program and such institution has so  
6 certified to the employer, except that this subsection shall  
7 not apply to service performed in a program established for  
8 or on behalf of an employer or group of employers;

9 (k) service performed in the employ of a hospital if  
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25 (b) by a duly ordained, commissioned, or licensed

1 minister of a church in the exercise of his ministry or by a  
2 member of a religious order in the exercise of duties  
3 required by such order;

4 (c) in the employ of a school which is not an  
5 institution of higher education, prior to December 31, 1977;

6 (d) in a facility conducted for the purpose of  
7 carrying out a program of rehabilitation for individuals  
8 whose earning capacity is impaired by age or physical or  
9 mental deficiency or injury or providing remunerative work  
10 for individuals who, because of their impaired physical or  
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-End-