

CHAPTER NO. 170

HOUSE BILL NO. 548

INTRODUCED BY HARPER

IN THE HOUSE

February 3, 1979	Introduced and referred to Committee on Labor and Employment Relations.
February 12, 1979	Committee recommend bill do pass. Report adopted.
February 13, 1979	Second reading, do pass.
February 14, 1979	Considered correctly engrossed.
February 15, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 16, 1979	Introduced and referred to Committee on Labor and Employment Relations.
March 5, 1979	Committee recommend bill be concurred in and be placed on Consent Calendar. Report adopted.
March 7, 1979	Consent Calendar discussion.
March 8, 1979	Consent Calendar concurred in.

IN THE HOUSE

March 9, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 HOUSE BILL NO. 548
2 INTRODUCED BY Hager

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE
5 DEFINITION OF 'BENEFIT YEAR' FOR UNEMPLOYMENT COMPENSATION;
6 AMENDING SECTION 39-51-201, MCA."

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

9 Section 1. Section 39-51-201, MCA, is amended to read:
10 "39-51-201. General definitions. As used in this
11 chapter, unless the context clearly requires otherwise, the
12 following definitions apply:

13 (1) The word "administrator" refers to a person
14 appointed by the commissioner of labor and industry to
15 direct and administer the unemployment compensation laws and
16 federal laws falling within the administrator's
17 jurisdiction.

18 (2) "Annual payroll" means the total amount of wages
19 paid by an employer, regardless of the time of payment, for
20 employment during a calendar year.

21 (3) "Annual total payroll" means the total of the 4
22 quarters of total payrolls of an employer preceding the
23 computation date as fixed herein.

24 (4) "Base period" means the first four of the last
25 five completed calendar quarters immediately preceding the

1 first day of an individual's benefit year. However, in the
2 case of a combined-wage claim pursuant to the arrangement
3 approved by the secretary of labor of the United States, the
4 base period shall be that applicable under the unemployment
5 law of the paying state.

6 (5) "Benefits" means the money payments payable to an
7 individual, as provided in this chapter, with respect to his
8 unemployment.

9 (6) "Benefit year", with respect to any individual,
10 means the 52 consecutive-week period beginning with the
11 first day of the calendar week in which such individual
12 files a valid claim ~~and thereafter the 52 consecutive-week~~
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14 ~~which such individual files his next valid claim after the~~
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24 of a combined-wage claim pursuant to the arrangement
25 approved by the secretary of labor of the United States, the

1 base period shall be that applicable under the unemployment
2 law of the paying state.

3 (7) "Board" means the board of labor appeals provided
4 for in Title 2, chapter 15, part 17.

5 (8) "Calendar quarter" means the period of 3
6 consecutive calendar months ending on March 31, June 30,
7 September 30, or December 31.

8 (9) "Contributions" means the money payments to the
9 state unemployment compensation fund required by this
10 chapter.

11 (10) "Division" means the employment security division
12 of the department of labor and industry provided for in
13 Title 2, chapter 15, part 17.

14 (11) "Employing unit" means any individual or type of
15 organization, including the state government, any of its
16 political subdivisions or instrumentalities, any
17 partnership, association, trust, estate, joint-stock
18 company, insurance company, or corporation, whether domestic
19 or foreign, or the receiver, trustee in bankruptcy, trustee
20 or successor thereof, or the legal representative of a
21 deceased person which has or subsequent to January 1, 1936,
22 had in its employ one or more individuals performing
23 services for it within this state, except as provided under
24 subsections (8) and (9) of 39-51-203, and all individuals
25 performing services within this state for any employing unit

1 which maintains two or more separate establishments within
2 this state shall be deemed to be employed by a single
3 employing unit for all the purposes of this chapter. Each
4 individual employed to perform or assist in performing the
5 work of any agent or employee of an employing unit shall be
6 deemed to be employed by such employing unit for the
7 purposes of this chapter, whether such individual was hired
8 or paid directly by such employing unit or by such agent or
9 employee, provided the employing unit has actual or
10 constructive knowledge of the work.

11 (12) "Employment office" means a free public employment
12 office or branch thereof operated by this state or
13 maintained as a part of a state-controlled system of public
14 employment offices or such other free public employment
15 offices operated and maintained by the United States
16 government or its instrumentalities as the division may
17 approve.

18 (13) "Fund" means the unemployment compensation fund
19 established by this chapter to which all contributions and
20 payments in lieu of contributions are required and from
21 which all benefits provided under this chapter shall be
22 paid.

23 (14) "Gross misconduct" means a criminal act, other
24 than a violation of a motor vehicle traffic law, for which
25 an individual has been convicted in a criminal court or has

1 admitted or conduct which demonstrates a flagrant and wanton
2 disregard of and for the rights or title or interest of a
3 fellow employee or his employer.

4 (15) "Hospital" means an institution which has been
5 licensed, certified, or approved by the state as a hospital.

6 (16) (a) "Institution of higher education", for the
7 purposes of this part, means an education institution which:

8 (i) admits as regular students only individuals having
9 a certificate of graduation from a high school or the
10 recognized equivalent of such a certificate;

11 (ii) is legally authorized in this state to provide a
12 program of education beyond high school;

13 (iii) provides an educational program for which it
14 awards a bachelor's or higher degree or provides a program
15 which is acceptable for full credit toward such a degree, a
16 program of post-graduate or post-doctoral studies, or a
17 program of training to prepare students for gainful
18 employment in a recognized occupation; and

19 (iv) is a public or other nonprofit institution.

20 (b) Notwithstanding any of the foregoing provisions of
21 this subsection, all colleges and universities in this state
22 are institutions of higher education for purposes of this
23 part.

24 (17) "State" includes, in addition to the states of the
25 United States of America, the District of Columbia, Puerto

1 Rico, the Virgin Islands, and the Dominion of Canada.

2 (18) "Unemployment compensation administration fund"
3 means the unemployment compensation administration fund
4 established by this chapter from which administrative
5 expenses under this chapter shall be paid.

6 (19) (a) "Wages" means all remuneration payable for
7 personal services, including commissions and bonuses and the
8 cash value of all remuneration payable in any medium other
9 than cash. The reasonable cash value of remuneration
10 payable in any medium other than cash shall be estimated and
11 determined in accordance with rules prescribed by the
12 division.

13 (b) The term "wages" shall not include:

14 (i) the amount of any payment made to or on behalf of
15 an employee by an employer on account of:

16 (A) retirement;

17 (B) sickness or accident disability;

18 (C) medical and hospitalization expenses in connection
19 with sickness or accident disability; or

20 (D) death;

21 (ii) remuneration paid by any county welfare office
22 from welfare assistance funds for services performed at the
23 direction and request of such county welfare office.

24 (20) "Week" means a period of 7 consecutive calendar
25 days ending at midnight on Saturday.

1 (21) An individual's "weekly benefit amount" means the
2 amount of benefits he would be entitled to receive for 1
3 week of total unemployment.

4 (22) The word "division" throughout the unemployment
5 statutes refers to a unit of the Montana state department of
6 labor and industry.

7 (23) The words "board of labor appeals" used in this
8 chapter mean three persons appointed by the governor who are
9 not public employees but who are attached to the Montana
10 state department of labor and industry. The function of
11 said board is to act in a quasi-judicial capacity for the
12 hearing of disputes concerning the administration of
13 Montana's unemployment insurance laws."

-End-

HB 548, 2ND READING
WAS UNOBTAINABLE.

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17 jurisdiction.

18 (2) "Annual payroll" means the total amount of wages
19 paid by an employer, regardless of the time of payment, for
20 employment during a calendar year.

21 (3) "Annual total payroll" means the total of the 4
22 quarters of total payrolls of an employer preceding the
23 computation date as fixed herein.

24 (4) "Base period" means the first four of the last
25 five completed calendar quarters immediately preceding the

1 first day of an individual's benefit year. However, in the
2 case of a combined-wage claim pursuant to the arrangement
3 approved by the secretary of labor of the United States, the
4 base period shall be that applicable under the unemployment
5 law of the paying state.

6 (5) "Benefits" means the money payments payable to an
7 individual, as provided in this chapter, with respect to his
8 unemployment.

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4 for in Title 2, chapter 15, part 17.

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