CHAPTER NO. _688

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HOUSE BILL NO. 766

INTRODUCED BY PORTER, RAMIREZ

IN THE HOUSE

February 13, 1979	Introduced and referred to Committee on Labor and Employment Relations.
February 20, 1979	Committee recommend bill do pass. Report adopted.
February 21, 1979	Second reading, pass consideration
February 22, 1979	Second reading, do pass as amended.
February 23, 1979	Correctly engrossed.
	Third reading, passed. Transmitted to second house.
IN TH	E SENATE
February 23, 1979	Introduced and referred to Committee on Labor and Employment Relations.
March 21, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 23, 1979	Second reading, indefinitely postponed.
	Segregated from the Committee of the Whole report.
March 24, 1979	Motion pass consideration.
March 26, 1979	Second reading, concurred in as amended.
March 27, 1979	Third reading, concurred in as amended.

IN THE HOUSE

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March 28, 1979	Returned from second house. Concurred in as amended.
March 31, 1979	Second reading, pass consideration.
April 2, 1979	Second reading, amendments rejected.
	On motion Joint Conference Committee requested.
April 3, 1979	Joint Conference Committee appointed.
April 20, 1979	Joint Conference Committee reported.
	Second reading, adopted.
	Third reading, adopted.
	Adopted by second house.
	Sent to enrolling.
	Reported correctly enrolled.
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House BILL NO. 766 1 INTRODUCED BY -2 З

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE 5 UNEMPLOYMENT COMPENSATION LAWS RELATING TO THE DEFINITION OF 6 TOTAL UNEMPLOYMENT, THE MINIMUM NEEKLY BENEFIT AMOUNT, THE 7 DURATION OF BENEFITS, QUALIFYING WAGES, AND DISQUALIFICATION 8 OF BENEFITS; AMENDING SECTIONS 39-51-2101, 39-51-2105, 9 39-51-2201, 39-51-2204, 39-51-2303, AND 39-51-2304, MCA." 10

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 Section 1. Section 39-51-2101, MCA, is amended to

12 Section 1. Section 39-51-2101, MCA, is amended to 13 read:

14 "39-51-2101. Total unemployment -- when. An individual 15 shall be deemed totally unemployed in any week during which 16 he performed no work and earned no wages or a week of less 17 than full-time work with wages of less than 2 <u>1.1/2</u> times 18 his weekly benefit amount. No individual is unemployed in 19 any week that he is self-employed."

20 Section 2. Section 39-51-2105, MCA, is amended to 21 read:

22 "39-51-2105. Qualifying wages. (1) To qualify as an
23 insured worker an individual must have been paid wages for
24 insured work in the quarters of his base period an amount
25 totaling not less than 1-1/2 1.1/4 times his base period

1 high quarter wages.

2 (2) With respect to weeks of unemployment beginning on
3 or after January 1, 1978, wages for insured work shall
4 include wages paid for previously uncovered services. For
5 the purposes of this subsection, the term "previously
6 uncovered services" means services:

7 (a) which were not employment as defined in 8 39-51-204(1)(a) and (1)(b) at any time during the 1-year 9 period ending December 31, 1975; and

10 (b) which:

11 (i) are agricultural labor, as defined in 12 39-51-203(8), or domestic service, as defined in 13 39-51-203(9); or

14 (ii) are services performed by an employee of this 15 state or a political subdivision thereof, as provided in 16 39-51-203(5), or by an employee of a nonprofit educational 17 institution which is not an institution of higher education. 18 as provided in 39-51-203(6), except to the extent that assistance under Title II of the Emergency Jobs and 19 20 Unemployment Assistance Act of 1974 was paid on the basis of 21 such services."

22 Section 3. Section 39-51-2201, MCA. is amended to 23 read:

24#39-51-2201. Weekly benefit amount -- determination of25average weekly wage. (1) Any individual whose benefit year

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begins on or after July 1, 1971, shall receive as his weekly
 benefit amount an amount equal to one twenty-sixth 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 \$1, shall
 be rounded to the nearest multiple of \$1.

7 (2) On or before May 31 of each year, the total wages 8 paid by all employers as reported on contribution reports submitted on or before such date for the preceding calendar 9 year shall be divided by the average monthly number of 10 individuals employed during the same preceding calendar year 11 12 as reported on such contribution reports. The amount thus 13 obtained shall be divided by 52 and the average weekly wage. rounded to the nearest cent, thus determined. Fifty Sixty 14 15 percent of the average weekly wage shall constitute the 16 maximum weekly benefit amount and shall apply to all maximum 17 weekly benefit amount claims for benefits filed to establish 18 a benefit year commencing on or after July 1 of the same 19 year. Such maximum weekly benefit amount if not a multiple 20 of \$1, shall be computed to the nearest multiple of \$1. Beginning-on-July-1y-1975y-the-maximum-weekly-benefit-amount 21 22 shall--be--raised--to--551--of--the--everage-weekly-wage-and 23 beginning-July-ly-1976y-be-raised--to--681--of--the--average weekly-wages 24

25 (3) The minimum weekly benefit amount shall be \$12 152

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of the average weekly wage. 1 (4) The division shall prepare and publish annually a 2 benefit schedule in accordance with the provisions of this 3 subsection.* 4 Section 4. Section 39-51-2204, MCA, is amended to 5 read: 6 #39-51-2204. Duration of benefits. Any otherwise 7 eligible individual shall be entitled during his benefit 8 year to benefits for the total number of weeks appearing in 9 the following table on the line which includes his ratio of 10 total base period earnings to highest quarter base period 11 12 earnings: Weeks* Duration 13 Ratio of Total Base Period of Benefits 14 Earnings to High Quarter 15 16 1=96-20-2+15-----16 17 18 19 20 21 22 At Least Less Than 23 1.25 1.50 10 24 1.50 1.75 12 25

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1	1.75	2.00	14
2	2.00	2.25	
3	2.25	2.50	18
4	2.50	2.75	20
5	2.15	<u>3=00</u>	22
6	3.00		24
7	3.25		
8	Section 5.	Section 39-51-2303, MCA,	is amended to
9	read:		

10 #39-51-2303. Disqualification for discharge due to
 11 misconduct. Effective April 1, 1977, an individual shall be
 12 disqualified for benefits if he has been discharged:

13 (1) for misconduct connected with his work or 14 affecting his employment:

(a) until 0 10 weeks have elapsed from the effective
date of his claim, with 0 10 weeks' reduction of his benefit
duration; or

18 (b) until he has performed services from the effective 19 date of his claim other than self-employment for which 20 remuneration is received equal to or in excess of his weekly 21 benefit amount in 6 separate weeks subsequent to the week in 22 which the act causing the disgualification occurred, with 6 23 weeks' reduction of benefit duration, as determined by the division, provided he has not left this work under 24 25 disgualifying circumstances;

1 (2) for gross misconduct connected with his work or 2 committed on the employer's premises, as determined by the 3 division, for a period of 12 months."

4 Section 6+ Section 39-51-2304, MCA, is amended to 5 read:

#39-51-2304. Disgualification for failure to apply for 6 7 or to accept suitable work. (1) Effective April 1, 1977. an individual shall be disgualified for benefits if he failed R 0 without good cause either to apply for available and suitable work when so directed by the employment office or 10 the division or to accept suitable work offered to him which 11 12 he is physically able and mentally gualified to perform or 13 to return to his customary self-employment, if any, when so 14 directed by the division. Such disqualification shall 15 continue for the week in which such failure occurred and 16 until he has performed services, other than self-employment, 17 for which remuneration is received equal to or in excess of 18 his weekly benefit amount in 6 separate weeks subsequent to 19 the date the act causing the disgualification occurred, with 6 weeks* reduction in benefit duration. as determined by the 20 21 division, provided he has not left this work under 22 disqualifying circumstances.

(2) In determining whether or not any work is suitable
 for an individual, the division shall consider the degree of
 risk involved to his health, safety, and morals, his

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physical fitness and prior training, his experience and
 previous earnings, his length of unemployment and prospects
 for securing local work in his customary occupation, and the
 distance of the available work from his residence.

5 (3) Notwithstanding any other provisions of this 6 chapter: no work shall be deemed suitable and benefits shall 7 not be denied under this chapter to any otherwise eligible 8 individual for refusing to accept new work under any of the 9 following conditions:

10 (a) if position offered is vacant due directly to a
11 strike, lockout, or other labor dispute;

12 (b) if the wages, hours, or other conditions of the 13 work offered are substantially less favorable to the 14 individual than those prevailing for similar work in the 15 locality:

16 (c) if, as a condition of being employed, the
17 individual would be required to join a company union or to
18 resign from or refrain from joining any bona fide labor
19 organization.

14) During the first 7 weeks of benefit duration.
suitable work is any work meeting the criteria in this
section that offers wages equal to the wages earned in the
individual's customary occupation. From 8 to 16 weeks: work
is suitable if the wages equal 753 of the individual's
customary earnings. and for all subsequent weeks, work is

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1 suitable if the wages equal the weekly benefit amount."

HOUSE BILL NO. 766 1 1 INTRODUCED BY PORTER. RANIREZ 2 2 3 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE 4 4 UNEMPLOYMENT COMPENSATION LAWS RELATING TO THE-DEFINITION-OF 5 5 TOTAL--UNENPLOYMENT THE MININUM WEEKLY BENEFIT AMOUNT, THE 6 6 DURATION OF BENEFITS. BUALIFYING-WAGES. AND DISCULLIFICATION 7 7 OF BENEFITS: AMENDING SECTIONS 39-51-2101+ 39-51-2105+ 8 8 39-51-2201. 39-51-2204+ 39-51-2302+ 39-51-2303+ AND Q . 39-51-2304. MCA-* 10 10 11 11 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 Section-lu--Section--39-51-2101--WEAv--is--amended--to 13 13 14 read+ 14 15 15 individual-shall-be-deemed-totally-unemployed--in--eny--week 16 16 during--which--he-performed-no-work-ond-corned-no-wages-or-a 17 17 18 week-of-less-than-full-time-work-with-wages-of-less--than--2 18 19 1-1/2 times--his--weekly--benefit-smounty--No-individuel-is 19 20 unemployed-in-ony-week-that-he-is-self-employed." 20 Section 1. Section 39-51-2105, MCA, is amended to 21 21 22 read: 22 "39-51-2105. Qualifying wages. (1) To qualify as an 23 23 24 insured worker an individual must have been paid wages for 24 25 25 insured work in the quarters of his base period an amount

totaling not less than 1-1/2 times his base period high quarter wages. 121 ON AND AFTER JULY 1. 1980. TO QUALIFY FOR BENEELTS, AN INDIVIDUAL MUST HAVE HAD AT LEAST 20 WEEKS OF WORK_WITH_AN AVERAGE OF \$50 PER WEEK IN SUBJECT EMPLOYMENT IN THE BASE PERIOD. TO QUALIFY FOR BENEFITS. THE TOTAL BASE PERIOD WAGES MUST BE \$1.000 OR HORE. +2+(3) With respect to weeks of unemployment beginning on or after January 1, 1978, wages for insured work shall include wages paid for previously uncovered services. For the purposes of this subsection, the term "previously uncovered services* means services: (a) which were not employment as defined in 39-51-204(1)(a) and (1)(b) at any time during the 1-year period ending December 31, 1975; and (b) which: (i) are agricultural labor. defined as in 39-51-203(8), or domestic service. as defined in 39-51-203(9); or (ii) are services performed by an employee of this state or a political subdivision thereof, as provided in 39-51-203(5), or by an employee of a nonprofit educational institution which is not an institution of higher education. as provided in 39-51-203(6), except to the extent that assistance under Title II of the Emergency Jobs and

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THIRD READING

1 Unemployment Assistance Act of 1974 was paid on the basis of such services." 2 3 Section 2. Section 39-51-2201, MCA, is amended to read: 4 #39-51-2201. Weekly benefit amount -- determination of 5 6 average weekly wage. (1) Any individual whose benefit year 7 begins on or after July 1, 1971, shall receive as his weekly 8 benefit amount an amount equal to one twenty-sixth of his 9 total wages for insured work paid during the calendar 10 quarter of his base period in which his wages were highest. Such weekly benefit amount, if not a multiple of \$1, shall 11 12 be rounded to the nearest multiple of \$1. 13 121 ON AND AFTER JULY 1. 1980. AN ELIGIBLE 14 INDIVIOUAL'S WEEKLY BENEFIT AMOUNT SHALL BE THE TOTAL BASE 15 PERIOD WAGES DIVIDED BY THE NUMBER OF WEEKS OF COVERED 16 ENPLOYMENT_TIMES_SONS HOWEVERS SUCH AMOUNT_SHALL_NOT BE LESS 17 THAN THE MINIMUM, NOR NORE THAN THE MAXIMUM WEEKLY BENEFIT 18 AMOUNTA 19 (2)(3) On or before May 31 of each year, the total 20 wages paid by all employers as reported on contribution 21 reports submitted on or before such date for the preceding 22 calendar year shall be divided by the average monthly number 23 of individuals employed during the same preceding calendar 24 year as reported on such contribution reports. The amount

25 thus obtained shall be divided by 52 and the average weekly

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1 wage, rounded to the nearest cent, thus determined. Fifty 2 Sixty percent of the average weekly wage shall constitute 3 the maximum weekly benefit amount and shall apply to all maximum weekly benefit amount claims for benefits filed to 4 establish a benefit year commencing on or after July 1 of 5 6 the same year. Such maximum weekly benefit amount if not a 7 multiple of \$1, shall be computed to the nearest multiple of \$1. Beginning-on-duly-ly-ly-lye-the--maximum--weekly--benefit 8 Q anount-shell-be-raised-to-55%-of-the-everage-weekly-wage-and 10 beginning--duty--ty--1976+--be--raised-to-68%-of-the-average weekly-wager 11 (3)(4) The minimum weekly benefit amount shall be \$22 12 13 15% of the average weekly wage. 14 (4)(5) The division shall prepare and publish annually 15 a benefit schedule in accordance with the provisions of this subsection." 16 17 Section 3. Section 39-51-2204, MCA, is amended to 18 read: #39-51-2204. Duration of benefits. Any otherwise 19 20 eligible individual shall be entitled during his benefit 21 year to benefits for the total number of weeks appearing in 22 the following table on the line which includes his ratio of 23 total base period earnings to highest quarter base period 24 earnings:

25 Ratio of Total Base Period Weeks' Duration

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1	Earnings to High Quarter	of	Benefits
2	8to-l#75	***********	-12
3	t#76-t0-t#95		-14
4	1#96-2022#15		-16
5	2+16-to-2+35		-18
6	2+36-+0-2+55		-29
7	2*56-20-2*75	************	-22
8	2#76-20-2#95	******	-24
9	2=96-07-8678		-26
10	At_LeastLoss	Ehan	
11	Qle2	}	8
12	1.251.5	Q	_10
13	1.501.1	5	_12
14	1.752.0	Q	_14
15	2.00	5	_16
16	2.252.5	<u>0</u>	_10
17	2.502.7	5	_20
18	2.153.0	9	_22
19	3.003.2	5	_24
20	3.25		
21	SECTION_4SECTION39-51-230	2. MCA. IS	AMENDED_10
22	READI		
23	"39-51-2302. Disqualification	for leaving w	ork without
24	good cause. (1) Effective April 1.	1977 <u>1979</u>, an	individual
25	shall be disqualified for benefits	if he has	left work
	-5-		HB 766

1	without good cause attributable-to-the-employment+_
2	tatuntil-6-weeks-have-elapsed-from-the-effective-date
3	of-hisclaimywith6weeksreductionofhisbenefit
4	duration)-or
5	tb}until-he-has-performed-scruices-from-the-effective
6	dateofhisclaimotherthenself-employment-for-which
7	remuncration-is-recaived-equol-to-or-in-excess-of-his-weekly
8	benefit-smount-in-4-separate-weeks-subsequent-to-the-week-in
9	which-the-act-causing-the-disqualification-occurredwith4
10	weeks*reductionof-benefit-durationas-datermined-by-the
11	divisionprovidednehesnotieftthisworkunder
12	disquaiifying-circumstances.
13	(2) He may not be disqualified if the division finds
14	that he left his employment because of personal illness or
15	injury not associated with misconduct or left his employment
16	upon the advice of a licensed and practicing physician and+
17	after recovering from his illness or injury when recovery is
18	certified by a licensed and practicing physician, he
19	returned to his employer and offered his service and his
20	regular or comparable suitable work was not available, if so
21	found by the division, provided he is otherwise eligible.
22	13)Io_requalifyforbenefitssanindividualmust
23	perforeservices_other_than_self-employment_for_which
24	remuneration is received equal to or in excess of 6 times
25	<u>his_weekly_benefit_amount_subsequent_to_the_week_in_which</u>

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1 the act causing the disgualification occurred." 2 Section 5. Section 39-51-2303. MCA. is amended to 3 read: 6 #39-51-2303. Disgualification for discharge due to 5 misconduct. Effective April 1. 1977 1979. an individual shall be disqualified for benefits if he has been 6 7 discharged: (1) for misconduct connected with his . work OF q affecting his employment+ 10 fst until 8 10 weeks-have-elapsed-from-the-effective 11 date-of-his-claimy-with-8 18 weeks-reduction-of-his-benefit 12 duretiont-of AN INDIVIDUAL HAS PERFORMED SERVICES. OTHER 13 THAN_SELF-EMPLOYMENT. FOR WHICH REMUNERATION IS RECEIVED 14 EQUAL TO OR IN EXCESS OF FIGHT TIMES HIS WEEKLY BENEFIT 15 AMOUNT SUBSEQUENT TO THE WEEK IN WHICH THE ACT CAUSING THE 16 DISQUALIFICATION OCCURRED. 17 tb?--unti?-he-hes-performed-services-from-the-effective 18 date-of-his--claim--other--then--setf-employment--for--which 19 remuneration-is-received-equal-to-or-in-excess-of-his-weekly benefit-emount-in-6-seperate-weeks-subsequent-to-the-week-in 20 21 which--the-act-cousing-the-disouslification-occurredy-with-6 22 weeks*-reduction-of-benefit-duration-as-detersined--by--the 23 division---provided---he--hes--not--left--this--work--under 24 discustifying-circumstancest

(2) for gross misconduct Connected with his work or

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committed on the employer's premises, as determined by the
 division, for a period of 12 months."

3 Section 6. Section 39-51-2304, MCA, is amended to 4 read:

5 #39-51-2304. Disgualification for failure to apply for or to accept suitable work. (1) Effective April 1, 1977, an 6 individual shall be disqualified for benefits if he failed 7 without good cause either to apply for available and . suitable work when so directed by the employment office or 9 10 the division or to accept suitable work offered to him which he is physically able and mentally qualified to perform or 11 to return to his customary self-employment, if any, when so 12 13 directed by the division. Such disqualification shall 14 continue for the week in which such failure occurred and 15 until he has performed services, other than self-employment, 16 for which remuneration is received equal to or in excess of his weekly benefit amount in 6 separate weeks subsequent to 17 18 the date the act causing the disgualification occurred, with 6 weeks* reduction in benefit duration, as determined by the 19 20 division, provided he has not left this work under 21 disgualifying circumstances.

(2) In determining whether or not any work is suitable
for an individual, the division shall consider the degree of
risk involved to his health, safety, and morals, his
physical fitness and prior training, his experience and

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previous earnings, his length of unemployment and prospects
 for securing local work in his customary occupation, and the
 distance of the available work from his residence.

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4 (3) Notwithstanding any other provisions of this 5 chapter, no work shall be deemed suitable and benefits shall 6 not be denied under this chapter to any otherwise eligible 7 individual for refusing to accept new work under any of the 8 following conditions:

9 (a) if position offered is vacant due directly to a
10 strike, lockout, or other labor dispute:

11 (b) if the wages, hours, or other conditions of the 12 work offered are substantially less favorable to the 13 individual than those prevailing for similar work in the 14 locality:

(c) if, as a condition of being employed, the
individual would be required to join a company union or to
resign from or refrain from joining any bona fide labor
organization.

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 (4) Buring::the::firat::?:weeka::of:benefit:durationx

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 auitable:work::s:env::work::meating::the::criteria::in::this

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 section::thet::offera:woges::squai:to:the:woges::sored:in:the

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 individual:a:customery:occupations:From:d:to:the:woges::sored:in:the

 23
 ia::suitable::if::the::woges::squai::site:ibe:individual:a

 24
 customery:corning::sored:for:alt::subsequent::wsek:::work::is

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 suitable::if::the::woges::squai::the::woek:y:benefit::supunt:

1 QURING THE FIRST 13 WEEKS OF UNENPLOYMENT SUITABLE WORK IS

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- 2 NORK_THAT_MEETS_THE_CRITERIA_IN_THIS_SECTION_AND_THAT_OFFERS
- 3 WAGES EQUAL TO THE PREVAILING WAGE FOR THAT AREA IN THE
- 4 INDIVIDUAL'S CUSTOMARY OCCUPATION AFTER 13 WEEKS DE
- 5 UNEMPLOYMENT. SUITABLE WORK IS WORK THAT MEETS THE CRITERIA
- 6 IN THIS SECTION AND THAT OFFERS 75% OF THE PREVAILING MAGE.*

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HOUSE BILL NO. 766	1 totaling not less than 1-172 <u>1-174</u> 1 <u>1/2</u> times his base
INTRODUCED BY PORTER, RAMIREZ	2 period high quarter wages.
	3 121_ONANDAETER_JULY_11980. TO_QUALIEY_EDR
A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE	4 BENEETTS+ AN INDIVIDUAL MUST HAVE HAD AT LEAST 20 HEEKS OF
UNEMPLOYMENT COMPENSATION LAWS RELATING TO THE-BEFINITION-OF	5 WORK_WITH AN AVERAGE OF \$50 PER VEEK IN SUBJECT EMPLOYMENT
THTALUNEMPLOYMENT. THE MINIMUM WEEKLY BENEFIT AMOUNT, THE	6 IN_IHE_BASE_PERIOD: TO_QUALIEY_FOR_BENEFITS: THE_TOTALBASE
DURATION OF BENEFITS, QUALIFYING-WAGES, AND DISQUALIFICATION	7 PEBIOD_WAGES_MUSI_BE_\$1+000_08_MORE+
OF BENEFITS; AMENDING SECTIONS 39-51-2101, 39-51-2105,	B +2+131 With respect to weeks of unemployment beginning
39-51-2201, 39-51-2204, <u>39-51-2302,</u> 39-51-2303, AND	9 on or after January 1, 1978, wages for insured work shall
39-51-2304, MCA.*	10 include wages paid for previously uncovered services. For
	11 the purposes of this subsection, the term "previously
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	12 uncovered services" means services:
Section-lwSection39-51-2181vNGAvisamendedto	13 (a) which were not employment as defined in
readt	14 39-51-204(1)(a) and (1)(b) at any time during the 1-year
#39-51-2191ufotolunemploymentwhenuAn	15 period ending December 31, 1975; and
individual-shall-be-deemed-totally-unemployedinanyweek	16 (b) which:
duringwhichhe-performed-no-work-and-earned-no-wages-or-a	17 (i) are agricultural labor, as defined in
week-of-tess-than-fult-time-work-with-wages-of-tessthan2	18 39-51-203(8), or domestic service, as defined in
<u>1-1/2</u> timeshisweeklybenefit-omountur-No-individual-is	19 39-51-203(9); or
unempłoyed-in-any-week-that-ne-is-self-empłoyedw ^w	20 (ii) are services performed by an employee of this
Section 1. Section 39-51-2105, MCA, is amended to	21 state or a political subdivision thereof, as provided in
read:	22 39-51-203(5), or by an employee of a nonprofit educational
"39-51-2105. Qualifying wages. (1) To qualify as an	23 institution which is not an institution of higher education.
insured worker an individual must have been paid wages for	24 ' as provided in 39-51-203(6), except to the extent that
insured work in the quarters of his base period an amount	25 assistance under Title II of the Emergency Jobs and

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REFERENCE BILL

Unemployment Assistance Act of 1974 was paid on the basis of
 such services."

3 Section 2. Section 39-51-2201, MCA, is amended to 4 read:

#39-51-2201. Weekly benefit amount -- determination of 5 6 average weekly wage. (1) Any individual whose benefit year begins on or after July 1, 1971, shall receive as his weekly 7 benefit amount an amount equal to one twenty-sixth of his 8 9 total wages for insured work paid during the calendar quarter of his base period in which his wages were highest. 10 11 Such weekly benefit amount, if not'a multiple of \$1, shall 12 be rounded to the nearest multiple of \$1.

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 121_ON__AND__AFTER__JULY__1._12801_AN_ELIGIBLE

 14
 INDIVIOUALIS_WEEKLY_BENEFIT_AMOUNT_SHALL_BE_THE__TOTAL_BASE

 15
 PERIOD__WAGES__DIVIDEO__BY__THE__NUMBER__OF_WEEKS_OF_COVERED

 16
 EMPLOYMENT_TIMES_2018_HOWEVERS_SUCH_AMOUNT_SHALL_NOT_BE_LESS

 17
 THAN_THE_BININUMS_NOR_MORE_THAN_THE_MAXIMUM__NEEKLY__BENEELT

 18
 AMOUNT_S

19 <u>(2)(3)</u> On or before May 31 of each year, the total 20 wages paid by all employers as reported on contribution 21 reports submitted on or before such date for the preceding 22 calendar year shall be divided by the average monthly number 23 of individuals employed during the same preceding calendar 24 year as reported on such contribution reports. The amount 25 thus obtained shall be divided by 52 and the average weekly

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1 wage, rounded to the nearest cent, thus determined. Fifty 2 Sixty percent of the average weekly wage shall constitute 3 the maximum weekly benefit amount and shall apply to all maximum weekly benefit amount claims for benefits filed to 4 5 establish a benefit year commencing on or after July 1 of 6 the same year. Such maximum weekly benefit amount if not a 7 multiple of \$1, shall be computed to the nearest multiple of 8 \$1. Beginning--on--july-ly-l975y-the-maximum-weekly-benefit 9 smount-shall-be-raised-to-55%-of-the-average-weekly-wage-and 10 beginning-July-ly-ly-lo-be-raised--to--681--of--the--average 11 weekty-wagev 12 (3)(4) The minimum weekly benefit amount shall be \$12 13 15% of the average weekly wage. 14 141151 The division shall prepare and publish annually 15 a benefit schedule in accordance with the provisions of this 16 subsection.* 17 Section 3. Section 39-51-2204, MCA, is amended to 18 read: 19 #39-51-2204. Duration of benefits. Any otherwise 20 eligible individual shall be entitled during his benefit year to benefits for the total number of weeks appearing in 21 22 the following table on the line which includes his ratio of 23 total base period earnings to highest quarter base period

- 24 earnings:
- 25 Ratio of Total Base Period Weeks' Duration

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1	Earnings to High Quarter		of Benefits
2	8to-i=75		
3	1#76-to-1#95		
4	1*96-to-2*15		
5	2#16-to-2#35		
6	2+36-to-2+55		20
7	2+56-to-2+75		55
8	2=76-to-2=95		24
9	2=96-01-mote		
10	At_Least	Less_Iban	
11	Q	1.25	8
12	1.25	<u> </u>	10
13	1.50	1.75	
14	1.75	2.00	
15	2.00	2.25	16
16	2.25	2_50	10
17	2.50	2.75	20
18	2.15	3.00	22
19	3.00	3.25	24
20	3.25		26*
21	SECIION_4SECIION_	_39-51-2302+HCA+	ISAMENDEDIO
22	BEADE		
23	"39-51-2302。 Disqua	lification for lea	ving work without
24	good cause. (1) Effect	iveAprillvl9	771272von AN
25	individual shall be disqu	alified for benefi	ts if he has left

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1	work without good cause attributabletotheemployment+_
2	ATTRIBUTABLE_IQ_THE_EBPLOYMENT. BR==#E==#E==#S==A=SGH00+
3	RISIRIGI_EMPLOYEE_WHO_HAS_A_WRIIIEN_ASREEMENI_IDRETHRNIO
4	<u>ŦĦĨŚ=ÊN₽ĿŊ¥ĦĔŇĨ=ÊŊĿĿġ₩ĨŊĠ=ĨŀĔ=ŚIJŊŊĔŔ=BREAK</u>
5	ta)until-6-weeks-have-alapsed-from-the-effective-date
6	ofhisclaimvwith6weeksreductionofhis-benefit
7	duration;-or
8	tb;untii-he-hos-performed-services-from-the-effective
9	dote-of-hisclaimotherthanself-employmentforwhich
10	remuneration-is-received-equal-to-or-in-excess-of-his-weekly
11	benefit-amount-in-4-separate-weeks-subsequent-to-the-week-in
12	whichthe-act-cousing-the-disqualification-occurredy-with-4
13	weeks*-reduction-of-benefit-durationy-as-determinedbythe
14	divisionprovidedhehesnotieftthisworkunder
15	disqualifying-circumstances.
16	(2) He may not be disqualified if the division finds
17	that he left his employment because of personal illness or
18	injury not associated with misconduct or left his employment
19	upon the advice of a licensed and practicing physician and.
20	after recovering from his illness or injury when recovery is
21	certified by a licensed and practicing physician, he
22	returned to his employer and offered his service and his
23	regular or comparable suitable work was not available, if so
Z4 [′]	found by the division, provided he is otherwise eligible.
25	<u>{}</u>

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1 perform services other than salf-employment for which 2 reguneration_is_received_equal_to_or_in_excess_of_6_times 3 his weekly benefit amount subsequent to the week, in which the act causing the disqualification occurred UNLESS_HE_HAS 4 5 BEEN IN REGULAR ATTENDANCE AT AN EDUCATIONAL INSTITUTION ACCREDITED BY THE STATE OF HONTANA FOR AT LEAST 3 6 7 CONSECUTIVE_MONTHS_EROM_THE_DATE_OF_HIS_ENROLLMENT.** 8 Section 5. Section 39-51-2303, MCA, is amended to 9 read: 10 #39-51-2303. Disgualification for discharge due to 11 misconduct. Effective-April-ly-1977-1979y-on AN individual 12 shall be disgualified for benefits if he has been 13 discharged: 14 {1} for misconduct connected with his HOLK 15 affecting his employment+ 16 (a) until 8 10 weeks-have-elapsed-from-the-effective 17 date-of-his-claimy-with-8 18 weeks-reduction-of-his-benefit 18 durotiont-or AN_INDIVIDUAL__HAS__PERFORMED__SERVICES. _OTHER 19 THAN__SELE-ENPLOYMENT. _ EOR_ WHICH_ BENUNERATION IS RECEIVED 20 EQUAL TO OR IN EXCESS OF EIGHT TIMES HIS WEEKLY BENEFIT 21 AMOUNT SUBSEQUENT TO THE WEEK IN WHICH THE ACT CAUSING THE 22 DISQUALIFICATION OCCURRED. 23 {b}--until-he-has-performed-services-from-the-effective 24 date-of-his--claim--other--than--self-employment--for--which 25 remuneration-is-received-equal-to-or-in-excess-of-his-weekly

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1 benefit-amount-in-6-separate-weeks-subsequent-to-the-week-in which--the-act-cousing-the-disgualification-occurredy-with-6 2 weekst-reduction-of-benefit-durotiony-as-determined--by--the 3 division---provided---he--hes--not--left--this--work--under 4 disquelifying-circumstancest 5 (2) for gross misconduct connected with his work or 6 7 committed on the employer's premises, as determined by the 8 division, for a period of 12 months." Section 6. Section 39-51-2304, MCA, is amended to 9 10 read: 11 *39-51-2304. Disgualification for failure to apply for 12 or to accept suitable work. (1) Effective April 1, 1977, an 13 individual shall be disqualified for benefits if he failed 14 without good cause either to apply for available and suitable work when so directed by the employment office or 15 16 the division or to accept suitable work offered to him which he is physically able and mentally qualified to perform or 17 to return to his customary self-employment, if any, when so 18 19 directed by the division. Such disqualification shall continue for the week in which such failure occurred and 20 21 until he has performed services, other than self-employment, 22 for which remuneration is received equal to or in excess of 23 his weekly benefit amount in 6 separate weeks subsequent to the date the act causing the disgualification occurred, with 24 6 weeks' reduction in benefit duration, as determined by the 25

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1 division, provided he has not left this work under 2 disgualifying circumstances.

3 (2) In determining whether or not any work is suitable 4 for an individual, the division shall consider the degree of 5 risk involved to his health, safety, and morals, his 6 physical fitness and prior training, his experience and 7 previous earnings, his length of unemployment and prospects 8 for securing local work in his customary occupation, and the 9 distance of the available work from his residence.

10 (3) Notwithstanding any other provisions of this 11 chapter, no work shall be deemed suitable and benefits shall 12 not be denied under this chapter to any otherwise eligible 13 individual for refusing to accept new work under any of the 14 following conditions:

15 (a) if position offered is vacant due directly to a
16 strike, lockout, or other labor dispute;

17 (b) if the wages, hours, or other conditions of the 18 work offered are substantially less favorable to the 19 individual than those prevailing for similar work in the 20 locality:

(c) if, as a condition of being employed, the
 individual would be required to join a company union or to
 resign from or refrain from joining any bona fide labor
 organization.

25 <u>14) Buring==the==first==?==weeka==of=benefit=durations</u>

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1 awitable_work_fa_any__work__meeting__the__criteris__in__thia 2 sections:that--offers-waas-coust-to-the-wages-corned-in-the 3 individual_s_customary-occupations_from_8_to_16_weeksy__work 4 ta-sattoble--if--the--wages--equal--75%-of-the-individual*s 5 customery_marningsy_and_for_all_subsequent__weeksy=_work__is suitable--if--the--wages--equal--the--weekly-benefit-asounts ٨ 7 DURING THE FIRST 13 WEEKS OF UNENPLOYMENTS SUITABLE WORK IS 8 WORK THAT MEETS THE CRITERIA IN THIS SECTION AND THAT OFFERS WAGES EQUAL TO THE PREVAILING WAGE EOR THAT AREA IN THE 9 10 INDIVIDUAL'S CUSTOMARY OCCUPATION, AFTER 13 WEEKS OF UNEMPLOYMENT. SUITABLE WORK IS WORK THAT MEETS THE CRITERIA 11 IN THIS SECTION AND THAT OFFERS 75% OF THE PREVAILING WAGEs" 12

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1 totaling not less than 1-1/2 times his base HOUSE BILL NO. 766 1 2 period high quarter wages. INTRODUCED BY PORTER, RANIREZ 2 з (2) ON AND AFTER JULY 1. 1980. TO QUALIFY FOR 3 4 BENEFITS. AN INDIVIDUAL HUST HAVE HAD AT LEAST 20 WEEKS OF A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE 4 5 HORK HITH AN AVERAGE OF \$50 PER WEEK IN SUBJECT EMPLOYMENT 5 UNEMPLOYMENT COMPENSATION LAWS RELATING TO THE-DEFINITION-OF IN THE BASE PERIOD. TO QUALIFY FOR BENEFITS. THE TOTAL BASE TOTAL--UNCHPEOTHENTY THE MINIMUM WEEKLY BENEFIT AMOUNT, THE 6 6 DURATION OF BENEFITS, QUALIFYING-WASES, AND DISQUALIFICATION 7 PERIOD WAGES MUST BE \$1+000 DR MORE. 7 8 DF BENEFITS; AMENDING SECTIONS 39-51-2101+ 39-51-2105+ 8 (2)(3) With respect to weeks of unemployment beginning 9 39-51-2201. 39-51-2204, 39-51-2302, 39-51-2303, AND 9 on or after january 1, 1978, wages for insured work shall 39-51-2304. MCA." 10 include wages paid for previously uncovered services. For 10 11 the purposes of this subsection, the term "previously 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 uncovered services" means services: 12 Section-ly--Section--39-51-2101y--MCAy--is--amended--to 13 (a) which were not employment as 13 14 39-51-204(1)(a) and (1)(b) at any time during the 1-year readt 14 15 period ending December 31, 1975; and 15 (b) which: individual-shall-be-deemed-totally-unemployed--in--any--week 16 16 (i) are agricultural labor+ during--which--he-performed-no-work-and-earned-no-wages-of-a 17 as 17 39-51-203(8), or domestic service, 18 as 18 week-of-less-then-full-time-work-with-wades-of-less-then--2 39-51-203(9); or 19 1-1/2 times--his--weekly--benefit-emounty--No-individual-is 19 20 (ii) are services performed by an employee of this 20 unemployed-in-any-week-that-he-is-self-employed." state or a political subdivision thereof, as provided in 21 Section 1. Section 39-51-2105, MCA, is amended to 21 22 39-51-203(5), or by an employee of a nonprofit educational 22 read: institution which is not an institution of higher education, "39-51-2105. Qualifying wages. (1) To qualify as an 23 23 as provided in 39-51-203(6), except to the extent that 24 24 insured worker an individual must have been paid wages for 25 assistance under Title II of the Emergency Jobs and 25 insured work in the quarters of his base period an amount

> REFERENCE BILL: INCLUDES JOINT CONFERENCE COMMITTEE REPORT. DATED

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Unemployment Assistance Act of 1974 was paid on the basis of

2 such services.*

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3 Section 2. Section 39-51-2201, NCA, is amended to 4 read:

#39-51-2201. Weekly benefit amount -- determination of 5 average weekly wage. (1) Any individual whose benefit year 6 begins on or after July 1, 1971, shall receive as his weekly 7 benefit amount an amount equal to one twenty-sixth of his 8 total wages for insured work paid during the calendar 9 quarter of his base period in which his wages were highest. 10 11 Such weekly benefit amount, if not a multiple of \$1, shall be rounded to the nearest multiple of \$1. 12

 13
 (2) ON AND AFTER JULY 1. 1980. AN ELIGIBLE

 14
 INDIVIDUAL'S WEEKLY BENEFIT AMOUNT SHALL BE THE TOTAL BASE

 15
 PERIOD WAGES DIVIDED BY THE NUMBER OF WEEKS OF COVERED

 16
 EMPLOYMENT TIMES 50%. HOWEVER. SUCH AMOUNT SHALL NOT BE LESS

 17
 THAN THE MINIMUM. OR MORE THAN THE MAXIMUM. HEEKLY BENEFIT

 18
 ANOUNT.

19 (2)(3) On or before May 31 of each year, the total 20 wages paid by all employers as reported on contribution 21 reports submitted on or before such date for the preceding 22 calendar year shall be divided by the average monthly number 23 of individuals employed during the same preceding calendar 24 year as reported on such contribution reports. The amount 25 thus obtained shall be divided by 52 and the average weekly

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1 wage, rounded to the nearest cent, thus determined, Fifty 2 Sixty percent of the average weekly wage shall constitute the maximum weekly benefit amount and shall apply to all 3 4 maximum weekly benefit amount claims for benefits filed to 5 establish a benefit year commencing on or after July 1 of the same year. Such maximum weekly benefit amount if not a 6 7 multiple of \$1, shall be computed to the nearest multiple of 8 \$1. Beginning--on--duly-ly-ly-ly-the-maximum-weekly-benefit 9 anount-shall-be-raised-to-55%-of-the-average-weekly-wage-and beginning-duly-ly-1976y-be-raised--to--60%--of--the--average 10 11 weekly-wage-(3)(4) The minimum weekly benefit amount shall be \$22 12 15% of the average weekly wage. 13

14 (4)(5) The division shall prepare and publish annually
 15 a benefit schedule in accordance with the provisions of this
 16 subsection.*

17 Section 3. Section 39-51-2204, MCA, is amended to 18 read:

19 **39-51-2204. Duration of benefits. Any otherwise 20 eligible individual shall be entitled during his benefit 21 year to benefits for the total number of weeks appearing in 22 the following table on the line which includes his ratio of 23 total base period earnings to highest quarter base period 24 earnings:

25 Ratio of Total Base Period

Weeks! Duration

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1	Earnings to High Quarter of Benefit:	5
2	θto-±¥75t2	
3	1=76-20-2=9524	
4	1#96-to-2#1516	
5	2¥16-to-2#3518	
6	2#36-to-2#5520	
7	2 *56-*0-2*7522	
8	2#76-to-2#9524	
9	2 396-01-more26	
10	At Least Less Iban	
11	Q8	
12	1.2510	
13	1.501.7512	
14	1a7514	
15	2.002.2516	
16	2,25 2,50 18	
17	2.50 2.75 20	
18	2.15	
19	3a2524	
20	3=2526*	
21	SECTION 4. SECTION 39-51-2302. MCA. IS AMENDED.	10
22	READ:	
23	#39-51-23U2. Disqualification for leaving work with	out
24	good cause. (1) Effective-April-1y-1977-1979 en	AN
25	individual shall be disqualified for benefits if he has lo	eft

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ı	work without good cause <u>, attributabletotheemployment+</u>
2	ATTRIBUTABLETRTHEEMPLOYMENTs BRIEHEISA-SEMBOL
3	BISIRIEI-ENCLOYEE-WHO-HAS-A-WRIIIEN-AGRFEMENT-TOBETWRNTO
4	THIS-EMPLOYMENT-FOLLOWING-INE-SUMMER-BREAK
5	ta}until-6-weaks-have-olapsed-from-the-effective-date
6	ofhisclaimywith6weeks#reductionofhis-benefit
7	duration;-or
8	{b}until-he-hos-performed-services-from-the-effective
9	date-of-hisclaimotherthanself-employmentforwhich
10	remuneration-is-received-equal-to-or-in-excess-of-his-weekly
11	benefit-amount-in-i-separate-weeks-subsequent-to-the-week-in
12	whichthe-act-causing-the-disqualification-occurredy-with-4
13	weeks*-reduction-of-benefit-durationy-as-determinedbythe
14	divisionyprovidedhahasnotleftthisworkunder
15	disqualifying-circumstances.
16	{2} He may not be disqualified if the division finds
17	that he left his employment because of personal illness or
18	injury not associated with misconduct or left his employment
19	upon the advice of a licensed and practicing physician $and_{\mathtt{P}}$
20	after recovering from his illness or injury when recovery is
21	certified by a licensed and practicing physician, he
27	returned to his employer and offered his service and his
23	regular or comparable suitable work was not available, if so
24	found by the division, provided he is otherwise eligible.
25	<u>[3] To requalify for penefits, an individual must</u>

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1	performservicesotherthanself-employmentforwhich
Z	remuneration is received equal to or in excess of six times
3	his weekly benefit amount subsequent to the week in which
4	the act causing the disqualification occurred UNLESS HE HAS
5	BEEN IN REGULAR ATTENDANCE AT AN EDUCATIONAL INSTITUTION
6	ACCREDITEDBYTHESTATEOFHONTANAFOBATLEAST3
7	CONSECUTIVE_MONTHS_ERON_INE_DATE_OF_HIS_ENROLLMENTA"
8	Section 5. Section 39-51-2303, MCA, is amended to
9	read:
10	#39-51-2303. Disqualification for discharge due to
11	misconduct. Effective-April-ly-1977- <u>1979</u> y-an <u>AN</u> individual
12	shall be disqualified for benefits if he has been
13	discharged:
14	 for misconduct connected with his work or
15	affecting his employment+
16	(a) until 8 <u>18</u> weeks-have-elapsed-from-the-effective
17	date-of-his-claimy-with-8 19 weeks*-reduction-of-his-benefit
18	durations or AN_INDIVIDUAL_HAS_PERFORMED_SERVICES, OTHER
19	THAN SELE-EMPLOYMENT, FOR WHICH REMUNERATION IS RECEIVED
20	EQUAL IO OR IN EXCESS OF EIGHT TIMES HIS WEEKLY BENEELT
21	AMOUNT SUBSEQUENT TO THE WEEK IN WHICH THE ACT CAUSING THE
22	DISQUALIEICATION_OCCURRED.
23	{b}until-he-has-per fo rmed -services-from-the-effective
24	date-of-hisclaimotherthenself-employmentforwhich
25	remuneration-is-received-equal-to-or-in-excess-of-his-weekly

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benefit-amount-in-6-separate-weeks-subsequent-to-the-week-in
 which--the-act-causing-the-disqualification-occurredy-with-6
 weeks*-reduction-of-benefit-durationy-as-determined--by--the
 divisiony---provided---he--has--not--left--this--work--under
 disqualifying-circumstancest

6 (2) for gross misconduct connected with his work or
7 committed on the employer's premises, as determined by the
8 division, for a period of 12 months.^m

9 Section 6. Section 39-51-2304, NCA, is amended to 10 read:

11 "39-51-2304. Disqualification for failure to apply for 12 or to accept suitable work. (1) Effective April 1, 1977, an 13 individual shall be disqualified for benefits if he failed 14 without good cause either to apply for available and 15 suitable work when so directed by the employment office or 16 the division or to accept suitable work offered to him which 17 he is physically able and mentally gualified to perform or 18 to return to his customary self-employment, if any, when so 19 directed by the division. Such disqualification shall **Z**0 continue for the week in which such failure occurred and 21 until he has performed services, other than self-employment, 22 for which remuneration is received equal to or in excess of 23 his weekly benefit amount in 6 separate weeks subsequent to 24 the date the act causing the disgualification occurred, with 25 6 weeks' reduction in benefit duration, as determined by the

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1 division, provided he has not left this work under 2 disgualifying circumstances.

3 (2) In determining whether or not any work is suitable 4 for an individual, the division shall consider the degree of 5 risk involved to his health, safety, and morals, his 6 physical fitness and prior training, his experience and 7 previous earnings, his length of unemployment and prospects 8 for securing local work in his customary occupation, and the 9 distance of the available work from his residence.

10 (3) Notwithstanding any other provisions of this 11 chapter, no work shall be deemed suitable and benefits shall 12 not be denied under this chapter to any otherwise eligible 13 individual for refusing to accept new work under any of the 14 following conditions:

15 (a) if position offered is vacant due directly to a
16 strike, lockout, or other labor dispute;

17 (b) if the wages, hours, or other conditions of the
18 work offered are substantially less favorable to the
19 individual than those prevailing for similar work in the
20 locality;

(c) if, as a condition of being employed, the
individual would be required to join a company union or to
resign from or refrain from joining any bona fide labor
organization.

25 <u>161 Buring-the-first-3-weeks-of-benefit-durations</u>

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1 suitable_work_is_soy=_work__weeting-_the__criteris-_in-_this

- ? section==that==offers=wages=equal=to=the=wages=earned=in=the
- 3 individual_a_customerx-occupations-From-B-to-to-to-weekay--work
- 4 is==suitsbla==if==the==wages==equel==?5%=of=the=individuel*s
- 5 customory-corningsy-cond-for-all-subsequent--weekay--work--is
- 6 auitable:-if--the--wages-requel:-the--weekly-benefit:swountw
- 7 DURING THE FIRST 13 WEEKS OF UNEMPLOYMENT, SUITABLE WORK IS
- 8 MORK THAT MEETS THE CRITERIA IN THIS SECTION AND THAT OFFERS
- 9 MAGES EQUAL TO THE PREVAILING WAGE FOR THAT AREA IN THE
- 10 INDIVIDUAL'S CUSTOMARY OCCUPATION. AFTER 13 WEEKS OF
- 11 UNEMPLOYMENT, SUITABLE WORK IS WORK THAT MEETS THE CRITERIA
- 12 IN THIS SECTION AND THAT OFFERS 75% OF THE PREVAILING WAGE.*

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SENATE STANDING COMMITTEE REPORT (Labor & Employment Relations)

That House Bill No. 766, third reading bill, be amended as follows:

1. Page 5, line 24. Following: "(1)" Strike: "Effective April 1," Following: "±977" Strike: "1979, an" Insert: "An"

2. Page 6, line 1. Following: "employment:" Insert: "attributable to the employment or if he is a school district employee who has a written agreement to return to his employment following the summer break"

3. Page 7, line 1. Following: "occurred" Insert: "unless he has been in regular attendance at an educational institution accredited by the state of Montana for at least 3 consecutive months from the date of his enrollment"

4. Page 7, line 5.
Following: "misconduct."
Strike: "Effective April 1,"
Following: "1977"
Strike: "1979, an"
Insert: "An"