

HOUSE BILL NO. 464

INTRODUCED BY ELLERD

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

IN THE HOUSE

January 24, 1981	Introduced and referred to Committee on Labor and Industry.
January 28, 1981	Fiscal note requested.
February 2, 1981	Fiscal note returned.
February 11, 1981	Committee recommend bill do pass as amended. Report adopted. Statement of Intent attached.
February 12, 1981	Bill printed and placed on members' desks.
February 13, 1981	Second reading, pass consideration until the 37th Legislative Day.
February 16, 1981	Do pass as amended.
February 17, 1981	Correctly engrossed.
February 18, 1981	Third reading, passed. Yeas, 93, Nays, 2. Transmitted to Senate.

IN THE SENATE

February 19, 1981	Introduced and referred to Committee on Labor and Employment Relations.
March 3, 1981	Committee recommend bill be concurred in. Report adopted.
March 5, 1981	Second reading, concurred in.
March 7, 1981	Third reading, concurred in. Yeas, 44; Nays, 0.

IN THE HOUSE

March 9, 1981

Returned from Senate. Concurred
in. Sent to enrolling.

Reported correctly enrolled.

AN ACT TO CLARIFY THE LAW REGARDING DISQUALIFICATIONS FOR EXTENDED UNEMPLOYMENT INSURANCE BENEFITS AND TO REDEFINE THE DISQUALIFICATION FOR EXTENDED BENEFITS FOR FAILURE TO APPLY FOR OR TO ACCEPT SUITABLE WORK; DEFINING SUITABLE WORK IN ACCORDANCE WITH FEDERAL REQUIREMENTS; AMENDING SECTION 39-51-2508, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 39-51-2508, MCA, is amended to read:

"39-51-2508. Eligibility requirements for extended benefits -- disqualifications defined. (1) An individual shall be eligible to receive extended benefits with respect to any week of unemployment in this eligibility period only if the division finds that with respect to such week:

(a) he is an exhaustee, as defined in 39-51-2501(6);

(b) he is not disqualified for the receipt of regular benefits pursuant to part 23 of this chapter and, if he is disqualified, he satisfies the requirements for regualification in that part, except that subsections (1), (2), and (4) of 39-51-2304 do not apply to this section; and

(c) he has satisfied the other requirements of this chapter for the receipt of regular benefits that are applicable to individuals claiming extended benefits.

(2) In addition to the disqualifications provided for in subsection (1)(b), an individual is disqualified for extended

benefits if he fails without good cause either to apply for available and suitable work, to accept suitable work offered to him, or, when so directed by the division, to return to his customary occupation, if any. Such disqualification continues for the week in which such failure occurs and until the individual has performed services, other than self-employment, for which remuneration is received equal to or in excess of his weekly benefit amount in 4 separate weeks subsequent to the date the act causing the disqualification occurred, with 4 weeks' reduction in benefit duration, as determined by the division, provided he has not left this work under disqualifying circumstances.

(3) For the purposes of subsection (2), the division shall, by rule, define the term "suitable work". Such definition shall be in accordance with the definition required by the Omnibus Reconciliation Act of 1980, P.L. 96-499, and as may be amended after [the effective date of this act]."

Section 2. Effective date. This act is effective on passage and approval.

I hereby certify that the
within bill originated in
the House.

Chief Clerk

Speaker of the House
Signed this ____ day
of _____ 1981.

President of the Senate
Signed this ____ day
of _____ 1981.

1 HOUSE BILL NO. 464

2 INTRODUCED BY Callard

3 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE LAW
6 REGARDING DISQUALIFICATIONS FOR EXTENDED UNEMPLOYMENT
7 INSURANCE BENEFITS AND TO REDEFINE THE DISQUALIFICATION FOR
8 EXTENDED BENEFITS FOR FAILURE TO APPLY FOR OR TO ACCEPT
9 SUITABLE WORK; DEFINING SUITABLE WORK IN ACCORDANCE WITH
10 FEDERAL REQUIREMENTS; AMENDING SECTION 39-51-2508, MCA; AND
11 PROVIDING AN EFFECTIVE DATE."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 39-51-2508, MCA, is amended to
15 read:

16 "39-51-2508. Eligibility requirements for extended
17 benefits -- ~~disqualifications defined.~~ (1) An individual
18 shall be eligible to receive extended benefits with respect
19 to any week of unemployment in this eligibility period only
20 if the division finds that with respect to such week:

21 ~~(1)(a)~~ he is an exhaustee, as defined in
22 39-51-2501(6);

23 ~~(b) he is not disqualified for the receipt of regular~~
24 ~~benefits pursuant to part 23 and, if he is disqualified, he~~
25 ~~satisfies the requirements for requalification in that part,~~

1 ~~except that subsections (1), (2), and (4) of 39-51-2304 do~~
2 ~~not apply to this section; and~~

3 ~~(2)(c) he has satisfied the other requirements of this~~
4 ~~chapter for the receipt of regular benefits that are~~
5 ~~applicable to individuals claiming extended benefits,~~
6 ~~including--not--being--subject--to--a--disqualification--for--the~~
7 ~~receipt--of--benefits.~~

8 ~~(2) In addition to the disqualifications provided for~~
9 ~~in subsection (1)(b), an individual is disqualified for~~
10 ~~extended benefits if he fails without good cause either to~~
11 ~~apply for available and suitable work, to accept suitable~~
12 ~~work offered to him, or, when so directed by the division,~~
13 ~~to return to his customary self-employment, if any. Such~~
14 ~~disqualification continues for the week in which such~~
15 ~~failure occurs and until the individual has performed~~
16 ~~services, other than self-employment, for which remuneration~~
17 ~~is received equal to or in excess of his weekly benefit~~
18 ~~amount in 4 separate weeks subsequent to the date the act~~
19 ~~causing the disqualification occurred, with 4 weeks'~~
20 ~~reduction in benefit duration, as determined by the~~
21 ~~division, provided he has not left this work under~~
22 ~~disqualifying circumstances.~~

23 ~~(3) For the purposes of subsection (2), the department~~
24 ~~shall, by rule, define the term "suitable work". Such~~
25 ~~definition shall be in accordance with the definition~~

1 required by the federal Emergency Unemployment Compensation
2 Act of 1974, P.L. 93-572, as amended in 1977 by P.L. 95-19
3 and as may be amended after [the effective date of this
4 act]."

5 Section 2. Effective date. This act is effective on
6 passage and approval.

-End-

STATE OF MONTANA

REQUEST NO. 236-81

FISCAL NOTE

Form BD-15

In compliance with a written request received January 28, 19 81, there is hereby submitted a Fiscal Note for House Bill 464 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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

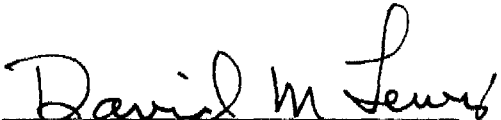
An act to clarify the law regarding disqualifications for extended unemployment insurance benefits.

Assumptions

1. There will be a state "off" indicator, pursuant to section 39-51-2505, MCA, beginning March, 1981.
2. Extended benefits will not be available by law through the biennium.

Fiscal Impact

None.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-2-81

1 STATEMENT OF INTENT

2 HOUSE BILL 464

3 House Labor and Employment Relations Committee

4
5 A statement of intent is required for this bill because
6 it delegates rulemaking authority to the Department of Labor
7 and Industry in section 1, subsection (3).

8 It is the intent of this bill that the Department adopt
9 the same definition for "suitable work" that is used in the
10 federal Emergency Unemployment Compensation Act of 1974, as
11 amended. This is a conformity requirement of the Federal
12 Unemployment Tax Act which is imposed on the states.

Approved by Committee
on Labor & Employment
Relations

HOUSE BILL NO. 464

INTRODUCED BY ELLERD

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE LAW REGARDING DISQUALIFICATIONS FOR EXTENDED UNEMPLOYMENT INSURANCE BENEFITS AND TO REDEFINE THE DISQUALIFICATION FOR EXTENDED BENEFITS FOR FAILURE TO APPLY FOR OR TO ACCEPT SUITABLE WORK; DEFINING SUITABLE WORK IN ACCORDANCE WITH FEDERAL REQUIREMENTS; AMENDING SECTION 39-51-2508, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 39-51-2508, MCA, is amended to read:

"39-51-2508. Eligibility requirements for extended benefits -- disqualifications defined. (1) An individual shall be eligible to receive extended benefits with respect to any week of unemployment in this eligibility period only if the division finds that with respect to such week:

(a) he is an exhaustee, as defined in 39-51-2501(6);

(b) he is not disqualified for the receipt of regular benefits pursuant to part 23 OF THIS CHAPTER and, if he is disqualified, he satisfies the requirements for

regualification in that part, except that subsections (1), (2), and (4) of 39-51-2304 do not apply to this section; and

(c) he has satisfied the other requirements of this chapter for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.

(2) In addition to the disqualifications provided for in subsection (1)(b), an individual is disqualified for extended benefits if he fails without good cause either to apply for available and suitable work, to accept suitable work offered to him, or, when so directed by the division, to return to his customary self-employment OCCUPATION, if any. Such disqualification continues for the week in which such failure occurs and until the individual has performed services, other than self-employment, for which remuneration is received equal to or in excess of his weekly benefit amount in 4 separate weeks subsequent to the date the act causing the disqualification occurred, with 4 weeks' reduction in benefit duration, as determined by the division, provided he has not left this work under disqualifying circumstances.

(3) For the purposes of subsection (2), the department DIVISION shall, by rule, define the term "suitable work". Such definition shall be in accordance with the definition

HB 0464/02

1 required by the federal Emergency Unemployment Compensation
2 Act of 1974, P.L. 93-572, as amended in 1977 by P.L. 95-19,
3 and as may be amended after [the effective date of this
4 act]."

5 Section 2. Effective date. This act is effective on
6 passage and approval.

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 464

3 House Labor and Employment Relations Committee

4

5 A statement of intent is required for this bill because
6 it delegates rulemaking authority to the Department of Labor
7 and Industry in section 1, subsection (3).

8 It is the intent of this bill that the Department adopt
9 the same definition for "suitable work" that is used in the
10 federal Emergency Unemployment Compensation Act of 1974, as
11 amended. This is a conformity requirement of the Federal
12 Unemployment Tax Act which is imposed on the states.

HOUSE BILL NO. 464

INTRODUCED BY ELLERD

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE LAW REGARDING DISQUALIFICATIONS FOR EXTENDED UNEMPLOYMENT INSURANCE BENEFITS AND TO REDEFINE THE DISQUALIFICATION FOR EXTENDED BENEFITS FOR FAILURE TO APPLY FOR OR TO ACCEPT SUITABLE WORK; DEFINING SUITABLE WORK IN ACCORDANCE WITH FEDERAL REQUIREMENTS; AMENDING SECTION 39-51-2508, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 39-51-2508, MCA, is amended to read:

"39-51-2508. Eligibility requirements for extended benefits -- disqualifications defined. (1) An individual shall be eligible to receive extended benefits with respect to any week of unemployment in this eligibility period only if the division finds that with respect to such week:

~~††(a)~~ he is an exhaustee, as defined in 39-51-2501(6);

(b) he is not disqualified for the receipt of regular benefits pursuant to part 23 OF THIS CHAPTER and, if he is disqualified, he satisfies the requirements for

1 requalification in that part, except that subsections (1),
2 (2), and (4) of 39-51-2304 do not apply to this section; and

3 ††(c) he has satisfied the other requirements of this
4 chapter for the receipt of regular benefits that are
5 applicable to individuals claiming extended benefits,
6 ~~including not being subject to a disqualification for the~~
7 ~~receipt of benefits.~~

8 (2) In addition to the disqualifications provided for
9 in subsection (1)(b), an individual is disqualified for
10 extended benefits if he fails without good cause either to
11 apply for available and suitable work, to accept suitable
12 work offered to him, or, when so directed by the division,
13 to return to his customary self-employment OCCUPATION, if
14 any. Such disqualification continues for the week in which
15 such failure occurs and until the individual has performed
16 services, other than self-employment, for which remuneration
17 is received equal to or in excess of his weekly benefit
18 amount in 4 separate weeks subsequent to the date the act
19 causing the disqualification occurred, with 4 weeks'
20 reduction in benefit duration, as determined by the
21 division, provided he has not left this work under
22 disqualifying circumstances.

23 (3) for the purposes of subsection (2), the department
24 DIVISION shall, by rule, define the term "suitable work".
25 Such definition shall be in accordance with the definition

HR 0464/03

1 required by the federal Emergency Unemployment Compensation
2 Act of 1974, P.L. 93-572, as amended in 1977 by P.L. 95-19
3 OMNIBUS RECONCILIATION ACT OF 1980, P.L. 96-499, and as may
4 be amended after [the effective date of this act]."

5 Section 2. Effective date. This act is effective on
6 passage and approval.

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 464

3 House Labor and Employment Relations Committee

4

5 A statement of intent is required for this bill because
6 it delegates rulemaking authority to the Department of Labor
7 and Industry in section 1, subsection (3).

8 It is the intent of this bill that the Department adopt
9 the same definition for "suitable work" that is used in the
10 federal Emergency Unemployment Compensation Act of 1974, as
11 amended. This is a conformity requirement of the Federal
12 Unemployment Tax Act which is imposed on the states.

1 HOUSE BILL NO. 464
 2 INTRODUCED BY ELLERD
 3 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE LAW
 6 REGARDING DISQUALIFICATIONS FOR EXTENDED UNEMPLOYMENT
 7 INSURANCE BENEFITS AND TO REDEFINE THE DISQUALIFICATION FOR
 8 EXTENDED BENEFITS FOR FAILURE TO APPLY FOR OR TO ACCEPT
 9 SUITABLE WORK; DEFINING SUITABLE WORK IN ACCORDANCE WITH
 10 FEDERAL REQUIREMENTS; AMENDING SECTION 39-51-2508, MCA; AND
 11 PROVIDING AN EFFECTIVE DATE."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 14 Section 1. Section 39-51-2508, MCA, is amended to
 15 read:

16 "39-51-2508. Eligibility requirements for extended
 17 benefits ~~--- disqualifications defined.~~ (1) An individual
 18 shall be eligible to receive extended benefits with respect
 19 to any week of unemployment in this eligibility period only
 20 if the division finds that with respect to such week:

21 (1)(a) he is an exhaustee, as defined in
 22 39-51-2501(6);

23 (b) he is not disqualified for the receipt of regular
 24 benefits pursuant to part 23 OF THIS CHAPTER and, if he is
 25 disqualified, he satisfies the requirements for

1 regualification in that part, except that subsections (1),
 2 (2), and (4) of 39-51-2304 do not apply to this section; and
 3 (2)(c) he has satisfied the other requirements of this
 4 chapter for the receipt of regular benefits that are
 5 applicable to individuals claiming extended benefits,
 6 including-not-being-subject-to-a--disqualification--for--the
 7 receipt-of-benefits.

8 (2) In addition to the disqualifications provided for
 9 in subsection (1)(b), an individual is disqualified for
 10 extended benefits if he fails without good cause either to
 11 apply for available and suitable work, to accept suitable
 12 work offered to him, or, when so directed by the division,
 13 to return to his customary self-employment OCCUPATION, if
 14 any. Such disqualification continues for the week in which
 15 such failure occurs and until the individual has performed
 16 services, other than self-employment, for which remuneration
 17 is received equal to or in excess of his weekly benefit
 18 amount in 4 separate weeks subsequent to the date the act
 19 causing the disqualification occurred, with 4 weeks'
 20 reduction in benefit duration, as determined by the
 21 division, provided he has not left this work under
 22 disqualifying circumstances.

23 (3) For the purposes of subsection (2), the department
 24 DIVISION shall, by rule, define the term "suitable work".
 25 Such definition shall be in accordance with the definition

1 ~~required by the federal Emergency Unemployment Compensation~~
2 ~~Act of 1974, Pub. 93-572, as amended in 1977 by Pub. 95-19~~
3 OMNIBUS RECONCILIATION ACT OF 1980, P.L. 96-499, and as may
4 be amended after [the effective date of this act]."

5 Section 2. Effective date. This act is effective on
6 passage and approval.

-End-