

SENATE BILL NO. 481

INTRODUCED BY STORY

BY REQUEST OF THE SENATE COMMITTEE ON STATE ADMINISTRATION

IN THE SENATE

February 13, 1981	Introduced and referred to Committee on State Administration.
February 20, 1981	Committee recommend bill do pass. Report adopted.
February 21, 1981	Bill printed and placed on members' desks.
February 24, 1981	Second reading, do pass.
February 25, 1981	On motion rules suspended. Bill placed on calendar for third reading this day.
	Third reading, passed. Ayes, 48; Noes, 0. Transmitted to House.

IN THE HOUSE

March 3, 1981	Introduced and referred to Committee on State Administration.
March 12, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 26, 1981	Second reading, concurred in.
March 28, 1981	Third reading, concurred in as amended. Ayes, 91; Noes, 1.

IN THE SENATE

March 30, 1981

Returned from House with amendments.

April 3, 1981

Second reading, amendments concurred in.

April 6, 1981

Third reading, amendments concurred in. Ayes, 48; Noes, 0. Sent to enrolling.

Reported correctly enrolled.

1 *Sen. Stoy* BILL NO. *481*
 2 INTRODUCED BY *Stoy*
 3 BY REQUEST OF THE SENATE COMMITTEE ON STATE ADMINISTRATION
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REPEAL SECTION
 6 2-15-1703, MCA, WHICH CREATED THE DIVISION OF EMPLOYMENT
 7 SECURITY WITHIN THE DEPARTMENT OF LABOR AND INDUSTRY, AND
 8 SECTION 39-51-306, MCA, WHICH CREATED CERTAIN BUREAUS WITHIN
 9 THE DIVISION; AND TO GENERALLY REVISE LAWS TO CONFORM TO THE
 10 REPEALER."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Division of employment security and certain
 14 bureaus -- name change. The division of employment security
 15 and its bureaus created in 2-15-1703 and 39-51-306 are
 16 abolished. Their functions are continued in the department
 17 of labor and industry provided for in Title 2, chapter 15,
 18 part 17. Unless inconsistent with this act, any reference in
 19 the MCA to "division of employment security", "division" (of
 20 employment security), or any bureau of the division of
 21 employment security, including "Montana state employment
 22 service bureau" or "unemployment insurance bureau", is
 23 changed to "department of labor and industry" or
 24 "department" (of labor and industry). Consistent with the
 25 intent of this section and without changing the meaning, the

1 code commissioner shall remove any redundancies caused by
 2 such name changes.

3 Section 2. Section 39-51-307, MCA, is amended to read:
 4 "39-51-307. ~~Division~~ Department to create state
 5 employment service. (1) The ~~division department~~ shall create
 6 ~~a-bureau--to--be--known--as--the--Montana--state--employment~~
 7 ~~service--which--bureau--shall~~ establish and maintain free
 8 public employment offices in such number and in such places
 9 as may be necessary for the proper administration of this
 10 chapter and for the purpose of performing such duties as are
 11 within the purview of the act of congress entitled, "An act
 12 to provide for the establishment of a national employment
 13 system and for cooperation with the states in the promotion
 14 of such system, and for other purposes", approved June 6,
 15 1933 (48 Stat. 113; U.S.C. Title 29, Sec. 49 (c)), as
 16 amended. ~~The--bureau--shall--be--administered--by--a--full--time~~
 17 ~~salaries-directors~~

18 (2) The ~~division department~~ shall be charged with the
 19 duty to cooperate with any official or agency of the United
 20 States having power or duties under the provisions of the
 21 act of congress, as amended, and to do and perform all
 22 things necessary to secure to this state the benefits of the
 23 act of congress, as amended, in the promotion and
 24 maintenance of a system of public employment offices.

25 (3) The provisions of the act of congress, as amended,

1 are hereby accepted by this state in conformity with section
 2 4 of said act, and this state will observe and comply with
 3 the requirements thereof. The ~~employment--security--division~~
 4 ~~department~~ is hereby designated and constituted the agency
 5 of this state for the purpose of said act. ~~The--division--is~~
 6 ~~directed--to--appoint--the--personnel--of--the--Montana--state~~
 7 ~~employment--services~~

8 (4) For the purpose of establishing and maintaining
 9 free public employment offices, the ~~division department~~ is
 10 authorized to enter into agreements with any political
 11 subdivisions of this state or with any private, nonprofit
 12 organization and as a part of any such agreement the
 13 ~~division department~~ may accept money, services, or quarters
 14 as a contribution to the employment service account."

15 Section 3. Section 39-51-503, MCA, is amended to read:

16 "39-51-503. Agreements with railroad retirement board.
 17 The ~~division department~~ is hereby authorized to cooperate
 18 with and enter into agreements with the railroad retirement
 19 board with respect to establishment, maintenance, and use of
 20 ~~Montana-state~~ employment service facilities and to make
 21 available to the railroad retirement board the records of
 22 the ~~division department~~ relating to employer's status and
 23 contributions received from employers covered by the
 24 Railroad Unemployment Insurance Act, together with employee
 25 wage records and such other data as the railroad retirement

1 board may deem necessary or desirable for the administration
 2 of the Railroad Unemployment Insurance Act (52 Stat. 1094).
 3 Any money received by the ~~division department~~ from the
 4 railroad retirement board or any other governmental agency
 5 with respect to the establishment, maintenance, and use of
 6 state employment service facilities shall be paid into and
 7 credited the proper division of the unemployment insurance
 8 administration fund set up and established under 39-51-406
 9 and 39-51-407."

10 Section 4. Section 39-51-2410, MCA, is amended to
 11 read:

12 "39-51-2410. Finality of board's decision -- judicial
 13 review. (1) Any decision of the board in the absence of an
 14 appeal therefrom as herein provided shall become final 30
 15 days after the date of notification or mailing thereof,
 16 except in the case of the ~~division department~~ when such
 17 decision becomes final 20 days following the board's
 18 decision, and judicial review thereof shall be permitted
 19 only after any party claiming to be aggrieved thereby has
 20 exhausted his remedies before the board. The ~~division~~
 21 ~~department~~ shall be deemed to be a party to any judicial
 22 action involving any such decision and may be represented in
 23 any such action by an attorney employed by the ~~division~~
 24 ~~department~~ or at the ~~division's department's~~ request, by the
 25 attorney general.

1 (2) Within 30 days after the date of notification or
 2 mailing of the decision of the board, any party aggrieved
 3 thereby may secure judicial review thereof by commencing an
 4 action in the district court of the county in which said
 5 party resides and in which action any other party to the
 6 proceeding before the board shall be made a defendant. In
 7 such action a petition, which need not be verified but which
 8 shall state the grounds upon which a review is sought, shall
 9 be served upon the ~~administrator of the division or the~~
 10 ~~administrator's~~ commissioner of labor and industry or his
 11 designee and such service shall be deemed completed service
 12 on all parties, but there shall be left with the party so
 13 served as many copies of the petition as there are
 14 defendants and the ~~division department~~ shall forthwith mail
 15 one such copy to each such defendant.

16 (3) With its answer, the ~~division department~~ shall
 17 certify and file with said court all documents and papers
 18 and a transcript of all testimony taken in the matter,
 19 together with the board's findings of fact and decision.
 20 The board may also in its discretion certify to such court
 21 questions of law involved in any decision by it.

22 (4) Whenever the ~~division department~~ seeks review of a
 23 decision of the board, all interested parties shall be
 24 served with a copy of its petition together with all
 25 documents filed with the court.

1 (5) In any judicial proceeding under 39-51-2406
 2 through 39-51-2410, the findings of the board as to the
 3 facts, if supported by evidence and in the absence of fraud,
 4 shall be conclusive and the jurisdiction of said court shall
 5 be confined to questions of law. Such action and the
 6 questions so certified shall be heard in a summary manner
 7 and shall be given precedence over all other civil cases
 8 except cases arising under the workers' compensation law of
 9 this state.

10 (6) An appeal may be taken from the decision of the
 11 district court to the supreme court of Montana in the same
 12 manner, but not inconsistent with the provisions of this
 13 chapter, as is provided in civil cases. It shall not be
 14 necessary in any judicial proceeding under this section to
 15 enter exceptions to the rulings of the board and no bond
 16 shall be required for entering such appeal. Upon the final
 17 determination of such judicial proceeding, the ~~division~~
 18 ~~department~~ shall enter an order in accordance with such
 19 determination."

20 Section 5. Repealer. Sections 2-15-1703 and 39-51-306,
 21 MCA, are repealed.

-End-

Approved by Committee
on State Administration

Spokane BILL NO. 481

INTRODUCED BY *Story*
BY REQUEST OF THE SENATE COMMITTEE ON STATE ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO REPEAL SECTION 2-15-1703, MCA, WHICH CREATED THE DIVISION OF EMPLOYMENT SECURITY WITHIN THE DEPARTMENT OF LABOR AND INDUSTRY, AND SECTION 39-51-306, MCA, WHICH CREATED CERTAIN BUREAUS WITHIN THE DIVISION; AND TO GENERALLY REVISE LAWS TO CONFORM TO THE REPEALER."

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

Section 1. Division of employment security and certain bureaus -- name change. The division of employment security and its bureaus created in 2-15-1703 and 39-51-306 are abolished. Their functions are continued in the department of labor and industry provided for in Title 2, chapter 15, part 17. Unless inconsistent with this act, any reference in the MCA to "division of employment security", "division" (of employment security), or any bureau of the division of employment security, including "Montana state employment service bureau" or "unemployment insurance bureau", is changed to "department of labor and industry" or "department" (of labor and industry). Consistent with the intent of this section and without changing the meaning, the

code commissioner shall remove any redundancies caused by such name changes.

Section 2. Section 39-51-307, MCA, is amended to read:

"39-51-307. Division Department to create state employment service. (1) The division department shall create ~~a bureau to be known as the Montana state employment service, which bureau shall~~ establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this chapter and for the purpose of performing such duties as are within the purview of the act of congress entitled, "An act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes", approved June 6, 1933 (48 Stat. 113; U.S.C. Title 29, Sec. 49 (c)), as amended. ~~The bureau shall be administered by a full-time salaried directors~~

(2) The division department shall be charged with the duty to cooperate with any official or agency of the United States having power or duties under the provisions of the act of congress, as amended, and to do and perform all things necessary to secure to this state the benefits of the act of congress, as amended, in the promotion and maintenance of a system of public employment offices.

(3) The provisions of the act of congress, as amended,

-2-SECOND READING

SB 481

1 are hereby accepted by this state in conformity with section
 2 4 of said act, and this state will observe and comply with
 3 the requirements thereof. The ~~employment--security--division~~
 4 ~~department~~ is hereby designated and constituted the agency
 5 of this state for the purpose of said act. ~~The--divisten--is~~
 6 ~~directed--to--appoint--the--personnel--of--the--Montana--state~~
 7 ~~employment--services~~

8 (4) For the purpose of establishing and maintaining
 9 free public employment offices, the ~~divisten department~~ is
 10 authorized to enter into agreements with any political
 11 subdivisions of this state or with any private, nonprofit
 12 organization and as a part of any such agreement the
 13 ~~division department~~ may accept money, services, or quarters
 14 as a contribution to the employment service account."

15 Section 3. Section 39-51-503, MCA, is amended to read:
 16 "39-51-503. Agreements with railroad retirement board.
 17 The ~~division department~~ is hereby authorized to cooperate
 18 with and enter into agreements with the railroad retirement
 19 board with respect to establishment, maintenance, and use of
 20 ~~Montana-state~~ employment service facilities and to make
 21 available to the railroad retirement board the records of
 22 the ~~division department~~ relating to employer's status and
 23 contributions received from employers covered by the
 24 Railroad Unemployment Insurance Act, together with employee
 25 wage records and such other data as the railroad retirement

1 board may deem necessary or desirable for the administration
 2 of the Railroad Unemployment Insurance Act (52 Stat. 1094).
 3 Any money received by the ~~division department~~ from the
 4 railroad retirement board or any other governmental agency
 5 with respect to the establishment, maintenance, and use of
 6 state employment service facilities shall be paid into and
 7 credited the proper division of the unemployment insurance
 8 administration fund set up and established under 39-51-406
 9 and 39-51-407."

10 Section 4. Section 39-51-2410, MCA, is amended to
 11 read:

12 "39-51-2410. Finality of board's decision -- judicial
 13 review. (1) Any decision of the board in the absence of an
 14 appeal therefrom as herein provided shall become final 30
 15 days after the date of notification or mailing thereof,
 16 except in the case of the ~~division department~~ when such
 17 decision becomes final 20 days following the board's
 18 decision, and judicial review thereof shall be permitted
 19 only after any party claiming to be aggrieved thereby has
 20 exhausted his remedies before the board. The ~~division~~
 21 ~~department~~ shall be deemed to be a party to any judicial
 22 action involving any such decision and may be represented in
 23 any such action by an attorney employed by the ~~division~~
 24 ~~department~~ or at the ~~division's department's~~ request, by the
 25 attorney general.

1 (2) Within 30 days after the date of notification or
 2 mailing of the decision of the board, any party aggrieved
 3 thereby may secure judicial review thereof by commencing an
 4 action in the district court of the county in which said
 5 party resides and in which action any other party to the
 6 proceeding before the board shall be made a defendant. In
 7 such action a petition, which need not be verified but which
 8 shall state the grounds upon which a review is sought, shall
 9 be served upon the ~~administrator of the division or the~~
 10 ~~administrator's~~ commissioner of labor and industry or his
 11 designee and such service shall be deemed completed service
 12 on all parties, but there shall be left with the party so
 13 served as many copies of the petition as there are
 14 defendants and the ~~division department~~ shall forthwith mail
 15 one such copy to each such defendant.

16 (3) With its answer, the ~~division department~~ shall
 17 certify and file with said court all documents and papers
 18 and a transcript of all testimony taken in the matter,
 19 together with the board's findings of fact and decision.
 20 The board may also in its discretion certify to such court
 21 questions of law involved in any decision by it.

22 (4) Whenever the ~~division department~~ seeks review of a
 23 decision of the board, all interested parties shall be
 24 served with a copy of its petition together with all
 25 documents filed with the court.

1 (5) In any judicial proceeding under 39-51-2406
 2 through 39-51-2410, the findings of the board as to the
 3 facts, if supported by evidence and in the absence of fraud,
 4 shall be conclusive and the jurisdiction of said court shall
 5 be confined to questions of law. Such action and the
 6 questions so certified shall be heard in a summary manner
 7 and shall be given precedence over all other civil cases
 8 except cases arising under the workers' compensation law of
 9 this state.

10 (6) An appeal may be taken from the decision of the
 11 district court to the supreme court of Montana in the same
 12 manner, but not inconsistent with the provisions of this
 13 chapter, as is provided in civil cases. It shall not be
 14 necessary in any judicial proceeding under this section to
 15 enter exceptions to the rulings of the board and no bond
 16 shall be required for entering such appeal. Upon the final
 17 determination of such judicial proceeding, the ~~division~~
 18 ~~department~~ shall enter an order in accordance with such
 19 determination."

20 Section 5. Repealer. Sections 2-15-1703 and 39-51-306,
 21 MCA, are repealed.

-End-

Amend BILL NO. 481

1
2 INTRODUCED BY *Story*
3 BY REQUEST OF THE SENATE COMMITTEE ON STATE ADMINISTRATION

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REPEAL SECTION
6 2-15-1703, MCA, WHICH CREATED THE DIVISION OF EMPLOYMENT
7 SECURITY WITHIN THE DEPARTMENT OF LABOR AND INDUSTRY, AND
8 SECTION 39-51-306, MCA, WHICH CREATED CERTAIN BUREAUS WITHIN
9 THE DIVISION; AND TO GENERALLY REVISE LAWS TO CONFORM TO THE
10 REPEALER."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Division of employment security and certain
14 bureaus -- name change. The division of employment security
15 and its bureaus created in 2-15-1703 and 39-51-306 are
16 abolished. Their functions are continued in the department
17 of labor and industry provided for in Title 2, chapter 15,
18 part 17. Unless inconsistent with this act, any reference in
19 the MCA to "division of employment security", "division" (of
20 employment security), or any bureau of the division of
21 employment security, including "Montana state employment
22 service bureau" or "unemployment insurance bureau", is
23 changed to "department of labor and industry" or
24 "department" (of labor and industry). Consistent with the
25 intent of this section and without changing the meaning, the

1 code commissioner shall remove any redundancies caused by
2 such name changes.

3 Section 2. Section 39-51-307, MCA, is amended to read:
4 "39-51-307. Division Department to create state
5 employment service. (1) The division department shall create
6 ~~a bureau to be known as the Montana state employment~~
7 ~~service, which bureau shall~~ establish and maintain free
8 public employment offices in such number and in such places
9 as may be necessary for the proper administration of this
10 chapter and for the purpose of performing such duties as are
11 within the purview of the act of congress entitled, "An act
12 to provide for the establishment of a national employment
13 system and for cooperation with the states in the promotion
14 of such system, and for other purposes", approved June 6,
15 1933 (48 Stat. 113; U.S.C. Title 29, Sec. 49 (c)), as
16 amended. ~~The bureau shall be administered by a full-time~~
17 ~~retired director~~

18 (2) The division department shall be charged with the
19 duty to cooperate with any official or agency of the United
20 States having power or duties under the provisions of the
21 act of congress, as amended, and to do and perform all
22 things necessary to secure to this state the benefits of the
23 act of congress, as amended, in the promotion and
24 maintenance of a system of public employment offices.

25 (3) The provisions of the act of congress, as amended,

1 are hereby accepted by this state in conformity with section
 2 4 of said act, and this state will observe and comply with
 3 the requirements thereof. The ~~employment--security--division~~
 4 ~~department~~ is hereby designated and constituted the agency
 5 of this state for the purpose of said act. ~~The--division--is~~
 6 ~~directed--to--appoint--the--personnel--of--the--Montana--state~~
 7 ~~employment--services~~

8 (4) For the purpose of establishing and maintaining
 9 free public employment offices, the ~~division department~~ is
 10 authorized to enter into agreements with any political
 11 subdivisions of this state or with any private, nonprofit
 12 organization and as a part of any such agreement the
 13 ~~division department~~ may accept money, services, or quarters
 14 as a contribution to the employment service account."

15 Section 3. Section 39-51-503, MCA, is amended to read:

16 "39-51-503. Agreements with railroad retirement board.
 17 The ~~division department~~ is hereby authorized to cooperate
 18 with and enter into agreements with the railroad retirement
 19 board with respect to establishment, maintenance, and use of
 20 ~~Montana-state~~ employment service facilities and to make
 21 available to the railroad retirement board the records of
 22 the ~~division department~~ relating to employer's status and
 23 contributions received from employers covered by the
 24 Railroad Unemployment Insurance Act, together with employee
 25 wage records and such other data as the railroad retirement

1 board may deem necessary or desirable for the administration
 2 of the Railroad Unemployment Insurance Act (52 Stat. 1094).
 3 Any money received by the ~~division department~~ from the
 4 railroad retirement board or any other governmental agency
 5 with respect to the establishment, maintenance, and use of
 6 state employment service facilities shall be paid into and
 7 credited the proper division of the unemployment insurance
 8 administration fund set up and established under 39-51-406
 9 and 39-51-407."

10 Section 4. Section 39-51-2410, MCA, is amended to
 11 read:

12 "39-51-2410. Finality of board's decision -- judicial
 13 review. (1) Any decision of the board in the absence of an
 14 appeal therefrom as herein provided shall become final 30
 15 days after the date of notification or mailing thereof,
 16 except in the case of the ~~division department~~ when such
 17 decision becomes final 20 days following the board's
 18 decision, and judicial review thereof shall be permitted
 19 only after any party claiming to be aggrieved thereby has
 20 exhausted his remedies before the board. The ~~division~~
 21 ~~department~~ shall be deemed to be a party to any judicial
 22 action involving any such decision and may be represented in
 23 any such action by an attorney employed by the ~~division~~
 24 ~~department~~ or at the ~~division's department's~~ request, by the
 25 attorney general.

1 (2) Within 30 days after the date of notification or
 2 mailing of the decision of the board, any party aggrieved
 3 thereby may secure judicial review thereof by commencing an
 4 action in the district court of the county in which said
 5 party resides and in which action any other party to the
 6 proceeding before the board shall be made a defendant. In
 7 such action a petition, which need not be verified but which
 8 shall state the grounds upon which a review is sought, shall
 9 be served upon the ~~administrator--of--the--division--or--the~~
 10 ~~administrator's~~ commissioner of labor and industry or his
 11 designee and such service shall be deemed completed service
 12 on all parties, but there shall be left with the party so
 13 served as many copies of the petition as there are
 14 defendants and the division department shall forthwith mail
 15 one such copy to each such defendant.

16 (3) With its answer, the division department shall
 17 certify and file with said court all documents and papers
 18 and a transcript of all testimony taken in the matter,
 19 together with the board's findings of fact and decision.
 20 The board may also in its discretion certify to such court
 21 questions of law involved in any decision by it.

22 (4) Whenever the division department seeks review of a
 23 decision of the board, all interested parties shall be
 24 served with a copy of its petition together with all
 25 documents filed with the court.

1 (5) In any judicial proceeding under 39-51-2406
 2 through 39-51-2410, the findings of the board as to the
 3 facts, if supported by evidence and in the absence of fraud,
 4 shall be conclusive and the jurisdiction of said court shall
 5 be confined to questions of law. Such action and the
 6 questions so certified shall be heard in a summary manner
 7 and shall be given precedence over all other civil cases
 8 except cases arising under the workers' compensation law of
 9 this state.

10 (6) An appeal may be taken from the decision of the
 11 district court to the supreme court of Montana in the same
 12 manner, but not inconsistent with the provisions of this
 13 chapter, as is provided in civil cases. It shall not be
 14 necessary in any judicial proceeding under this section to
 15 enter exceptions to the rulings of the board and no bond
 16 shall be required for entering such appeal. Upon the final
 17 determination of such judicial proceeding, the division
 18 department shall enter an order in accordance with such
 19 determination."

20 Section 5. Repealer. Sections 2-15-1703 and 39-51-306,
 21 MCA, are repealed.

-End-

1 SENATE BILL NO. 481

2 INTRODUCED BY STORY

3 BY REQUEST OF THE SENATE COMMITTEE ON STATE ADMINISTRATION

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REPEAL SECTION
6 2-15-1703, MCA, WHICH CREATED THE DIVISION OF EMPLOYMENT
7 SECURITY WITHIN THE DEPARTMENT OF LABOR AND INDUSTRY, AND
8 SECTION 39-51-306, MCA, WHICH CREATED CERTAIN BUREAUS WITHIN
9 THE DIVISION; AND TO GENERALLY REVISE LAWS TO CONFORM TO THE
10 REPEALER; AMENDING SECTIONS 39-51-307, 39-51-503, AND
11 39-51-2410, MCA."

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

14 Section 1. Division of employment security and certain
15 bureaus -- name change. The division of employment security
16 and its bureaus created in 2-15-1703 and 39-51-306 are
17 abolished. Their functions are continued in the department
18 of labor and industry provided for in Title 2, chapter 15,
19 part 17. Unless inconsistent with this act, any reference in
20 the MCA to "division of employment security", "division" (of
21 employment security), or any bureau of the division of
22 employment security, including "Montana state employment
23 service bureau" or "unemployment insurance bureau", is
24 changed to "department of labor and industry" or
25 "department" (of labor and industry). Consistent with the

1 intent of this section and without changing the meaning, the
2 code commissioner shall remove any redundancies caused by
3 such name changes.

4 Section 2. Section 39-51-307, MCA, is amended to read:
5 "39-51-307. Division Department to create state
6 employment service. (1) The division department shall create
7 ~~a--bureau--to--be--known--as--the--Montana--state--employment~~
8 ~~service--which--bureau--shall~~ establish and maintain free
9 public employment offices in such number and in such places
10 as may be necessary for the proper administration of this
11 chapter and for the purpose of performing such duties as are
12 within the purview of the act of congress entitled, "An act
13 to provide for the establishment of a national employment
14 system and for cooperation with the states in the promotion
15 of such system, and for other purposes", approved June 6,
16 1933 (48 Stat. 113; U.S.C. Title 29, Sec. 49 (c)), as
17 amended. ~~The--bureau--shall--be--administered--by--a--full-time~~
18 ~~salaries-director.~~

19 (2) The division department shall be charged with the
20 duty to cooperate with any official or agency of the United
21 States having power or duties under the provisions of the
22 act of congress, as amended, and to do and perform all
23 things necessary to secure to this state the benefits of the
24 act of congress, as amended, in the promotion and
25 maintenance of a system of public employment offices.

1 (3) The provisions of the act of congress, as amended,
2 are hereby accepted by this state in conformity with section
3 4 of said act, and this state will observe and comply with
4 the requirements thereof. The ~~employment-security-division~~
5 department is hereby designated and constituted the agency
6 of this state for the purpose of said act. ~~The-division-is~~
7 ~~directed-to-appoint--the--personnel--of--the--Montana--state~~
8 ~~employment-services~~

9 (4) For the purpose of establishing and maintaining
10 free public employment offices, the ~~division~~ department is
11 authorized to enter into agreements with any political
12 subdivisions of this state or with any private, nonprofit
13 organization and as a part of any such agreement the
14 ~~division~~ department may accept money, services, or quarters
15 as a contribution to the employment service account."

16 Section 3. Section 39-51-503, MCA, is amended to read:
17 "39-51-503. Agreements with railroad retirement board.
18 The ~~division~~ department is hereby authorized to cooperate
19 with and enter into agreements with the railroad retirement
20 board with respect to establishment, maintenance, and use of
21 ~~Montana--state~~ employment service facilities and to make
22 available to the railroad retirement board the records of
23 the ~~division~~ department relating to employer's status and
24 contributions received from employers covered by the
25 Railroad Unemployment Insurance Act, together with employee

1 wage records and such other data as the railroad retirement
2 board may deem necessary or desirable for the administration
3 of the Railroad Unemployment Insurance Act (52 Stat. 1094).
4 Any money received by the ~~division~~ department from the
5 railroad retirement board or any other governmental agency
6 with respect to the establishment, maintenance, and use of
7 state employment service facilities shall be paid into and
8 credited the proper division of the unemployment insurance
9 administration fund set up and established under 39-51-406
10 and 39-51-407."

11 Section 4. Section 39-51-2410, MCA, is amended to
12 read:

13 "39-51-2410. Finality of board's decision -- judicial
14 review. (1) Any decision of the board in the absence of an
15 appeal therefrom as herein provided shall become final 30
16 days after the date of notification or mailing thereof,
17 except in the case of the ~~division~~ department when such
18 decision becomes final 20 days following the board's
19 decision, and judicial review thereof shall be permitted
20 only after any party claiming to be aggrieved thereby has
21 exhausted his remedies before the board. The ~~division~~
22 department shall be deemed to be a party to any judicial
23 action involving any such decision and may be represented in
24 any such action by an attorney employed by the ~~division~~
25 department or at the ~~division's~~ department's request, by the

1 attorney general.

2 (2) Within 30 days after the date of notification or
3 mailing of the decision of the board, any party aggrieved
4 thereby may secure judicial review thereof by commencing an
5 action in the district court of the county in which said
6 party resides and in which action any other party to the
7 proceeding before the board shall be made a defendant. In
8 such action a petition, which need not be verified but which
9 shall state the grounds upon which a review is sought, shall
10 be served upon the ~~administrator--of-the-division-or-the~~
11 ~~administrator's~~ commissioner of labor and industry or his
12 designee and such service shall be deemed completed service
13 on all parties, but there shall be left with the party so
14 served as many copies of the petition as there are
15 defendants and the ~~division~~ department shall forthwith mail
16 one such copy to each such defendant.

17 (3) With its answer, the ~~division~~ department shall
18 certify and file with said court all documents and papers
19 and a transcript of all testimony taken in the matter,
20 together with the board's findings of fact and decision.
21 The board may also in its discretion certify to such court
22 questions of law involved in any decision by it.

23 (4) Whenever the ~~division~~ department seeks review of a
24 decision of the board, all interested parties shall be
25 served with a copy of its petition together with all

1 documents filed with the court.

2 (5) In any judicial proceeding under 39-51-2406
3 through 39-51-2410, the findings of the board as to the
4 facts, if supported by evidence and in the absence of fraud,
5 shall be conclusive and the jurisdiction of said court shall
6 be confined to questions of law. Such action and the
7 questions so certified shall be heard in a summary manner
8 and shall be given precedence over all other civil cases
9 except cases arising under the workers' compensation law of
10 this state.

11 (6) An appeal may be taken from the decision of the
12 district court to the supreme court of Montana in the same
13 manner, but not inconsistent with the provisions of this
14 chapter, as is provided in civil cases. It shall not be
15 necessary in any judicial proceeding under this section to
16 enter exceptions to the rulings of the board and no bond
17 shall be required for entering such appeal. Upon the final
18 determination of such judicial proceeding, the ~~division~~
19 department shall enter an order in accordance with such
20 determination."

21 Section 5. Repealer. Sections 2-15-1703 and 39-51-306,
22 MCA, are repealed.

-End-

STATE ADMINISTRATION

3/12/81

HOUSE AMENDMENT TO SB 481

1. Title, line 10.

Following: "REPEALER"

Insert: "; AMENDING SECTIONS 39-51-307, 39-51-503,
AND 39-51-2410, MCA"