

SENATE BILL NO. 3  
(First Special Session)  
INTRODUCED BY S. BROWN, NELSON, HARPER, ELLERD  
BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

IN THE SENATE

November 16, 1981	Introduced and referred to Committee on Labor and Employment Relations.
November 17, 1981	Committee recommend bill do pass. Report adopted.
November 18, 1981	Bill printed and placed on members' desks.
	On motion rules suspended. Bill referred to second reading for consideration this day.
	Second reading, do pass.
	On motion rules suspended. Bill placed on calendar for third reading this day.
	Third reading, passed. Ayes, 48; Noes, 1. Transmitted to House.

IN THE HOUSE

November 18, 1981	Introduced and referred to Committee on Labor.
November 19, 1981	Committee recommend bill be concurred in. Report adopted.

November 20, 1981

Second reading, concurred in.  
Ayes, 60; Noes, 39.

On motion rules suspended  
and bill placed on third reading  
this day.

Third reading, concurred in.  
Ayes, 57; Noes, 41.

IN THE SENATE

November 21, 1981

Returned from House. Concurred  
in. Sent to enrolling.

Reported correctly enrolled.

*Special Session I*~~Senate~~ BILL NO. 3

1 INTRODUCED BY S. BROWN, H. NELSON, *Hager, Eller*  
 2 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE REFERENCE  
 5 TO THE NATIONAL "ON" AND "OFF" INDICATOR AND FURTHER DEFINE  
 6 THE CALCULATION OF RATE OF INSURED UNEMPLOYMENT;  
 7 ESTABLISHING A NEW STATE "ON" AND "OFF" EXTENDED BENEFIT  
 8 INDICATOR; AMENDING SECTIONS 39-51-2501 AND 39-51-2504  
 9 THROUGH 39-51-2506, MCA; REPEALING SECTIONS 39-51-2502 AND  
 10 39-51-2503, MCA; AND PROVIDING EFFECTIVE DATES."

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

13 Section 1. Section 39-51-2501, MCA, is amended to  
 14 read:

15 "39-51-2501. Definitions. As used in this part, unless  
 16 the context clearly requires otherwise, the following  
 17 definitions apply:

18 (1) "Extended benefit period" means a period which:

19 (a) begins with the third week after ~~whichever-of--the~~  
 20 ~~following--weeks--occurs--first~~

21 ~~the--a--week--for--which--there--is--a--national--"on"~~  
 22 ~~indicator--or~~

23 ~~the--a--week--for--which--there--is--a--state--"on"~~  
 24 ~~indicator~~  
 25 provided that no extended benefit period may begin by

1 reason of a state "on" indicator before the 14th week  
 2 following the end of a prior extended benefit period which  
 3 was in effect with respect to this state; and  
 4 (b) ends with ~~either-of-the-following-weeks--whichever~~  
 5 ~~occurs--first~~

6 ~~the--third--week--after--the--first--week--for--which~~  
 7 ~~there--is--both-a-national--"off"--indicator--and--a--state--"off"~~  
 8 ~~indicator~~ or

9 ~~the--13th--consecutive--week--of--such--period.~~

10 (2) (a) "Rate of insured unemployment", for purposes  
 11 of 39-51-2504 and 39-51-2505, means the percentage derived  
 12 by dividing the average weekly number of individuals filing  
 13 claims ~~for regular benefits~~ in this state for weeks of  
 14 unemployment with respect to the most recent  
 15 13-consecutive-week period, as determined by the department  
 16 on the basis of his reports to the U.S. secretary of labor,  
 17 by the average monthly employment covered under this chapter  
 18 for the first 4 of the most recent 6 completed calendar  
 19 quarters ending before the end of such 13-week period.

20 (b) Computations required by the provisions of  
 21 subsection (2)(a) shall be made by the department in  
 22 accordance with regulations prescribed by the U.S. secretary  
 23 of labor.

24 (3) "Regular benefits" means benefits payable to an  
 25 individual under this chapter or under any other state law,

1     including benefits payable to federal civilian employees and  
2     to ex-servicemen pursuant to 5 U.S.C. chapter 85, other  
3     than extended benefits.

4         (4) "Extended benefits" means benefits, including  
5     benefits payable to federal civilian employees and to  
6     ex-servicemen pursuant to 5 U.S.C. chapter 85, payable to  
7     an individual under the provisions of this part for weeks of  
8     unemployment in his eligibility period.

9         (5) "Eligibility period" of an individual means the  
10    period consisting of the weeks in his benefit year which  
11    begin in an extended benefit period and, if his benefit year  
12    ends within such extended benefit period, any weeks  
13    thereafter which begin in such period.

14         (6) "Exhaustee" means an individual who, with respect  
15    to any week of unemployment in his eligibility period:

16             (a) has received, prior to such week, all of the  
17    regular benefits that were available to him under this  
18    chapter or any other state law, including dependents'  
19    allowances and benefits payable to federal civilian  
20    employees and ex-servicemen under 5 U.S.C. chapter 85, in  
21    his current benefit year that includes such week; provided,  
22    that for the purposes of this subsection, an individual  
23    shall be deemed to have received all of the regular benefits  
24    that were available to him although, as a result of a  
25    pending appeal with respect to wages that were not

1     considered in the original monetary determination in his  
2     benefit year, he may subsequently be determined to be  
3     entitled to added regular benefits;

4         (b) his benefit year having expired prior to such  
5     week, has no or insufficient wages on the basis of which he  
6     could establish a new benefit year that would include such  
7     week;

8         (c) has no right to unemployment benefits or  
9     allowances, as the case may be, under the Railroad  
10    Unemployment Insurance Act, the Trade Expansion Act of 1962,  
11    the Automotive Products Trade Act of 1965, and such other  
12    federal laws as are specified in regulations issued by the  
13    U.S. secretary of labor; and

14         (d) has not received and is not seeking unemployment  
15    benefits under the unemployment compensation law of Canada,  
16    but if he is seeking such benefits and the appropriate  
17    agency finally determines that he is not entitled to  
18    benefits under such law, he is considered an exhaustee.

19         (7) "State law" means the unemployment insurance law  
20    of any state approved by the U.S. secretary of labor under  
21    section 3304 of the Internal Revenue Code of 1954."

22         Section 2. Section 39-51-2504, MCA, is amended to  
23    read:

24         "39-51-2504. State "on" indicator -- when. There is a  
25    state "on" indicator for this state for a week if the

1 department determines, in accordance with the regulations of  
 2 the U.S. secretary of labor, that: for---the---period  
 3 consisting of

4       III (a) the rate of insured unemployment equals or  
 5 exceeds 5% for any such week and the immediately preceding  
 6 12 weeks; and the--rate--of--insured--unemployment--(not  
 7 seasonally-adjusted)--under--this--chapter--

8       if it equaled--or--exceeded the insured unemployment  
 9 rate equals or exceeds 120% of the average of such rates for  
 10 the corresponding 13-week period ending in each of the  
 11 preceding 2 calendar years; and or

12       (2) equaled--or--exceeded--4% if the rate of insured  
 13 unemployment for such week is 5% or more but the average of  
 14 such rates for the corresponding 13-week period ending in  
 15 each of the preceding two calendar years is less than 120%;  
 16 the insured unemployment rate for such week and the  
 17 immediately preceding 12 weeks is 6% or more."

18       Section 3. Section 39-51-2505, MCA, is amended to  
 19 read:

20       "39-51-2505. State "off" indicator -- when. There is a  
 21 state "off" indicator for this state for a week if the  
 22 department determines, in accordance with the regulations of  
 23 the U.S. secretary of labor, that:

24       III for the period consisting of such week and the  
 25 immediately preceding 12 weeks the rate of insured

1       unemployment (not seasonally adjusted) under this chapter+  
 2 is less than .5%; or

3       t1721 was-less-than-120% of the average of such rates  
 4 for the corresponding 13-week period ending in each of the  
 5 preceding 2 calendar years; or is less than 120%  
 6       t2)--was-less-than-4%."

7       Section 4. Section 39-51-2506, MCA, is amended to  
 8 read:

9       "39-51-2506. Beginning and termination of extended  
 10 benefit period -- announcement of. Whenever an extended  
 11 benefit period is to become effective in this state for--in  
 12 off--states as a result of a state or--nation--"on"  
 13 indicators, or an extended benefit period is to be terminated  
 14 in this state as a result of state and--nation--"off"  
 15 indicators, the department shall make an appropriate public  
 16 announcement."

17       Section 5. Repeater. Sections 39-51-2502 and  
 18 39-51-2503, MCA, are repealed.

19       Section 6. Effective dates. (1) Section 1 is effective  
 20 on passage and approval.

21       (2) Sections 2 and 3 are effective on September 26,  
 22 1982.

-End-

Approved by Committee  
on Labor & Employment  
Relations

*Special Session I*

*Senate* BILL NO. 3

*Hager Teller*

1 INTRODUCED BY S. BROWN, H. NELSON,  
2 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE REFERENCE  
5 TO THE NATIONAL "ON" AND "OFF" INDICATOR AND FURTHER DEFINE  
6 THE CALCULATION OF RATE OF INSURED UNEMPLOYMENT;  
7 ESTABLISHING A NEW STATE "ON" AND "OFF" EXTENDED BENEFIT  
8 INDICATOR; AMENDING SECTIONS 39-51-2501 AND 39-51-2504  
9 THROUGH 39-51-2506, MCA; REPEALING SECTIONS 39-51-2502 AND  
10 39-51-2503, MCA; AND PROVIDING EFFECTIVE DATES."

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

13 Section 1. Section 39-51-2501, MCA, is amended to  
14 read:

15 "39-51-2501. Definitions. As used in this part, unless  
16 the context clearly requires otherwise, the following  
17 definitions apply:

18 (1) "Extended benefit period" means a period which:

19 (a) begins with the third week after whichever-of--the  
20 following-weeks--occurs--first

21 (i)--a--week--for--which--there--is--a--national--"on"  
22 indicator--or

23 (ii) a week for which there is a state "on" indicator  
24 provided that no extended benefit period may begin by

1 reason of a state "on" indicator before the 14th week  
2 following the end of a prior extended benefit period which  
3 was in effect with respect to this state; and  
4 (b) ends with whichever

5 occurs--first  
6 (i) the third week after the first week for which  
7 there is both a national--"off"--indicator and a state "off"  
8 indicator or  
9 (ii) the 13th consecutive week of such period.

10 (2) (a) "Rate of insured unemployment", for purposes  
11 of 39-51-2504 and 39-51-2505, means the percentage derived  
12 by dividing the average weekly number of individuals filing  
13 claims for regular benefits in this state for weeks of  
14 unemployment with respect to the most recent  
15 13-consecutive-week period, as determined by the department  
16 on the basis of his reports to the U.S. secretary of labor,  
17 by the average monthly employment covered under this chapter  
18 for the first 4 of the most recent 6 completed calendar  
19 quarters ending before the end of such 13-week period.

20 (b) Computations required by the provisions of  
21 subsection (2)(a) shall be made by the department in  
22 accordance with regulations prescribed by the U.S. secretary  
23 of labor.

24 (3) "Regular benefits" means benefits payable to an  
25 individual under this chapter or under any other state law,

SECOND READING

1 including benefits payable to federal civilian employees and  
 2 to ex-servicemen pursuant to 5 U.S.C. chapter 85, other  
 3 than extended benefits.

4 (4) "Extended benefits" means benefits, including  
 5 benefits payable to federal civilian employees and to  
 6 ex-servicemen pursuant to 5 U.S.C. chapter 85, payable to  
 7 an individual under the provisions of this part for weeks of  
 8 unemployment in his eligibility period.

9 (5) "Eligibility period" of an individual means the  
 10 period consisting of the weeks in his benefit year which  
 11 begin in an extended benefit period and, if his benefit year  
 12 ends within such extended benefit period, any weeks  
 13 thereafter which begin in such period.

14 (6) "Exhaustee" means an individual who, with respect  
 15 to any week of unemployment in his eligibility period:

16 (a) has received, prior to such week, all of the  
 17 regular benefits that were available to him under this  
 18 chapter or any other state law, including dependents'  
 19 allowances and benefits payable to federal civilian  
 20 employees and ex-servicemen under 5 U.S.C. chapter 85, in  
 21 his current benefit year that includes such week; provided,  
 22 that for the purposes of this subsection, an individual  
 23 shall be deemed to have received all of the regular benefits  
 24 that were available to him although, as a result of a  
 25 pending appeal with respect to wages that were not

1 considered in the original monetary determination in his  
 2 benefit year, he may subsequently be determined to be  
 3 entitled to added regular benefits;

4 (b) his benefit year having expired prior to such  
 5 week, has no or insufficient wages on the basis of which he  
 6 could establish a new benefit year that would include such  
 7 week;

8 (c) has no right to unemployment benefits or  
 9 allowances, as the case may be, under the Railroad  
 10 Unemployment Insurance Act, the Trade Expansion Act of 1962,  
 11 the Automotive Products Trade Act of 1965, and such other  
 12 federal laws as are specified in regulations issued by the  
 13 U.S. secretary of labor; and

14 (d) has not received and is not seeking unemployment  
 15 benefits under the unemployment compensation law of Canada,  
 16 but if he is seeking such benefits and the appropriate  
 17 agency finally determines that he is not entitled to  
 18 benefits under such law, he is considered an exhaustee.

19 (7) "State law" means the unemployment insurance law  
 20 of any state approved by the U.S. secretary of labor under  
 21 section 3304 of the Internal Revenue Code of 1954."

22 Section 2. Section 39-51-2504, MCA, is amended to  
 23 read:

24 "39-51-2504. State "on" indicator -- when. There is a  
 25 state "on" indicator for this state for a week if the

1 department determines, in accordance with the regulations of  
 2 the U.S. secretary of labor, that for---the---period  
 3 consisting of

4 III. (a) the rate of insured unemployment equals or  
 5 exceeds 5% for any such week and the immediately preceding  
 6 12 weeks; and the rate of insured unemployment (not  
 7 seasonally adjusted) under this chapter

8 +++) equaled or exceeded the insured unemployment  
 9 rate equals or exceeds 120% of the average of such rates for  
 10 the corresponding 13-week period ending in each of the  
 11 preceding 2 calendar years; and or

12 (2) equaled or exceeded 4% if the rate of insured  
 13 unemployment for such week is 5% or more but the average of  
 14 such rates for the corresponding 13-week period ending in  
 15 each of the preceding two calendar years is less than 120%.  
 16 the insured unemployment rate for such week and the  
 17 immediately preceding 12 weeks is 6% or more."

18 Section 3. Section 39-51-2505, MCA, is amended to  
 19 read:

20 "39-51-2505. State "off" indicator -- when. There is a  
 21 state "off" indicator for this state for a week if the  
 22 department determines, in accordance with the regulations of  
 23 the U.S. secretary of labor, that:

24 III for the period consisting of such week and the  
 25 immediately preceding 12 weeks the rate of insured

1 unemployment (not seasonally adjusted) under this chapter  
 2 is less than 5%; or

3 +++) was less than 120% of the average of such rates  
 4 for the corresponding 13-week period ending in each of the  
 5 preceding 2 calendar years or is less than 120%

6 +++) was less than 4%."

7 Section 4. Section 39-51-2506, MCA, is amended to  
 8 read:

9 "39-51-2506. Beginning and termination of extended  
 10 benefit period -- announcement of. Whenever an extended  
 11 benefit period is to become effective in this state ~~for--in~~  
 12 ~~all--states~~ as a result of a state or--national "on"  
 13 indicator, or an extended benefit period is to be terminated  
 14 in this state as a result of state and--national "off"  
 15 indicators, the department shall make an appropriate public  
 16 announcement."

17 Section 5. Repealer. Sections 39-51-2502 and  
 18 39-51-2503, MCA, are repealed.

19 Section 6. Effective dates. (1) Section 1 is effective  
 20 on passage and approval.

21 (2) Sections 2 and 3 are effective on September 26,  
 22 1982.

-End-

*Special Session I*

*Senate* BILL NO. 3

*Hager Titled*

1 INTRODUCED BY S. BROWN, H. NELSON,  
2 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE REFERENCE  
5 TO THE NATIONAL "ON" AND "OFF" INDICATOR AND FURTHER DEFINE  
6 THE CALCULATION OF RATE OF INSURED UNEMPLOYMENT;  
7 ESTABLISHING A NEW STATE "ON" AND "OFF" EXTENDED BENEFIT  
8 INDICATOR; AMENDING SECTIONS 39-51-2501 AND 39-51-2504  
9 THROUGH 39-51-2506, MCA; REPEALING SECTIONS 39-51-2502 AND  
10 39-51-2503, MCA; AND PROVIDING EFFECTIVE DATES."

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

13 Section 1. Section 39-51-2501, MCA, is amended to  
14 read:

15 "39-51-2501. Definitions. As used in this part, unless  
16 the context clearly requires otherwise, the following  
17 definitions apply:

18 (1) "Extended benefit period" means a period which:  
19 (a) begins with the third week after ~~whichever-of--the~~  
20 ~~following-weeks--occurs--first~~  
21 ~~tit--a--week--for--which--there--is--a--national--"on"~~  
22 ~~indicator--or~~

23  
24 ~~tit--a--week--for--which--there--is--a--state--"on"~~  
25 provided that no extended benefit period may begin by

1 reason of a state "on" indicator before the 14th week  
2 following the end of a prior extended benefit period which  
3 was in effect with respect to this state; and  
4 (b) ends with ~~either-of-the-following-weeks--whichever~~  
5 ~~occurs--first~~

6 ~~tit~~ the third week after the first week for which  
7 there is ~~both-a-national--"off"--indicator-and~~ a state "off"  
8 indicator or

9 ~~tit~~ the 13th consecutive week of such period.  
10 (2) (a) "Rate of insured unemployment", for purposes  
11 of 39-51-2504 and 39-51-2505, means the percentage derived  
12 by dividing the average weekly number of individuals filing  
13 claims ~~for regular~~ benefits in this state for weeks of

14 unemployment with respect to the most recent  
15 13-consecutive-week period, as determined by the department  
16 on the basis of his reports to the U.S. secretary of labor,  
17 by the average monthly employment covered under this chapter  
18 for the first 4 of the most recent 6 completed calendar  
19 quarters ending before the end of such 13-week period.

20 (b) Computations required by the provisions of  
21 subsection (2)(a) shall be made by the department in  
22 accordance with regulations prescribed by the U.S. secretary  
23 of labor.

24 (3) "Regular benefits" means benefits payable to an  
25 individual under this chapter or under any other state law,

1 including benefits payable to federal civilian employees and  
 2 to ex-servicemen pursuant to 5 U.S.C. chapter 85, other  
 3 than extended benefits.

4 (4) "Extended benefits" means benefits, including  
 5 benefits payable to federal civilian employees and to  
 6 ex-servicemen pursuant to 5 U.S.C. chapter 85, payable to  
 7 an individual under the provisions of this part for weeks of  
 8 unemployment in his eligibility period.

9 (5) "Eligibility period" of an individual means the  
 10 period consisting of the weeks in his benefit year which  
 11 begin in an extended benefit period and, if his benefit year  
 12 ends within such extended benefit period, any weeks  
 13 thereafter which begin in such period.

14 (6) "Exhausted" means an individual who, with respect  
 15 to any week of unemployment in his eligibility period:

16 (a) has received, prior to such week, all of the  
 17 regular benefits that were available to him under this  
 18 chapter or any other state law, including dependents'  
 19 allowances and benefits payable to federal civilian  
 20 employees and ex-servicemen under 5 U.S.C. chapter 85, in  
 21 his current benefit year that includes such week; provided,  
 22 that for the purposes of this subsection, an individual  
 23 shall be deemed to have received all of the regular benefits  
 24 that were available to him although, as a result of a  
 25 pending appeal with respect to wages that were not

1 considered in the original monetary determination in his  
 2 benefit year, he may subsequently be determined to be  
 3 entitled to added regular benefits;

4 (b) his benefit year having expired prior to such  
 5 week, has no or insufficient wages on the basis of which he  
 6 could establish a new benefit year that would include such  
 7 week;

8 (c) has no right to unemployment benefits or  
 9 allowances, as the case may be, under the Railroad  
 10 Unemployment Insurance Act, the Trade Expansion Act of 1962,  
 11 the Automotive Products Trade Act of 1965, and such other  
 12 federal laws as are specified in regulations issued by the  
 13 U.S. secretary of labor; and

14 (d) has not received and is not seeking unemployment  
 15 benefits under the unemployment compensation law of Canada,  
 16 but if he is seeking such benefits and the appropriate  
 17 agency finally determines that he is not entitled to  
 18 benefits under such law, he is considered an exhaustee.

19 (7) "State law" means the unemployment insurance law  
 20 of any state approved by the U.S. secretary of labor under  
 21 section 3304 of the Internal Revenue Code of 1954."

22 Section 2. Section 39-51-2504, MCA, is amended to  
 23 read:

24 "39-51-2504. State "an" indicator -- when there is a  
 25 state "an" indicator for this state for a week if the

1 department determines, in accordance with the regulations of  
 2 the U.S. secretary of labor, thati for---the---period  
 3 consisting-of

4 III. (1) the rate of insured unemployment equals or  
5 exceeds 5% for any such week and the immediately preceding  
6 12 weeks; and the--rate--of--insured--unemployment--(not  
7 seasonally-adjusted)--under--this--chapters

8 if it equated-or-exceeded the insured unemployment  
9 rate equals or exceeds 120% of the average of such rates for  
10 the corresponding 13-week period ending in each of the  
11 preceding 2 calendar years; and or

12 (2) equated-or-exceeded-4% if the rate of insured  
13 unemployment for such week is 5% or more but the average of  
14 such rates for the corresponding 13-week period ending in  
15 each of the preceding two calendar years is less than 120%;  
16 the insured unemployment rate for such week and the  
17 immediately preceding 12 weeks is 6% or more."

18 Section 3. Section 39-51-2505, MCA, is amended to  
 19 read:

20 "39-51-2505. State "off" indicator -- when. There is a  
 21 state "off" indicator for this state for a week if the  
 22 department determines, in accordance with the regulations of  
 23 the U.S. secretary of labor, thati

24 III for the period consisting of such week and the  
25 immediately preceding 12 weeks the rate of insured

1 unemployment (not seasonally adjusted) under this chapter  
 2 is less than 5%; or  
 3 ~~if it was less than 120% of the average of such rates~~  
 4 for the corresponding 13-week period ending in each of the  
 5 preceding 2 calendar years or is less than 120%  
 6 ~~if it was less than 4%.~~

7 Section 4. Section 39-51-2506, MCA, is amended to  
 8 read:

9 "39-51-2506. Beginning and termination of extended  
 10 benefit period -- announcement of. Whenever an extended  
 11 benefit period is to become effective in this state ~~or--in~~  
 12 ~~all--states~~ as a result of a state or--a--national "on"

13 indicators, or an extended benefit period is to be terminated  
 14 in this state as a result of state and--national "off"  
 15 indicators, the department shall make an appropriate public  
 16 announcement."

17 Section 5. Repealer. Sections 39-51-2502 and  
 18 39-51-2503, MCA, are repealed.

19 Section 6. Effective dates. (1) Section 1 is effective  
 20 on passage and approval.

21 (2) Sections 2 and 3 are effective on September 26,  
 22 1982.

-End-

1 SENATE BILL NO. 3 (1st SS)  
2 INTRODUCED BY S. BROWN, H. NELSON, HARPER, ELLERD  
3 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY  
4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE REFERENCE  
6 TO THE NATIONAL "ON" AND "OFF" INDICATOR AND FURTHER DEFINE  
7 THE CALCULATION OF RATE OF INSURED UNEMPLOYMENT;  
8 ESTABLISHING A NEW STATE "ON" AND "OFF" EXTENDED BENEFIT  
9 INDICATOR; AMENDING SECTIONS 39-51-2501 AND 39-51-2504  
10 THROUGH 39-51-2506, MCA; REPEALING SECTIONS 39-51-2502 AND  
11 39-51-2503, MCA; AND PROVIDING EFFECTIVE DATES."

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA,

14 Section 1. Section 39-51-2501, MCA, is amended to  
15 read:

16        "39-51-2501. Definitions. As used in this part, unless  
17    the context clearly requires otherwise, the following  
18    definitions apply:

19 (1) "Extended benefit period" means a period which

20 (a) begins with the third week after whichever-of--the  
21 following-weeks-occurs-first

22                    t+---a---week--for--which--there--is--a--nation+---on+

23                    indicates+as

24           ~~if~~ a week for which there is a state "on" indicator~~is~~  
25 provided that no extended benefit period may begin by

1 reason of a state "on" indicator before the 14th week  
2 following the end of a prior extended benefit period which  
3 was in effect with respect to this state; and  
4 (b) ends with either-of-the-following-weeks-which-ever  
5 occurs-later:  
6 (i) the third week after the first week for which  
7 there is both-a-national-off-indicator-and a state "off"  
8 indicator; or  
9 (ii) the 13th consecutive week of such period.  
10 (2) (a) "Rate of insured unemployment", for purposes  
11 of 39-51-2504 and 39-51-2505, means the percentage derived  
12 by dividing the average weekly number of individuals filing  
13 claims for regular benefits in this state for weeks of  
14 unemployment with respect to the most recent  
15 13-consecutive-week period, as determined by the department  
16 on the basis of his reports to the U.S. secretary of labor,  
17 by the average monthly employment covered under this chapter  
18 for the first 4 of the most recent 6 completed calendar  
19 quarters ending before the end of such 13-week period.  
20 (b) Computations required by the provisions of  
21 subsection (2)(a) shall be made by the department in  
22 accordance with regulations prescribed by the U.S. secretary  
23 of labor.  
24 (3) "Regular benefits" means benefits payable to an  
25 individual under this chapter or under any other state law,

1 including benefits payable to federal civilian employees and  
 2 to ex-servicemen pursuant to 5 U.S.C. chapter 85, other  
 3 than extended benefits.

4 (4) "Extended benefits" means benefits, including  
 5 benefits payable to federal civilian employees and to  
 6 ex-servicemen pursuant to 5 U.S.C. chapter 85, payable to  
 7 an individual under the provisions of this part for weeks of  
 8 unemployment in his eligibility period.

9 (5) "Eligibility period" of an individual means the  
 10 period consisting of the weeks in his benefit year which  
 11 begin in an extended benefit period and, if his benefit year  
 12 ends within such extended benefit period, any weeks  
 13 thereafter which begin in such period.

14 (6) "Exhaustee" means an individual who, with respect  
 15 to any week of unemployment in his eligibility period:

16 (a) has received, prior to such week, all of the  
 17 regular benefits that were available to him under this  
 18 chapter or any other state law, including dependents'  
 19 allowances and benefits payable to federal civilian  
 20 employees and ex-servicemen under 5 U.S.C. chapter 85, in  
 21 his current benefit year that includes such week; provided,  
 22 that for the purposes of this subsection, an individual  
 23 shall be deemed to have received all of the regular benefits  
 24 that were available to him although, as a result of a  
 25 pending appeal with respect to wages that were not

1 considered in the original monetary determination in his  
 2 benefit year, he may subsequently be determined to be  
 3 entitled to added regular benefits;

4 (b) his benefit year having expired prior to such  
 5 week, has no or insufficient wages on the basis of which he  
 6 could establish a new benefit year that would include such  
 7 week;

8 (c) has no right to unemployment benefits or  
 9 allowances, as the case may be, under the Railroad  
 10 Unemployment Insurance Act, the Trade Expansion Act of 1962,  
 11 the Automotive Products Trade Act of 1965, and such other  
 12 federal laws as are specified in regulations issued by the  
 13 U.S. secretary of labor; and

14 (d) has not received and is not seeking unemployment  
 15 benefits under the unemployment compensation law of Canada,  
 16 but if he is seeking such benefits and the appropriate  
 17 agency finally determines that he is not entitled to  
 18 benefits under such law, he is considered an exhaustee.

19 (7) "State law" means the unemployment insurance law  
 20 of any state approved by the U.S. secretary of labor under  
 21 section 3304 of the Internal Revenue Code of 1954."

22 Section 2. Section 39-51-2504, MCA, is amended to  
 23 read:

24 "39-51-2504. State "on" indicator -- when. There is a  
 25 state "on" indicator for this state for a week if the

1 department determines, in accordance with the regulations of  
 2 the U.S. secretary of labor, that: for---the---period  
 3 consisting of

4 ~~if~~ ~~the~~ ~~rate~~ ~~of~~ ~~insured~~ ~~unemployment~~ ~~equals~~ ~~or~~  
 5 ~~exceeds~~ ~~5%~~ ~~for~~ ~~any~~ ~~such~~ ~~week~~ ~~and~~ ~~the~~ ~~immediately~~ ~~preceding~~  
 6 ~~12~~ ~~weeks~~ ~~and~~ ~~the~~ ~~rate~~ ~~of~~ ~~insured~~ ~~unemployment~~ ~~(not~~ ~~seasonally~~  
 7 ~~adjusted~~) ~~under~~ ~~this~~ ~~chapter~~

8 ~~if~~ ~~the~~ ~~rate~~ ~~of~~ ~~insured~~ ~~unemployment~~  
 9 ~~rate~~ ~~equals~~ ~~or~~ ~~exceeds~~ ~~120%~~ ~~of~~ ~~the~~ ~~average~~ ~~of~~ ~~such~~ ~~rates~~ ~~for~~  
 10 ~~the~~ ~~corresponding~~ ~~13-week~~ ~~period~~ ~~ending~~ ~~in~~ ~~each~~ ~~of~~ ~~the~~  
 11 ~~preceding~~ ~~2~~ ~~calendar~~ ~~years~~; ~~and~~ ~~or~~

12 ~~(2)~~ ~~equated~~ ~~or~~ ~~exceeded~~ ~~4%~~ ~~if~~ ~~the~~ ~~rate~~ ~~of~~ ~~insured~~  
 13 ~~unemployment~~ ~~for~~ ~~such~~ ~~week~~ ~~is~~ ~~5%~~ ~~or~~ ~~more~~ ~~but~~ ~~the~~ ~~average~~ ~~of~~  
 14 ~~such~~ ~~rates~~ ~~for~~ ~~the~~ ~~corresponding~~ ~~13-week~~ ~~period~~ ~~ending~~ ~~in~~  
 15 ~~each~~ ~~of~~ ~~the~~ ~~preceding~~ ~~two~~ ~~calendar~~ ~~years~~ ~~is~~ ~~less~~ ~~than~~ ~~120%~~  
 16 ~~the~~ ~~insured~~ ~~unemployment~~ ~~rate~~ ~~for~~ ~~such~~ ~~week~~ ~~and~~ ~~the~~  
 17 ~~immediately~~ ~~preceding~~ ~~12~~ ~~weeks~~ ~~is~~ ~~6%~~ ~~or~~ ~~more~~."

18 Section 3. Section 39-51-2505, MCA, is amended to  
 19 read:

20 "39-51-2505. State "off" indicator -- when. There is a  
 21 state "off" indicator for this state for a week if the  
 22 department determines, in accordance with the regulations of  
 23 the U.S. secretary of labor, that:

24 ~~if~~ ~~for~~ ~~the~~ ~~period~~ ~~consisting~~ ~~of~~ ~~such~~ ~~week~~ ~~and~~ ~~the~~  
 25 ~~immediately~~ ~~preceding~~ ~~12~~ ~~weeks~~ ~~the~~ ~~rate~~ ~~of~~ ~~insured~~

1 ~~unemployment~~ ~~(not~~ ~~seasonally~~ ~~adjusted~~) ~~under~~ ~~this~~ ~~chapter~~  
 2 ~~is~~ ~~less~~ ~~than~~ ~~5%~~ ~~or~~

3 ~~if~~ ~~the~~ ~~rate~~ ~~of~~ ~~insured~~ ~~unemployment~~ ~~(not~~ ~~seasonally~~  
 4 ~~adjusted~~) ~~under~~ ~~this~~ ~~chapter~~ ~~is~~ ~~less~~ ~~than~~ ~~120%~~  
 5 ~~or~~ ~~if~~ ~~the~~ ~~rate~~ ~~of~~ ~~insured~~ ~~unemployment~~ ~~(not~~ ~~seasonally~~  
 6 ~~adjusted~~) ~~under~~ ~~this~~ ~~chapter~~ ~~is~~ ~~less~~ ~~than~~ ~~4%~~."

7 Section 4. Section 39-51-2506, MCA, is amended to  
 8 read:

9 "39-51-2506. Beginning and termination of extended  
 10 benefit period -- announcement of. Whenever an extended  
 11 benefit period is to become effective in this state for--in  
 12 ~~or~~ ~~as~~ ~~a~~ ~~result~~ ~~of~~ ~~a~~ ~~state~~ ~~or-a-national~~ "on"  
 13 ~~indicator~~, or an extended benefit period is to be terminated  
 14 ~~in~~ ~~this~~ ~~state~~ ~~as~~ ~~a~~ ~~result~~ ~~of~~ ~~state~~ ~~and-national~~ "off"  
 15 ~~indicators~~, the department shall make an appropriate public  
 16 ~~announcement~~."

17 Section 5. Repealer. Sections 39-51-2502 and  
 18 39-51-2503, MCA, are repealed.

19 Section 6. Effective dates. (1) Section 1 is effective  
 20 on passage and approval.

21 (2) Sections 2 and 3 are effective on September 26,  
 22 1982.

-End-