

HOUSE BILL NO. 14

INTRODUCED BY VINCENT

BY REQUEST OF THE CODE COMMISSIONER

IN THE HOUSE

January 3, 1983	Introduced and referred to Committee on Business and Industry.
January 5, 1983	Committee recommend bill do pass. Report adopted.  Considered correctly engrossed.
January 6, 1983	Questions and answers.
January 7, 1983	Consent Calendar, do pass. Transmitted to Senate.

IN THE SENATE

January 8, 1983	Introduced and referred to Committee on Labor and Employment Relations.
March 3, 1983	Committee recommend bill be concurred in. Report adopted.
March 5, 1983	Second reading, concurred in.
March 8, 1983	Third reading, concurred in. Ayes, 45; Noes, 0.

IN THE HOUSE

March 8, 1983	Returned to House.
March 9, 1983	Sent to enrolling.  Reported correctly enrolled.

1                    HOUSE    BILL NO. 14  
 2    INTRODUCED BY VINCENT  
 3                    BY REQUEST OF THE CODE COMMISSIONER  
 4  
 5    A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
 6    CLARIFY LAWS RELATING TO BUSINESS AND LABOR; AMENDING  
 7    SECTIONS 30-14-702, 33-25-103, 37-8-405, 39-51-2501,  
 8    39-51-3106, AND 70-23-609, MCA; AND REPEALING SECTIONS  
 9    37-33-101 THROUGH 37-33-104, 37-33-201 THROUGH 37-33-204,  
 10    AND 37-33-301 THROUGH 37-33-312, MCA."  
 11  
 12    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 13            Section 1. Section 30-14-702, MCA, is amended to read:  
 14            "30-14-702. Application. The provisions of 30-14-701  
 15    through 30-14-704 shall apply to any person, corporation, or  
 16    other form of association now operating or which shall  
 17    hereafter operate a mining or oil enterprise, the finances  
 18    of which are derived in whole or in part from subscription  
 19    and security sales to the public, and operating within the  
 20    state of Montana. The provisions of 30-14-701 through  
 21    30-14-704 shall ~~do~~ not apply to any person, firm,  
 22    corporation, or cooperative association holding a permit in  
 23    good standing from the state ~~investment---department~~  
 24    securities commissioner or to securities listed on the New  
 25    York stock exchange, Boston stock exchange, the board of

1    trade of the city of Chicago, the Chicago stock exchange, or  
 2    the New York curb exchange."

3            Section 2. Section 33-25-103, MCA, is amended to read:  
 4            "33-25-103. Policy based on title evidence. (1) No  
 5    title insurance policy as to property in this state shall be  
 6    issued by any insurer unless based upon evidence of the  
 7    condition of title certified in writing as of the date of  
 8    the policy by some person, firm, or corporation ~~holding--a~~  
 9    ~~certificate--of--authority--issued--under--37-52-394--to--engage~~  
 10    ~~engaged~~ in the title abstracting business in the county in  
 11    which the property is located. This provision shall not  
 12    apply as to title insurance policies issued upon the basis  
 13    of an opinion of an attorney, duly authorized to practice  
 14    law in this state, as to the condition of the title  
 15    following a review by such attorney of pertinent title  
 16    records or abstracts and issued through a licensed title  
 17    insurance agent who was so licensed and was regularly  
 18    procuring title insurance policies issued upon such basis up  
 19    to January 1, 1961.

20            (2) An insurer issuing any policy in violation of this  
 21    section is estopped, as a matter of law, to deny the  
 22    validity of the policy as to any claim or demand of the  
 23    insured or assigns arising thereunder."

24            Section 3. Section 37-8-405, MCA, is amended to read:  
 25            "37-8-405. Professional nursing -- qualifications of

1 applicants for license. An applicant for a license to  
2 practice as a registered professional nurse shall submit to  
3 the department written evidence, verified by oath, that the  
4 applicant:

5 (1) has successfully completed at least an approved  
6 4-year high school course of study or the equivalent as  
7 determined by the office of the superintendent of public  
8 instruction;

9 (2) has completed the basic professional curriculum in  
10 an approved school of nursing and holds a diploma therefrom;  
11 and

12 (3) meets other qualification requirements the board,  
13 ~~acting under the professional nursing administration~~  
14 prescribes."

15 Section 4. Section 39-51-2501, MCA, is amended to  
16 read:

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

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

21 (a) begins with the third week after a week for which  
22 there is a state "on" indicator, provided that no extended  
23 benefit period may begin by reason of a state "on" indicator  
24 before the 14th week following the end of a prior extended  
25 benefit period which was in effect with respect to this

1 state; and

2 (b) ends with the third week after the first week for  
3 which there is a state "off" indicator or the 13th  
4 consecutive week of such period.

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

16 (b) Computations required by the provisions of  
17 subsection (2)(a) shall be made by the department in  
18 accordance with regulations prescribed by the U.S. secretary  
19 of labor.

20 (3) "Regular benefits" means benefits payable to an  
21 individual under this chapter or under any other state law,  
22 including benefits payable to federal civilian employees and  
23 to ex-servicemen pursuant to 5 U.S.C. chapter 85, other  
24 than extended benefits.

25 (4) "Extended benefits" means benefits, including

1 benefits payable to federal civilian employees and to  
2 ex-servicemen pursuant to 5 U.S.C. chapter 85, payable to  
3 an individual under the provisions of this part for weeks of  
4 unemployment in his eligibility period.

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

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

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

25 (b) his benefit year having expired prior to such

1 week, has no or insufficient wages on the basis of which he  
2 could establish a new benefit year that would include such  
3 week;

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

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

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

18 Section 5. Section 39-51-3106, MCA, is amended to  
19 read:

20 "39-51-3106. Child support interception of  
21 unemployment benefits. (1) For purposes of this section, the  
22 following definitions apply:

23 (a) "Unemployment compensation benefits" means any  
24 compensation benefits payable under the Montana unemployment  
25 insurance law, including amounts payable by the division

1 ~~department~~ pursuant to an agreement under any federal law  
2 providing for ~~compensation benefits~~, assistance, or  
3 allowances with respect to unemployment.

4 (b) "Child support obligations" includes only  
5 obligations that are being enforced pursuant to a plan  
6 described in Section 454 of the Social Security Act which  
7 has been approved by the secretary of health and human  
8 services under Part D of Title IV of the Social Security  
9 Act.

10 (c) "State or local child support enforcement agency"  
11 means any agency of a state or political subdivision thereof  
12 operating pursuant to a plan provided for in subsection  
13 (1)(b).

14 (2) An individual filing a new claim for unemployment  
15 ~~compensation benefits~~ shall, at the time of filing the  
16 claim, disclose whether or not he owes child support  
17 obligations. If an individual discloses that he owes child  
18 support obligations and the individual is determined to be  
19 eligible for unemployment ~~compensation benefits~~, the  
20 ~~division department~~ shall notify the state or local child  
21 support enforcement agency enforcing such obligation that  
22 the individual has been determined to be eligible for  
23 unemployment ~~compensation benefits~~.

24 (3) The ~~division department~~ shall deduct and withhold  
25 from any unemployment ~~compensation benefits~~ payable to an

1 individual owing child support obligations:

2 (a) the amount specified by the individual to the  
3 ~~division department~~ to be deducted and withheld under this  
4 subsection if neither subsection (3)(b) nor (3)(c) is  
5 applicable;

6 (b) the amount, if any, determined pursuant to an  
7 agreement submitted to the ~~division department~~ under Section  
8 454(20)(8)(i) of the Social Security Act by the state or  
9 local child support enforcement agency, unless subsection  
10 (3)(c) is applicable; or

11 (c) any amount otherwise required to be so deducted  
12 and withheld from such unemployment ~~compensation benefits~~  
13 pursuant to legal process, as that term is defined in  
14 Section 462(e) of the Social Security Act, properly served  
15 upon the ~~division department~~.

16 (4) The ~~division department~~ shall pay any amount  
17 deducted and withheld under subsection (3) to the  
18 appropriate state or local child support enforcement agency.

19 (5) Deductions may be made pursuant to this section  
20 only if appropriate arrangements have been made for  
21 reimbursement by the state or local child support  
22 enforcement agency for the administrative costs incurred by  
23 the ~~division department~~ under this section.

24 (6) Any amount deducted and withheld under subsection  
25 (3) must be treated as if it were paid to the individual as

1 unemployment compensation ~~benefits~~ and paid by such  
2 individual to the state or local child support enforcement  
3 agency in satisfaction of the individual's child support  
4 obligations."

5 Section 6. Section 70-23-609, MCA, is amended to read:

6 "70-23-609. Foreclosure on unit -- payment of rent --  
7 purchase of unit by manager. (1) In any foreclosure suit  
8 against a unit, the unit owner shall be required to pay a  
9 reasonable rental for the unit if so provided in the bylaws,  
10 and the plaintiff in such foreclosure shall be entitled to  
11 the appointment of a receiver to collect the rent.

12 (2) The manager acting on behalf of the unit owners  
13 shall have power, unless prohibited by the declaration, to  
14 bid in on the unit at the foreclosure sale and to acquire  
15 and hold, lease, mortgage, and convey the same."

16 NEW SECTION. Section 7. Repealer. Sections 37-33-101  
17 through 37-33-104, 37-33-201 through 37-33-204, and  
18 37-33-301 through 37-33-312, MCA, are repealed.

-End-

1983 Legislature  
Code Commissioner Bill - Summary

Bill House No. 14

AN ACT TO GENERALLY REVISE AND CLARIFY LAWS RELATING TO BUSINESS AND LABOR; AMENDING SECTIONS 30-14-702, 33-25-103, 37-8-405, 39-51-2501, 39-51-3106, and 70-23-609, MCA; AND REPEALING SECTIONS 37-33-101 THROUGH 37-33-104, 37-33-201 THROUGH 37-33-204, AND 37-33-301 THROUGH 37-33-312, MCA.

Title 30. Trade and Commerce

Section 1. 30-14-702. Substitutes state "securities commissioner" for state "investment department". The securities commissioner was formerly known as the investment commissioner and he headed the investment department. The section deals with securities and is clearly intended to refer to a permit from the securities commissioner.

Title 33. Insurance and Insurance Companies

Section 2. 33-25-103. Section 37-52-304, MCA, referred to in subsection (1), was repealed by sec. 195, Ch. 575, L. 1981. The reference and surrounding obsolete language are deleted. Title abstracters no longer are issued a certificate of authority.

Title 37. Professions and Occupations

Section 3. 37-8-405. Deletes language referring to the professional nursing administration. Chapter 248, L. 1981 deleted the dualistic functions of the board of nursing and the professional nursing administration. This reference was apparently left as an oversight.

Section 7. Title 37, ch. 33. Repeals the chapter relating to the board of massage therapists. The board was sunsetted by the 1981 legislature and therefore terminated on July 1, 1981, as provided for in 2-8-103, MCA. The chapter is therefore obsolete.

Title 39. Labor

Section 4. 39-51-2501. Substitutes "its" for "his" in subsection (2)(a). "His" clearly referred back to department, therefore, "its" is a more proper pronoun.

Section 5. 39-51-3106. Substitutes "benefits" for "compensation" wherever it appears in the section and "department" for "division" wherever it appears in the section. This section enacted during the first special session is inconsistent with the rest of the chapter which refers to "unemployment benefits". The change of "compensation" to "benefits" would remove the inconsistency. Chapter 349, L. 1981, abolished the "employment security division" and changed all references to it to the "department of labor". This was apparently forgotten during the special session.

#### Title 70. Property

Section 6. 70-23-609. Substitutes "bid on" for "bid in" in subsection (2) which was an apparent typographical error.



Approved by Committee  
on Business and Industry

1 *House* JOINT RESOLUTION NO. 14  
2 INTRODUCED BY *Connelly, HARR, Lybeck, J. Brown, Koenigke*  
3 *Kados, Stella, J. Hunter, Melcay, M. Hart, Vahl, Denny*  
4 JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
5 REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED  
6 STATES CONGRESS TO ENACT LEGISLATION THAT PROVIDES FOR  
7 ANNUAL BUDGET REVIEW OF THE BONNEVILLE POWER ADMINISTRATION  
8 BY THE PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION  
9 PLANNING COUNCIL. *Blaylock, Norman, Becken*  
10 *Williams, Pack, Richard, Manning, LaCage, Maynard, Hobbins, Hester*  
11 WHEREAS, the Bonneville Power Administration is a  
12 federal power marketing agency with substantial influence in  
13 the Pacific Northwest and particularly in the State of  
14 Montana; and  
15 WHEREAS, Congress has heretofore granted the Bonneville  
16 Power Administration considerable freedom from the  
17 strictness of the authorization and budget processes; and  
18 WHEREAS, there is a lack of sufficient independent  
19 information available about the Bonneville Power  
20 Administration's allocation of the funds it collects from  
21 the ratepayers of Montana, Idaho, Oregon, and Washington;  
22 and  
23 WHEREAS, the Bonneville Power Administration must be  
24 more responsible to the citizens and state and local  
25 governments in the Pacific Northwest region.

1  
2 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
3 OF REPRESENTATIVES OF THE STATE OF MONTANA:  
4 That the Congress of the United States is most  
5 earnestly requested to enact the bill introduced by Montana  
6 Senator Max Baucus creating the Bonneville Power  
7 Administration Regional Accountability Act of 1982, amending  
8 16 U.S.C. 832, et seq., which provides for annual budget  
9 review by the Pacific Northwest Electric Power and  
10 Conservation Planning Council; and  
11 BE IT FURTHER RESOLVED, that the Secretary of State  
12 send copies of this resolution to the President of the  
13 United States, Governor Ted Schwinden, and to each member of  
14 the Congress of the United States.

-End-

SECOND READING

-2-

HJR - 14

1                    HOUSE      BILL NO. 14  
 2    INTRODUCED BY VINCENT  
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 5    A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
 6    CLARIFY LAWS RELATING TO BUSINESS AND LABOR; AMENDING  
 7    SECTIONS 30-14-702, 33-25-103, 37-8-405, 39-51-2501,  
 8    39-51-3106, AND 70-23-609, MCA; AND REPEALING SECTIONS  
 9    37-33-101 THROUGH 37-33-104, 37-33-201 THROUGH 37-33-204,  
 10    AND 37-33-301 THROUGH 37-33-312, MCA."  
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 12    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 13            Section 1. Section 30-14-702, MCA, is amended to read:  
 14            "30-14-702. Application. The provisions of 30-14-701  
 15    through 30-14-704 shall apply to any person, corporation, or  
 16    other form of association now operating or which shall  
 17    hereafter operate a mining or oil enterprise, the finances  
 18    of which are derived in whole or in part from subscription  
 19    and security sales to the public, and operating within the  
 20    state of Montana. The provisions of 30-14-701 through  
 21    30-14-704 shall ~~do~~ not apply to any person, firm,  
 22    corporation, or cooperative association holding a permit in  
 23    good standing from the state ~~investment--department~~  
 24    ~~securities commissioner~~ or to securities listed on the New  
 25    York stock exchange, Boston stock exchange, the board of

1    trade of the city of Chicago, the Chicago stock exchange, or  
 2    the New York curb exchange."  
 3            Section 2. Section 33-25-103, MCA, is amended to read:  
 4            "33-25-103. Policy based on title evidence. (1) No  
 5    title insurance policy as to property in this state shall be  
 6    issued by any insurer unless based upon evidence of the  
 7    condition of title certified in writing as of the date of  
 8    the policy by some person, firm, or corporation ~~holding--a~~  
 9    ~~certificate--of--authority--issued-under-37-52-304--to--engage~~  
 10    ~~engaged~~ in the title abstracting business in the county in  
 11    which the property is located. This provision shall not  
 12    apply as to title insurance policies issued upon the basis  
 13    of an opinion of an attorney, duly authorized to practice  
 14    law in this state, as to the condition of the title  
 15    following a review by such attorney of pertinent title  
 16    records or abstracts and issued through a licensed title  
 17    insurance agent who was so licensed and was regularly  
 18    procuring title insurance policies issued upon such basis up  
 19    to January 1, 1961.  
 20            (2) An insurer issuing any policy in violation of this  
 21    section is estopped, as a matter of law, to deny the  
 22    validity of the policy as to any claim or demand of the  
 23    insured or assigns arising thereunder."

24            Section 3. Section 37-8-405, MCA, is amended to read:  
 25            "37-8-405. Professional nursing -- qualifications of

CONSENT CALENDAR

1 applicants for license. An applicant for a license to  
2 practice as a registered professional nurse shall submit to  
3 the department written evidence, verified by oath, that the  
4 applicant:

5 (1) has successfully completed at least an approved  
6 4-year high school course of study or the equivalent as  
7 determined by the office of the superintendent of public  
8 instruction;

9 (2) has completed the basic professional curriculum in  
10 an approved school of nursing and holds a diploma therefrom;  
11 and

12 (3) meets other qualification requirements the board,  
13 ~~acting under the professional nursing administration,~~  
14 prescribes."

15 Section 4. Section 39-51-2501, MCA, is amended to  
16 read:

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

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

21 (a) begins with the third week after a week for which  
22 there is a state "on" indicator, provided that no extended  
23 benefit period may begin by reason of a state "on" indicator  
24 before the 14th week following the end of a prior extended  
25 benefit period which was in effect with respect to this

1 state; and

2 (b) ends with the third week after the first week for  
3 which there is a state "off" indicator or the 13th  
4 consecutive week of such period.

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

16 (b) Computations required by the provisions of  
17 subsection (2)(a) shall be made by the department in  
18 accordance with regulations prescribed by the U.S. secretary  
19 of labor.

20 (3) "Regular benefits" means benefits payable to an  
21 individual under this chapter or under any other state law,  
22 including benefits payable to federal civilian employees and  
23 to ex-servicemen pursuant to 5 U.S.C. chapter 85, other  
24 than extended benefits.

25 (4) "Extended benefits" means benefits, including

1 benefits payable to federal civilian employees and to  
2 ex-servicemen pursuant to 5 U.S.C. chapter 85, payable to  
3 an individual under the provisions of this part for weeks of  
4 unemployment in his eligibility period.

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

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

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

25 (b) his benefit year having expired prior to such

1 week, has no or insufficient wages on the basis of which he  
2 could establish a new benefit year that would include such  
3 week;

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

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

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

18 Section 5. Section 39-51-3106, MCA, is amended to  
19 read:

20 "39-51-3106. Child support interception of  
21 unemployment benefits. (1) For purposes of this section, the  
22 following definitions apply:

23 (a) "Unemployment compensation benefits" means any  
24 compensation benefits payable under the Montana unemployment  
25 insurance law, including amounts payable by the division

1 ~~department~~ pursuant to an agreement under any federal law  
2 providing for ~~compensation~~ benefits, assistance, or  
3 allowances with respect to unemployment.

4 (b) "Child support obligations" includes only  
5 obligations that are being enforced pursuant to a plan  
6 described in Section 454 of the Social Security Act which  
7 has been approved by the secretary of health and human  
8 services under Part D of Title IV of the Social Security  
9 Act.

10 (c) "State or local child support enforcement agency"  
11 means any agency of a state or political subdivision thereof  
12 operating pursuant to a plan provided for in subsection  
13 (1)(b).

14 (2) An individual filing a new claim for unemployment  
15 ~~compensation~~ benefits shall, at the time of filing the  
16 claim, disclose whether or not he owes child support  
17 obligations. If an individual discloses that he owes child  
18 support obligations and the individual is determined to be  
19 eligible for unemployment ~~compensation~~ benefits, the  
20 ~~division department~~ shall notify the state or local child  
21 support enforcement agency enforcing such obligation that  
22 the individual has been determined to be eligible for  
23 unemployment ~~compensation~~ benefits.

24 (3) The ~~division department~~ shall deduct and withhold  
25 from any unemployment ~~compensation~~ benefits payable to an

1 individual owing child support obligations:

2 (a) the amount specified by the individual to the  
3 ~~division department~~ to be deducted and withheld under this  
4 subsection if neither subsection (3)(b) nor (3)(c) is  
5 applicable;

6 (b) the amount, if any, determined pursuant to an  
7 agreement submitted to the ~~division department~~ under Section  
8 454(20)(B)(i) of the Social Security Act by the state or  
9 local child support enforcement agency, unless subsection  
10 (3)(c) is applicable; or

11 (c) any amount otherwise required to be so deducted  
12 and withheld from such unemployment ~~compensation~~ benefits  
13 pursuant to legal process, as that term is defined in  
14 Section 462(e) of the Social Security Act, properly served  
15 upon the ~~division department~~.

16 (4) The ~~division department~~ shall pay any amount  
17 deducted and withheld under subsection (3) to the  
18 appropriate state or local child support enforcement agency.

19 (5) Deductions may be made pursuant to this section  
20 only if appropriate arrangements have been made for  
21 reimbursement by the state or local child support  
22 enforcement agency for the administrative costs incurred by  
23 the ~~division department~~ under this section.

24 (6) Any amount deducted and withheld under subsection  
25 (3) must be treated as if it were paid to the individual as

1 unemployment compensation benefits and paid by such  
2 individual to the state or local child support enforcement  
3 agency in satisfaction of the individual's child support  
4 obligations."

5 Section 6. Section 70-23-609, MCA, is amended to read:

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9 reasonable rental for the unit if so provided in the bylaws,  
10 and the plaintiff in such foreclosure shall be entitled to  
11 the appointment of a receiver to collect the rent.

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13 shall have power, unless prohibited by the declaration, to  
14 bid in on the unit at the foreclosure sale and to acquire  
15 and hold, lease, mortgage, and convey the same."

16 NEW SECTION. Section 7. Repealer. Sections 37-33-101  
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18 37-33-301 through 37-33-312, MCA, are repealed.

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2 INTRODUCED BY VINCENT

3 BY REQUEST OF THE CODE COMMISSIONER

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
6 CLARIFY LAWS RELATING TO BUSINESS AND LABOR; AMENDING  
7 SECTIONS 30-14-702, 33-25-103, 37-8-405, 39-51-2501,  
8 39-51-3106, AND 70-23-609, MCA; AND REPEALING SECTIONS  
9 37-33-101 THROUGH 37-33-104, 37-33-201 THROUGH 37-33-204,  
10 AND 37-33-301 THROUGH 37-33-312, MCA."

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

13 Section 1. Section 30-14-702, MCA, is amended to read:

14 "30-14-702. Application. The provisions of 30-14-701  
15 through 30-14-704 shall apply to any person, corporation, or  
16 other form of association now operating or which shall  
17 hereafter operate a mining or oil enterprise, the finances  
18 of which are derived in whole or in part from subscription  
19 and security sales to the public, and operating within the  
20 state of Montana. The provisions of 30-14-701 through  
21 30-14-704 ~~shall do~~ not apply to any person, firm,  
22 corporation, or cooperative association holding a permit in  
23 good standing from the state ~~investment---~~department  
24 ~~securities commissioner~~ or to securities listed on the New  
25 York stock exchange, Boston stock exchange, the board of

1 trade of the city of Chicago, the Chicago stock exchange, or  
2 the New York curb exchange."

3 Section 2. Section 33-25-103, MCA, is amended to read:

4 "33-25-103. Policy based on title evidence. (1) No  
5 title insurance policy as to property in this state shall be  
6 issued by any insurer unless based upon evidence of the  
7 condition of title certified in writing as of the date of  
8 the policy by some person, firm, or corporation ~~holding--a~~  
9 ~~certificate--of--authority--issued--under--37-52-304--to--engage~~  
10 ~~engaged~~ in the title abstracting business in the county in  
11 which the property is located. This provision shall not  
12 apply as to title insurance policies issued upon the basis  
13 of an opinion of an attorney, duly authorized to practice  
14 law in this state, as to the condition of the title  
15 following a review by such attorney of pertinent title  
16 records or abstracts and issued through a licensed title  
17 insurance agent who was so licensed and was regularly  
18 procuring title insurance policies issued upon such basis up  
19 to January 1, 1961.

20 (2) An insurer issuing any policy in violation of this  
21 section is estopped, as a matter of law, to deny the  
22 validity of the policy as to any claim or demand of the  
23 insured or assigns arising thereunder."

24 Section 3. Section 37-8-405, MCA, is amended to read:

25 "37-8-405. Professional nursing -- qualifications of

1 applicants for license. An applicant for a license to  
2 practice as a registered professional nurse shall submit to  
3 the department written evidence, verified by oath, that the  
4 applicant:

5 (1) has successfully completed at least an approved  
6 4-year high school course of study or the equivalent as  
7 determined by the office of the superintendent of public  
8 instruction;

9 (2) has completed the basic professional curriculum in  
10 an approved school of nursing and holds a diploma therefrom;  
11 and

12 (3) meets other qualification requirements the board  
13 ~~acting under the professional nursing administration~~  
14 prescribes."

15 Section 4. Section 39-51-2501, MCA, is amended to  
16 read:

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

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

21 (a) begins with the third week after a week for which  
22 there is a state "on" indicator, provided that no extended  
23 benefit period may begin by reason of a state "on" indicator  
24 before the 14th week following the end of a prior extended  
25 benefit period which was in effect with respect to this

1 state; and

2 (b) ends with the third week after the first week for  
3 which there is a state "off" indicator or the 13th  
4 consecutive week of such period.

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

16 (b) Computations required by the provisions of  
17 subsection (2)(a) shall be made by the department in  
18 accordance with regulations prescribed by the U.S. secretary  
19 of labor.

20 (3) "Regular benefits" means benefits payable to an  
21 individual under this chapter or under any other state law,  
22 including benefits payable to federal civilian employees and  
23 to ex-servicemen pursuant to 5 U.S.C. chapter 85, other  
24 than extended benefits.

25 (4) "Extended benefits" means benefits, including



benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85, payable to an individual under the provisions of this part for weeks of unemployment in his eligibility period.

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

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

(a) has received, prior to such week, all of the regular benefits that were available to him under this chapter or any other state law, including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85, in his current benefit year that includes such week; provided, that for the purposes of this subsection, an individual shall be deemed to have received all of the regular benefits that were available to him although, as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits;

(b) his benefit year having expired prior to such

week, has no or insufficient wages on the basis of which he could establish a new benefit year that would include such week;

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

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

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

Section 5. Section 39-51-3106, MCA, is amended to read:

"39-51-3106. Child support interception of unemployment benefits. (1) For purposes of this section, the following definitions apply:

(a) "Unemployment compensation ~~benefits~~" means any compensation ~~benefits~~ payable under the Montana unemployment insurance law, including amounts payable by the division

1 ~~department~~ pursuant to an agreement under any federal law  
2 providing for ~~compensation~~ benefits, assistance, or  
3 allowances with respect to unemployment.

4 (b) "Child support obligations" includes only  
5 obligations that are being enforced pursuant to a plan  
6 described in Section 454 of the Social Security Act which  
7 has been approved by the secretary of health and human  
8 services under Part D of Title IV of the Social Security  
9 Act.

10 (c) "State or local child support enforcement agency"  
11 means any agency of a state or political subdivision thereof  
12 operating pursuant to a plan provided for in subsection  
13 (1)(b).

14 (2) An individual filing a new claim for unemployment  
15 ~~compensation~~ benefits shall, at the time of filing the  
16 claim, disclose whether or not he owes child support  
17 obligations. If an individual discloses that he owes child  
18 support obligations and the individual is determined to be  
19 eligible for unemployment ~~compensation~~ benefits, the  
20 ~~division~~ department shall notify the state or local child  
21 support enforcement agency enforcing such obligation that  
22 the individual has been determined to be eligible for  
23 unemployment ~~compensation~~ benefits.

24 (3) The ~~division~~ department shall deduct and withhold  
25 from any unemployment ~~compensation~~ benefits payable to an

1 individual owing child support obligations:

2 (a) the amount specified by the individual to the  
3 ~~division~~ department to be deducted and withheld under this  
4 subsection if neither subsection (3)(b) nor (3)(c) is  
5 applicable;

6 (b) the amount, if any, determined pursuant to an  
7 agreement submitted to the ~~division~~ department under Section  
8 454(20)(B)(i) of the Social Security Act by the state or  
9 local child support enforcement agency, unless subsection  
10 (3)(c) is applicable; or

11 (c) any amount otherwise required to be so deducted  
12 and withheld from such unemployment ~~compensation~~ benefits  
13 pursuant to legal process, as that term is defined in  
14 Section 462(e) of the Social Security Act, properly served  
15 upon the ~~division~~ department.

16 (4) The ~~division~~ department shall pay any amount  
17 deducted and withheld under subsection (3) to the  
18 appropriate state or local child support enforcement agency.

19 (5) Deductions may be made pursuant to this section  
20 only if appropriate arrangements have been made for  
21 reimbursement by the state or local child support  
22 enforcement agency for the administrative costs incurred by  
23 the ~~division~~ department under this section.

24 (6) Any amount deducted and withheld under subsection  
25 (3) must be treated as if it were paid to the individual as

1 unemployment ~~compensation~~ ~~benefits~~ and paid by such  
2 individual to the state or local child support enforcement  
3 agency in satisfaction of the individual's child support  
4 obligations."

5 Section 6. Section 70-23-609, MCA, is amended to read:

6 "70-23-609. Foreclosure on unit -- payment of rent --  
7 purchase of unit by manager. (1) In any foreclosure suit  
8 against a unit, the unit owner shall be required to pay a  
9 reasonable rental for the unit if so provided in the bylaws,  
10 and the plaintiff in such foreclosure shall be entitled to  
11 the appointment of a receiver to collect the rent.

12 (2) The manager acting on behalf of the unit owners  
13 shall have power, unless prohibited by the declaration, to  
14 bid ~~in~~ ~~on~~ the unit at the foreclosure sale and to acquire  
15 and hold, lease, mortgage, and convey the same."

16 ~~NEW SECTION.~~ Section 7. Repealer. Sections 37-33-101  
17 through 37-33-104, 37-33-201 through 37-33-204, and  
18 37-33-301 through 37-33-312, MCA, are repealed.

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