

HOUSE BILL NO. 142

INTRODUCED BY HARPER

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

IN THE HOUSE

January 10, 1983	Introduced and referred to Committee on Labor and Employment Relations.
January 18, 1983	Committee recommend bill do pass. Report adopted.  Bill printed and placed on members' desks.
January 19, 1983	On motion rules suspended and bill placed on second reading this day.  Second reading, do pass.
January 20, 1983	Considered correctly engrossed.
January 22, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 24, 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, 48; Noes, 0.

**IN THE HOUSE**

**March 8, 1983**

**Returned to House.**

**March 9, 1983**

**Sent to enrolling.**

**Reported correctly  
enrolled.**

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2 INTRODUCED BY Hayes  
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4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE PROVISION  
6 OF 50-PERCENT REDUCTION FOR THE AMOUNT OF PENSION RECEIVED  
7 IN CALCULATING UNEMPLOYMENT COMPENSATION TO A PROPORTIONATE  
8 AMOUNT WHERE THE CLAIMANT HAS CONTRIBUTED IN PART TO THE  
9 PENSION; AMENDING SECTION 39-51-2203, MCA."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 39-51-2203, MCA, is amended to  
13 read:

14 "39-51-2203. Reduction of benefits because of amounts  
15 received from certain other sources. (1) Claimant's weekly  
16 benefit amount shall be reduced by the amount that he is  
17 receiving from a governmental or other pension, retirement  
18 pay, annuity, or other similar periodic payment which is  
19 based on work for and contributed to in whole or in part by  
20 a base-period employer. ~~If a claimant is receiving payments~~  
21 ~~under the federal Social Security Act or the federal~~  
22 ~~Railroad Retirement Act or from a pension to which he has~~  
23 ~~contributed in part, his weekly benefit amount must be~~  
24 ~~reduced by 50% of the amount that he is receiving from such~~  
25 ~~payments. However, the amount by which weekly benefits are~~

1 ~~to be reduced shall be determined by the ratio of the~~  
2 ~~employer's contributions to the fund from which the payment~~  
3 ~~is made so that the claimant will receive credit only for~~  
4 ~~the proportion of his contributions to that fund.~~

5 (2) However, if the service performed for the  
6 base-period employer does not affect either the eligibility  
7 for or the amount of the pension or other type of retirement  
8 benefit received from the plan maintained or contributed to  
9 by the base-period employer, the reduction requirement of  
10 subsection (1) does not apply.

11 (3) The exception in subsection (2) is not applicable  
12 to the receipt of social security and/or railroad retirement  
13 benefits.

14 (4) For the purposes of subsection (1), the division  
15 shall, by rule, adopt minimum federal offset requirements as  
16 imposed by the federal Employee Retirement Income Security  
17 Act of 1974, P.L. 94-566, as amended in 1980 by P.L. 96-364,  
18 and as may be amended after March 11, 1981."

-End-

INTRODUCED BILL

AB 142

Approved by Committee  
on Labor & Employment  
Relations

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-End-

SECOND READING

1 House BILL NO. 142  
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-End-

THIRD READING  
-2- AB 142

HOUSE BILL NO. 142

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A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE PROVISION OF 50-PERCENT REDUCTION FOR THE AMOUNT OF PENSION RECEIVED IN CALCULATING UNEMPLOYMENT COMPENSATION TO A PROPORTIONATE AMOUNT WHERE THE CLAIMANT HAS CONTRIBUTED IN PART TO THE PENSION; AMENDING SECTION 39-51-2203, MCA."

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~~to be reduced shall be determined by the ratio of the employer's contributions to the fund from which the payment is made so that the claimant will receive credit only for the proportion of his contributions to that fund.~~

(2) However, if the service performed for the base-period employer does not affect either the eligibility for or the amount of the pension or other type of retirement benefit received from the plan maintained or contributed to by the base-period employer, the reduction requirement of subsection (1) does not apply.

(3) The exception in subsection (2) is not applicable to the receipt of social security and/or railroad retirement benefits.

(4) For the purposes of subsection (1), the division shall, by rule, adopt minimum federal offset requirements as imposed by the federal Employee Retirement Income Security Act of 1974, P.L. 94-566, as amended in 1980 by P.L. 96-364, and as may be amended after March 11, 1981."

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