

HOUSE BILL NO. 301

INTRODUCED BY HARPER

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

IN THE HOUSE

January 18, 1983	Introduced and referred to Committee on Labor and Employment Relations.
January 25, 1983	Committee recommend bill do pass. Report adopted.
January 26, 1983	Bill printed and placed on members' desks.
January 27, 1983	Second reading, do pass.
January 28, 1983	Considered correctly engrossed.
January 29, 1983	Third reading, do pass.

IN THE SENATE

January 31, 1983	Introduced and referred to Committee on Labor and Employment Relations
March 15, 1983	Committee recommend bill be concurred in. Report adopted.
March 17, 1983	Second reading, concurred in.
March 19, 1983	Third reading, concurred in. Ayes, 50; Noes, 0.

IN THE HOUSE

March 19, 1983	Returned to House.
March 21, 1983	Sent to enrolling.
	Reported correctly enrolled.

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 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO COMPLY WITH FEDERAL  
 6 REQUIREMENTS FOR DISQUALIFICATION FOR FAILING TO SEEK WORK  
 7 AND TO PROVIDE FOR FEDERAL MINIMUM DISQUALIFICATIONS IN THE  
 8 CASE OF EXTENDED BENEFITS; AMENDING SECTION 39-51-2508,  
 9 MCA."

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

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

14 "39-51-2508. Eligibility requirements for extended  
 15 benefits -- disqualifications -- acceptance of suitable  
 16 work. (1) An individual shall be eligible to receive  
 17 extended benefits with respect to any week of unemployment  
 18 in this eligibility period only if the department finds that  
 19 with respect to such week:

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

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

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

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

19 ~~(3) A regular benefit claimant who is disqualified for~~  
 20 ~~gross misconduct under 39-51-2303(2) may not be paid~~  
 21 ~~extended benefits unless he has earned at least eight times~~  
 22 ~~the weekly benefit amount after the date of such~~  
 23 ~~disqualification.~~

24 ~~(4) A regular benefit claimant who voluntarily leaves~~  
 25 ~~work to attend school and, pursuant to 39-51-2302(3),~~

1 ~~requalifies for regular benefits may not be paid extended~~  
2 ~~benefits unless he has earned at least six times the weekly~~  
3 ~~benefit amount.~~

4 (3)(2) For the purposes of subsection (2) determining  
5 ~~eligibility for extended benefits~~, the department shall, by  
6 rule, define the term "suitable work". Such definition shall  
7 be in accordance with the definition required by the Omnibus  
8 Reconciliation Act of 1980, P.L. 96-499, and as may be  
9 amended after March 19, 1981."

-End-

Approved by Committee  
on Labor & Employment  
Relations

*House* BILL NO. *301*  
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A BILL FOR AN ACT ENTITLED: "AN ACT TO COMPLY WITH FEDERAL  
REQUIREMENTS FOR DISQUALIFICATION FOR FAILING TO SEEK WORK  
AND TO PROVIDE FOR FEDERAL MINIMUM DISQUALIFICATIONS IN THE  
CASE OF EXTENDED BENEFITS; AMENDING SECTION 39-51-2508,  
MCA."

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

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

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benefits -- disqualifications -- acceptance of suitable  
work. (1) An individual shall be eligible to receive  
extended benefits with respect to any week of unemployment  
in this eligibility period only if the department finds that  
with respect to such week:

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

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

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

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~~(3) A regular benefit claimant who is disqualified for~~  
~~gross misconduct under 39-51-2303(2) may not be paid~~  
~~extended benefits unless he has earned at least eight times~~  
~~the weekly benefit amount after the date of such~~  
~~disqualification.~~

~~(4) A regular benefit claimant who voluntarily leaves~~  
~~work to attend school and pursuant to 39-51-2302(3),~~

SECOND READING

*Am 301*

1 ~~requalifies for regular benefits may not be paid extended~~  
2 ~~benefits unless he has earned at least six times the weekly~~  
3 ~~benefit amount.~~

4       ~~(3)(7)~~ For the purposes of ~~subsection (2)~~ determining  
5 eligibility for extended benefits, the department shall, by  
6 rule, define the term "suitable work". Such definition shall  
7 be in accordance with the definition required by the Omnibus  
8 Reconciliation Act of 1980, P.L. 96-499, and as may be  
9 amended after March 19, 1981."

-End-

## STATE OF MONTANA

REQUEST NO. 156-83

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 22, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 301 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 301 removes the four-week reduction in benefits for extended benefit claimants disqualified for failing to seek and accept available work.

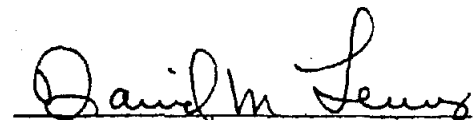
ASSUMPTIONS:

- 1) Assume 144 EB claimants disqualified per year for a 13-week EB period in FY 84 & FY 85.
- 2) Assume 12.2% of EB claimants disqualified -- requalify for benefits and have a 4-week reduction in benefits under law. Proposed law would eliminate 4-week reduction.
- 3) Assume average weekly benefit amounts of: FY 84 = \$138 FY 85 = \$151
- 4) Assume state trust fund cost of extended benefits equals 100% of 1st week payments and 50% of subsequent payments.
- 5) Assume EB triggers on for a 13-week period in FY 84 and again in FY 85.
- 6) 18 claimants requalify for benefits.

FISCAL IMPACT:

Additional expenditures for extended benefits from UI Trust Fund in FY 84 = \$6,210 and FY 85 = \$6,795.

FISCAL NOTE 7:W/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-25-83

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 23 disqualified, he satisfies the requirements for  
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 25 ~~(2), and (4) of 39-51-2504 do not apply to this section; and~~

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 22 ~~the weekly benefit amount after the date of such~~  
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24 (4) ~~A regular benefit claimant who voluntarily leaves~~  
 25 ~~work to attend school and pursuant to 39-51-2302(a)~~

H.B. 301

1 ~~requester for regular benefits may not be paid extended~~  
 2 ~~benefits unless he has earned at least six times the weekly~~  
 3 ~~benefit amount.~~

4 ~~(b)(1)~~ For the purposes of subsection (2) ~~determining~~  
 5 ~~eligibility for extended benefits~~, the department shall, by  
 6 rule, define the term "suitable work". Such definition shall  
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(b) he is not disqualified for the receipt of regular benefits pursuant to part 23 of this chapter and, if he is disqualified, he satisfies the requirements for requalification in that part; ~~except that subsections (2) and (3) of 39-51-2304 do not apply to this section; and~~

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

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

(3) A regular benefit claimant who is disqualified for gross misconduct under 39-51-2303(2) may not be paid extended benefits unless he has earned at least eight times the weekly benefit amount after the date of such disqualification.

(4) A regular benefit claimant who voluntarily leaves work to attend school and, pursuant to 39-51-2302(3),

1 ~~requalifies for regular benefits may not be paid extended~~  
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4       ~~(3)(5)~~ For the purposes of ~~subsection (2)~~ determining  
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