

HOUSE BILL NO. 455

INTRODUCED BY DRISCOLL, HEMSTAD, DOZIER

IN THE HOUSE

January 22, 1983	Introduced and referred to Committee on Labor and Employment Relations.
February 8, 1983	Committee recommend bill do pass. Report adopted.
February 9, 1983	Bill printed and placed on members' desks.
February 10, 1983	Second reading, do pass.
February 11, 1983	Considered correctly engrossed.
February 12, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 12, 1983	Introduced and referred to Committee on Labor and Employment Relations.
March 19, 1983	Committee recommend bill be concurred in. Report adopted.
March 21, 1983	Second reading, concurred in.
March 23, 1983	Third reading, concurred in. Ayes, 50; Noes, 0.

IN THE HOUSE

March 23, 1983

Returned to House.

March 24, 1983

Sent to enrolling.

Reported correctly enrolled.

FIRST READING

MISSING

STATE OF MONTANA

REQUEST NO. 235-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 25, 19 83, there is hereby submitted a Fiscal Note for HB 455 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

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 455 excludes the reporting of wages under the unemployment compact for any services performed by a child under the age of 21 working for his father or mother.

FISCAL IMPACT:

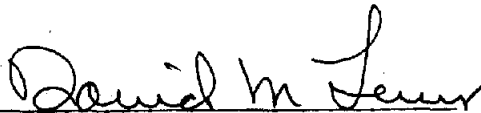
Appears to be minimal.

COMMENTS:

This bill will exempt additional wages to children working for their parents from age 18 (current law) to age 21 (proposed law). Those additional wages would be exempted from unemployment insurance tax. The amount of wages affected should be minimal.

However, the Unemployment Insurance Division does not collect any information on the number of individuals who would be exempted under proposed law and has no reliable estimates on the specific amount of wages which would be exempted.

FISCAL NOTE 8/T/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-31-83

Approved by Committee
on Labor & Employment
Relations

1 *House* BILL NO. *455*
2 INTRODUCED BY *Driscoll Senator Doz*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE AGE
5 LIMIT FOR PURPOSES OF THE CHILD SERVICES EXCLUSION FROM THE
6 DEFINITION OF EMPLOYMENT IN THE UNEMPLOYMENT COMPENSATION
7 LAW; AMENDING SECTION 39-51-204, MCA."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 Section 1. Section 39-51-204, MCA, is amended to read:
11 "39-51-204. Exclusions from definition of employment.
12 (1) The term "employment" does not include:
13 (a) agricultural labor, except as provided in
14 39-51-203(8);
15 (b) domestic service in a private home, local college
16 club, or local chapter of a college fraternity or sorority,
17 except as provided in 39-51-203(9);
18 (c) service performed as an officer or member of the
19 crew of a vessel on the navigable waters of the United
20 States;
21 (d) service performed by an individual in the employ
22 of his son, daughter, or spouse and service performed by a
23 child under the age of ~~18~~ 21 in the employ of his father or
24 mother;
25 (e) service performed in the employ of any other state

1 or its political subdivisions or of the United States
2 government or of an instrumentality of any other state or
3 states or their political subdivisions or of the United
4 States, except that national banks organized under the
5 national banking law shall not be entitled to exemption
6 under this subsection and shall be subject to this chapter
7 the same as state banks, provided that such service is
8 excluded from employment as defined in the Federal
9 Unemployment Tax Act by section 3306(c)(7) of that act;
10 (f) service with respect to which unemployment
11 insurance is payable under an unemployment insurance system
12 established by an act of congress, provided that the
13 department must enter into agreements with the proper
14 agencies under such act of congress, which agreements shall
15 become effective in the manner prescribed in the Montana
16 Administrative Procedure Act for the adoption of rules, to
17 provide reciprocal treatment to individuals who have, after
18 acquiring potential rights to benefits under this chapter,
19 acquired rights to unemployment insurance under such act of
20 congress or who have, after acquiring potential rights to
21 unemployment insurance under such act of congress, acquired
22 rights to benefits under this chapter;
23 (g) services performed in the delivery and
24 distribution of newspapers or shopping news from house to
25 house and business establishments by an individual under the

1 age of 18 years, but not including the delivery or
2 distribution to any point or points for subsequent delivery
3 or distribution;

4 (h) services performed by real estate, securities, and
5 insurance salesmen paid solely by commissions and without
6 guarantee of minimum earnings;

7 (i) service performed in the employ of a school,
8 college, or university if such service is performed by a
9 student who is enrolled and is regularly attending classes
10 at such school, college, or university or by the spouse of
11 such a student if such spouse is advised, at the time such
12 spouse commences to perform such service, that the
13 employment of such spouse to perform such service is
14 provided under a program to provide financial assistance to
15 such student by such school, college, or university and such
16 employment will not be covered by any program of
17 unemployment insurance;

18 (j) service performed by an individual under the age
19 of 22 who is enrolled at a nonprofit or public educational
20 institution, which normally maintains a regular faculty and
21 curriculum and normally has a regularly organized body of
22 students in attendance at the place where its educational
23 activities are carried on, as a student in a full-time
24 program taken for credit at such institution which combines
25 academic instruction with work experience if such service is

1 an integral part of such program and such institution has so
2 certified to the employer, except that this subsection shall
3 not apply to service performed in a program established for
4 or on behalf of an employer or group of employers;

5 (k) service performed in the employ of a hospital if
6 such service is performed by a patient of the hospital;

7 (l) casual labor not in the course of an employer's
8 trade or business performed in any calendar quarter, unless
9 the cash remuneration paid for such service is \$50 or more
10 and such service is performed by an individual who is
11 regularly employed by such employer to perform such service.

12 (2) "Employment" does not include elected public
13 officials.

14 (3) For the purposes of 39-51-203(6), the term
15 "employment" does not apply to service performed:

16 (a) in the employ of a church or convention or
17 association of churches or an organization which is operated
18 primarily for religious purposes and which is operated,
19 supervised, controlled, or principally supported by a church
20 or convention or association of churches;

21 (b) by a duly ordained, commissioned, or licensed
22 minister of a church in the exercise of his ministry or by a
23 member of a religious order in the exercise of duties
24 required by such order;

25 (c) in the employ of a school which is not an

1 institution of higher education, prior to December 31, 1977;
2 (d) in a facility conducted for the purpose of
3 carrying out a program of rehabilitation for individuals
4 whose earning capacity is impaired by age or physical or
5 mental deficiency or injury or providing remunerative work
6 for individuals who, because of their impaired physical or
7 mental capacity, cannot be readily absorbed in the
8 competitive labor market by an individual receiving such
9 rehabilitation or remunerative work;
10 (e) as part of an unemployment work-relief or
11 work-training program assisted or financed in whole or in
12 part by a federal agency or any agency of a state or
13 political subdivision thereof by an individual receiving
14 such work relief or work training; or
15 (f) for a state prison or other state correctional or
16 custodial institution by an inmate of that institution."

-End-

1 *House* BILL NO. *455*
2 INTRODUCED BY *Driscoll* *Senator* *Doy*
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5 LIMIT FOR PURPOSES OF THE CHILD SERVICES EXCLUSION FROM THE
6 DEFINITION OF EMPLOYMENT IN THE UNEMPLOYMENT COMPENSATION
7 LAW; AMENDING SECTION 39-51-204, MCA."
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14 39-51-203(8);
15 (b) domestic service in a private home, local college
16 club, or local chapter of a college fraternity or sorority,
17 except as provided in 39-51-203(9);
18 (c) service performed as an officer or member of the
19 crew of a vessel on the navigable waters of the United
20 States;
21 (d) service performed by an individual in the employ
22 of his son, daughter, or spouse and service performed by a
23 child under the age of ~~18~~ 21 in the employ of his father or
24 mother;
25 (e) service performed in the employ of any other state

1 or its political subdivisions or of the United States
2 government or of an instrumentality of any other state or
3 states or their political subdivisions or of the United
4 States, except that national banks organized under the
5 national banking law shall not be entitled to exemption
6 under this subsection and shall be subject to this chapter
7 the same as state banks, provided that such service is
8 excluded from employment as defined in the Federal
9 Unemployment Tax Act by section 3306(c)(7) of that act;
10 (f) service with respect to which unemployment
11 insurance is payable under an unemployment insurance system
12 established by an act of congress, provided that the
13 department must enter into agreements with the proper
14 agencies under such act of congress, which agreements shall
15 become effective in the manner prescribed in the Montana
16 Administrative Procedure Act for the adoption of rules, to
17 provide reciprocal treatment to individuals who have, after
18 acquiring potential rights to benefits under this chapter,
19 acquired rights to unemployment insurance under such act of
20 congress or who have, after acquiring potential rights to
21 unemployment insurance under such act of congress, acquired
22 rights to benefits under this chapter;
23 (g) services performed in the delivery and
24 distribution of newspapers or snopping news from house to
25 house and business establishments by an individual under the

1 age of 18 years, but not including the delivery or
2 distribution to any point or points for subsequent delivery
3 or distribution;

4 (h) services performed by real estate, securities, and
5 insurance salesmen paid solely by commissions and without
6 guarantee of minimum earnings;

7 (i) service performed in the employ of a school,
8 college, or university if such service is performed by a
9 student who is enrolled and is regularly attending classes
10 at such school, college, or university or by the spouse of
11 such a student if such spouse is advised, at the time such
12 spouse commences to perform such service, that the
13 employment of such spouse to perform such service is
14 provided under a program to provide financial assistance to
15 such student by such school, college, or university and such
16 employment will not be covered by any program of
17 unemployment insurance;

18 (j) service performed by an individual under the age
19 of 22 who is enrolled at a nonprofit or public educational
20 institution, which normally maintains a regular faculty and
21 curriculum and normally has a regularly organized body of
22 students in attendance at the place where its educational
23 activities are carried on, as a student in a full-time
24 program taken for credit at such institution which combines
25 academic instruction with work experience if such service is

1 an integral part of such program and such institution has so
2 certified to the employer, except that this subsection shall
3 not apply to service performed in a program established for
4 or on behalf of an employer or group of employers;

5 (k) service performed in the employ of a hospital if
6 such service is performed by a patient of the hospital;

7 (l) casual labor not in the course of an employer's
8 trade or business performed in any calendar quarter, unless
9 the cash remuneration paid for such service is \$50 or more
10 and such service is performed by an individual who is
11 regularly employed by such employer to perform such service.

12 (2) "Employment" does not include elected public
13 officials.

14 (3) For the purposes of 39-51-203(6), the term
15 "employment" does not apply to service performed:

16 (a) in the employ of a church or convention or
17 association of churches or an organization which is operated
18 primarily for religious purposes and which is operated,
19 supervised, controlled, or principally supported by a church
20 or convention or association of churches;

21 (b) by a duly ordained, commissioned, or licensed
22 minister of a church in the exercise of his ministry or by a
23 member of a religious order in the exercise of duties
24 required by such order;

25 (c) in the employ of a school which is not an

1 institution of higher education, prior to December 31, 1977;

2 (d) in a facility conducted for the purpose of
3 carrying out a program of rehabilitation for individuals
4 whose earning capacity is impaired by age or physical or
5 mental deficiency or injury or providing remunerative work
6 for individuals who, because of their impaired physical or
7 mental capacity, cannot be readily absorbed in the
8 competitive labor market by an individual receiving such
9 rehabilitation or remunerative work;

10 (e) as part of an unemployment work-relief or
11 work-training program assisted or financed in whole or in
12 part by a federal agency or any agency of a state or
13 political subdivision thereof by an individual receiving
14 such work relief or work training; or

15 (f) for a state prison or other state correctional or
16 custodial institution by an inmate of that institution."

-End-

HOUSE BILL NO. 455

INTRODUCED BY DRISCOLL, HEMSTAD, DOZIER

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(d) service performed by an individual in the employ of his son, daughter, or spouse and service performed by a child under the age of 18 21 in the employ of his father or mother;

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or its political subdivisions or of the United States government or of an instrumentality of any other state or states or their political subdivisions or of the United States, except that national banks organized under the national banking law shall not be entitled to exemption under this subsection and shall be subject to this chapter the same as state banks, provided that such service is excluded from employment as defined in the Federal Unemployment Tax Act by section 3306(c)(7) of that act;

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-End-