

HOUSE BILL NO. 142

INTRODUCED BY HARPER, DONALDSON

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

IN THE HOUSE

JANUARY 12, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON BUSINESS & LABOR.

JANUARY 27, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

JANUARY 28, 1987 PRINTING REPORT.

JANUARY 29, 1987 SECOND READING, DO PASS.

JANUARY 30, 1987 ENGROSSING REPORT.

 THIRD READING, PASSED.
 AYES, 98; NOES, 0.

 TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 2, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON LABOR & EMPLOYMENT RELATIONS.

MARCH 6, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 10, 1987 ON MOTION, CONSIDERATION PASSED
FOR THE DAY.

MARCH 12, 1987 SECOND READING, CONCURRED IN.

MARCH 14, 1987 THIRD READING, CONCURRED IN.
AYES, 47; NOES, 3.

 RETURNED TO HOUSE.

IN THE HOUSE

MARCH 14, 1987

RECEIVED FROM SENATE.

SENT TO ENROLLING.

1 H.B. BILL NO. 142
 2 INTRODUCED BY Shayne Anderson
 3 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING UNEMPLOYMENT
 6 BENEFIT LAW BY INDEXING THE MINIMUM BASE PERIOD WAGES
 7 NECESSARY TO QUALIFY FOR BENEFITS AND ADOPTING A CONCEPT OF
 8 "MAXIMUM BENEFIT AMOUNT" RATHER THAN DURATION; AMENDING
 9 SECTIONS 39-51-2105, 39-51-2204, 39-51-2304, AND 39-51-2402,
 10 MCA; AND PROVIDING AN EFFECTIVE DATE."
 11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA;
 13 Section 1. Section 39-51-2105, MCA, is amended to
 14 read:

15 "39-51-2105. Qualifying wages. (1) To qualify as an
 16 insured worker an individual must have been paid wages for
 17 insured work in the quarters of his base period an amount
 18 totaling not less than 1-1/2 times his base period high
 19 quarter wages.

20 (2) ~~On and after July 1, 1987, to qualify~~ for
 21 benefits, an individual must have had at least 20 weeks of
 22 work with an average of \$50 per week in subject employment
 23 in the base period. ~~To qualify for benefits, the total base~~
 24 ~~period wages must be \$1,000 or more.~~

25 (3) ~~With respect to weeks of unemployment beginning on~~

1 or after January 1, 1978, wages for insured work shall
 2 include wages paid for previously uncovered services. For
 3 the purposes of this subsection, the term "previously
 4 uncovered services" means services:

5 (a) which were not employment as defined in
 6 39-51-204(1)(a) and (1)(b) at any time during the 1-year
 7 period ending December 31, 1975; and

8 (b) which:
 9 (i) are agricultural labor, as defined in
 10 39-51-203(8), or domestic service, as defined in
 11 39-51-203(9); or

12 (ii) are services performed by an employee of this
 13 state or a political subdivision thereof, as provided in
 14 39-51-203(5), or by an employee of a nonprofit educational
 15 institution which is not an institution of higher education,
 16 as provided in 39-51-203(6), except to the extent that
 17 assistance under Title II of the Emergency Jobs and
 18 Unemployment Assistance Act of 1974 was paid on the basis of
 19 such services.

20 (2) On and after July 5, 1987, to qualify for
 21 benefits, an individual's total base period wages must be
 22 equal to or greater than 7% of the average annual wage as
 23 described in 39-51-2201(2). Before July 5, 1987, to qualify
 24 for benefits, an individual's total base period wages must
 25 be \$1,000 or more."



1 Section 2. Section 39-51-2204, MCA, is amended to
2 read:

3 "39-51-2204. ~~Duration---of--benefits~~ Maximum benefit
4 amount. Any otherwise eligible individual ~~shall--be is~~
5 entitled during his the individual's benefit year to
6 ~~benefits-for-the-total-number--of--weeks--appearing--in--the~~
7 ~~following--table--on--the--line--which--includes--his--ratio--of~~
8 ~~total--base--period--earnings--to--highest--quarter--base--period~~
9 ~~earnings~~ a total amount of benefits equal to the
10 individual's weekly benefit amount, as calculated according
11 to 39-51-2201(1), times the number of full weeks of benefit
12 entitlement appearing in the following table in the line
13 which includes the individual's ratio of total base period
14 earnings to the highest quarter of earnings in the base
15 period:

Ratio of Total Base Period		Week's-Duration	
Earnings to High Quarter		Full Week	
At Least	But Less Than	of Benefits	
0 <u>1.00</u>	1.25	8	
1.25	1.50	10	
1.50	1.75	12	
1.75	2.00	14	
2.00	2.25	16	
2.25	2.50	18	
2.50	2.75	20	

1	2.75	3.00	22
2	3.00	3.25	24
3	3.25	--	26"

4 Section 3. Section 39-51-2304, MCA, is amended to
5 read:

6 "39-51-2304. Disqualification for failure to apply for
7 or to accept suitable work. (1) ~~Effective-April-17-1977--an~~
8 An individual is disqualified for benefits if he the
9 individual fails without good cause either to apply for
10 available and suitable work when so directed by the
11 employment office or the department or to accept an offer of
12 suitable work offered-to-him which he the individual is
13 physically able and mentally qualified to perform or to
14 return to his customary self-employment, if any, when so
15 directed by the department. Such disqualification continues
16 for the week in which such failure occurs and until the
17 individual has performed services, other than
18 self-employment, for which remuneration is received equal to
19 or in excess of his six times that individual's weekly
20 benefit amount in--6-separate-weeks subsequent to the date
21 the act causing the disqualification occurred, ~~with-6-weeks+~~
22 ~~reduction-in--benefit--duration~~ with a reduction in the
23 individual's maximum benefit amount equal to six times the
24 weekly benefit amount, as determined by the department,
25 provided he the individual has not left this work under

1 disqualifying circumstances.

2 (2) In determining whether or not any work is suitable
3 for an individual, the department shall consider:

4 (a) the degree of risk involved to his health, safety,
5 and morals;

6 (b) his physical fitness and prior training;

7 (c) his experience and previous earnings;

8 (d) his length of unemployment and prospects for
9 securing local work in his customary occupation; and

10 (e) the distance of the available work from his
11 residence.

12 (3) Notwithstanding any other provisions of this
13 chapter, including subsection (4), no work may be considered
14 suitable and benefits may not be denied under this chapter
15 to any otherwise eligible individual for refusing to accept
16 new work under any of the following conditions:

17 (a) if the position offered is vacant due directly to
18 a strike, lockout, or other labor dispute;

19 (b) if the wages, hours, or other conditions of the
20 work offered are substantially less favorable to the
21 individual than those prevailing for similar work in the
22 locality;

23 (c) if, as a condition of being employed, the
24 individual would be required to join a company union or to
25 resign from or refrain from joining any bona fide labor

1 organization.

2 (4) Subject to subsection (3), after 13 weeks of
3 unemployment, suitable work is work that meets the criteria
4 in this section and that offers 75% of the individual's
5 earnings in his previous insured work in his the
6 individual's customary occupation. No individual, however,
7 is required to accept a job paying less than the federal
8 minimum wage."

9 Section 4. Section 39-51-2402, MCA, is amended to
10 read:

11 "39-51-2402. Initial determination -- redetermination.
12 (1) A representative designated by the department and
13 hereinafter referred to as a deputy shall promptly examine
14 the claim and, on the basis of the facts found by him the
15 deputy, shall either determine whether or not such claim is
16 valid and, if valid, the week with respect to which benefits
17 shall commence, the weekly benefit amount payable, and the
18 ~~maximum duration thereof~~ benefit amount or shall refer such
19 claim or any question involved therein to an appeals referee
20 who shall make his the decision with respect thereto in
21 accordance with the procedure prescribed in 39-51-2403. The
22 deputy shall promptly notify the claimant and any other
23 interested party of the decision and the reasons therefor.

24 (2) The deputy may for good cause reconsider his the
25 decision and shall promptly notify the claimant and such

1 other interested parties of ~~his~~ the amended decision and the
2 reasons therefor.

3 (3) No determination or redetermination of an initial
4 or additional claim shall be made under this section unless
5 5 days' notice of the time and place of the claimant's
6 interview for examination of the claim is mailed to each
7 interested party.

8 (4) A determination or redetermination shall be deemed
9 final unless an interested party entitled to notice thereof
10 applies for reconsideration of the determination or appeals
11 therefrom within ~~5-days-after-delivery-of-such-notification~~
12 ~~or-within-7~~ 10 days after such notification was mailed to
13 ~~his~~ the last known address, provided that such period may be
14 extended for good cause."

15 NEW SECTION. Section 5. Effective date. This act is
16 effective July 1, 1987.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB142, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to change unemployment insurance benefits law by indexing minimum base period and dropping duration period for purposes of drawing maximum benefits; amending sections 39-51-2105, 39-51-2204, 39-51-2304 and 39-51-2402, MCA.

ASSUMPTIONS:

39-52-2105:

1. There will be approximately 4 cases involved in each year of the biennium.
2. Each will be eligible for the minimum weekly benefit amount (WBA) which is expected to be \$45 and \$47 for FY88 and FY89 respectively.
3. Their average duration is expected to be 14 weeks each year of the biennium.

39-51-2204:

1. The exhaustion rate for all beneficiaries will be 43% for each year of the biennium.
2. The total potential of additional benefits paid because of this proposed provision will be about \$1,200,000 for each year of the biennium.

FISCAL IMPACT:

	<u>FY88</u>			<u>FY89</u>		
	<u>Current Law</u>	<u>Proposed Law</u> <u>(39-51-2105)</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u> <u>(39-51-2105)</u>	<u>Difference</u>
<u>Expenditures:</u>	\$55,500,000	\$55,497,500	\$ (2,500)	\$58,000,000	\$57,997,400	\$ (2,600)
	<u>Current Law</u>	<u>Proposed Law</u> <u>(39-51-2204)</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u> <u>(39-51-2204)</u>	<u>Difference</u>
	\$55,500,000	\$56,015,000	\$ 515,000	\$58,000,000	\$58,515,000	\$ 515,000

Funding Source:

Expendable Trust Fund

Revenues:

N/A

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

N/A

David L. Hunter DATE 1/19/87
 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning

Hal Warner DATE 1/19/87
 HAL WARNER, PRIMARY SPONSOR
 Fiscal Note for HB142, as introduced.

HB-142

Fiscal Note Request, HB142, as introduced.

Form BD-15

Page 2

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

N/A

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

N/A

HB-142

APPROVED BY COMM. ON BUSINESS AND LABOR

HOUSE BILL NO. 142

INTRODUCED BY HARPER, DONALDSON

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING UNEMPLOYMENT BENEFIT LAW BY INDEXING THE MINIMUM BASE PERIOD WAGES NECESSARY TO QUALIFY FOR BENEFITS AND ADOPTING A CONCEPT OF "MAXIMUM BENEFIT AMOUNT" RATHER THAN DURATION; AMENDING SECTIONS 39-51-2105, 39-51-2204, 39-51-2304, AND 39-51-2402, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 39-51-2105, MCA, is amended to read:

"39-51-2105. Qualifying wages. (1) To qualify as an insured worker an individual must have been paid wages for insured work in the quarters of his base period an amount totaling not less than 1 1/2 times his base period high quarter wages.

(2) On and after July 17, 1988, to qualify for benefits, an individual must have had at least 20 weeks of work with an average of \$50 per week in subject employment in the base period. To qualify for benefits, the total base period wages must be \$1,000 or more.

(3) With respect to weeks of unemployment beginning on

or after January 17, 1978, wages for insured work shall include wages paid for previously uncovered services. For the purposes of this subsection, the term "previously uncovered services" means services:

(a) which were not employment as defined in 39-51-204(1)(a) and (1)(b) at any time during the 1-year period ending December 31, 1975; and

(b) which:

(i) are agricultural labor, as defined in 39-51-203(8), or domestic service, as defined in 39-51-203(9); or

(ii) are services performed by an employee of this state or a political subdivision thereof, as provided in 39-51-203(5), or by an employee of a nonprofit educational institution which is not an institution of higher education, as provided in 39-51-203(6), except to the extent that assistance under Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 was paid on the basis of such services.

(2) On and after July 5, 1987, to qualify for benefits, an individual's total base period wages must be equal to or greater than 7% of the average annual wage as described in 39-51-2201(2). Before July 5, 1987, to qualify for benefits, an individual's total base period wages must be \$1,000 or more."



1 Section 2. Section 39-51-2204, MCA, is amended to
2 read:

3 "39-51-2204. ~~Duration---of---benefits~~ Maximum benefit
4 amount. Any otherwise eligible individual ~~shall--be is~~
5 entitled during his the individual's benefit year to
6 ~~benefits-for-the-total-number--of--weeks--appearing--in--the~~
7 ~~following--table--on--the--line--which--includes--his--ratio--of~~
8 ~~total-base-period-earnings-to-highest--quarter--base--period~~
9 ~~earnings~~ a total amount of benefits equal to the
10 individual's weekly benefit amount, as calculated according
11 to 39-51-2201(1), times the number of full weeks of benefit
12 entitlement appearing in the following table in the line
13 which includes the individual's ratio of total base period
14 earnings to the highest quarter of earnings in the base
15 period:

Ratio of Total Base Period		Week's-Duration	
Earnings to High Quarter		Full Week WEEKS	
At Least	But Less Than	of Benefits	
0 1.00	1.25	8	
1.25	1.50	10	
1.50	1.75	12	
1.75	2.00	14	
2.00	2.25	16	
2.25	2.50	18	
2.50	2.75	20	

1	2.75	3.00	22
2	3.00	3.25	24
3	3.25	--	26"

4 Section 3. Section 39-51-2304, MCA, is amended to
5 read:

6 "39-51-2304. Disqualification for failure to apply for
7 or to accept suitable work. (1) ~~Effective-April-17-1977--an~~
8 An individual is disqualified for benefits if he the
9 individual fails without good cause either to apply for
10 available and suitable work when so directed by the
11 employment office or the department or to accept an offer of
12 suitable work offered-to-him which he the individual is
13 physically able and mentally qualified to perform or to
14 return to his customary self-employment, if any, when so
15 directed by the department. Such disqualification continues
16 for the week in which such failure occurs and until the
17 individual has performed services, other than
18 self-employment, for which remuneration is received equal to
19 or in excess of his six times that individual's weekly
20 benefit amount in--6-separate-weeks subsequent to the date
21 the act causing the disqualification occurred, with-6-weeks+
22 reduction-in--benefit--duration with a reduction in the
23 individual's maximum benefit amount equal to six times the
24 weekly benefit amount, as determined by the department,
25 provided he the individual has not left this work under

1 disqualifying circumstances.

2 (2) In determining whether or not any work is suitable
3 for an individual, the department shall consider:

4 (a) the degree of risk involved to ~~his~~ THE
5 INDIVIDUAL'S health, safety, and morals;

6 (b) ~~his~~ THE INDIVIDUAL'S physical fitness and prior
7 training;

8 (c) ~~his~~ THE INDIVIDUAL'S experience and previous
9 earnings;

10 (d) ~~his~~ THE INDIVIDUAL'S length of unemployment and
11 prospects for securing local work in ~~his~~ THE customary
12 occupation; and

13 (e) the distance of the available work from ~~his~~ THE
14 INDIVIDUAL'S residence.

15 (3) Notwithstanding any other provisions of this
16 chapter, including subsection (4), no work may be considered
17 suitable and benefits may not be denied under this chapter
18 to any otherwise eligible individual for refusing to accept
19 new work under any of the following conditions:

20 (a) if the position offered is vacant due directly to
21 a strike, lockout, or other labor dispute;

22 (b) if the wages, hours, or other conditions of the
23 work offered are substantially less favorable to the
24 individual than those prevailing for similar work in the
25 locality;

1 (c) if, as a condition of being employed, the
2 individual would be required to join a company union or to
3 resign from or refrain from joining any bona fide labor
4 organization.

5 (4) Subject to subsection (3), after 13 weeks of
6 unemployment, suitable work is work that meets the criteria
7 in this section and that offers 75% of the individual's
8 earnings in ~~his~~ previous insured work in ~~his~~ the
9 individual's customary occupation. No individual, however,
10 is required to accept a job paying less than the federal
11 minimum wage."

12 Section 4. Section 39-51-2402, MCA, is amended to
13 read:

14 "39-51-2402. Initial determination -- redetermination.

15 (1) A representative designated by the department and
16 hereinafter referred to as a deputy shall promptly examine
17 the claim and, on the basis of the facts found by ~~him~~ the
18 deputy, shall either determine whether or not such claim is
19 valid and, if valid, the week with respect to which benefits
20 shall commence, the weekly benefit amount payable, and the
21 ~~maximum duration thereof~~ benefit amount or shall refer such
22 claim or any question involved therein to an appeals referee
23 who shall make ~~his~~ the decision with respect thereto in
24 accordance with the procedure prescribed in 39-51-2403. The
25 deputy shall promptly notify the claimant and any other

1 interested party of the decision and the reasons therefor.

2 (2) The deputy may for good cause reconsider ~~his~~ the
3 decision and shall promptly notify the claimant and such
4 other interested parties of ~~his~~ the amended decision and the
5 reasons therefor.

6 (3) No determination or redetermination of an initial
7 or additional claim shall be made under this section unless
8 5 days' notice of the time and place of the claimant's
9 interview for examination of the claim is mailed to each
10 interested party.

11 (4) A determination or redetermination shall be deemed
12 final unless an interested party entitled to notice thereof
13 applies for reconsideration of the determination or appeals
14 therefrom within ~~5-days-after-delivery-of-such-notification~~
15 ~~or-within-7~~ 10 days after such notification was mailed to
16 ~~his~~ the last known address, provided that such period may be
17 extended for good cause."

18 NEW SECTION. Section 5. Effective date. This act is
19 effective July 1, 1987.

-End-

1 HOUSE BILL NO. 142

2 INTRODUCED BY HARPER, DONALDSON

3 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING UNEMPLOYMENT
6 BENEFIT LAW BY INDEXING THE MINIMUM BASE PERIOD WAGES
7 NECESSARY TO QUALIFY FOR BENEFITS AND ADOPTING A CONCEPT OF
8 "MAXIMUM BENEFIT AMOUNT" RATHER THAN DURATION; AMENDING
9 SECTIONS 39-51-2105, 39-51-2204, 39-51-2304, AND 39-51-2402,
10 MCA; AND PROVIDING AN EFFECTIVE DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:13 Section 1. Section 39-51-2105, MCA, is amended to
14 read:15 "39-51-2105. Qualifying wages. (1) To qualify as an
16 insured worker an individual must have been paid wages for
17 insured work in the quarters of his base period an amount
18 totaling not less than $1\frac{1}{2}$ times his base period high
19 quarter wages:20 (2) On and after July 1, 1987, to qualify for
21 benefits, an individual must have had at least 20 weeks of
22 work with an average of \$50 per week in subject employment
23 in the base period. To qualify for benefits, the total base
24 period wages must be \$1,000 or more:

25 (3) With respect to weeks of unemployment beginning on

1 or after January 1, 1978, wages for insured work shall
2 include wages paid for previously uncovered services. For
3 the purposes of this subsection, the term "previously
4 uncovered services" means services:

5 (a) which were not employment as defined in
6 39-51-204(1)(a) and (1)(b) at any time during the 1-year
7 period ending December 31, 1975; and

8 (b) which:

9 (i) are agricultural labor, as defined in
10 39-51-203(8), or domestic service, as defined in
11 39-51-203(9); or12 (ii) are services performed by an employee of this
13 state or a political subdivision thereof, as provided in
14 39-51-203(5); or by an employee of a nonprofit educational
15 institution which is not an institution of higher education,
16 as provided in 39-51-203(6); except to the extent that
17 assistance under Title II of the Emergency Jobs and
18 Unemployment Assistance Act of 1974 was paid on the basis of
19 such services:20 (2) On and after July 5, 1987, to qualify for
21 benefits, an individual's total base period wages must be
22 equal to or greater than 7% of the average annual wage as
23 described in 39-51-2201(2). Before July 5, 1987, to
24 qualify for benefits, an individual's total base period
25 wages must be \$1,000 or more."

1 Section 2. Section 39-51-2204, MCA, is amended to
2 read:

3 "39-51-2204. ~~Duration---of--benefits~~ Maximum benefit
4 amount. Any otherwise eligible individual ~~shall--be~~ is
5 entitled during ~~his~~ the individual's benefit year to
6 ~~benefits-for-the-total-number--of--weeks--appearing--in--the~~
7 ~~following--table--on--the--line--which--includes--his--ratio--of~~
8 ~~total-base-period-earnings-to-highest--quarter--base--period~~
9 ~~earnings~~ a total amount of benefits equal to the
10 individual's weekly benefit amount, as calculated according
11 to 39-51-2201(1), times the number of full weeks of benefit
12 entitlement appearing in the following table in the line
13 which includes the individual's ratio of total base period
14 earnings to the highest quarter of earnings in the base
15 period:

Ratio of Total Base Period Earnings to High Quarter	Week's-Duration	
	At Least	But Less Than
8 1.00	1.25	8
1.25	1.50	10
1.50	1.75	12
1.75	2.00	14
2.00	2.25	16
2.25	2.50	18
2.50	2.75	20

1	2.75	3.00	22
2	3.00	3.25	24
3	3.25	--	26"

4 Section 3. Section 39-51-2304, MCA, is amended to
5 read:

6 "39-51-2304. Disqualification for failure to apply for
7 or to accept suitable work. (1) ~~Effective-April-17-1977--an~~
8 An individual is disqualified for benefits if he the
9 individual fails without good cause either to apply for
10 available and suitable work when so directed by the
11 employment office or the department or to accept an offer of
12 suitable work offered-to-him which he the individual is
13 physically able and mentally qualified to perform or to
14 return to his customary self-employment, if any, when so
15 directed by the department. Such disqualification continues
16 for the week in which such failure occurs and until the
17 individual has performed services, other than
18 self-employment, for which remuneration is received equal to
19 or in excess of his six times that individual's weekly
20 benefit amount in--6-separate-weeks subsequent to the date
21 the act causing the disqualification occurred, ~~with-6-weeks+~~
22 ~~reduction-in--benefit--duration~~ with a reduction in the
23 individual's maximum benefit amount equal to six times the
24 weekly benefit amount, as determined by the department,
25 provided he the individual has not left this work under

1 disqualifying circumstances.

2 (2) In determining whether or not any work is suitable
3 for an individual, the department shall consider:

4 (a) the degree of risk involved to his THE
5 INDIVIDUAL'S health, safety, and morals;

6 (b) his THE INDIVIDUAL'S physical fitness and prior
7 training;

8 (c) his THE INDIVIDUAL'S experience and previous
9 earnings;

10 (d) his THE INDIVIDUAL'S length of unemployment and
11 prospects for securing local work in his THE customary
12 occupation; and

13 (e) the distance of the available work from his THE
14 INDIVIDUAL'S residence.

15 (3) Notwithstanding any other provisions of this
16 chapter, including subsection (4), no work may be considered
17 suitable and benefits may not be denied under this chapter
18 to any otherwise eligible individual for refusing to accept
19 new work under any of the following conditions:

20 (a) if the position offered is vacant due directly to
21 a strike, lockout, or other labor dispute;

22 (b) if the wages, hours, or other conditions of the
23 work offered are substantially less favorable to the
24 individual than those prevailing for similar work in the
25 locality;

1 (c) if, as a condition of being employed, the
2 individual would be required to join a company union or to
3 resign from or refrain from joining any bona fide labor
4 organization.

5 (4) Subject to subsection (3), after 13 weeks of
6 unemployment, suitable work is work that meets the criteria
7 in this section and that offers 75% of the individual's
8 earnings in his previous insured work in his the
9 individual's customary occupation. No individual, however,
10 is required to accept a job paying less than the federal
11 minimum wage."

12 Section 4. Section 39-51-2402, MCA, is amended to
13 read:

14 "39-51-2402. Initial determination -- redetermination.

15 (1) A representative designated by the department and
16 hereinafter referred to as a deputy shall promptly examine
17 the claim and, on the basis of the facts found by him the
18 deputy, shall either determine whether or not such claim is
19 valid and, if valid, the week with respect to which benefits
20 shall commence, the weekly benefit amount payable, and the
21 maximum duration-~~thereof~~ benefit amount or shall refer such
22 claim or any question involved therein to an appeals referee
23 who shall make his the decision with respect thereto in
24 accordance with the procedure prescribed in 39-51-2403. The
25 deputy shall promptly notify the claimant and any other

1 interested party of the decision and the reasons therefor.

2 (2) The deputy may for good cause reconsider his the
3 decision and shall promptly notify the claimant and such
4 other interested parties of his the amended decision and the
5 reasons therefor.

6 (3) No determination or redetermination of an initial
7 or additional claim shall be made under this section unless
8 5 days' notice of the time and place of the claimant's
9 interview for examination of the claim is mailed to each
10 interested party.

11 (4) A determination or redetermination shall be deemed
12 final unless an interested party entitled to notice thereof
13 applies for reconsideration of the determination or appeals
14 therefrom ~~within 5-days-after-delivery-of-such-notification~~
15 ~~or-within-7~~ 10 days after such notification was mailed to
16 his the last known address, provided that such period may be
17 extended for good cause."

18 NEW SECTION. Section 5. Effective date. This act is
19 effective July 1, 1987.

-End-

HOUSE BILL NO. 142

INTRODUCED BY HARPER, DONALDSON

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING UNEMPLOYMENT BENEFIT LAW BY INDEXING THE MINIMUM BASE PERIOD WAGES NECESSARY TO QUALIFY FOR BENEFITS AND ADOPTING A CONCEPT OF "MAXIMUM BENEFIT AMOUNT" RATHER THAN DURATION; AMENDING SECTIONS 39-51-2105, 39-51-2204, 39-51-2304, AND 39-51-2402, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 39-51-2105, MCA, is amended to read:

"39-51-2105. Qualifying wages. (1) To qualify as an insured worker an individual must have been paid wages for insured work in the quarters of his base period an amount totaling not less than $1\frac{1}{2}$ times his base period high quarter wages.

(2) On and after July 1, 1987, to qualify for benefits, an individual must have had at least 20 weeks of work with an average of \$50 per week in subject employment in the base period. To qualify for benefits, the total base period wages must be \$1,000 or more.

(3) With respect to weeks of unemployment beginning on

or after January 1, 1978, wages for insured work shall include wages paid for previously uncovered services. For the purposes of this subsection, the term "previously uncovered services" means services:

(a) which were not employment as defined in 39-51-204(1)(a) and (1)(b) at any time during the 1-year period ending December 31, 1975; and

(b) which:

(i) are agricultural labor, as defined in 39-51-203(8), or domestic service, as defined in 39-51-203(9); or

(ii) are services performed by an employee of this state or a political subdivision thereof, as provided in 39-51-203(5), or by an employee of a nonprofit educational institution which is not an institution of higher education, as provided in 39-51-203(6), except to the extent that assistance under Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 was paid on the basis of such services.

(2) On and after July 5, 1987, to qualify for benefits, an individual's total base period wages must be equal to or greater than 7% of the average annual wage as described in 39-51-2201(2). Before July 5, 1987, to qualify for benefits, an individual's total base period wages must be \$1,000 or more."

1 Section 2. Section 39-51-2204, MCA, is amended to
2 read:

3 "39-51-2204. ~~Duration---of--benefits~~ Maximum benefit
4 amount. Any otherwise eligible individual ~~shall--be~~ is
5 entitled during his the individual's benefit year to
6 benefits-for-the-total-number--of--weeks--appearing--in--the
7 following--table--on--the--line--which--includes--his--ratio--of
8 total-base-period-earnings-to-highest--quarter--base--period
9 earnings a total amount of benefits equal to the
10 individual's weekly benefit amount, as calculated according
11 to 39-51-2201(1), times the number of full weeks of benefit
12 entitlement appearing in the following table in the line
13 which includes the individual's ratio of total base period
14 earnings to the highest quarter of earnings in the base
15 period:

16	Ratio of Total Base Period		Week's-Duration
17	Earnings to High Quarter		Full Week WEEKS
18	At Least	But Less Than	of Benefits
19	0 <u>1.00</u>	1.25	8
20	1.25	1.50	10
21	1.50	1.75	12
22	1.75	2.00	14
23	2.00	2.25	16
24	2.25	2.50	18
25	2.50	2.75	20

1	2.75	3.00	22
2	3.00	3.25	24
3	3.25	--	26"

4 Section 3. Section 39-51-2304, MCA, is amended to
5 read:

6 "39-51-2304. Disqualification for failure to apply for
7 or to accept suitable work. (1) ~~Effective-April-17-1977--an~~
8 An individual is disqualified for benefits if he the
9 individual fails without good cause either to apply for
10 available and suitable work when so directed by the
11 employment office or the department or to accept an offer of
12 suitable work offered-to-him which he the individual is
13 physically able and mentally qualified to perform or to
14 return to his customary self-employment, if any, when so
15 directed by the department. Such disqualification continues
16 for the week in which such failure occurs and until the
17 individual has performed services, other than
18 self-employment, for which remuneration is received equal to
19 or in excess of his six times that individual's weekly
20 benefit amount in--6-separate-weeks subsequent to the date
21 the act causing the disqualification occurred, with-6-weeks+
22 reduction-in--benefit--duration with a reduction in the
23 individual's maximum benefit amount equal to six times the
24 weekly benefit amount, as determined by the department,
25 provided he the individual has not left this work under

1 disqualifying circumstances.

2 (2) In determining whether or not any work is suitable
3 for an individual, the department shall consider:

4 (a) the degree of risk involved to his THE
5 INDIVIDUAL'S health, safety, and morals;

6 (b) his THE INDIVIDUAL'S physical fitness and prior
7 training;

8 (c) his THE INDIVIDUAL'S experience and previous
9 earnings;

10 (d) his THE INDIVIDUAL'S length of unemployment and
11 prospects for securing local work in his THE customary
12 occupation; and

13 (e) the distance of the available work from his THE
14 INDIVIDUAL'S residence.

15 (3) Notwithstanding any other provisions of this
16 chapter, including subsection (4), no work may be considered
17 suitable and benefits may not be denied under this chapter
18 to any otherwise eligible individual for refusing to accept
19 new work under any of the following conditions:

20 (a) if the position offered is vacant due directly to
21 a strike, lockout, or other labor dispute;

22 (b) if the wages, hours, or other conditions of the
23 work offered are substantially less favorable to the
24 individual than those prevailing for similar work in the
25 locality;

1 (c) if, as a condition of being employed, the
2 individual would be required to join a company union or to
3 resign from or refrain from joining any bona fide labor
4 organization.

5 (4) Subject to subsection (3), after 13 weeks of
6 unemployment, suitable work is work that meets the criteria
7 in this section and that offers 75% of the individual's
8 earnings in his previous insured work in his the
9 individual's customary occupation. No individual, however,
10 is required to accept a job paying less than the federal
11 minimum wage."

12 Section 4. Section 39-51-2402, MCA, is amended to
13 read:

14 "39-51-2402. Initial determination -- redetermination.

15 (1) A representative designated by the department and
16 hereinafter referred to as a deputy shall promptly examine
17 the claim and, on the basis of the facts found by him the
18 deputy, shall either determine whether or not such claim is
19 valid and, if valid, the week with respect to which benefits
20 shall commence, the weekly benefit amount payable, and the
21 maximum duration-thereof benefit amount or shall refer such
22 claim or any question involved therein to an appeals referee
23 who shall make his the decision with respect thereto in
24 accordance with the procedure prescribed in 39-51-2403. The
25 deputy shall promptly notify the claimant and any other

1 interested party of the decision and the reasons therefor.

2 (2) The deputy may for good cause reconsider ~~his~~ the
3 decision and shall promptly notify the claimant and such
4 other interested parties of ~~his~~ the amended decision and the
5 reasons therefor.

6 (3) No determination or redetermination of an initial
7 or additional claim shall be made under this section unless
8 5 days' notice of the time and place of the claimant's
9 interview for examination of the claim is mailed to each
10 interested party.

11 (4) A determination or redetermination shall be deemed
12 final unless an interested party entitled to notice thereof
13 applies for reconsideration of the determination or appeals
14 therefrom ~~within 5-days-after-delivery-of-such-notification~~
15 ~~or-within-7~~ 10 days after such notification was mailed to
16 ~~his~~ the last known address, provided that such period may be
17 extended for good cause."

18 NEW SECTION. Section 5. Effective date. This act is
19 effective July 1, 1987.

-End-