

HOUSE BILL NO. 445

INTRODUCED BY MCCULLOCH, REHBEIN, SIMPKINS,
LYNCH, PECK, J. JOHNSON, BRANDEWIE, GERVAIS,
DOLEZAL, BIRD, WYATT, WISEMAN, ELLIS,
FRITZ, HALLIGAN, FORRESTER

IN THE HOUSE

FEBRUARY 3, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS.
	FIRST READING.
FEBRUARY 11, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 12, 1993	PRINTING REPORT.
FEBRUARY 13, 1993	SECOND READING, DO PASS.
FEBRUARY 15, 1993	ENGROSSING REPORT.
FEBRUARY 16, 1993	THIRD READING, PASSED. AYES, 92; NOES, 7.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 20, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS.
	FIRST READING.
MARCH 10, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 11, 1993	SECOND READING, CONCURRED IN.
MARCH 12, 1993	THIRD READING, CONCURRED IN. AYES, 47; NOES, 1.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 31, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
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APRIL 2, 1993

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

House BILL NO. 445

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AN

INDIVIDUAL ATTENDING AN ADULT BASIC EDUCATION CLASS 20 HOURS

A WEEK OR LESS WHILE LAID OFF FROM A JOB IS NOT DISQUALIFIED

FROM RECEIVING UNEMPLOYMENT INSURANCE BENEFITS; AND AMENDING

SECTIONS 39-51-2104 AND 39-51-2307, MCA."

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

Section 1. Section 39-51-2104, MCA, is amended to read:

"39-51-2104. General benefit eligibility conditions. An unemployed individual is eligible to receive benefits for any week of total unemployment within his the individual's benefit year only if the department finds that the individual:

(1) he has filed a claim at and thereafter has continued to report at an employment office in accordance with such-regulation rules as the department may prescribe, except that the department may, by regulation ruler prescribe that in cases in which it finds such the requirements oppressive or inconsistent with the purposes of this chapter, an unemployed individual may file a claim and report for work by mail or through other governmental agencies;

(2) he is able to work, and is available for work, and is seeking work, provided, however, that no A claimant is not considered ineligible in any week of unemployment for failure to comply with the provisions of this subsection if such the failure is due to:

(a) an illness or disability which that occurs after he the claimant has registered for work and no suitable work has not been offered to such the claimant after the beginning of such the illness or disability; or

(b) enrollment as a student as provided in 39-51-2307.

(3) prior to the first week for which he the individual is paid benefits, he has been totally unemployed for a waiting period of 1 week. No A week is not counted as a week of total unemployment for the purposes of this subsection:

(a) if benefits have been paid with-respect-thereto for that week;

(b) unless the individual was eligible for benefits with-respect-thereto during the week;

(c) unless it occurs within the benefit year of the claimant;

(d) unless it occurs after benefits first could become payable to any individual under this chapter."

Section 2. Section 39-51-2307, MCA, is amended to read:

"39-51-2307. Disqualification because of student status. (1) Effective-April-17-1977; Except as provided in

1 subsection (2) or (3), an individual shall---be is
2 disqualified for benefits during the school year (within the
3 autumn, winter, and spring seasons of the year) or the
4 vacation periods within such the school year or during any
5 prescribed school term if claimant the individual is a
6 student regularly attending an established educational
7 institution.

8 (2) An individual attending an adult basic education
9 class 20 hours a week or less while laid off from a job is
10 not disqualified from receiving benefits if the individual
11 is willing to return to work when notified.

12 ~~(2)(3)~~ Notwithstanding any--other--provisions--in--this
13 section--no An otherwise eligible individual shall may not
14 be denied benefits for any week because he the individual is
15 in training approved by the department, nor shall--such may
16 the individual be denied benefits with respect to any week
17 in which he the individual is in training approved by the
18 department by reason of the application of provisions in
19 39-51-2304 or the application of provisions in
20 39-51-2104(2)."

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0445, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act providing that an individual attending an adult basic education class 20 hours a week or less while laid off from a job is not disqualified from receiving unemployment insurance benefits.

ASSUMPTIONS:

1. The Department of Labor and Industry does not have reliable information to determine the number of claimants this proposal might affect. The following information is presented for perspective.
2. Of 30,087 claimants monetarily qualified to receive benefits in FY92, 534 (1.8%) were disqualified for attending school at some time during their benefit year. Only a small percentage of the 534 claimants are expected to be affected by the proposal. The disqualification is in effect only during weeks which the claimant attends school.


FISCAL IMPACT:

Expenditures: Benefit payments would increase by an unknown minor amount.

Revenues: A minor increase in benefit payments is not expected to result in increased tax rates.

Net Impact: Unknown minor increase in benefit payments.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION: Unknown, but assumed to be minimal.

 2-5-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2-6-93
SCOTT T. MCCULLOCH, PRIMARY SPONSOR DATE

Fiscal Note for HB0445, as introduced

HB 445

APPROVED BY COMMITTEE
ON LABOR & EMPLOYMENT
RELATIONS

1 House BILL NO. 445
2 INTRODUCED BY McCallister, Robinson, Lusk, Lynch
3 Back, Thompson, Brumley, Harris, Gorman, Walegand
4 Bird, Waples, Korman, Quinn, Egan, Kelly, Volpe
5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AN
6 INDIVIDUAL ATTENDING AN ADULT BASIC EDUCATION CLASS 20 HOURS
7 A WEEK OR LESS WHILE LAID OFF FROM A JOB IS NOT DISQUALIFIED
8 FROM RECEIVING UNEMPLOYMENT INSURANCE BENEFITS; AND AMENDING
9 SECTIONS 39-51-2104 AND 39-51-2307, MCA."

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

11 **Section 1.** Section 39-51-2104, MCA, is amended to read:

12 "39-51-2104. General benefit eligibility conditions. An
13 unemployed individual is eligible to receive benefits for
14 any week of total unemployment within his the individual's
15 benefit year only if the department finds that the
16 individual:

17 (1) he has filed a claim at and thereafter has
18 continued to report at an employment office in accordance
19 with such-regulation rules as the department may prescribe,
20 except that the department may, by regulation rule,
21 prescribe that in cases in which it finds such the
22 requirements oppressive or inconsistent with the purposes of
23 this chapter, an unemployed individual may file a claim and
24 report for work by mail or through other governmental
25 agencies;

1 (2) he is able to work, and is available for work, and
2 is seeking work; provided, however, that no A claimant is
3 not considered ineligible in any week of unemployment for
4 failure to comply with the provisions of this subsection if
5 such the failure is due to:

6 (a) an illness or disability which that occurs after he
7 the claimant has registered for work and no suitable work
8 has not been offered to such the claimant after the
9 beginning of such the illness or disability; or

10 (b) enrollment as a student as provided in 39-51-2307.

11 (3) prior to the first week for which he the individual
12 is paid benefits, he has been totally unemployed for a
13 waiting period of 1 week. No A week is not counted as a week
14 of total unemployment for the purposes of this subsection:

15 (a) if benefits have been paid with-respect-thereto for
16 that week;

17 (b) unless the individual was eligible for benefits
18 with-respect-thereto during the week;

19 (c) unless it occurs within the benefit year of the
20 claimant;

21 (d) unless it occurs after benefits first could become
22 payable to any individual under this chapter."

23 **Section 2.** Section 39-51-2307, MCA, is amended to read:

24 "39-51-2307. Disqualification because of student
25 status. (1) Effective-April-17-1977; Except as provided in

1 subsection (2) or (3), an individual shall--be is
2 disqualified for benefits during the school year (within the
3 autumn, winter, and spring seasons of the year) or the
4 vacation periods within such the school year or during any
5 prescribed school term if claimant the individual is a
6 student regularly attending an established educational
7 institution.

8 (2) An individual attending an adult basic education
9 class 20 hours a week or less while laid off from a job is
10 not disqualified from receiving benefits if the individual
11 is willing to return to work when notified.

12 ~~(2)(3)~~ Notwithstanding any other provisions in this
13 section,--no An otherwise eligible individual shall may not
14 be denied benefits for any week because he the individual is
15 in training approved by the department, nor shall--such may
16 the individual be denied benefits with respect to any week
17 in which he the individual is in training approved by the
18 department by reason of the application of provisions in
19 39-51-2304 or the application of provisions in
20 39-51-2104(2)."

-End-

1 House BILL NO. 445
 2 INTRODUCED BY McCallister, Rabinowitz, Lusk, Lusk
 3 Back, Thompson, Brumby, Brown, Hagan, Hagan
 4 Bird, W. J. Anderson, John E. Smith, J. E. Smith
 5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AN
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 16 individual:

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 18 continued to report at an employment office in accordance
 19 with such-regulation rules as the department may prescribe,
 20 except that the department may, by regulation rule
 21 prescribe that in cases in which it finds such the
 22 requirements oppressive or inconsistent with the purposes of
 23 this chapter, an unemployed individual may file a claim and
 24 report for work by mail or through other governmental
 25 agencies;

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6 (a) an illness or disability which that occurs after he
 7 the claimant has registered for work and no suitable work
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10 (b) enrollment as a student as provided in 39-51-2307.

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 12 is paid benefits, he has been totally unemployed for a
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 16 that week;

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8 (2) An individual attending an adult basic education
9 class 20 hours a week or less while laid off from a job is
10 not disqualified from receiving benefits if the individual
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12 {2}(3) Notwithstanding any--other--provisions--in--this
13 section;--no An otherwise eligible individual shall may not
14 be denied benefits for any week because he the individual is
15 in training approved by the department, nor shall--such may
16 the individual be denied benefits with respect to any week
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18 department by reason of the application of provisions in
19 39-51-2304 or the application of provisions in
20 39-51-2104(2)."

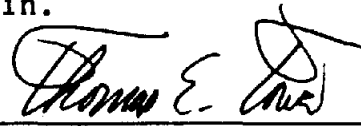
-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 10, 1993

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration House Bill No. 445 (first reading copy -- blue), respectfully report that House Bill No. 445 be amended as follows and as so amended be concurred in.

Signed: 
Senator Thomas E. "Tom" Towe, Chair

That such amendments read:

1. Title, line 7.

Following: "BENEFITS;"

Strike: "AND"

2. Title, line 8.

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 3, line 21.

Following: line 20

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 1993."

-END-

m- Amd. Coord.
1N Sec. of Senate


Senator Carrying Bill

SENATE

HB 445

541020SC.Sma

HOUSE BILL NO. 445

INTRODUCED BY MCCULLOCH, REHBEIN, SIMPKINS,
LYNCH, PECK, J. JOHNSON, BRANDEWIE, GERVAIS,
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(2) An individual attending an adult basic education class 20 hours a week or less while laid off from a job is not disqualified from receiving benefits if the individual is willing to return to work when notified.

~~(2)(3) Notwithstanding--any--other--provisions--in--this section--no~~ An otherwise eligible individual ~~shall~~ may not be denied benefits for any week because he ~~the individual~~ is in training approved by the department, nor ~~shall--such~~ may ~~the individual~~ be denied benefits with respect to any week in which he ~~the individual~~ is in training approved by the department by reason of the application of provisions in 39-51-2304 or the application of provisions in 39-51-2104(2)."

NEW SECTION. SECTION 3. EFFECTIVE DATE. [THIS ACT] IS

EFFECTIVE JULY 1, 1993.

-End-