

CHAPTER.....

AN ACT relating to unemployment compensation; revising provisions relating to extended unemployment compensation; making appropriations to the Interim Finance Committee for allocation to the State Treasurer for interest payments due the Federal Government for the loan that was made available to the State upon depletion of Nevada’s Unemployment Compensation Fund; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

An amendment to federal law provides an alternative method for determining eligibility for extended unemployment compensation. To qualify, certain provisions must be included in state law. (Section 502 of Pub. L. No. 111-312) **Sections 1 and 2** of this bill revise provisions to correspond to the change to the federal law, allowing the Employment Security Division of the Department of Employment, Training and Rehabilitation to provide extended unemployment benefits for a longer period. **Section 6** of this bill provides that the amendatory provisions of **sections 1 and 2** expire upon expiration of the changes to federal law. **Sections 3 and 4** of this bill make appropriations to the Interim Finance Committee for interest payments due the Federal Government for a loan made available to the State upon depletion of Nevada’s Unemployment Compensation Fund. **Section 5** of this bill provides that, if the Federal Government does not require interest payments in the full amount of the appropriations provided in **sections 3 and 4**, the Interim Finance Committee may allocate the money for a different purpose under the requirements for allocation from the Contingency Fund. (NRS 353.268, 353.269)

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 612.377 is hereby amended to read as follows:
612.377 As used in NRS 612.377 to 612.3786, inclusive,
unless the context clearly requires otherwise:

1. “Extended benefit period” means a period which begins with the third week after a week for which there is a Nevada “on” indicator and ends with the third week after the first week for which there is a Nevada “off” indicator or the 13th consecutive week after it began, except that no extended benefit period may begin by reason of a Nevada “on” indicator before the 14th week following the end of a prior extended benefit period which was in effect for Nevada.



2. There is a “Nevada ‘on’ indicator” for a week if the Administrator determines, in accordance with the regulations of the Secretary of Labor, that:

(a) For the period consisting of that week and the immediately preceding 12 weeks, the rate of insured unemployment in Nevada (not seasonally adjusted) under NRS 612.377 to 612.3786, inclusive:

(1) Equalled or exceeded 120 percent of the average of those rates for the corresponding 13-week period ending in each of the preceding 2 calendar years and equalled or exceeded 5 percent; or

(2) Equalled or exceeded 6 percent; or

(b) For weeks of unemployment beginning on or after February 1, 2009, and ending on or before December 12, 2009, or the week ending ~~f3~~ 4 weeks before the last week for which federal sharing is authorized by section 2005(a) of Public Law No. 111-5, whichever is later, the average rate of total seasonally adjusted unemployment in Nevada, as determined by the Secretary of Labor, for the period consisting of the most recent 3 months for which data for all states are published before the close of such week:

(1) Equalled or exceeded 6.5 percent; and

(2) Equalled or exceeded 110 percent of the average rate for the corresponding 3-month period ending in either of the ~~f2~~ 3 preceding calendar years.

3. There is a “Nevada ‘off’ indicator” for a week if the Administrator determines, in accordance with the regulations of the Secretary of Labor, that for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured unemployment in Nevada (not seasonally adjusted):

(a) Was less than 120 percent of the average of those rates for the corresponding 13-week period ending in each of the preceding 2 calendar years; or

(b) Was less than 5 percent.

4. “Rate of insured unemployment,” for purposes of subsections 2 and 3, means the percentage derived by dividing the average weekly number of persons filing claims in this State for the weeks of unemployment for the most recent period of 13 consecutive weeks, as determined by the Administrator on the basis of the Administrator’s reports to the Secretary of Labor using the average monthly employment covered under this chapter as determined by the Administrator and recorded in the records of the Division for the first four of the most recent six completed calendar quarters ending before the end of the 13-week period.

5. “Regular benefits” means benefits payable to a person under this chapter or under any other state law (including benefits payable



to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. §§ 8501 et seq.) other than extended benefits.

6. "Extended benefits" means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. §§ 8501 et seq.) payable to a person under the provisions of NRS 612.377 to 612.3786, inclusive, for the weeks of unemployment in the person's eligibility period.

7. "Additional benefits" means benefits payable to exhaustees by reason of conditions of high unemployment or by reason of other special factors under the provisions of any state law. Any person who is entitled to both additional and extended benefits for the same week must be given the choice of electing which type of benefit to claim regardless of whether his or her rights to additional and extended benefits arise under the law of the same state or different states.

8. "Eligibility period" of a person means the period consisting of the weeks in the person's benefit year under this chapter which begin in an extended benefit period and, if that benefit year ends within the extended benefit period, any weeks thereafter which begin in that period.

9. "Exhaustee" means a person who, with respect to any week of unemployment in the person's eligibility period:

(a) Has received, before that week, all of the regular, seasonal or nonseasonal benefits that were available to him or her under this chapter or any other state law (including augmented weekly benefits for dependents and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. §§ 8501 et seq.) in the person's current benefit year which includes that week, except that, for the purposes of this paragraph, a person shall be deemed to have received all of the regular benefits that were available to him or her, although as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in that benefit year, the person may subsequently be determined to be entitled to added regular benefits; or

(b) His or her benefit year having expired before that week, has no, or insufficient, wages on the basis of which the person could establish a new benefit year which would include that week,

➔ and has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, 45 U.S.C. §§ 351 et seq., the Trade Expansion Act of 1962, 19 U.S.C. §§ 1801 et seq., the Automotive Products Trade Act of 1965, 19 U.S.C. §§ 2001 et seq. and such other federal laws as are specified in regulations issued by the Secretary of Labor, and has not received and is not seeking unemployment benefits under the unemployment



compensation law of Canada. If the person is seeking such benefits and the appropriate agency finally determines that the person is not entitled to benefits under that law the person is considered an exhaustee.

10. "State law" means the unemployment insurance law of any state, approved by the Secretary of Labor under Section 3304 of the Internal Revenue Code of 1954.

Sec. 2. NRS 612.378 is hereby amended to read as follows:

612.378 1. Except as otherwise provided in subsection 2, the total extended benefit amount payable to any eligible person for the person's applicable benefit year is the lesser of the following amounts:

(a) Fifty percent of the basic benefits which were payable to him or her in the benefit year. If the amount computed is not a multiple of \$1, it must be computed to the next lower multiple of \$1.

(b) Thirteen times the person's average weekly benefit amount which was payable to him or her under this chapter for a week of total unemployment in the applicable benefit year. If the amount computed is not a multiple of \$1, it must be computed to the next lower multiple of \$1.

2. In weeks beginning in a high unemployment period on or after February 1, 2009, and ending on or before December 12, 2009, or the week ending ~~13~~ 4 weeks before the last week for which federal sharing is authorized by section 2005(a) of Public Law No. 111-5, whichever is later, the total extended benefit amount payable to any eligible person for the person's applicable benefit year is the lesser of the following amounts:

(a) Eighty percent of the basic benefits which were payable to him or her in the benefit year. If the amount computed is not a multiple of \$1, it must be computed to the next lower multiple of \$1.

(b) Twenty times the person's average weekly benefit amount which was payable to him or her under this chapter for a week of total unemployment in the applicable benefit year. If the amount computed is not a multiple of \$1, it must be computed to the next lower multiple of \$1.

3. If the benefit year of any person ends within an extended benefit period, the remaining balance of extended benefits that the person would, but for this subsection, be entitled to receive in that period, with respect to weeks of unemployment beginning after the end of the benefit year, must be reduced by the product of the number of weeks for which the person received any amounts as trade readjustment allowances pursuant to 19 U.S.C. § 2291 within that benefit year, multiplied by the weekly benefit amount of extended benefits, but the balance must not be reduced below zero.



4. As used in this section, “high unemployment period” means any period during which the average rate of total seasonally adjusted unemployment in Nevada, as determined by the Secretary of Labor, for the period consisting of the most recent 3 months for which data for all states are published before the close of such week:

(a) Equaled or exceeded 8 percent; and

(b) Equaled or exceeded 110 percent of the average rate for the corresponding 3-month period ending in either of the ~~12~~ 3 preceding calendar years.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of \$23,900,000 for allocation to the State Treasurer for interest payments due the Federal Government for the loan that was made available to the State upon depletion of Nevada’s Unemployment Compensation Fund.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2013, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2013, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2013.

Sec. 4. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of \$40,100,000 for allocation to the State Treasurer for interest payments due the Federal Government for the loan that was made available to the State upon depletion of Nevada’s Unemployment Compensation Fund.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2013, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2013, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2013.

Sec. 5. The sums appropriated by sections 3 and 4 of this act may be allocated for a purpose other than the purpose described in those sections if the Interim Finance Committee determines that the



Federal Government will not require the payment of interest in the amounts appropriated by those sections. Any allocation made pursuant to this section must be recommended by the State Board of Examiners pursuant to NRS 353.268 and approved by the Interim Finance Committee pursuant to NRS 353.269.

Sec. 6. 1. This section and sections 3 and 5 of this act become effective upon passage and approval.

2. Section 4 of this act becomes effective on July 1, 2012.

3. Sections 1 and 2 of this act become effective upon passage and approval and expire by limitation on:

(a) December 31, 2011; or

(b) The earlier of the date of the expiration of section 502 of Public Law No. 111-312 or the date that federal sharing is no longer authorized pursuant to section 2005(a) of Public Law No. 111-5,
↳ whichever is later.

