

SENATE BILL NO. 3

(First Special Session)

INTRODUCED BY S. BROWN, NELSON, HARPER, ELLERD

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

IN THE SENATE

November 16, 1981

Introduced and referred to
Committee on Labor and
Employment Relations.

November 17, 1981

Committee recommend bill do
pass. Report adopted.

November 18, 1981

Bill printed and placed on
members' desks.

On motion rules suspended.
Bill referred to second reading
for consideration this day.

Second reading, do pass.

On motion rules suspended. Bill
placed on calendar for third
reading this day.

Third reading, passed. Ayes,
48; Noes, 1. Transmitted to
House.

IN THE HOUSE

November 18, 1981

Introduced and referred to
Committee on Labor.

November 19, 1981

Committee recommend bill be
concurrent in. Report adopted.

November 20, 1981

Second reading, concurred in.
Ayes, 60; Noes, 39.

On motion rules suspended
and bill placed on third reading
this day.

Third reading, concurred in.
Ayes, 57; Noes, 41.

IN THE SENATE

November 21, 1981

Returned from House. Concurred
in. Sent to enrolling.

Reported correctly enrolled.

Special Session I

Special BILL NO. 3

INTRODUCED BY S. BROWN, H. NELSON, *Page Collier*

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE REFERENCE TO THE NATIONAL "ON" AND "OFF" INDICATOR AND FURTHER DEFINE THE CALCULATION OF RATE OF INSURED UNEMPLOYMENT; ESTABLISHING A NEW STATE "ON" AND "OFF" EXTENDED BENEFIT INDICATOR; AMENDING SECTIONS 39-51-2501 AND 39-51-2504 THROUGH 39-51-2506, MCA; REPEALING SECTIONS 39-51-2502 AND 39-51-2503, MCA; AND PROVIDING EFFECTIVE DATES."

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

Section 1. Section 39-51-2501, MCA, is amended to read:

"39-51-2501. Definitions. As used in this part, unless the context clearly requires otherwise, the following definitions apply:

(1) "Extended benefit period" means a period which:

(a) begins with the third week after ~~whichever-of--the following-weeks-occurs-first~~

~~{+}--a--week--for--which--there--is--a--national--"on" indicator--or~~

{+} a week for which there is a state "on" indicator; ~~+~~ provided, that no extended benefit period may begin by

reason of a state "on" indicator before the 14th week following the end of a prior extended benefit period which was in effect with respect to this state; and

~~(b) ends with either-of-the-following-weeks--whichever occurs--later+~~

~~{+} the third week after the first week for which there is both-a-national--"off"--indicator-and a state "off" indicator; or~~

~~{+} the 13th consecutive week of such period.~~

(2) (a) "Rate of insured unemployment", for purposes of 39-51-2504 and 39-51-2505, means the percentage derived by dividing the average weekly number of individuals filing claims for regular benefits in this state for weeks of unemployment with respect to the most recent ~~13-consecutive-week~~ period, as determined by the department on the basis of his reports to the U.S. secretary of labor, by the average monthly employment covered under this chapter for the first 4 of the most recent 6 completed calendar quarters ending before the end of such 13-week period.

(b) Computations required by the provisions of subsection (2)(a) shall be made by the department in accordance with regulations prescribed by the U.S. secretary of labor.

(3) "Regular benefits" means benefits payable to an individual under this chapter or under any other state law,

1 Including benefits payable to federal civilian employees and
2 to ex-servicemen pursuant to 5 U.S.C. chapter 85, other
3 than extended benefits.

4 (4) "Extended benefits" means benefits, including
5 benefits payable to federal civilian employees and to
6 ex-servicemen pursuant to 5 U.S.C. chapter 85, payable to
7 an individual under the provisions of this part for weeks of
8 unemployment in his eligibility period.

9 (5) "Eligibility period" of an individual means the
10 period consisting of the weeks in his benefit year which
11 begin in an extended benefit period and, if his benefit year
12 ends within such extended benefit period, any weeks
13 thereafter which begin in such period.

14 (6) "Exhaustee" means an individual who, with respect
15 to any week of unemployment in his eligibility period:

16 (a) has received, prior to such week, all of the
17 regular benefits that were available to him under this
18 chapter or any other state law, including dependents'
19 allowances and benefits payable to federal civilian
20 employees and ex-servicemen under 5 U.S.C. Chapter 85, in
21 his current benefit year that includes such week; provided,
22 that for the purposes of this subsection, an individual
23 shall be deemed to have received all of the regular benefits
24 that were available to him although, as a result of a
25 pending appeal with respect to wages that were not

1 considered in the original monetary determination in his
2 benefit year, he may subsequently be determined to be
3 entitled to added regular benefits;

4 (b) his benefit year having expired prior to such
5 week, has no or insufficient wages on the basis of which he
6 could establish a new benefit year that would include such
7 week;

8 (c) has no right to unemployment benefits or
9 allowances, as the case may be, under the Railroad
10 Unemployment Insurance Act, the Trade Expansion Act of 1962,
11 the Automotive Products Trade Act of 1965, and such other
12 federal laws as are specified in regulations issued by the
13 U.S. secretary of labor; and

14 (d) has not received and is not seeking unemployment
15 benefits under the unemployment compensation law of Canada,
16 but if he is seeking such benefits and the appropriate
17 agency finally determines that he is not entitled to
18 benefits under such law, he is considered an exhaustee.

19 (7) "State law" means the unemployment insurance law
20 of any state approved by the U.S. secretary of labor under
21 section 3304 of the Internal Revenue Code of 1954."

22 Section 2. Section 39-51-2504, MCA, is amended to
23 read:

24 "39-51-2504. State "on" indicator -- when. There is a
25 state "on" indicator for this state for a week if the

1 department determines, in accordance with the regulations of
2 the U.S. secretary of labor, that: for---the---period
3 consisting of

4 (1) (a) the rate of insured unemployment equals or
5 exceeds 5% for any such week and the immediately preceding
6 12 weeks; and the rate of insured unemployment (not
7 seasonally adjusted) under this chapter

8 (1) (b) equated or exceeded the insured unemployment
9 rate equals or exceeds 120% of the average of such rates for
10 the corresponding 13-week period ending in each of the
11 preceding 2 calendar years; and or

12 (2) equated or exceeded 4% if the rate of insured
13 unemployment for such week is 5% or more but the average of
14 such rates for the corresponding 13-week period ending in
15 each of the preceding two calendar years is less than 120%.
16 the insured unemployment rate for such week and the
17 immediately preceding 12 weeks is 6% or more."

18 Section 3. Section 39-51-2505, MCA, is amended to
19 read:

20 "39-51-2505. State "off" indicator -- when. There is a
21 state "off" indicator for this state for a week if the
22 department determines, in accordance with the regulations of
23 the U.S. secretary of labor, that:

24 (1) for the period consisting of such week and the
25 immediately preceding 12 weeks the rate of insured

1 unemployment (not seasonally adjusted) under this chapter
2 is less than 5%; or

3 (1)(2) was less than 120% of the average of such rates
4 for the corresponding 13-week period ending in each of the
5 preceding 2 calendar years; or is less than 120%

6 (2) was less than 4%."

7 Section 4. Section 39-51-2506, MCA, is amended to
8 read:

9 "39-51-2506. Beginning and termination of extended
10 benefit period -- announcement of. Whenever an extended
11 benefit period is to become effective in this state ~~(or in~~
12 ~~off-states)~~ as a result of a state or national "on"
13 indicator, or an extended benefit period is to be terminated
14 in this state as a result of state and national "off"
15 indicators, the department shall make an appropriate public
16 announcement."

17 Section 5. Repealer. Sections 39-51-2502 and
18 39-51-2503, MCA, are repealed.

19 Section 6. Effective dates. (1) Section 1 is effective
20 on passage and approval.

21 (2) Sections 2 and 3 are effective on September 26,
22 1982.

-End-

Approved by Committee on Labor & Employment Relations

Special Session I

Senate BILL NO. 3

INTRODUCED BY S. BROWN, H. NELSON,

Page Collier

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE REFERENCE TO THE NATIONAL "ON" AND "OFF" INDICATOR AND FURTHER DEFINE THE CALCULATION OF RATE OF INSURED UNEMPLOYMENT; ESTABLISHING A NEW STATE "ON" AND "OFF" EXTENDED BENEFIT INDICATOR; AMENDING SECTIONS 39-51-2501 AND 39-51-2504 THROUGH 39-51-2506, MCA; REPEALING SECTIONS 39-51-2502 AND 39-51-2503, MCA; AND PROVIDING EFFECTIVE DATES."

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

Section 1. Section 39-51-2501, MCA, is amended to read:

"39-51-2501. Definitions. As used in this part, unless the context clearly requires otherwise, the following definitions apply:

(1) "Extended benefit period" means a period which:

(a) begins with the third week after ~~whichever-of--the following-weeks-occurs-first~~

~~(i) a week for which there is a national "on" indicator; or~~

~~(ii) a week for which there is a state "on" indicator;~~ provided that no extended benefit period may begin by

reason of a state "on" indicator before the 14th week following the end of a prior extended benefit period which was in effect with respect to this state; and

(b) ends with ~~either-of-the-following-weeks-which-ever-occurs-first~~

~~(i) the third week after the first week for which there is both a national "off" indicator and a state "off" indicator; or~~

~~(ii) the 13th consecutive week of such period.~~

(2) (a) "Rate of insured unemployment", for purposes of 39-51-2504 and 39-51-2505, means the percentage derived by dividing the average weekly number of individuals filing claims for regular benefits in this state for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the department on the basis of his reports to the U.S. secretary of labor, by the average monthly employment covered under this chapter for the first 4 of the most recent 6 completed calendar quarters ending before the end of such 13-week period.

(b) Computations required by the provisions of subsection (2)(a) shall be made by the department in accordance with regulations prescribed by the U.S. secretary of labor.

(3) "Regular benefits" means benefits payable to an individual under this chapter or under any other state law,

1 including benefits payable to federal civilian employees and
2 to ex-servicemen pursuant to 5 U.S.C. chapter 85, other
3 than extended benefits.

4 (4) "Extended benefits" means benefits, including
5 benefits payable to federal civilian employees and to
6 ex-servicemen pursuant to 5 U.S.C. chapter 85, payable to
7 an individual under the provisions of this part for weeks of
8 unemployment in his eligibility period.

9 (5) "Eligibility period" of an individual means the
10 period consisting of the weeks in his benefit year which
11 begin in an extended benefit period and, if his benefit year
12 ends within such extended benefit period, any weeks
13 thereafter which begin in such period.

14 (6) "Exhaustee" means an individual who, with respect
15 to any week of unemployment in his eligibility period:

16 (a) has received, prior to such week, all of the
17 regular benefits that were available to him under this
18 chapter or any other state law, including dependents'
19 allowances and benefits payable to federal civilian
20 employees and ex-servicemen under 5 U.S.C. chapter 85, in
21 his current benefit year that includes such week; provided,
22 that for the purposes of this subsection, an individual
23 shall be deemed to have received all of the regular benefits
24 that were available to him although, as a result of a
25 pending appeal with respect to wages that were not

1 considered in the original monetary determination in his
2 benefit year, he may subsequently be determined to be
3 entitled to added regular benefits;

4 (b) his benefit year having expired prior to such
5 week, has no or insufficient wages on the basis of which he
6 could establish a new benefit year that would include such
7 week;

8 (c) has no right to unemployment benefits or
9 allowances, as the case may be, under the Railroad
10 Unemployment Insurance Act, the Trade Expansion Act of 1962,
11 the Automotive Products Trade Act of 1965, and such other
12 federal laws as are specified in regulations issued by the
13 U.S. secretary of labor; and

14 (d) has not received and is not seeking unemployment
15 benefits under the unemployment compensation law of Canada,
16 but if he is seeking such benefits and the appropriate
17 agency finally determines that he is not entitled to
18 benefits under such law, he is considered an exhaustee.

19 (7) "State law" means the unemployment insurance law
20 of any state approved by the U.S. secretary of labor under
21 section 3304 of the Internal Revenue Code of 1954."

22 Section 2. Section 39-51-2504, MCA, is amended to
23 read:

24 "39-51-2504. State "on" indicator -- when. There is a
25 state "on" indicator for this state for a week if the

1 department determines, in accordance with the regulations of
2 the U.S. secretary of labor, that: for ~~the~~ period
3 consisting of

4 ~~(1) (a) the rate of insured unemployment equals or~~
5 ~~exceeds 5% for any such week and the immediately preceding~~
6 ~~12 weeks; and the rate of insured unemployment (not~~
7 ~~seasonally adjusted) under this chapter:~~

8 ~~(1) (b) equated or exceeded the insured unemployment~~
9 ~~rate equals or exceeds 120% of the average of such rates for~~
10 ~~the corresponding 13-week period ending in each of the~~
11 ~~preceding 2 calendar years; and or~~

12 ~~(2) equated or exceeded 4% if the rate of insured~~
13 ~~unemployment for such week is 5% or more but the average of~~
14 ~~such rates for the corresponding 13-week period ending in~~
15 ~~each of the preceding two calendar years is less than 120%;~~
16 ~~the insured unemployment rate for such week and the~~
17 ~~immediately preceding 12 weeks is 6% or more."~~

18 Section 3. Section 39-51-2505, MCA, is amended to
19 read:

20 "39-51-2505. State "off" indicator -- when. There is a
21 state "off" indicator for this state for a week if the
22 department determines, in accordance with the regulations of
23 the U.S. secretary of labor, that:

24 ~~(1) for the period consisting of such week and the~~
25 ~~immediately preceding 12 weeks the rate of insured~~

1 unemployment (not seasonally adjusted) under this chapter
2 is less than 5%; or

3 ~~(1) (2) was less than 120% of the average of such rates~~
4 ~~for the corresponding 13-week period ending in each of the~~
5 ~~preceding 2 calendar years; or is less than 120%~~

6 ~~(2) was less than 4%."~~

7 Section 4. Section 39-51-2506, MCA, is amended to
8 read:

9 "39-51-2506. Beginning and termination of extended
10 benefit period -- announcement of. Whenever an extended
11 benefit period is to become effective in this state ~~for~~
12 ~~in~~ ~~states~~ as a result of a state or a national "on"
13 indicator, or an extended benefit period is to be terminated
14 in this state as a result of state and national "off"
15 indicators, the department shall make an appropriate public
16 announcement."

17 Section 5. Repealer. Sections 39-51-2502 and
18 39-51-2503, MCA, are repealed.

19 Section 6. Effective dates. (1) Section 1 is effective
20 on passage and approval.

21 (2) Sections 2 and 3 are effective on September 26,
22 1982.

-End-

Special Session I

House BILL NO. 3

INTRODUCED BY S. BROWN, H. NELSON, *Speaker Called*

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE REFERENCE TO THE NATIONAL "ON" AND "OFF" INDICATOR AND FURTHER DEFINE THE CALCULATION OF RATE OF INSURED UNEMPLOYMENT; ESTABLISHING A NEW STATE "ON" AND "OFF" EXTENDED BENEFIT INDICATOR; AMENDING SECTIONS 39-51-2501 AND 39-51-2504 THROUGH 39-51-2506, MCA; REPEALING SECTIONS 39-51-2502 AND 39-51-2503, MCA; AND PROVIDING EFFECTIVE DATES."

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

Section 1. Section 39-51-2501, MCA, is amended to read:

"39-51-2501. Definitions. As used in this part, unless the context clearly requires otherwise, the following definitions apply:

(1) "Extended benefit period" means a period which:

(a) begins with the third week after ~~whichever-of--the following-weeks-occurs-first~~

~~{+}--a---week--for--which--there--is--a---national--"on" indicator+ or~~

~~{++} a week for which there is a state "on" indicator+; provided, that no extended benefit period may begin by~~

reason of a state "on" indicator before the 14th week following the end of a prior extended benefit period which was in effect with respect to this state; and

~~(b) ends with either-of-the-following-weeks,whichever occurs+later+~~

~~{+} the third week after the first week for which there is both-a-national-"off"-indicator-and a state "off" indicator+ or~~

~~{++} the 13th consecutive week of such period.~~

(2) (a) "Rate of insured unemployment", for purposes of 39-51-2504 and 39-51-2505, means the percentage derived by dividing the average weekly number of individuals filing claims for regular benefits in this state for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the department on the basis of his reports to the U.S. secretary of labor, by the average monthly employment covered under this chapter for the first 4 of the most recent 6 completed calendar quarters ending before the end of such 13-week period.

(b) Computations required by the provisions of subsection (2)(a) shall be made by the department in accordance with regulations prescribed by the U.S. secretary of labor.

(3) "Regular benefits" means benefits payable to an individual under this chapter or under any other state law,

1 including benefits payable to federal civilian employees and
2 to ex-servicemen pursuant to 5 U.S.C. chapter 85, other
3 than extended benefits.

4 (4) "Extended benefits" means benefits, including
5 benefits payable to federal civilian employees and to
6 ex-servicemen pursuant to 5 U.S.C. chapter 85, payable to
7 an individual under the provisions of this part for weeks of
8 unemployment in his eligibility period.

9 (5) "Eligibility period" of an individual means the
10 period consisting of the weeks in his benefit year which
11 begin in an extended benefit period and, if his benefit year
12 ends within such extended benefit period, any weeks
13 thereafter which begin in such period.

14 (6) "Exhaustee" means an individual who, with respect
15 to any week of unemployment in his eligibility period:

16 (a) has received, prior to such week, all of the
17 regular benefits that were available to him under this
18 chapter or any other state law, including dependents'
19 allowances and benefits payable to federal civilian
20 employees and ex-servicemen under 5 U.S.C. chapter 85, in
21 his current benefit year that includes such week; provided,
22 that for the purposes of this subsection, an individual
23 shall be deemed to have received all of the regular benefits
24 that were available to him although, as a result of a
25 pending appeal with respect to wages that were not

1 considered in the original monetary determination in his
2 benefit year; he may subsequently be determined to be
3 entitled to added regular benefits;

4 (b) his benefit year having expired prior to such
5 week, has no or insufficient wages on the basis of which he
6 could establish a new benefit year that would include such
7 week;

8 (c) has no right to unemployment benefits or
9 allowances, as the case may be, under the Railroad
10 Unemployment Insurance Act, the Trade Expansion Act of 1962,
11 the Automotive Products Trade Act of 1965, and such other
12 federal laws as are specified in regulations issued by the
13 U.S. secretary of labor; and

14 (d) has not received and is not seeking unemployment
15 benefits under the unemployment compensation law of Canada,
16 but if he is seeking such benefits and the appropriate
17 agency finally determines that he is not entitled to
18 benefits under such law, he is considered an exhaustee.

19 (7) "State law" means the unemployment insurance law
20 of any state approved by the U.S. secretary of labor under
21 section 3304 of the Internal Revenue Code of 1954."

22 Section 2. Section 39-51-2904, MCA, is amended to
23 read:

24 "39-51-2904. State "on" indicator -- when there is a
25 state "on" indicator for this state for a week if the

1 department determines, in accordance with the regulations of
2 the U.S. secretary of labor, that: for ~~the~~ period
3 consisting of

4 ~~(1) (a) the rate of insured unemployment equals or~~
5 ~~exceeds 5% for any such week and the immediately preceding~~
6 ~~12 weeks; and the rate of insured unemployment (not~~
7 ~~seasonally adjusted) under this chapter;~~

8 ~~(1) (b) equated or exceeded the insured unemployment~~
9 ~~rate equals or exceeds 120% of the average of such rates for~~
10 ~~the corresponding 13-week period ending in each of the~~
11 ~~preceding 2 calendar years; and or~~

12 ~~(2) equated or exceeded 4% if the rate of insured~~
13 ~~unemployment for such week is 5% or more but the average of~~
14 ~~such rates for the corresponding 13-week period ending in~~
15 ~~each of the preceding two calendar years is less than 120%;~~
16 ~~the insured unemployment rate for such week and the~~
17 ~~immediately preceding 12 weeks is 6% or more."~~

18 Section 3. Section 39-51-2505, MCA, is amended to
19 read:

20 "39-51-2505. State "off" indicator -- when. There is a
21 state "off" indicator for this state for a week if the
22 department determines, in accordance with the regulations of
23 the U.S. secretary of labor, that:

24 (1) for the period consisting of such week and the
25 immediately preceding 12 weeks the rate of insured

1 unemployment (not seasonally adjusted) under this chapter
2 is less than 5% or

3 ~~(1)(2) was less than 120% of the average of such rates~~
4 ~~for the corresponding 13-week period ending in each of the~~
5 ~~preceding 2 calendar years; or is less than 120%~~

6 ~~(2) was less than 4%."~~

7 Section 4. Section 39-51-2506, MCA, is amended to
8 read:

9 "39-51-2506. Beginning and termination of extended
10 benefit period -- announcement of. Whenever an extended
11 benefit period is to become effective in this state ~~(or in~~
12 ~~other states)~~ as a result of a state or ~~a national~~ "on"
13 indicator, or an extended benefit period is to be terminated
14 in this state as a result of state ~~and national~~ "off"
15 indicators, the department shall make an appropriate public
16 announcement."

17 Section 5. Repealer. Sections 39-51-2502 and
18 39-51-2503, MCA, are repealed.

19 Section 6. Effective dates. (1) Section 1 is effective
20 on passage and approval.

21 (2) Sections 2 and 3 are effective on September 26,
22 1982.

-End-

SENATE BILL NO. 3 (1st SS)

INTRODUCED BY S. BROWN, H. NELSON, HARPER, ELLERD

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE REFERENCE TO THE NATIONAL "ON" AND "OFF" INDICATOR AND FURTHER DEFINE THE CALCULATION OF RATE OF INSURED UNEMPLOYMENT; ESTABLISHING A NEW STATE "ON" AND "OFF" EXTENDED BENEFIT INDICATOR; AMENDING SECTIONS 39-51-2501 AND 39-51-2504 THROUGH 39-51-2506, MCA; REPEALING SECTIONS 39-51-2502 AND 39-51-2503, MCA; AND PROVIDING EFFECTIVE DATES."

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

Section 1. Section 39-51-2501, MCA, is amended to read:

"39-51-2501. Definitions. As used in this part, unless the context clearly requires otherwise, the following definitions apply:

(1) "Extended benefit period" means a period which:

(a) begins with the third week after ~~whichever-of--the following-weeks--occurs-first~~

~~{+}--a---week--for--which--there--is--a--national--"on" indicator--or~~

~~{+} a week for which there is a state "on" indicator; provided that no extended benefit period may begin by~~

reason of a state "on" indicator before the 14th week following the end of a prior extended benefit period which was in effect with respect to this state; and

~~(b) ends with either-of-the-following-weeks,--whichever occurs--later~~

~~{+} the third week after the first week for which there is both-a-national--"off"--indicator--and a state "off" indicator; or~~

~~{+} the 13th consecutive week of such period.~~

(2) (a) "Rate of insured unemployment", for purposes of 39-51-2504 and 39-51-2505, means the percentage derived by dividing the average weekly number of individuals filing claims for regular benefits in this state for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the department on the basis of his reports to the U.S. secretary of labor, by the average monthly employment covered under this chapter for the first 4 of the most recent 6 completed calendar quarters ending before the end of such 13-week period.

(b) Computations required by the provisions of subsection (2)(a) shall be made by the department in accordance with regulations prescribed by the U.S. secretary of labor.

(3) "Regular benefits" means benefits payable to an individual under this chapter or under any other state law,

1 including benefits payable to federal civilian employees and
2 to ex-servicemen pursuant to 5 U.S.C. chapter 85, other
3 than extended benefits.

4 (4) "Extended benefits" means benefits, including
5 benefits payable to federal civilian employees and to
6 ex-servicemen pursuant to 5 U.S.C. chapter 85, payable to
7 an individual under the provisions of this part for weeks of
8 unemployment in his eligibility period.

9 (5) "Eligibility period" of an individual means the
10 period consisting of the weeks in his benefit year which
11 begin in an extended benefit period and, if his benefit year
12 ends within such extended benefit period, any weeks
13 thereafter which begin in such period.

14 (6) "Exhaustee" means an individual who, with respect
15 to any week of unemployment in his eligibility period:

16 (a) has received, prior to such week, all of the
17 regular benefits that were available to him under this
18 chapter or any other state law, including dependents'
19 allowances and benefits payable to federal civilian
20 employees and ex-servicemen under 5 U.S.C. chapter 85, in
21 his current benefit year that includes such week; provided,
22 that for the purposes of this subsection, an individual
23 shall be deemed to have received all of the regular benefits
24 that were available to him although, as a result of a
25 pending appeal with respect to wages that were not

1 considered in the original monetary determination in his
2 benefit year, he may subsequently be determined to be
3 entitled to added regular benefits;

4 (b) his benefit year having expired prior to such
5 week, has no or insufficient wages on the basis of which he
6 could establish a new benefit year that would include such
7 week;

8 (c) has no right to unemployment benefits or
9 allowances, as the case may be, under the Railroad
10 Unemployment Insurance Act, the Trade Expansion Act of 1962,
11 the Automotive Products Trade Act of 1965, and such other
12 federal laws as are specified in regulations issued by the
13 U.S. secretary of labor; and

14 (d) has not received and is not seeking unemployment
15 benefits under the unemployment compensation law of Canada,
16 but if he is seeking such benefits and the appropriate
17 agency finally determines that he is not entitled to
18 benefits under such law, he is considered an exhaustee.

19 (7) "State law" means the unemployment insurance law
20 of any state approved by the U.S. secretary of labor under
21 section 3304 of the Internal Revenue Code of 1954."

22 Section 2. Section 39-51-2504, MCA, is amended to
23 read:

24 "39-51-2504. State "on" indicator -- when. There is a
25 state "on" indicator for this state for a week if the

1 department determines, in accordance with the regulations of
2 the U.S. secretary of labor, that; for---the---period
3 consisting of

4 ~~(1) (a) the rate of insured unemployment equals or~~
5 ~~exceeds 5% for any such week and the immediately preceding~~
6 ~~12 weeks; and the rate of insured unemployment (not~~
7 ~~seasonally adjusted) under this chapter;~~

8 ~~(1) (b) equated or exceeded the insured unemployment~~
9 ~~rate equals or exceeds 120% of the average of such rates for~~
10 ~~the corresponding 13-week period ending in each of the~~
11 ~~preceding 2 calendar years; and or~~

12 ~~(2) equated or exceeded 4% if the rate of insured~~
13 ~~unemployment for such week is 5% or more but the average of~~
14 ~~such rates for the corresponding 13-week period ending in~~
15 ~~each of the preceding two calendar years is less than 120%;~~
16 ~~the insured unemployment rate for such week and the~~
17 ~~immediately preceding 12 weeks is 6% or more."~~

18 Section 3. Section 39-51-2505, MCA, is amended to
19 read:

20 "39-51-2505. State "off" indicator -- when. There is a
21 state "off" indicator for this state for a week if the
22 department determines, in accordance with the regulations of
23 the U.S. secretary of labor, that;

24 (1) for the period consisting of such week and the
25 immediately preceding 12 weeks the rate of insured

1 unemployment (not seasonally adjusted) under this chapter
2 is less than 5%; or

3 ~~(1)(2) was less than 120% of the IHE average of such~~
4 ~~rates for the corresponding 13-week period ending in each of~~
5 ~~the preceding 2 calendar years; or is less than 120%~~
6 ~~(2) was less than 4%."~~

7 Section 4. Section 39-51-2506, MCA, is amended to
8 read:

9 "39-51-2506. Beginning and termination of extended
10 benefit period -- announcement of. Whenever an extended
11 benefit period is to become effective in this state ~~for--in~~
12 ~~at--states;~~ as a result of a state or a national "on"
13 indicator, or an extended benefit period is to be terminated
14 in this state as a result of state ~~and--national~~ "off"
15 indicators, the department shall make an appropriate public
16 announcement."

17 Section 5. Repealer. Sections 39-51-2502 and
18 39-51-2503, MCA, are repealed.

19 Section 6. Effective dates. (1) Section 1 is effective
20 on passage and approval.

21 (2) Sections 2 and 3 are effective on September 26,
22 1982.

-End-