

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 1933

By: Martinez of the House

and

Taylor of the Senate

[labor - unemployment benefits - modifying benefit
wages - effective date]

12 AUTHOR: Add the following Senate Coauthors: Daniels and Stephens

13 AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause
and entire bill and insert

15 "An Act relating to labor; amending 40 O.S. 2021,
16 Sections 1-221 and 2-106, which relate to
unemployment benefits; modifying benefit wages;
17 defining term; limiting duration of benefits;
updating statutory language; providing for
18 codification; and providing an effective date.

20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. AMENDATORY 40 O.S. 2021, Section 1-221, is
22 amended to read as follows:

23 Section 1-221. BENEFIT WAGES.

24

1 "Benefit wages" means the taxable wages earned by a claimant
2 during the claimant's base period which are not in excess of the
3 current maximum weekly benefit amount, as determined under Section
4 2-104 of this title, multiplied by the maximum number of weeks for
5 which benefits could be paid to any individual ~~(now twenty-six (26)~~
6 ~~weeks)~~, pursuant to Section 2-106 of this title, multiplied by three
7 (3); provided, however, no wages shall be included as "benefit
8 wages" unless and until the claimant has been paid benefits for five
9 (5) weeks in one ~~(1)~~ benefit year.

10 SECTION 2. AMENDATORY 40 O.S. 2021, Section 2-106, is
11 amended to read as follows:

12 Section 2-106. MAXIMUM BENEFIT AMOUNT.

13 ~~An~~ On January 1, 2023, an otherwise eligible individual
14 shall be entitled during any benefit year to a total amount
15 of benefits equal to whichever is the lesser of:

16 1. ~~Twenty-six (26) times the weekly benefit amount of the~~
17 ~~individual~~

18 a. If prior to January 1, 2023, twenty-six (26) times the
19 weekly benefit amount of the individual,

20 b. If between January 1, 2023, and January 1, 2025,
21 sixteen (16) times the weekly benefit amount of the
22 individual, or

23 c. If after January 1, 2025, between sixteen (16) and
24 twenty (20) times the weekly benefit amount dependent

1 upon the state's average unemployment insurance claims
2 pursuant to Section 3 of this act;

3 2. The applicable percentage of the state's average annual wage
4 for the second preceding calendar year as determined by the Oklahoma
5 Employment Security Commission, rounded to the nearest multiple of
6 One Hundred Dollars (\$100.00). The applicable percentage is
7 determined by the conditional factor in place during the calendar
8 year in which the individual files for benefits. The conditional
9 factor is determined pursuant to the provisions of Section 3-113 of
10 this title. The applicable percentages for this paragraph are as
11 follows:

- 12 a. twenty-five percent (25%) during any calendar year in
13 which the balance in the Unemployment Compensation
14 Fund is in excess of the amount required to initiate
15 conditional contribution rates, pursuant to the
16 provisions of Section 3-113 of this title,
- 17 b. twenty-three and three-fourths percent (23.75%) during
18 calendar years in which condition "a" exists,
- 19 c. twenty-two and one-half percent (22.5%) during
20 calendar years in which condition "b" exists,
- 21 d. twenty-one and one-fourth percent (21.25%) during
22 calendar years in which condition "c" exists, and
- 23 e. twenty percent (20%) during calendar years in which
24 condition "d" exists; or

1 3. The applicable percentage of the individual's wages for
2 insured work paid during the base period of the individual. The
3 applicable percentage is determined by the conditional factor in
4 place during the calendar year in which the individual files for
5 benefits. The conditional factor is determined pursuant to the
6 provisions of Section 3-113 of this title. The applicable
7 percentages for this paragraph are as follows:

- 8 a. fifty percent (50%) during any calendar year in which
9 the balance in the Unemployment Compensation Fund is
10 in excess of the amount required to initiate
11 conditional contribution rates, pursuant to the
12 provisions of Section 3-113 of this title,
- 13 b. forty-seven and one-half percent (47.5%) during
14 calendar years in which condition "a" exists,
- 15 c. forty-five percent (45%) during calendar years in
16 which condition "b" exists,
- 17 d. forty-two and one-half percent (42.5%) during calendar
18 years in which condition "c" exists, and
- 19 e. forty percent (40%) during calendar years in which
20 condition "d" exists.

21 SECTION 3. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1-230 of Title 40, unless there
23 is created a duplication in numbering, reads as follows:
24

1 A. For purposes of this section, "state average unemployment
2 insurance claims" means the weekly average of Continued UI Claims
3 for the thirteen (13) weeks beginning with the first file week
4 ending in the month of July in the calendar year prior to the
5 current calendar year as published by the Oklahoma Employment
6 Security Commission or the agency responsible for collecting and
7 publishing unemployment insurance claims data.

8 B. On January 1, 2025, for unemployment compensation claims
9 submitted during a calendar year, the duration of benefits is
10 limited to:

- 11 1. a. Sixteen (16) weeks if the state's average unemployment
12 insurance claims are at or below five thousand (5,000)
13 claims,
- 14 b. An additional two (2) weeks shall be added in addition
15 to the sixteen (16) weeks for each fifteen thousand
16 (15,000) increments if the state's average
17 unemployment insurance claims are above five thousand
18 (5,000) claims, or
- 19 c. Up to the maximum of twenty (20) weeks; or

20 2. In the event that the weekly claims data of continued claims
21 administered by the Oklahoma Employment Security Commission exceeds
22 forty thousand (40,000) claims, the maximum duration of benefits
23 shall immediately be raised to twenty-six (26) weeks. This maximum
24 benefit duration shall be in place until the weekly claims data of

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10

11

12

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13

SECTION 5. AMENDATORY 40 O.S. 2021, Section 1-221, is

14

amended to read as follows:

15

Section 1-221. BENEFIT WAGES.

16

"Benefit wages" means the taxable wages earned by a claimant

17

during the claimant's base period which are not in excess of the

18

current maximum weekly benefit amount, as determined under Section

19

2-104 of this title, multiplied by the maximum number of weeks for

20

which benefits could be paid to any individual ~~(now twenty-six (26)~~

21

~~weeks)~~ pursuant to Section 3 of this act multiplied by three (3);

22

provided, however, no wages shall be included as "benefit wages"

23

unless and until the claimant has been paid benefits for five (5)

24

weeks in one (1) benefit year.

1 SECTION 6. AMENDATORY 40 O.S. 2021, Section 2-
2 106, is amended to read as follows:

3 Section 2-106. MAXIMUM BENEFIT AMOUNT.

4 ~~An~~ Effective January 1, 2023, an otherwise eligible individual
5 shall be entitled during any benefit year to a total amount of
6 benefits equal to whichever is the lesser of:

7 1. Twenty-six (26) times the weekly benefit amount of the
8 individual;

9 2. The applicable percentage of the state's average annual wage
10 for the second preceding calendar year as determined by the
11 Commission, rounded to the nearest multiple of One Hundred Dollars
12 (\$100.00). The applicable percentage is determined by the
13 conditional factor in place during the calendar year in which the
14 individual files for benefits. The conditional factor is determined
15 pursuant to the provisions of Section 3-113 of this title. The
16 applicable percentages for this paragraph are as follows:

17 a. twenty-five percent (25%) during any calendar year in
18 which the balance in the Unemployment Compensation
19 Fund is in excess of the amount required to initiate
20 conditional contribution rates, pursuant to the
21 provisions of Section 3-113 of this title,

22 b. twenty-three and three-fourths percent (23.75%) during
23 calendar years in which condition "a" exists,
24

- c. twenty-two and one-half percent (22.5%) during calendar years in which condition "b" exists,
- d. twenty-one and one-fourth percent (21.25%) during calendar years in which condition "c" exists, and
- e. twenty percent (20%) during calendar years in which condition "d" exists; or

3. The applicable percentage of the individual's wages for insured work paid during the base period of the individual. The applicable percentage is determined by the conditional factor in place during the calendar year in which the individual files for benefits. The conditional factor is determined pursuant to the provisions of Section 3-113 of this title. The applicable percentages for this paragraph are as follows:

- a. fifty percent (50%) during any calendar year in which the balance in the Unemployment Compensation Fund is in excess of the amount required to initiate conditional contribution rates, pursuant to the provisions of Section 3-113 of this title,
- b. forty-seven and one-half percent (47.5%) during calendar years in which condition "a" exists,
- c. forty-five percent (45%) during calendar years in which condition "b" exists,
- d. forty-two and one-half percent (42.5%) during calendar years in which condition "c" exists, and

1 e. forty percent (40%) during calendar years in which
2 condition "d" exists.

3 SECTION 7. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1-230 of Title 40, unless there
5 is created a duplication in numbering, reads as follows:

6 For purposes of this section, "state average unemployment rate"
7 means the average of the three (3) months for the most recent third
8 calendar year quarter or the seasonally adjusted unemployment rates
9 as published by the Office of Unemployment Insurance within the U.S.
10 Department of Labor's Employment and Training Administration or the
11 agency responsible for collecting and publishing unemployment rate
12 data.

13 For unemployment compensation claims submitted during a calendar
14 year, the duration of benefits is limited to:

15 1. Twelve (12) weeks if the state's average unemployment rate
16 is at or below three percent (3%);

17 2. An additional week may be added in addition to the twelve
18 (12) weeks for each one-half percent (0.5%) increment in the state's
19 average unemployment rate above three percent (3%); or

20 3. Up to a maximum of twenty (20) weeks.

21 SECTION 8. This act shall become effective January 1, 2023.
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1 Passed the House of Representatives the 23rd day of March, 2022.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2022.

6
7
8 _____
9 Presiding Officer of the Senate