

ENGROSSED HOUSE
BILL NO. 2468

BY: COZORT of the HOUSE

and

LONG (Lewis) and SMITH
of the SENATE

AN ACT RELATING TO LABOR; LIMITING CERTAIN INCREASES
IN CERTAIN CONTRIBUTION RATES; AUTHORIZING
NONIMPLEMENTATION OF CERTAIN PROVISIONS UNDER
CERTAIN CONDITIONS; AMENDING 40 O.S. 1991, SECTION
2-411, WHICH RELATES TO RETIREMENT PAYMENTS;
AUTHORIZING THE EMPLOYMENT SECURITY COMMISSION TO
TAKE CERTAIN CONTRIBUTIONS INTO ACCOUNT IN
CONSIDERATION OF WEEKLY BENEFIT AMOUNTS; ALLOWING
THE OKLAHOMA EMPLOYMENT SECURITY COMMISSION TO
WAIVE CERTAIN PENALTIES AND INTEREST UNDER CERTAIN
CONDITIONS; PROVIDING FOR CODIFICATION; PROVIDING
EFFECTIVE DATES; AND DECLARING AN EMERGENCY.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 3-115 of Title 40, unless there
is created a duplication in numbering, reads as follows:

Contribution rates determined pursuant to the Employment
Security Act of 1980, Article 3, Part 1, of this title, shall be
limited to:

1. one-tenth of one percent (0.1%) to be paid by employers with a zero benefit wage ratio, when a condition as specified in subsections A, B or C of Section 3-113 of this title is in effect;

2. eight-tenths of one percent (0.8%) to be paid by employers with a zero benefit wage ratio, when a condition as specified in subsection D of Section 3-113 of this title is in effect;

3. beginning July 1, 1992, not more than two percent (2%) to be paid by employers with a benefit wage ratio of three and four-tenths percent (3.4%) or more, excluding any surcharge;

4. beginning July 1, 1992, not more than two percent (2%) to be paid by employers with a benefit wage ratio of less than three and four-tenths percent (3.4%) and having total taxable wages of Fifty Thousand Dollars (\$50,000.00) or less per quarter; and

5. beginning July 1, 1992, not more than five and four-tenths percent (5.4%) to be paid by employers with a benefit wage ratio of less than three and four-tenths percent (3.4%) and having total taxable wages of more than Fifty Thousand Dollars (\$50,000.00) per quarter.

If this section is determined by a delegate of the Secretary of the United States Department of Labor to be inconsistent with federal law, the Commission with concurrence of the State Attorney General is authorized to prohibit the implementation of this section.

SECTION 2. AMENDATORY 40 O.S. 1991, Section 2-411, is amended to read as follows:

Section 2-411. RETIREMENT PAYMENTS. (1) An individual shall be disqualified for benefits for any week which begins in a period with respect to which such individual is receiving a governmental or other pension, retirement or retired pay, annuity or any other similar periodic retirement payment which is based on the previous work of such individual if:

(a) Such pension, retirement or retired pay, annuity or similar payment is under a plan maintained, or contributed to, by a base period or chargeable employer, and

(b) In the case of such a payment not made under the Social Security Act or the Railroad Retirement Act of 1974, services performed for such employer by the individual after the beginning of the base period, or remuneration for such services, affect eligibility for or increase the amount of, such pension, retirement or retired pay, annuity or similar payment.

(2) If the total of such remuneration is less than the benefits which would otherwise be due under the Employment Security Act of 1980, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration.

(3) If payments referred to in this section are being received by an individual under the federal Social Security Act, the Commission shall take into account the individual's contribution and make no reduction in the weekly benefit amount.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-109 of Title 40, unless there is created a duplication in numbering, reads as follows:

Any penalty or interest, or any portion thereof, assessed because an employer or employee fails to file a report or remit payment as required by Section 1-101 et seq. of Title 40 of the Oklahoma Statutes may be waived by the Oklahoma Employment Security Commission provided the failure of the employer or employee to file a report or remit payment:

1. Is satisfactorily explained to the Commission;
2. Has resulted from a mistake by the employer or employee of either the law or the facts subjecting the employer or employee to file the report or remit payment; or
3. Results from insolvency.

SECTION 4. Section 3 of this act shall become effective September 1, 1992.

SECTION 5. Section 1 of this act shall become effective January 1, 1993.

SECTION 6. Section 2 of this act shall become effective July 1, 1992.

SECTION 7. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 10th day of March, 1992.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate