

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 1800 By: Leewright of the Senate  
3 and  
4 McDugle of the House  
5  
6

7 An Act relating to the Employment Security Act of  
8 1980; amending 40 O.S. 2021, Section 1-201, which  
9 relates to definitions; defining terms; amending 40  
10 O.S. 2021, Section 1-202.1, which relates to extended  
11 base period; removing definition; amending 40 O.S.  
12 2021, Section 1-209, which relates to employing unit;  
13 removing definition; amending 40 O.S. 2021, Section  
14 1-209.1, which relates to lessor employing unit;  
15 removing definitions; updating statutory reference;  
16 amending 40 O.S. 2021, Section 1-209.2, which relates  
17 to professional employer organization; removing  
18 definitions; amending 40 O.S. 2021, Section 1-217,  
19 which relates to unemployed individuals; removing  
20 definition; providing conditions of unemployment;  
21 specifying conditions for filing during a continued  
22 claim series; providing for investigating even when  
23 individual satisfies threshold requirements; making  
24 language gender neutral; amending 40 O.S. 2021,  
Section 1-223, which relates to taxable wages;  
removing definition; updating statutory language;  
amending 40 O.S. 2021, Section 1-224, which relates  
to filing; removing definitions related to  
telefaxing; modifying requirements for mailing;  
updating definitions to include digital filing  
through the Oklahoma Employment Security Commission's  
portal; amending 40 O.S. 2021, Section 1-225, which  
relates to supplemental unemployment benefit plan;  
removing definition; amending 40 O.S 2021, Section 1-  
228, which relates to limited liability companies;  
removing definition; specifying methods of notice by  
the Commission; providing Commission's preferred  
method; allowing for opt-out of delivery; amending 40  
O.S. 2021, Section 2-203, which relates to claims;  
removing provision for Commission to inform claimants  
filing for unemployment benefits and require

1 certification statement during process; amending 40  
2 O.S. 2021, Section 2-503, which relates to claims,  
3 notices, and objections; providing for electronic  
4 notice; allowing for opt-out of certain method;  
5 removing provisions for notice by mail; amending 40  
6 O.S. 2021, Section 2-503.1, which relates to filing  
7 of employer protest; removing optional use of portal;  
8 allowing for opt-out of certain method; updating  
9 statutory language; amending 40 O.S. 2021, Section 2-  
10 605, which relates to notice of decision; providing  
11 for notice by electronic means; allowing for opt-out  
12 of certain method; removing criteria for mail notice;  
13 amending 40 O.S. 2021, Section 2-606, which relates  
14 to appeals; removing provision for notice by mail;  
15 amending 40 O.S. 2021, Section 3-106, which relates  
16 to benefit wages charged; removing conditions for  
17 mail and electronic notice; adding reference for  
18 filings and hearings by the Assessment Board;  
19 removing provision for written protest; updating  
20 statutory language; amending 40 O.S. 2021, Section 3-  
21 115, which relates to appeal of determination;  
22 updating statutory language; providing standard of  
23 review; amending 40 O.S. 2021, Section 3-307, which  
24 relates to remittances; providing for Commission to  
promulgate rules for payment of unemployment taxes;  
amending 40 O.S. 2021, Section 4-205, which relates  
to temporary members; providing for appointment of an  
additional temporary member by the Governor in the  
event of disqualification of a member of the Board of  
Review; updating statutory language; amending 40 O.S.  
2021, Section 4-508, which relates to information to  
be kept confidential; updating statutory language;  
permitting disclosure of information to additional  
agencies by Commission; repealing 40 O.S. 2021,  
Sections 1-202, 1-202.2, 1-203, 1-204, 1-205, 1-206,  
1-207, 1-211, 1-212, 1-213, 1-215, 1-216, 1-219, 1-  
220, 1-221, 1-226, 1-301, 2-406.2, 2-709, 2-711, 2-  
713, and 3-118, which relate to the Employment  
Security Act of 1980; providing for codification; and  
providing an effective date.

23 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill  
24 and insert:

1 "An Act relating to the Employment Security Act of  
2 1980; amending 40 O.S. 2021, Section 1-201, which  
3 relates to definitions; adding definitions; amending  
4 40 O.S. 1-202.1, which relates to extended base  
5 period; removing definition; amending 40 O.S. 2021,  
6 Section 1-209, which relates to employing unit;  
7 removing definition; amending 40 O.S. 2021, Section  
8 1-209.1, which relates to lessor employing unit;  
9 removing definitions; updating statutory reference;  
10 amending 40 O.S. 2021, Section 1-209.2, which  
11 relates to professional employer organization;  
12 removing definitions; amending 40 O.S. 2021, Section  
13 1-217, which relates to unemployed individuals;  
14 removing definition; providing further conditions of  
15 unemployment; specifying conditions for filing  
16 during a continued claim series; providing for  
17 investigating even when individual satisfies  
18 threshold requirements; making language gender  
19 neutral; amending 40 O.S. 2021, Section 1-223, which  
20 relates to taxable wages; removing definition;  
21 amending 40 O.S. 2021, Section 1-224, which relates  
22 to filing; removing definitions related to  
23 telefaxing; updating definitions to include digital  
24 filing through the Oklahoma Employment Security  
Commission's portal; amending 40 O.S. 2021, Section  
1-225, which relates to supplemental unemployment  
benefit plan; removing definition; amending 40 O.S.  
2021, Section 1-228, which relates to limited  
liability companies; removing definition; specifying  
methods of notice by the Commission; providing  
Commission's preferred method; allowing for option  
of use; amending 40 O.S. 2021, Section 2-203, which  
relates to claims; removing provision for Commission  
to inform claimants filing for unemployment benefits  
and require certification statement during process;  
amending 40 O.S. 2021, Section 2-205.1, which  
relates to ability to work; removing specification  
for seeking or accepting employment; making language  
gender neutral; amending 40 O.S. 2021, Section 2-  
503, which relates to claims, notices, and  
objections; allowing for electronic notice; allowing  
for option of use; removing provisions for notice by  
mail; amending 40 O.S. 2021, Section 2-503.1, which  
relates to filing of employer protest; removing  
optional use of portal; amending 40 O.S. 2021,  
Section 2-605, which relates to notice of decision;  
providing for notice by electronic means; allowing

1 for option of use; removing criteria for mail  
2 notice; amending 40 O.S. 2021, Section 2-606, which  
3 relates to appeals; removing condition for notice by  
4 mail; amending 40 O.S. 2021, Section 3-106, which  
5 relates to benefit wages charged; removing  
6 conditions for method of mail notice; adding  
7 reference for filings and hearings by the Assessment  
8 Board; removing provision for written protest;  
9 amending 40 O.S. 2021, Section 3-115, which relates  
10 to appeal of determination; updating statutory  
11 language; amending 40 O.S. 2021, Section 3-307,  
12 which relates to remittances; providing for  
13 Commission to promulgate rules for payment of  
14 unemployment taxes; amending 40 O.S. 2021, Section  
15 4-205, which relates to temporary members; providing  
16 for appointment of an additional temporary member by  
17 the Governor in the event of disqualification of a  
18 member of the Board of Review; amending 40 O.S.  
19 2021, Section 4-508, which relates to information to  
20 be kept confidential; updating statutory language;  
21 permitting disclosure of information for additional  
22 agencies by Commission; repealing 40 O.S. 2021,  
23 Sections 1-202, 1-202.2, 1-203, 1-204, 1-205, 1-206,  
24 1-207, 1-211, 1-212, 1-213, 1-215, 1-216, 1-219, 1-  
220, 1-221, 1-226, 1-301, 2-406.2, 2-709, 2-711, 2-  
713, and 3-118, which relate to the Employment  
Security Act of 1980; providing for codification;  
and providing an effective date.

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

SECTION 1. AMENDATORY 40 O.S. 2021, Section 1-201, is amended to read as follows:

Section 1-201. GENERAL DEFINITIONS. ~~The words and phrases~~ As used in ~~this act shall, unless the context clearly requires otherwise, have the meanings prescribed in Part 2 of this Article~~ the Employment Security Act of 1980:

1        1. "Additional initial claim" means a claim application which  
2 reactivates a claim during an existing benefit year and certifies to  
3 a period of employment which occurred subsequent to the date of the  
4 filing of the last initial, additional, or reopened claim;

5        2. "Alternative base period" means the most recent four (4)  
6 completed calendar quarters immediately preceding the first day of  
7 an individual's benefit year. In the event that an individual's  
8 claim uses an alternative base period to meet the wage requirement  
9 under Section 2-207 of this title, this "alternative base period"  
10 shall be substituted for "base period" for all other purposes under  
11 the Employment Security Act of 1980;

12        3. "Assigned tax rate" means the tax rate assigned to an  
13 employer pursuant to Section 3-110.1 of this title when the employer  
14 does not have sufficient experience history to meet the At-Risk Rule  
15 set out in paragraph 3 of Section 3-110.1 of this title;

16        4. "Base period" means the first four (4) of the last five (5)  
17 completed calendar quarters immediately preceding the first day of  
18 an individual's benefit year;

19        5. "Benefit year" with respect to any individual means the one-  
20 year period beginning with the first day of the first week with  
21 respect to which the individual first files a valid claim for  
22 benefits and thereafter the one-year period beginning with the first  
23 day of the first week with respect to which the individual next  
24 files a valid claim for benefits after the termination of his or her

1 last preceding benefit year. Any claim for benefits shall be deemed  
2 a valid claim for the purpose of this section if the individual has  
3 been paid the wages for insured work required under the Employment  
4 Security Act of 1980;

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

13 7. "Benefits" mean the money payments payable to an individual  
14 as provided in the Employment Security Act of 1980 with respect to  
15 his or her unemployment including extended benefits. The federal  
16 share of such extended benefits shall not be construed as benefits  
17 for the purposes of computing contribution rates under the  
18 Employment Security Act of 1980;

19 8. "Calendar quarter" means the period of three (3) consecutive  
20 calendar months ending on March 31, June 30, September 30, or  
21 December 31, or the equivalent thereof as the Commission may by  
22 regulation prescribe;

23 9. "Client" shall have the same meaning as provided in  
24 paragraph 1 of Section 600.2 of this title;

1       10. "Coemployer" shall have the same meaning as provided in  
2 paragraph 2 of Section 600.2 of this title;

3       11. "Coemployment relationship" shall have the same meaning as  
4 provided in paragraph 3 of Section 600.2 of this title;

5       12. "Commission" means the Oklahoma Employment Security  
6 Commission;

7       13. "Commissioner" means a member of the Commission;

8       14. "Continued claim series" means an uninterrupted series of  
9 weekly claims filed by a claimant during the benefit year;

10       15. "Contributions" mean the money payments including taxes and  
11 reimbursements, required by the Employment Security Act of 1980 to  
12 be paid into the Unemployment Compensation Fund by an employer;

13       16. "Covered employee" shall have the same meaning as provided  
14 in paragraph 5 of Section 600.2 of this title;

15       17. "Digital portal filing" means electronic communication  
16 through the agency digital portal;

17       18. "Earned tax rate" means the tax rate calculated for an  
18 employer with sufficient experience history to meet the At-Risk Rule  
19 set out in paragraph 3 of Section 3-110.1 of this title, with the  
20 tax rate calculated pursuant to the provisions of Section 3-101 et  
21 seq. of this title;

22       19. "Electronic e-filing" means filing by email or fax to  
23 email;

1       20. "Eligibility period" of an individual for extended benefits  
2 means the period consisting of the weeks in his or her benefit year  
3 as defined by the Employment Security Act of 1980, which begin in an  
4 extended benefit period and, if his or her benefit year ends within  
5 such extended benefit period, any weeks thereafter which begin in  
6 such extended benefit period;

7       21. "Employer" shall have the same meaning as provided in  
8 Section 1-208 of this title;

9       22. "Employing unit" means any individual or type of  
10 organization including any partnership, association, trust, estate,  
11 joint stock company, insurance company, limited liability company or  
12 corporation, whether domestic or foreign, or the receiver, trustee  
13 in bankruptcy, trustee or successor thereof, or the legal  
14 representative of a deceased person, which has or subsequent to  
15 January 1, 1936, had in its employ one or more individuals  
16 performing services for it within this state;

17       23. "Employment" shall have the same meaning as provided in  
18 Section 1-210 of this title;

19       24. "Employment office" means a free public employment office  
20 or branch thereof operated by this or any other state as a part of a  
21 state-controlled system of public employment offices or by a federal  
22 agency charged with the administration of an unemployment  
23 compensation program or free public employment offices;



1       25. "Employment Security Administration Fund" means the fund  
2 established in Section 4-602 of this title from which administration  
3 expenses under the Employment Security Act of 1980 shall be paid;

4       26. "Exhaustee" shall have the same meaning as provided in  
5 Section 2-712 of this title;

6       27. "Experience period" means the most recent twelve (12)  
7 consecutive completed calendar quarters occurring before July 1 of  
8 the year immediately preceding the year for which the employer's  
9 contribution rate is being calculated;

10       28. "Extended base period" means the four (4) quarters prior to  
11 the claimant's base period. These four (4) quarters may be  
12 substituted for base period quarters on a quarter-by-quarter basis  
13 to establish a valid claim regardless of whether the wages have been  
14 used to establish a prior claim, except any wages earned that would  
15 render the Commission out of compliance with applicable federal law  
16 shall be excluded if used in a prior claim;

17       29. "Extended benefit period" shall have the same meaning as  
18 provided in Section 2-703 of this title;

19       30. "File", "files", or "filed" shall have the same meaning as  
20 provided in Section 1-224 of this title;

21       31. "Mail", "mails", "mailed", or "mailing" means communication  
22 sent by a postal service with sufficient postage;

23       32. "Foreign limited liability company" shall be defined by the  
24 provisions of the Oklahoma Limited Liability Company Act;

1        33. "Fund" means the Unemployment Compensation Fund established  
2 in Section 3-601 of this title;

3        34. "Hospital" means any hospital required to be licensed under  
4 the Oklahoma Public Health Code, Sections 1-101 et seq. of Title 63  
5 of the Oklahoma Statutes, and includes state mental hospitals and  
6 any other mental hospital or institution;

7        35. "Initial claim" means a new claim application submitted by  
8 a claimant to establish a benefit year for unemployment insurance  
9 benefits;

10       36. "Institution of higher education" shall have the same  
11 meaning as provided in Section 1-214 of this title;

12       37. "Insured work" means employment for employers as defined by  
13 the Employment Security Act of 1980;

14       38. "Lessor employing unit" means any independently established  
15 business entity which engages in the business of providing leased  
16 employees to any other employer, individual, organization,  
17 partnership, corporation, or other legal entity, referred to herein  
18 as a client lessee;

19       39. "Limited liability company" shall be defined by the  
20 provisions of the Oklahoma Limited Liability Company Act;

21       40. "Probationary period" means a period of time set forth in  
22 an established probationary plan, which applies to all employees or  
23 a specific group of employees, and does not exceed ninety (90)  
24 calendar days from the first day a new employee begins work;

1       41. "Professional Employer Organization" or "PEO" means an  
2 organization that is subject to the Oklahoma Professional Employer  
3 Organization Recognition and Registration Act and which meets the  
4 definition set out in paragraph 9 of Section 600.2 of this title;

5       42. "Rate of insured employment" shall have the same meaning as  
6 provided in Section 2-708 of this title;

7       43. "Regular benefits" means benefits payable to an individual  
8 under the Employment Security Act of 1980, or under any other state  
9 law including dependents' allowances and benefits payable to federal  
10 civilian employees;

11       44. "Reopened claim" means a claim application which  
12 reactivates a claim during an existing benefit year when a claimant  
13 stopped filing for benefits before his or her claim was exhausted,  
14 but in which there occurred no intervening employment from the date  
15 of the filing of the last initial, additional, or reopened claim;

16       45. "State" includes, in addition to the states of the United  
17 States of America, the District of Columbia, the Commonwealth of  
18 Puerto Rico and the Virgin Islands;

19       46. "State law" means the unemployment insurance law of any  
20 state, approved by the Secretary of Labor of the United States under  
21 Section 3304 of the Internal Revenue Code of 1954;

22       47. "Supplemental unemployment benefit plan" means a plan that  
23 provides for an employer to make payments to its employees during a  
24 permanent or temporary layoff that will supplement unemployment

1 benefits received by the employees. The purpose of a supplemental  
2 unemployment benefit plan is to allow an employer to sustain the  
3 purchasing power of its employees or former employees during a  
4 layoff;

5 48. "Taxable wages" means the wages paid to an individual with  
6 respect to employment during a calendar year for services covered by  
7 the Employment Security Act of 1980 or other state unemployment  
8 compensation acts which shall equal the applicable percentage of the  
9 state's average annual wage for the second preceding calendar year  
10 as determined by the Commission, rounded to the nearest multiple of  
11 One Hundred Dollars (\$100.00);

12 49. "Wages" shall have the same meaning as provided in Section  
13 1-218 of this title;

14 50. "Wages paid" means wages actually paid to the worker;  
15 provided, however, that in the event of any distribution of an  
16 employer's assets through insolvency, receivership, composition,  
17 assignment for the benefit of creditors, or termination of business,  
18 wages earned but not actually paid shall be considered as paid; and

19 51. "Week" means such period of seven (7) consecutive days, as  
20 the Commission may by regulation prescribe.

21 SECTION 2. AMENDATORY 40 O.S. 2021, Section 1-202.1, is  
22 amended to read as follows:

23 Section 1-202.1 EXTENDED BASE PERIOD.  
24

1 If an individual lacks sufficient base period wages because of a  
2 job-related injury for which the individual received total temporary  
3 disability payments awarded by the Workers' Compensation Court, upon  
4 written application by the claimant, an extended base period will be  
5 substituted for the current base period on a quarter-by-quarter  
6 basis as needed to establish a valid claim. ~~"Extended base period"~~  
7 ~~means the four quarters prior to the claimant's base period. These~~  
8 ~~four quarters may be substituted for base period quarters on a~~  
9 ~~quarter-by-quarter basis to establish a valid claim regardless of~~  
10 ~~whether the wages have been used to establish a prior claim, except~~  
11 ~~any wages earned that would render the Commission out of compliance~~  
12 ~~with applicable federal law will be excluded if used in a prior~~  
13 ~~claim.~~ Benefits paid on the basis of an extended base period, which  
14 would not otherwise be payable, shall be noncharged.

15 SECTION 3. AMENDATORY 40 O.S. 2021, Section 1-209, is  
16 amended to read as follows:

17 Section 1-209. EMPLOYING UNIT.

18 ~~"Employing unit" means any individual or type of organization,~~  
19 ~~including any partnership, association, trust, estate, joint stock~~  
20 ~~company, insurance company, limited liability company or~~  
21 ~~corporation, whether domestic or foreign, or the receiver, trustee~~  
22 ~~in bankruptcy, trustee or successor thereof, or the legal~~  
23 ~~representative of a deceased person, which has or subsequent to~~

24

1 ~~January 1, 1936, had in its employ one or more individuals~~  
2 ~~performing services for it within this state.~~

3 All individuals performing services within this state for any  
4 employing unit which maintains two or more separate establishments  
5 within this state shall be deemed to be employed by a single  
6 employing unit for all the purposes of the Employment Security Act  
7 of 1980, except as provided under paragraphs 10 and 11 of Section 1-  
8 208 of this title.

9 Whenever any employing unit contracts with or has under it any  
10 contractor or subcontractor for any employment, which is part of its  
11 usual trade, occupation, profession, or business, unless the  
12 employing unit as well as each such contractor or subcontractor is  
13 an employer by reason of Section 1-208 or Section 3-203 of this  
14 title, the employing unit shall for all the purposes of the  
15 Employment Security Act of 1980 be deemed to employ each individual  
16 in the employ of each such contractor or subcontractor for each day  
17 during which such individual is engaged in performing such  
18 employment; except that each such contractor or subcontractor who is  
19 an employer by reason of Section 1-208 or Section 3-203 of this  
20 title shall alone be liable for the contributions measured by wages  
21 paid to individuals employed by the contractor or subcontractor, and  
22 except that any employing unit which shall become liable for and pay  
23 contributions with respect to individuals in the employ of any such  
24 contractor or subcontractor who is not an employer by reason of

1 Section 1-208 or Section 3-203 of this title may recover the same  
2 from such contractor or subcontractor.

3 Each individual employed to perform or to assist in performing  
4 the work of any agent or employee of an employing unit shall be  
5 deemed to be employed by such employing unit for all the purposes of  
6 the Employment Security Act of 1980, whether such individual was  
7 hired or paid directly by such employing unit or by such agent or  
8 employee of an employing unit, provided the employing unit had  
9 actual or constructive knowledge of the employment.

10 SECTION 4. AMENDATORY 40 O.S. 2021, Section 1-209.1, is  
11 amended to read as follows:

12 Section 1-209.1 LESSOR EMPLOYING UNIT. A. ~~"Lessor employing  
13 unit" means any independently established business entity which  
14 engages in the business of providing leased employees to any other  
15 employer, individual, organization, partnership, corporation or  
16 other legal entity, referred to herein as a client lessee.~~

17 ~~B.~~ Any employer or any individual, organization, partnership,  
18 corporation or other legal entity which meets the definition of  
19 lessor employing unit shall be liable for contribution on wages paid  
20 by the lessor employing unit to individuals performing services for  
21 client lessees of the lessor employing unit.

22 ~~C.~~ B. Unless the lessor employing unit has timely complied with  
23 the provisions of this section, any employer, individual,  
24 organization, partnership, corporation or other legal entity leasing

1 employees from any lessor employing unit shall be jointly and  
2 severally liable for any unpaid contributions, interest, penalties  
3 and fees due under this section from any lessor employing unit  
4 attributable to wages for services performed for the client lessee  
5 entity by the employees leased to the client lessee entity.

6 ~~D.~~ C. In order to relieve client lessees from joint and several  
7 liability imposed under this section, any lessor employing unit as  
8 defined herein may post and maintain a surety bond issued by a  
9 corporate surety authorized to do business in this state in an  
10 amount equivalent to the contributions for which the lessor  
11 employing unit was liable in the last calendar year in which it  
12 accrued contributions, or One Hundred Thousand Dollars  
13 (\$100,000.00), whichever amount is the greater, to ensure prompt  
14 payment of contributions, interest, penalties and fees for which the  
15 lessor employing unit may be or may become liable under this  
16 section.

17 ~~E.~~ D. Any lessor employing unit as defined herein which is  
18 currently engaged in the business of leasing employees to client  
19 lessees shall comply with the provisions of this section by January  
20 1, 1991.

21 ~~F.~~ E. Any lessor employing unit not engaged in the business of  
22 leasing employees to client lessees on or before ~~the effective date~~  
23 ~~of this act~~ May 31, 1990, shall comply with the requirements herein  
24 before entering into lease agreements with client lessees.



1 SECTION 5. AMENDATORY 40 O.S. 2021, Section 1-209.2, is  
2 amended to read as follows:

3 Section 1-209.2 A. ~~1. A "Professional Employer Organization"~~  
4 ~~or "PEO" is an organization that is subject to the Oklahoma~~  
5 ~~Professional Employer Organization Recognition and Registration Act~~  
6 ~~and which meets the definition set out in paragraph 9 of Section~~  
7 ~~600.2 of Title 40 of the Oklahoma Statutes.~~

8 ~~2. "Client" shall have the same meaning as provided by~~  
9 ~~paragraph 1 of Section 600.2 of Title 40 of the Oklahoma Statutes.~~

10 ~~3. "Coemployer" shall have the same meaning as provided by~~  
11 ~~paragraph 2 of Section 600.2 of Title 40 of the Oklahoma Statutes.~~

12 ~~4. "Coemployment relationship" shall have the same meaning as~~  
13 ~~provided by paragraph 3 of Section 600.2 of Title 40 of the Oklahoma~~  
14 ~~Statutes.~~

15 ~~5. "Covered employee" shall have the same meaning as provided~~  
16 ~~by paragraph 5 of Section 600.2 of Title 40 of the Oklahoma~~  
17 ~~Statutes.~~

18 ~~B.~~ For purposes of the Employment Security Act of 1980, the PEO  
19 and its client shall be considered coemployers of the covered  
20 employees that are under the direction and control of the client.

21 ~~C.~~ B. If a PEO fails to become or remain registered under the  
22 Oklahoma Professional Employer Organization Recognition and  
23 Registration Act, the entity shall be considered a third-party  
24 administrator of the client account. As a third-party

1 administrator, a power of attorney will be required to obtain  
2 information from the client's account.

3 SECTION 6. AMENDATORY 40 O.S. 2021, Section 1-217, is  
4 amended to read as follows:

5 Section 1-217. UNEMPLOYED. ~~An individual shall be deemed~~  
6 ~~"unemployed" with respect to any week during which he performed no~~  
7 ~~services and with respect to which no wages are payable to him, or~~  
8 ~~with respect to any week of less than full-time work if the wages~~  
9 ~~payable to him with respect to such week are less than his weekly~~  
10 ~~benefit amount plus One Hundred Dollars (\$100.00); provided that for~~

11 A. An individual shall be deemed unemployed with respect to any  
12 week during which:

- 13 1. The individual performed no services; and  
14 2. No wages are payable to the individual.

15 B. For an initial or additional initial claim filing, an  
16 individual shall be deemed unemployed:

- 17 1. With respect to any week of less than full-time work, if the  
18 wages payable to the individual are less than his or her weekly  
19 benefit amount plus One Hundred Dollars (\$100.00); and

- 20 2. If the individual has incurred a loss of wages or reductions  
21 in hours equal to or greater than fifteen percent (15%) of the  
22 income or hours worked, based on his or her customary work  
23 experience or contract of hire.

24

1        C. For filing made during a continued claim series, an  
2 individual shall be deemed unemployed with respect to any week of  
3 less than full-time work if the wages payable to the individual are  
4 less than his or her weekly benefit amount plus One Hundred Dollars  
5 (\$100.00).

6        D. For the purpose of this section only, any vacation leave  
7 payments or sick leave payments, which such individual may receive  
8 or be entitled to from his or her employer or former employer,  
9 arising by reason of separation from employment, shall be deemed not  
10 to be wages as the term wages is used in this section.

11        E. A finding that an individual has satisfied the hour and wage  
12 threshold as defined in this section shall not preclude a potential  
13 investigation or disqualification for benefits as provided in  
14 Section 2-101 et seq. of this title if the employer files a timely  
15 protest to the initial or additional initial claim.

16        SECTION 7.        AMENDATORY        40 O.S. 2021, Section 1-223, is  
17 amended to read as follows:

18        Section 1-223.    TAXABLE WAGES - CONDITIONAL FACTORS AND  
19 PERCENTAGES.

20        ~~"Taxable wages" means the wages paid to an individual with~~  
21 ~~respect to employment during a calendar year for services covered by~~  
22 ~~the Employment Security Act of 1980 or other state unemployment~~  
23 ~~compensation acts which shall equal the applicable percentage of the~~  
24 ~~state's average annual wage for the second preceding calendar year~~

1 ~~as determined by the Commission, rounded to the nearest multiple of~~  
2 ~~One Hundred Dollars (\$100.00).~~ The applicable percentage of the  
3 state's average annual wage is determined by the conditional factor  
4 in place during the calendar year for which the taxable wage is  
5 being calculated. The conditional factor is determined pursuant to  
6 the provisions of Section 3-113 of this title. The applicable  
7 percentages are as follows:

8 1. Forty percent (40%) during any calendar year in which the  
9 balance in the Unemployment Compensation Fund is in excess of the  
10 amount required to initiate conditional contribution rates, pursuant  
11 to the provisions of Section 3-113 of this title;

12 2. Forty-two and one-half percent (42.5%) during calendar years  
13 in which condition "a" exists;

14 3. Forty-five percent (45%) during calendar years in which  
15 condition "b" exists;

16 4. Forty-seven and one-half percent (47.5%) during calendar  
17 years in which condition "c" exists; and

18 5. Fifty percent (50%) during calendar years in which condition  
19 "d" exists.

20 SECTION 8. AMENDATORY 40 O.S. 2021, Section 1-224, is  
21 amended to read as follows:

22 Section 1-224. FILE.

23 A. For purposes of this section, "OESC 2020-21 business process  
24 transformation" means a change from paper process to integrated

1 digital technology. Upon completion of the OESC 2020-21 business  
2 process transformation, electronic e-filing will be the Commission's  
3 preferred filing method for tendering and receiving documents. All  
4 claimants and employers tendering documents to the Commission will  
5 be expected to tender the documents electronically. If the claimant  
6 or employer has elected to utilize other means of transmittal, it  
7 will be the responsibility of the claimant or employer to notify the  
8 Commission of this preference.

9 B. ~~When any document is required to be filed by the provisions~~  
10 ~~of the Employment Security Act of 1980 or the rules promulgated~~  
11 ~~under the authority of the Employment Security Act of 1980 with the~~  
12 ~~Oklahoma Employment Security Commission, any of its representatives,~~  
13 ~~or the Board of Review for the Oklahoma Employment Security~~  
14 ~~Commission~~ the provisions of the Employment Security Act of 1980 or  
15 the rules promulgated under the authority of the act require any  
16 document to be filed with the Oklahoma Employment Security  
17 Commission or its affiliate entities, the term "file", "files", or  
18 "filed" shall ~~be defined as follows~~ mean:

19 1. ~~Hand-delivered~~ Hand-delivery to the central administrative  
20 office of the Oklahoma Employment Security Commission by the close  
21 of business on or before the date due;

22 2. ~~Telefaxed to the telefax number indicated on the~~  
23 ~~determination letter, order or other document issued by the Oklahoma~~  
24 ~~Employment Security Commission by midnight on or before the date~~

1 ~~due. Timely telefaxing shall be determined by the date and time~~  
2 ~~recorded by the Commission's telefax equipment;~~

3 ~~3. Mailed with sufficient postage and properly addressed to the~~  
4 ~~address indicated on the determination letter, order or other~~  
5 ~~document issued~~ Mailing by means calculated to ensure receipt by the  
6 Oklahoma Employment Security Commission on or before the date due.  
7 Timely mailing shall be determined by the United States Postal  
8 Service postmark. If there is no ~~proof from the post office of the~~  
9 ~~date of mailing~~ such legible postmark, the date of receipt by the  
10 Commission shall constitute the date of filing; ~~or~~

11 ~~4. 3.~~ Electronic e-filing to the Oklahoma Employment Security  
12 Commission, as directed by the instructions on the determination  
13 letter, order or other document issued by the Commission, by  
14 midnight on or before the date due. Timely transmission shall be  
15 determined by the Commission's transmission log file; or

16 4. Digital portal filing by midnight on or before the date due.  
17 Timely transmission shall be determined by the Commission's  
18 transmission log file.

19 C. If the Employment Security Act of 1980 or the rules  
20 promulgated under the Employment Security Act of 1980 require that a  
21 document be filed with a court or any other agency of this state,  
22 the term "file", "files" or "filed" shall be defined by the  
23 statutes, rules or practice governing that court or agency.

24

1 SECTION 9. AMENDATORY 40 O.S. 2021, Section 1-225, is  
2 amended to read as follows:

3 Section 1-225. SUPPLEMENTAL UNEMPLOYMENT BENEFIT PLAN.

4 A. ~~"Supplemental unemployment benefit plan" means a plan that~~  
5 ~~provides for an employer to make payments to its employees during a~~  
6 ~~permanent or temporary layoff that will supplement unemployment~~  
7 ~~benefits received by the employees. The purpose of a supplemental~~  
8 ~~unemployment benefit plan is to allow an employer to sustain the~~  
9 ~~purchasing power of its employees or former employees during a~~  
10 ~~layoff.~~

11 B. A supplemental unemployment benefit plan for a temporary  
12 layoff must meet the following requirements:

13 1. The plan shall provide for a payment from the employer to  
14 the employee each week during the temporary layoff to supplement  
15 unemployment benefits received by the employee;

16 2. The plan must be part of an agreement entered into between  
17 the employer and employee, or between the employer and a collective  
18 bargaining agent on behalf of the employee, before the date the  
19 layoff is effective;

20 3. The employer must be able to give a reasonable assurance  
21 that the separated employees will be able to return to work at the  
22 end of the temporary layoff;

23 4. The employer must inform the Commission of the beginning and  
24 ending dates of the layoff and keep the Commission informed of any

1 changes in circumstances while any claims for unemployment benefits  
2 are in existence; and

3 5. The plan must provide for equal treatment of all employees  
4 covered by the plan who are included in the layoff.

5 The requirements of Sections 2-417 and 2-418 of this title shall be  
6 waived for any claimant of unemployment benefits who is receiving  
7 supplemental benefits under this subsection.

8 ~~C.~~ B. A supplemental unemployment benefit plan for a permanent  
9 layoff must meet the following requirements:

10 1. The plan shall provide for a payment from the employer to  
11 the former employee during each week unemployment benefits are paid  
12 to the former employee, in order to supplement the unemployment  
13 benefits received by the former employee;

14 2. The plan must be part of an agreement entered into between  
15 the employer and former employee, or between the employer and a  
16 collective bargaining agent on behalf of the former employee, before  
17 the date the layoff is effective; and

18 3. The plan must provide for equal treatment of all former  
19 employees covered by the plan who are included in the layoff.

20 The requirements of Sections 2-417 and 2-418 of this title shall  
21 be applicable to any claimant of unemployment benefits who is  
22 receiving supplemental benefits under this subsection.

23

24



1       ~~D.~~ C. The amount of supplemental unemployment benefit plan  
2 payments will not be deducted from the weekly benefit amount of an  
3 unemployment benefit claim.

4       ~~E.~~ D. All supplemental unemployment benefit plans must be  
5 approved by the Director of the Unemployment Insurance Division of  
6 the Oklahoma Employment Security Commission. The Director's  
7 determination will be in writing and mailed to the employer and the  
8 collective bargaining agent of the employees, if any exists, at  
9 their last-known addresses, within twenty (20) days of the receipt  
10 of the employer's plan. If an employer or collective bargaining  
11 agent disagrees with the determination, an appeal can be taken  
12 pursuant to Section 3-115 of this title.

13       SECTION 10.        AMENDATORY        40 O.S. 2021, Section 1-228, is  
14 amended to read as follows:

15       Section 1-228. LIMITED LIABILITY COMPANIES.

16       ~~A. For purposes of the Employment Security Act of 1980, a~~  
17 ~~"limited liability company" and a "foreign limited liability~~  
18 ~~company" shall be defined by the provisions of the Oklahoma Limited~~  
19 ~~Liability Company Act.~~

20       ~~B.~~ For unemployment tax purposes, wages, salaries, or draws  
21 paid to limited liability company members, relatives of the members,  
22 and employees shall be taxed in the same manner as required by the  
23 Federal Unemployment Tax Act, Title 26 U.S.C., Chapter 23, and the  
24 Internal Revenue Code, Title 26 U.S.C., Chapters 1 through 99.

1 SECTION 11. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-230 of Title 40, unless there  
3 is created a duplication in numbering, reads as follows:

4 NOTICE GIVEN.

5 A. Notice shall be deemed given when the Oklahoma Employment  
6 Security Commission notifies by one of the following means:

- 7 1. Mail;
- 8 2. Email or fax to email; or
- 9 3. Upload to the agency digital portal.

10 There is a rebuttable presumption that notice has been given on  
11 the date stated in the communication.

12 B. The Commission's preferred method of notification shall be  
13 electronic delivery through the agency digital portal or email. If  
14 claimants or employers wish to opt into delivery by the agency  
15 digital portal or email, they may notify the Commission by one of  
16 the methods listed in subsection A of this section.

17 SECTION 12. AMENDATORY 40 O.S. 2021, Section 2-203, is  
18 amended to read as follows:

19 Section 2-203. CLAIM.

20 A. An unemployed individual must file an initial claim for  
21 unemployment benefits by completing the required forms through the  
22 Internet Claims service provided by the Commission, or by completing  
23 all forms necessary to process an initial claim in a local office of  
24 the Commission or any alternate site designated by the Commission to

1 take unemployment benefit claims. The Commission may obtain  
2 additional information regarding an individual's claim through any  
3 form of telecommunication, writing, or interview. An unemployed  
4 individual must file a claim by telecommunication or by Internet  
5 utilizing the digital services portal to create an account to access  
6 benefits with respect to each week in accordance with such rule as  
7 the Commission may prescribe.

8 B. 1. ~~During the process of filing an initial claim for~~  
9 ~~unemployment benefits, the claimant shall be made aware of the~~  
10 ~~definition of misconduct set out in Section 2-406 of this title, and~~  
11 ~~the claimant shall affirmatively certify that the answers given to~~  
12 ~~all questions in the initial claim process are true and correct to~~  
13 ~~the best of the claimant's knowledge and that no information has~~  
14 ~~been intentionally withheld or misrepresented in an attempt by the~~  
15 ~~claimant to receive benefits to which the claimant is not entitled.~~

16 2. ~~The certification statement required in paragraph 1 of this~~  
17 ~~subsection shall be available through the Internet Claims service~~  
18 ~~provided by the Commission and by a form to be completed by the~~  
19 ~~claimant in a local office of the Commission or at any alternate~~  
20 ~~site designated by the Commission to take unemployment benefit~~  
21 ~~claims.~~

22 C. With respect to each week, the claimant must provide the  
23 Commission with a true and correct statement of all material facts  
24 relating to unemployment; ability to work; availability for work;

1 activities or conditions which could restrict the individual from  
2 seeking or immediately accepting full-time employment or part-time  
3 work if subsection (4) of Section 2-408 of this title applies;  
4 applications for or receipt of workers' compensation benefits;  
5 employment and earnings; and the reporting of other income from  
6 retirement, pension, disability, self-employment, education or  
7 training allowances.

8 ~~D.~~ C. No claim will be allowed or paid unless the claimant  
9 resides within a state or foreign country with which the State of  
10 Oklahoma has entered into a reciprocal or cooperative arrangement  
11 pursuant to ~~Part 7 of Article IV of the Employment Security Act of~~  
12 ~~1980~~ Section 4-701 et seq. of this title.

13 ~~E.~~ D. The Commission may require the individual to produce  
14 documents or information relevant to the claim for benefits. If the  
15 individual fails to produce it, the individual's claim for  
16 unemployment benefits may be disqualified indefinitely by the  
17 Commission until the information is produced. An individual that  
18 has been disqualified indefinitely by the provisions of this  
19 subsection may receive payment for any week between the initial  
20 failure and the compliance with this subsection if the claimant is  
21 otherwise eligible and has made a timely filing for each intervening  
22 week.

23 SECTION 13. AMENDATORY 40 O.S. 2021, Section 2-205.1, is  
24 amended to read as follows:

1 Section 2-205.1 The unemployed individual must be able to  
2 perform work duties in keeping with his or her education, training  
3 and experience. He or she must also be available to seek and accept  
4 work at any time and may not be engaged in any activity that would  
5 ~~normally~~ restrict his or her seeking or accepting employment ~~in~~  
6 ~~keeping with his education, training and experience.~~

7 The fact that an individual is enrolled in school shall not, in  
8 and of itself, render an individual ineligible for unemployment  
9 benefits. Such individual who is involuntarily unemployed and  
10 otherwise eligible for benefits and who offers to quit school,  
11 adjust class hours or change shifts in order to secure employment  
12 shall be entitled to benefits.

13 SECTION 14. AMENDATORY 40 O.S. 2021, Section 2-503, is  
14 amended to read as follows:

15 Section 2-503. CLAIMS, NOTICES AND OBJECTIONS.

16 A. Claims for benefits shall be made in accordance with all  
17 rules that the Oklahoma Employment Security Commission may  
18 prescribe.

19 B. Promptly after an initial claim or an additional initial  
20 claim is filed, the Commission shall give notice of the claim to the  
21 last employer of the claimant for whom the claimant worked at least  
22 fifteen (15) working days. ~~The required fifteen (15) working~~ These  
23 days are not required to be consecutive. ~~Provided, that promptly~~  
24 ~~after~~ the Commission is notified of the claimant's separation from

1 ~~an~~ employment obtained ~~by a claimant~~ during a continued claim  
2 series, the Commission shall give notice of the claim to the last  
3 separating employer. Notices to separating employers during a  
4 continued claim series will be given to the last employer in the  
5 claim week without regard to length of employment. Each notice  
6 shall contain an admonition that failure to respond to the notice  
7 could affect the employer's tax rate.

8 C. Promptly after the claim is paid for the fifth week of  
9 benefits the Commission shall give written notice of the claim to  
10 all other employers of the claimant during the claimant's base  
11 period. The notice will be given ~~pursuant to Section 3-106 of this~~  
12 title by email unless the employer provides appropriate notification  
13 that they opted out of this method of communication pursuant to  
14 Section 11 of this act.

15 D. ~~Notices~~ Notice shall be deemed to have been given ~~to the~~  
16 ~~employer at the last-known address and by the date of the postmark~~  
17 ~~on the envelope in which the notice was sent. If the employer has~~  
18 ~~elected to be notified by electronic means according to procedures~~  
19 ~~set out in Oklahoma Employment Security Commission rules, notice~~  
20 ~~shall be deemed to be given~~ when the Commission transmits the notice  
21 by electronic means or, if the employer has opted out of electronic  
22 communications, the notice has been sent by mail.

23 E. Within ten (10) days after the date ~~on the notice or the~~  
24 ~~date of the postmark on the envelope in which the notice was sent,~~

1 ~~whichever is later~~ the notice is emailed, an employer may ~~file with~~  
2 ~~the Commission at the address prescribed in the notice written~~ send  
3 by email all objections to the claim setting forth specifically the  
4 facts which:

5 1. Make the claimant ineligible for benefits under Sections 2-  
6 201 through 2-210 of this title;

7 2. Disqualify the claimant from benefits under Sections 2-401  
8 through 2-417 and 2-419 of this title; or

9 3. Relieve ~~such~~ employer from being charged for the ~~benefits~~  
10 benefit wages of such claimant.

11 F. An untimely employer objection to a claim for unemployment  
12 benefits made pursuant to subsection E of this section may be  
13 allowed for good cause shown.

14 SECTION 15. AMENDATORY 40 O.S. 2021, Section 2-503.1, is  
15 amended to read as follows:

16 Section 2-503.1 FILING OF EMPLOYER PROTEST AND DOCUMENTS  
17 THROUGH EMPLOYER PORTAL.

18 A. ~~The procedure set out in this section for the filing of a~~  
19 ~~statement of objection through the employer portal is an optional~~  
20 ~~procedure for the employer. If the employer chooses not to utilize~~  
21 ~~this procedure, the employer must file its protest in accordance~~  
22 ~~with subsection E of Section 2-503 of Title 40 of the Oklahoma~~  
23 ~~Statutes.~~

24

1        ~~B.~~ An employer may file a statement of objections to the claim  
2 of a former employee at any time from the moment of discharge or  
3 separation from employment ~~of the employee~~ until the expiration of  
4 the ten-day time period set out in subsection E of Section 2-503 of  
5 ~~Title 40 of the Oklahoma Statutes.~~ The this title. Unless the  
6 employer has opted out of receiving electronic communications and  
7 filed their statement of objection through any method listed in  
8 Section 1-224 of this title, the statement of objection must be  
9 filed through the employer portal ~~on the Oklahoma Employment~~  
10 ~~Security Commission's Internet website~~ and must contain a statement  
11 of specific facts and documentation which:

- 12        1. Disclose the name and Social Security number of the  
13 employee;
- 14        2. Make the claimant ineligible for benefits under Sections 2-  
15 201 through 2-210 of ~~Title 40 of the Oklahoma Statutes~~ this title;
- 16        3. Disqualify the claimant for benefits under Sections 2-401  
17 through 2-419 of ~~Title 40 of the Oklahoma Statutes~~ this title; or
- 18        4. Relieve the employer from being charged for the ~~benefits~~  
19 benefit wages of this claimant.

20        ~~C.~~ B. Any timely statement of objection filed ~~pursuant to this~~  
21 ~~section within the time period and in the manner set out in~~  
22 ~~subsection B of this section~~ shall be considered a valid protest to  
23 a claim for unemployment benefits ~~filed by the former employee~~ and  
24 the employer shall be considered an interested party to the claim.



1 A statement of objection filed ~~pursuant to this section~~ outside the  
2 time period or in any manner other than as set out in subsection ~~B~~ A  
3 of this section shall not be considered a valid protest to a claim  
4 for unemployment of the former employee, and the employer shall not  
5 be considered an interested party to the claim.

6 SECTION 16. AMENDATORY 40 O.S. 2021, Section 2-605, is  
7 amended to read as follows:

8 Section 2-605. NOTICE OF REFEREE DECISION.

9 The parties shall be promptly notified of such referee's  
10 decision and shall be furnished with a copy of the decision,  
11 including the findings and conclusions in support thereof. The  
12 decision shall be provided to the party by the agency's digital  
13 portal or email unless the party notifies the agency that they opted  
14 out from receiving notices by email pursuant to Section 11 of this  
15 act. Such decision shall be final unless, within ten (10) days  
16 after the date ~~of mailing of notice thereof to the parties' last-~~  
17 ~~known addresses, or, in the absence of such mailing, within ten (10)~~  
18 ~~days after the delivery of such notice~~ is deemed given, further  
19 review before the Board of Review is initiated pursuant to Section  
20 2-606 of this title.

21 SECTION 17. AMENDATORY 40 O.S. 2021, Section 2-606, is  
22 amended to read as follows:

23 Section 2-606. APPEALS FROM TRIBUNAL REFEREE DECISIONS TO BOARD  
24 OF REVIEW.

1 The Board of Review shall review the record of an appeal filed  
2 by any of the parties entitled to notice on a determination of an  
3 appeal tribunal referee. ~~An appeal to the Board of Review may be~~  
4 ~~filed in any manner allowed by Section 1-224 of this title.~~ On  
5 appeal, the Board of Review may affirm, modify, reverse, or remand  
6 any decision of an appeal tribunal referee on the basis of evidence  
7 previously submitted, or on the basis of additional evidence  
8 received by an appeal tribunal referee on remand. The Board of  
9 Review shall promptly notify the parties of its decision in writing,  
10 and the decision shall be final unless within thirty (30) days after  
11 ~~the mailing of the decision to the parties' last-known addresses~~  
12 notice is deemed given, a proceeding for judicial review is  
13 initiated pursuant to Section 2-610 of this title.

14 SECTION 18. AMENDATORY 40 O.S. 2021, Section 3-106, is  
15 amended to read as follows:

16 Section 3-106. BENEFIT WAGES CHARGED AND RELIEF THEREFROM.

17 A. The Oklahoma Employment Security Commission shall give  
18 notice to each base period employer ~~of a claimant promptly~~ after the  
19 claimant ~~is~~ has been issued his or her fifth week of benefits by the  
20 Commission or ~~promptly~~ after the Commission receives notice of the  
21 amounts paid as benefits by another state under a reciprocal  
22 arrangement. ~~Notice shall be deemed given under this subsection~~  
23 ~~when the Commission deposits the same with the United States Postal~~  
24 ~~Service addressed to the employer at an address designated by the~~

1 ~~employer to receive the notice or at the employer's last known~~  
2 ~~address. If the employer has elected to be notified by electronic~~  
3 ~~means according to procedures set out in Oklahoma Employment~~  
4 ~~Security Commission rules, notice shall be deemed to be given when~~  
5 ~~the Commission transmits the notification by electronic means.~~  
6 ~~Notice shall be presumed prima facie to have been given to the~~  
7 ~~employer to whom addressed on the date stated in the written notice.~~  
8 This notice shall give the name and Social Security number of the  
9 claimant, the date the claim was filed, and the amount of benefit  
10 wages charged to the employer in each quarter of the base period.

11 B. Within twenty (20) days from the date stated ~~upon~~ on the  
12 notice ~~provided for in subsection A of this section,~~ the employer  
13 may file ~~with the Commission written objections~~ an objection to  
14 being charged ~~with the benefit wages upon one or more of the grounds~~  
15 ~~for objection~~ as set forth in subsection G of this section. The  
16 employer's written objection must set forth specifically:

- 17 1. The date ~~on which the~~ employment was terminated;
- 18 2. ~~Full particulars as to the circumstances~~ Specific details of  
19 the termination including the reason given by the individual for  
20 voluntarily leaving the employment, or the nature of the misconduct  
21 for ~~which discharged, as the case may be~~ discharge;
- 22 3. ~~Full particulars as to~~ Specific details of the regular  
23 scheduled part-time or full-time employment of the employee

24

1 including the starting date, and ending date if any, of the  
2 continuous period of ~~such part-time or full-time~~ employment; and

3 4. ~~Such other~~ Other information as called for by the notice.

4 C. Upon receipt of the employer's ~~written objections~~ objection,  
5 the Commission shall make a determination and notify the employer as  
6 to whether or not the employer is entitled to be relieved from ~~the~~  
7 ~~charging of benefit wages~~ wage charges. ~~The Commission shall~~  
8 ~~promptly notify the employer of that determination. Provided~~  
9 ~~further~~ Additionally, the twenty-day time period for filing ~~written~~  
10 ~~objections with the Commission~~ an objection as provided for in  
11 subsection B of this section may be waived for good cause shown.

12 D. Within twenty (20) days after the ~~mailing~~ issuing of the  
13 determination provided for in subsection C of this section, the  
14 employer may file with the ~~Commission or its representative~~  
15 Assessment Board a ~~written~~ protest to the determination and request  
16 an oral hearing de novo to present evidence in support of its  
17 protest. ~~The Commission or its representative~~ Assessment Board  
18 ~~shall, by written notice,~~ advise the employer of the date of the  
19 hearing, which shall not be less than ten (10) days from the date of  
20 ~~mailing of the written notice.~~ At the discretion of the Commission,  
21 this hearing shall be conducted by the ~~Commission or its~~  
22 ~~representative appointed by the Commission for this purpose.~~  
23 ~~Pursuant to~~ Assessment Board. After the hearing, the ~~Commission or~~  
24 ~~its representative~~ Assessment Board shall, ~~as soon as practicable,~~

1 ~~make a written order setting forth its findings of fact and~~  
2 ~~conclusions of law, and shall send it to the employer notify the~~  
3 ~~employer of its findings.~~

4 E. ~~If any employer fails to file a written protest within the~~  
5 ~~period of twenty (20) days, as provided by subsection D of this~~  
6 ~~section, then the determination shall be final, and no appeal shall~~  
7 ~~thereafter be allowed does not file a timely appeal of the~~  
8 ~~determination to the Assessment Board, the determination shall be~~  
9 ~~final.~~

10 F. The employer or the Commission may appeal the Assessment  
11 Board's order of the Commission or its representative to the  
12 district court by filing a petition for review with the district  
13 court clerk ~~of that court~~ within thirty (30) days after the date the  
14 order was ~~mailed~~ issued to all parties. ~~The mailing date shall be~~  
15 ~~specifically stated in the order.~~

16 G. The benefit wages charged to an employer for a given  
17 calendar year shall be the total of the benefit wages stated in the  
18 notices given to the employer ~~by the Commission~~. Provided, that an  
19 employer shall be relieved of a benefit wage charge if the employer  
20 proves to the satisfaction of the Commission that the benefit wage  
21 charge includes wages paid by the employer to any employee or former  
22 employee, who:

23  
24

- 1        1. ~~Left employment with that employer, or with his or her last~~  
2 ~~employer, voluntarily~~ Voluntarily left employment without good cause  
3 connected to the work;
- 4        2. Was discharged from ~~such~~ employment for misconduct connected  
5 with his or her work;
- 6        3. Was a regular scheduled employee of ~~that~~ the separating  
7 employer prior to the week the employee separated from other  
8 employment, and continued to work for the employer through the fifth  
9 compensable week of unemployment ~~in his or her~~ of the established  
10 benefit year;
- 11       4. Was separated from ~~his or her~~ employment as a direct result  
12 of a major natural disaster, declared as such by the President  
13 pursuant to the Disaster Relief Act of 1974, P.L. 93-288, and such  
14 employee would have been entitled to disaster unemployment  
15 assistance if he or she had not received unemployment insurance  
16 benefits;
- 17       5. Was discharged by an employer for unsatisfactory performance  
18 during an initial employment probationary period. As used in this  
19 paragraph, "probationary period" means a period of time set forth in  
20 an established probationary plan which applies to all employees or a  
21 specific group of employees and does not exceed ninety (90) calendar  
22 days from the first day a new employee begins work. The employee  
23 must be informed of the probationary period within the first seven  
24

1 (7) work days. There must be conclusive evidence to establish that  
2 the individual was separated due to unsatisfactory work performance;

3 6. Left employment to attend training approved under the Trade  
4 Act of 1974 and is allowed unemployment benefits pursuant to Section  
5 2-416 of this title; or

6 7. Was separated from employment for compelling family  
7 circumstances as defined in Section 2-210 of this title.

8 H. If an employer recalls an employee deemed unemployed as  
9 defined by the Employment Security Act of 1980 and the employee  
10 continues to be employed or the employee voluntarily terminates  
11 employment or is discharged for misconduct within the benefit year,  
12 the employer shall be entitled to have the benefit wage charged  
13 against the employer's experience rating for the employee reduced by  
14 the ratio of the number of weeks of remaining eligibility of the  
15 employee to the total number of weeks of entitlement.

16 I. An employer shall not be ~~charged with benefit wages~~ assessed  
17 a benefit wage charge of a laid-off employee if the employer lists  
18 as an objection in a statement filed in accordance with subsection B  
19 of this section that the employee collecting benefits was hired to  
20 replace a United States serviceman or servicewoman called into  
21 active duty and laid-off upon the return to work by that serviceman  
22 or servicewoman. The Unemployment Compensation Fund shall be  
23 charged with the benefit wages of the laid-off employee.

1 J. If the Commission receives a notice of amounts paid as  
2 benefits by another state under a reciprocal agreement, and the  
3 notice is received after three (3) years from the effective date of  
4 the underlying benefit claim, no benefit wage charge will be made  
5 against the employer identified in the notice, or if a benefit wage  
6 charge is made based on such a notice, the employer will be relieved  
7 of the charge when the facts are brought to the attention of the  
8 Commission.

9 K. An employer shall not be eligible to be relieved of a  
10 benefit wage charge under paragraphs 1 and 2 of subsection G of this  
11 section if the employer was sent a notice of benefit claim, pursuant  
12 to Section 2-503 of this title, and failed to timely file protest to  
13 the benefit claim.

14 SECTION 19. AMENDATORY 40 O.S. 2021, Section 3-115, is  
15 amended to read as follows:

16 Section 3-115. APPEAL OF DETERMINATIONS.

17 A. If a determination is made by the Oklahoma Employment  
18 Security Commission on any aspect of an employer's account, and a  
19 method of appeal or protest of the determination is not set out in  
20 the statute or rule under which the determination was made, the  
21 employer may appeal or protest the determination under the procedure  
22 set forth in subsection B of this section.

23 B. 1. All determinations affecting an employer account must be  
24 made by the Commission in writing in a Notice of Determination and



1 mailed to the employer at the employer's last-known address with the  
2 mailing date and appeal rights set out in the document. If the  
3 employer has elected to be notified by electronic means according to  
4 procedures set out in Oklahoma Employment Security Commission rules,  
5 notice shall be deemed to be given when the Commission transmits the  
6 notification by electronic means.

7 2. Within twenty (20) days after the mailing or transmission of  
8 the Notice of Determination as provided for in paragraph 1 of this  
9 subsection, the employer may file with the Commission, or its  
10 representative, a written request for a review and redetermination  
11 setting forth the employer's reasons therefor. If any employer  
12 fails to file a written request for review and redetermination  
13 within twenty (20) days without good cause, then the initial  
14 determination of the Commission shall be final, and no further  
15 appeal or protest shall be allowed.

16 3. If a written request for review and redetermination is  
17 filed, the Commission shall provide for a review and issue a Notice  
18 of Redetermination in the matter. The employer may appeal the  
19 redetermination by filing a written ~~protest~~ appeal within twenty  
20 (20) days of the date of the mailing of the Notice of  
21 Redetermination. If the employer fails to file a written ~~protest~~  
22 appeal within twenty (20) days without good cause, the  
23 redetermination of the Commission shall be final and no further  
24 appeal ~~or protest~~ shall be allowed.

1           4. Upon the timely filing of a written ~~protest~~ appeal, the  
2 Commission shall provide for an oral hearing ~~de novo~~ to allow the  
3 employer to present evidence in support of the ~~protest~~ appeal. The  
4 standard of review on appeal shall be de novo. The Commission or  
5 its representatives shall, by written notice, advise the employer of  
6 the date of the hearing, which shall not be less than ten (10) days  
7 from the date of the mailing of the written notice. At the  
8 discretion of the Commission, this hearing shall be conducted by the  
9 Commission, or by a representative appointed by the Commission for  
10 this purpose. The appealing party shall bear the initial burden of  
11 proof at the hearing.

12           5. Pursuant to the hearing, the Commission or its  
13 representative shall, as soon as practicable, make a written order  
14 setting forth its findings of fact and conclusions of law, and shall  
15 mail it to the employer at the employer's last-known address with  
16 the mailing date and appeal rights set out in the document.

17           6. The employer or the Commission may appeal the order to the  
18 district court of the county in which the employer has its principal  
19 place of business by filing a Petition for Review with the clerk of  
20 the court within thirty (30) days after the date the order was  
21 mailed to all parties. If the employer does not have a principal  
22 place of business in any county in ~~Oklahoma~~ this state, then the  
23 Petition for Review shall be filed with the Oklahoma County District  
24 Court. All appeals shall be governed by Part 4 of Article 3 of the

1 Employment Security Act of 1980. If the employer fails to file an  
2 appeal to the district court within the time allowed, the order  
3 shall be final and no further appeal shall be allowed.

4 C. Untimely requests for review and redetermination pursuant to  
5 paragraph 2 of subsection B of this section and written protests for  
6 appeals filed pursuant to paragraph 3 of subsection B of this  
7 section may be allowed for good cause shown, if the request for good  
8 cause is filed in writing with the Commission within one (1) year of  
9 the date of the determination or redetermination that is the basis  
10 of the request for untimely filing.

11 SECTION 20. AMENDATORY 40 O.S. 2021, Section 3-307, is  
12 amended to read as follows:

13 Section 3-307. A. All remittance under Section 1-101 et seq.  
14 of this title shall be made payable to the Oklahoma Employment  
15 Security Commission at Oklahoma City, Oklahoma, by automatic  
16 clearinghouse (ACH) debit/credit, financial institution, draft,  
17 check, cashier's check, electronic fund transfer, credit card, money  
18 order or money, and the Commission shall issue its receipt, for cash  
19 or money payment, to the payor. No remittance other than cash shall  
20 be in final discharge of liability due the Commission unless and  
21 until it shall have been paid in cash. All monies collected shall  
22 be deposited with the State Treasurer. There shall be assessed, in  
23 addition to any other penalties provided for by law, an  
24 administrative service fee of Twenty-five Dollars (\$25.00) on each

1 check returned to the Commission or any agent thereof by reason of  
2 the refusal of the financial institution upon which such check was  
3 drawn to honor the same. There shall be assessed, in addition to  
4 any other penalties provided for by law, an administrative service  
5 fee of Twenty-five Dollars (\$25.00) on each electronic fund transfer  
6 that fails due to insufficient funds in the payor's account.

7 B. Upon the return of any check by reason of the refusal of the  
8 financial institution upon which such check was drawn to honor the  
9 same, the Commission may file a bogus check complaint with the  
10 appropriate district attorney who shall refer the complaint to the  
11 Bogus Check Restitution Program established by Section 111 of Title  
12 22 of the Oklahoma Statutes. Funds collected through the program  
13 after collection of the fee authorized by Section 114 of Title 22 of  
14 the Oklahoma Statutes for deposit in the Bogus Check Restitution  
15 Program Fund in the county treasury shall be transmitted to the  
16 Commission and credited to the liability for which the returned  
17 check was drawn along with the administrative service fee provided  
18 by this section.

19 C. The Commission shall promulgate the rules for the deadlines  
20 of payment of unemployment taxes and the method of payment.

21 SECTION 21. AMENDATORY 40 O.S. 2021, Section 4-205, is  
22 amended to read as follows:

23 Section 4-205. TEMPORARY MEMBERS. In the event of the  
24 disqualification of one member of the Board of Review from the

1 hearing and determination of a claim for the benefits, the Governor  
2 shall designate a fourth, temporary member to serve as an  
3 alternative member. In the event of the disqualification of two or  
4 more members of the Board of Review from the hearing and  
5 determination on a claim for benefits, the Governor shall designate  
6 by appointment temporary members to serve as alternate members,  
7 ~~such.~~ Such alternates ~~to~~ shall be paid traveling expenses incurred  
8 in the performance of their duties as provided in the State Travel  
9 Reimbursement Act. The Governor may at any time, after notice and  
10 hearing, remove any member for cause.

11 SECTION 22. AMENDATORY 40 O.S. 2021, Section 4-508, is  
12 amended to read as follows:

13 Section 4-508. INFORMATION TO BE KEPT CONFIDENTIAL -  
14 DISCLOSURE.

15 A. Except as otherwise provided by law, information obtained  
16 from any employing unit or individual pursuant to the administration  
17 of the Employment Security Act of 1980, any workforce system program  
18 administered or monitored by the Oklahoma Employment Security  
19 Commission, and determinations as to the benefit rights of any  
20 individual shall be kept confidential and shall not be disclosed or  
21 be open to public inspection in any manner revealing the  
22 individual's or employing unit's identity. Any claimant, employer,  
23 or agent of either as authorized in writing, shall be supplied with  
24 information from the records of the Oklahoma Employment Security

1 Commission, to the extent necessary for the proper presentation of  
2 the claim or complaint in any proceeding under the Employment  
3 Security Act of 1980, with respect thereto.

4 B. Upon receipt of written request by any employer who  
5 maintains a Supplemental Unemployment Benefit (SUB) Plan, the  
6 Commission or its designated representative may release to that  
7 employer information regarding weekly benefit amounts paid its  
8 workers during a specified temporary layoff period, provided the  
9 Supplemental Unemployment Benefit (SUB) Plan requires benefit  
10 payment information before Supplemental Unemployment Benefits can be  
11 paid to the workers. Any information disclosed under this provision  
12 shall be utilized solely for the purpose outlined herein and shall  
13 be held strictly confidential by the employer.

14 C. The provisions of this section shall not prevent the  
15 Commission from disclosing the following information and no  
16 liability whatsoever, civil or criminal, shall attach to any member  
17 of the Commission or any employee thereof for any error or omission  
18 in the disclosure of this information:

19 1. The delivery to taxpayer or claimant a copy of any report or  
20 other paper filed by the taxpayer or claimant pursuant to the  
21 Employment Security Act of 1980;

22 2. The disclosure of information to any person for a purpose as  
23 authorized by the taxpayer or claimant pursuant to a waiver of  
24

1 confidentiality. The waiver shall be in writing and shall be  
2 notarized;

3 3. The Oklahoma Department of Commerce may have access to data  
4 obtained pursuant to the Employment Security Act of 1980 pursuant to  
5 rules promulgated by the Commission. The information obtained shall  
6 be held confidential by the Department and any of its agents and  
7 shall not be disclosed or be open to public inspection. The  
8 Oklahoma Department of Commerce, however, may release aggregated  
9 data, either by industry or county, provided that the aggregation  
10 meets disclosure requirements of the Commission;

11 4. The publication of statistics so classified as to prevent  
12 the identification of a particular report and the items thereof;

13 5. The disclosing of information or evidence to the Attorney  
14 General or any district attorney when the information or evidence is  
15 to be used by the officials or other parties to the proceedings to  
16 prosecute or defend allegations of violations of the Employment  
17 Security Act of 1980. The information disclosed to the Attorney  
18 General or any district attorney shall be kept confidential by them  
19 and not be disclosed except when presented to a court in a  
20 prosecution of a violation of Section 1-101 et seq. of this title,  
21 and a violation by the Attorney General or district attorney by  
22 otherwise releasing the information shall be a felony;

23 6. The furnishing, at the discretion of the Commission, of any  
24 information disclosed by the records or files to any official person

1 or body of this state, any other state or of the United States who  
2 is concerned with the administration of assessment of any similar  
3 tax in this state, any other state or the United States;

4 7. The furnishing of information to other state agencies for  
5 the limited purpose of aiding in the collection of debts owed by  
6 individuals to the requesting agencies or the Oklahoma Employment  
7 Security Commission;

8 8. The release of information to employees of the ~~Oklahoma~~  
9 Department of Transportation required for use in federally mandated  
10 regional transportation planning, which is performed as a part of  
11 its official duties;

12 9. The release of information to employees of the ~~Oklahoma~~  
13 State Treasurer's office required to verify or evaluate the  
14 effectiveness of the Oklahoma Small Business Linked Deposit Program  
15 on job creation;

16 10. The release of information to employees of the Attorney  
17 General, the Department of Labor, the Workers' Compensation  
18 Commission and the Insurance Department for use in investigation of  
19 workers' compensation fraud;

20 11. The release of information to employees of any ~~Oklahoma~~  
21 state, ~~Oklahoma~~ county, ~~Oklahoma~~ municipal or ~~Oklahoma~~ tribal law  
22 enforcement agency for use in criminal investigations and the  
23 location of missing persons or fugitives from justice;

24



1       12. The release of information to employees of the Center of  
2 International Trade, Oklahoma State University, required for the  
3 development of International Trade for employers doing business in  
4 ~~the State of Oklahoma~~ this state;

5       13. The release of information to employees of the Oklahoma  
6 State Regents for Higher Education required for use in the default  
7 prevention efforts and/or collection of defaulted student loans  
8 guaranteed by the Oklahoma Guaranteed Student Loan Program. Any  
9 information disclosed under this provision shall be utilized solely  
10 for the purpose outlined herein and shall be held strictly  
11 confidential by the Oklahoma State Regents for Higher Education;

12       14. The release of information to employees of the Oklahoma  
13 Department of Career and Technology Education, the Oklahoma State  
14 Regents for Higher Education, the Center for Economic and Management  
15 Research of the University of Oklahoma, the Center for Economic and  
16 Business Development at Southwestern Oklahoma State University or a  
17 center of economic and business research or development at a  
18 comprehensive or regional higher education institution within The  
19 Oklahoma State System of Higher Education required to identify  
20 economic trends or educational outcomes. The information obtained  
21 shall be kept confidential by the Oklahoma Department of Career and  
22 Technology Education, the Oklahoma State Regents for Higher  
23 Education and the higher education institution and shall not be  
24 disclosed or be open to public inspection. The Oklahoma Department

1 of Career and Technology Education, the Oklahoma State Regents for  
2 Higher Education and the higher education institution may release  
3 aggregated data, provided that the aggregation meets disclosure  
4 requirements of the Commission;

5 15. The release of information to employees of the Office of  
6 Management and Enterprise Services required to identify economic  
7 trends. The information obtained shall be kept confidential by the  
8 Office of Management and Enterprise Services and shall not be  
9 disclosed or be open to public inspection. The Office of Management  
10 and Enterprise Services may release aggregate data, provided that  
11 the aggregation meets disclosure requirements of the Oklahoma  
12 Employment Security Commission;

13 16. The release of information to employees of the Department  
14 of Mental Health and Substance Abuse Services required to evaluate  
15 the effectiveness of mental health and substance abuse treatment and  
16 state or local programs utilized to divert persons from inpatient  
17 treatment. The information obtained shall be kept confidential by  
18 the Department and shall not be disclosed or be open to public  
19 inspection. The Department of Mental Health and Substance Abuse  
20 Services, however, may release aggregated data, either by treatment  
21 facility, program or larger aggregate units, provided that the  
22 aggregation meets disclosure requirements of the Oklahoma Employment  
23 Security Commission;

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1        17. The release of information to employees of the Attorney  
2 General, the Oklahoma State Bureau of Investigation and the  
3 Insurance Department for use in the investigation of insurance fraud  
4 and health care fraud;

5        18. The release of information to employees of public housing  
6 agencies for purposes of determining eligibility pursuant to 42  
7 U.S.C., Section 503(i);

8        19. The release of wage and benefit claim information, at the  
9 discretion of the Commission, to an agency of this state or its  
10 political subdivisions that operate a program or activity designated  
11 as a required partner in the Workforce Innovation and Opportunity  
12 Act One-Stop delivery system pursuant to 29 U.S.C.A., Section  
13 3151(b)(1), based on a showing of need made to the Commission and  
14 after an agreement concerning the release of information is entered  
15 into with the entity receiving the information. For the limited  
16 purpose of completing performance accountability reports required by  
17 the Workforce Innovation and Opportunity Act, only those designated  
18 required partners that meet the 20 CFR Section 603.2(d) definition  
19 of public official may contract with a private agent or contractor  
20 pursuant to 20 CFR Section 603.5(f) for the purpose of the private  
21 agent or contractor receiving confidential unemployment compensation  
22 information to the extent necessary to complete the performance  
23 accountability reports;

24

1       20. The release of information to the State Wage Interchange  
2 System, at the discretion of the Commission;

3       21. The release of information to the Bureau of the Census of  
4 the U.S. Department of Commerce, the Bureau of Labor Statistics of  
5 the U.S. Department of Labor, and its agents employed by the  
6 Oklahoma Department of Labor for the purpose of economic and  
7 statistical research;

8       22. The release of employer tax information and benefit claim  
9 information to the Oklahoma Health Care Authority for use in  
10 determining eligibility for a program that will provide subsidies  
11 for health insurance premiums for qualified employers, employees,  
12 self-employed persons and unemployed persons;

13       23. The release of employer tax information and benefit claim  
14 information to the State Department of Rehabilitation Services for  
15 use in assessing results and outcomes of clients served;

16       24. The release of information to any state or federal law  
17 enforcement authority when necessary in the investigation of any  
18 crime in which the Commission is a victim. Information that is  
19 confidential under this section shall be held confidential by the  
20 law enforcement authority unless and until it is required for use in  
21 court in the prosecution of a defendant in a criminal prosecution;

22       25. The release of information to vendors that contract with  
23 the Oklahoma Employment Security Commission to provide for the  
24 issuance of debit cards, to conduct electronic fund transfers, to

1 perform computer programming operations, or to perform computer  
2 maintenance or replacement operations; provided the vendor agrees to  
3 protect and safeguard the information it receives and to destroy the  
4 information when no longer needed for the purposes set out in the  
5 contract;

6 26. The release of information to employees of the Office of  
7 Juvenile Affairs for use in assessing results and outcomes of  
8 clients served as well as the effectiveness of state and local  
9 juvenile and justice programs including prevention and treatment  
10 programs. The information obtained shall be kept confidential by  
11 the Office of Juvenile Affairs and shall not be disclosed or be open  
12 to public inspection. The Office of Juvenile Affairs may release  
13 aggregated data for programs or larger aggregate units, provided  
14 that the aggregation meets disclosure requirements of the Oklahoma  
15 Employment Security Commission;

16 27. The release of information to vendors that contract with  
17 the State of Oklahoma for the purpose of providing a public  
18 electronic labor exchange system that will support the Oklahoma  
19 Employment Security Commission's operation of an employment service  
20 system to connect employers with job seekers and military veterans.  
21 This labor exchange system would enhance the stability and security  
22 of Oklahoma's economy as well as support the provision of veterans'  
23 priority of service. The vendors may perform computer programming  
24 operations, perform computer maintenance or replacement operations,

1 or host the electronic solution; provided, each vendor agrees to  
2 protect and safeguard all information received, that no information  
3 shall be disclosed to any third party, that the use of the  
4 information shall be restricted to the scope of the contract, and  
5 that the vendor shall properly dispose of all information when no  
6 longer needed for the purposes set out in the contract; or

7 28. The release of employer tax information and benefit claim  
8 information to employees of a county public defender's office in ~~the~~  
9 ~~State of Oklahoma~~ this state and the Oklahoma Indigent Defense  
10 System for the purpose of determining financial eligibility for the  
11 services provided by such entities.

12 D. Subpoenas to compel disclosure of information made  
13 confidential by this statute shall not be valid, except for  
14 administrative subpoenas issued by federal, state, or local  
15 governmental agencies that have been granted subpoena power by  
16 statute or ordinance. Confidential information maintained by the  
17 Commission can be obtained by order of a court of record that  
18 authorizes the release of the records in writing. All  
19 administrative subpoenas or court orders for production of documents  
20 must provide a minimum of twenty (20) days from the date it is  
21 served for the Commission to produce the documents. If the date on  
22 which production of the documents is required is less than twenty  
23 (20) days from the date of service, the subpoena or order shall be  
24 considered void on its face as an undue burden or hardship on the

1 Commission. All administrative subpoenas, court orders or notarized  
2 waivers of confidentiality authorized by paragraph 2 of subsection C  
3 of this section shall be presented with a request for records within  
4 ninety (90) days of the date the document is issued or signed, and  
5 the document can only be used one time to obtain records.

6 E. Should any of the disclosures provided for in this section  
7 require more than casual or incidental staff time, the Commission  
8 shall charge the cost of the staff time to the party requesting the  
9 information.

10 F. It is further provided that the provisions of this section  
11 shall be strictly interpreted and shall not be construed as  
12 permitting the disclosure of any other information contained in the  
13 records and files of the Commission.

14 SECTION 23. REPEALER 40 O.S. 2021, Sections 1-202, 1-  
15 202.2, 1-203, 1-204, 1-205, 1-206, 1-207, 1-211, 1-212, 1-213, 1-  
16 215, 1-216, 1-219, 1-220, 1-221, 1-226, 1-301, 2-406.2, 2-709, 2-  
17 711, 2-713, and 3-118, are hereby repealed.

18 SECTION 24. This act shall become effective November 1, 2022."  
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Passed the House of Representatives the 27th day of April, 2022.

\_\_\_\_\_  
Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Presiding Officer of the Senate