

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1933

By: Martinez

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to labor; amending 40 O.S. 2021,
9 Sections 1-221 and 2-106, which relate to
10 unemployment benefits; modifying benefit wages;
11 defining term; providing effective date; limiting
12 duration of benefits; providing for codification; and
13 providing an effective date.

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

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

17 Section 1-221. BENEFIT WAGES.

18 "Benefit wages" means the taxable wages earned by a claimant
19 during the claimant's base period which are not in excess of the
20 current maximum weekly benefit amount, as determined under Section
21 2-104 of this title, multiplied by the maximum number of weeks for
22 which benefits could be paid to any individual ~~(now twenty-six (26)~~
23 ~~weeks)~~ pursuant to Section 3 of this act multiplied by three (3);
24 provided, however, no wages shall be included as "benefit wages"

1 unless and until the claimant has been paid benefits for five (5)
2 weeks in one (1) benefit year.

3 SECTION 2. AMENDATORY 40 O.S. 2021, Section 2-
4 106, is amended to read as follows:

5 Section 2-106. MAXIMUM BENEFIT AMOUNT.

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

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

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

19 a. twenty-five percent (25%) during any calendar year in
20 which the balance in the Unemployment Compensation
21 Fund is in excess of the amount required to initiate
22 conditional contribution rates, pursuant to the
23 provisions of Section 3-113 of this title,
24

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

- 1 d. forty-two and one-half percent (42.5%) during calendar
2 years in which condition "c" exists, and
3 e. forty percent (40%) during calendar years in which
4 condition "d" exists.

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

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

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

- 17 1. Twelve (12) weeks if the state's average unemployment rate
18 is at or below three percent (3%);
19 2. An additional week may be added in addition to the twelve
20 (12) weeks for each one-half percent (0.5%) increment in the state's
21 average unemployment rate above three percent (3%); or
22 3. Up to a maximum of twenty (20) weeks.

SECTION 5. This act shall become effective January 1, 2023.

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