

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 1933

By: Martinez of the House

and

6 Taylor and Daniels of the
7 Senate

8
9
10 COMMITTEE SUBSTITUTE

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

17
18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

21 Section 1-221. BENEFIT WAGES.

22 "Benefit wages" means the taxable wages earned by a claimant
23 during the claimant's base period which are not in excess of the
24 current maximum weekly benefit amount, as determined under Section

1 2-104 of this title, multiplied by the maximum number of weeks for
2 which benefits could be paid to any individual (~~now twenty-six (26)~~
3 ~~weeks~~), pursuant to Section 2-106 of this title, multiplied by three
4 (3); provided, however, no wages shall be included as "benefit
5 wages" unless and until the claimant has been paid benefits for five
6 (5) weeks in one ~~(1)~~ benefit year.

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

9 Section 2-106. MAXIMUM BENEFIT AMOUNT.

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

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

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

17 b. If between January 1, 2023, and January 1, 2025,
18 sixteen (16) times the weekly benefit amount of the
19 individual, or

20 c. If after January 1, 2025, between sixteen (16) and
21 twenty (20) times the weekly benefit amount dependent
22 upon the state's average unemployment insurance claims
23 pursuant to Section 3 of this act;
24

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

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

23 3. The applicable percentage of the individual's wages for
24 insured work paid during the base period of the individual. The

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

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

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

22 A. For purposes of this section, "state average unemployment
23 insurance claims" means the weekly average of Continued UI Claims
24 for the thirteen (13) weeks beginning with the first file week

1 ending in the month of July in the calendar year prior to the
2 current calendar year as published by the Oklahoma Employment
3 Security Commission or the agency responsible for collecting and
4 publishing unemployment insurance claims data.

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

8 1. a. Sixteen (16) weeks if the state's average unemployment
9 insurance claims are at or below five thousand (5,000)
10 claims,

11 b. An additional two (2) weeks shall be added in addition
12 to the sixteen (16) weeks for each fifteen thousand
13 (15,000) increments if the state's average
14 unemployment insurance claims are above five thousand
15 (5,000) claims, or

16 c. Up to the maximum of twenty (20) weeks; or

17 2. In the event that the weekly claims data of continued claims
18 administered by the Oklahoma Employment Security Commission exceeds
19 forty thousand (40,000) claims, the maximum duration of benefits
20 shall immediately be raised to twenty-six (26) weeks. This maximum
21 benefit duration shall be in place until the weekly average of
22 claims falls below forty thousand (40,000) claims at which time the
23 maximum duration of benefits shall be determined pursuant to
24 paragraph 1 of subsection B of this section.

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SECTION 4. This act shall become effective January 1, 2023.

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