

1 **SENATE FLOOR VERSION**

2 April 14, 2022

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1933

By: Martinez of the House

and

Taylor and Daniels of the
Senate

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

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

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

18 Section 1-221. BENEFIT WAGES.

19 "Benefit wages" means the taxable wages earned by a claimant
20 during the claimant's base period which are not in excess of the
21 current maximum weekly benefit amount, as determined under Section
22 2-104 of this title, multiplied by the maximum number of weeks for
23 which benefits could be paid to any individual ~~(now twenty-six (26)~~
24 ~~weeks)~~, pursuant to Section 2-106 of this title, multiplied by three
(3); provided, however, no wages shall be included as "benefit

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

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

5 Section 2-106. MAXIMUM BENEFIT AMOUNT.

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

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

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

13 b. If between January 1, 2023, and January 1, 2025,
14 sixteen (16) times the weekly benefit amount of the
15 individual, or

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

20 2. The applicable percentage of the state's average annual wage
21 for the second preceding calendar year as determined by the Oklahoma
22 Employment Security Commission, rounded to the nearest multiple of
23 One Hundred Dollars (\$100.00). The applicable percentage is
24 determined by the conditional factor in place during the calendar

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

5 a. twenty-five percent (25%) during any calendar year in
6 which the balance in the Unemployment Compensation
7 Fund is in excess of the amount required to initiate
8 conditional contribution rates, pursuant to the
9 provisions of Section 3-113 of this title,

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

12 c. twenty-two and one-half percent (22.5%) during
13 calendar years in which condition "b" exists,

14 d. twenty-one and one-fourth percent (21.25%) during
15 calendar years in which condition "c" exists, and

16 e. twenty percent (20%) during calendar years in which
17 condition "d" exists; or

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

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

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

17 A. For purposes of this section, "state average unemployment
18 insurance claims" means the weekly average of Continued UI Claims
19 for the thirteen (13) weeks beginning with the first file week
20 ending in the month of July in the calendar year prior to the
21 current calendar year as published by the Oklahoma Employment
22 Security Commission or the agency responsible for collecting and
23 publishing unemployment insurance claims data.

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

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

7 b. An additional two (2) weeks shall be added in addition
8 to the sixteen (16) weeks for each fifteen thousand
9 (15,000) increments if the state's average
10 unemployment insurance claims are above five thousand
11 (5,000) claims, or

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

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

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

22 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
23 April 14, 2022 - DO PASS AS AMENDED
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