

# SENATE BILL No. 421

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-4.

**Synopsis:** Unemployment benefits. Amends the definition of "wage credits". Specifies the rate for unemployment insurance benefits for initial claims filed by an individual who is totally unemployed for any week beginning after June 30, 2023. Specifies, for initial claims filed for any week beginning after June 30, 2023: (1) the maximum weekly benefit amount; and (2) an additional weekly benefit for eligible and qualified individuals with dependents.

**Effective:** July 1, 2023.

---

---

## Pol Jr.

---

---

January 19, 2023, read first time and referred to Committee on Pensions and Labor.

---

---



First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

## SENATE BILL No. 421

---

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 22-4-4-3, AS AMENDED BY P.L.122-2019,  
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2023]: Sec. 3. (a) For calendar quarters beginning on and after  
4 July 1, 1997, and before July 1, 1998, "wage credits" means  
5 remuneration paid for employment by an employer to an individual and  
6 remuneration received as tips or gratuities in accordance with Sections  
7 3102 and 3301 et seq. of the Internal Revenue Code. Wage credits may  
8 not exceed five thousand four hundred dollars (\$5,400) and may not  
9 include payments specified in section 2 of this chapter.

10 (b) For calendar quarters beginning on and after July 1, 1998, and  
11 before July 1, 1999, "wage credits" means remuneration paid for  
12 employment by an employer to an individual and remuneration  
13 received as tips or gratuities in accordance with Sections 3102 and  
14 3301 et seq. of the Internal Revenue Code. Wage credits may not  
15 exceed five thousand six hundred dollars (\$5,600) and may not include  
16 payments that are excluded from the definition of wages under section  
17 2 of this chapter.



1 (c) For calendar quarters beginning on and after July 1, 1999, and  
2 before July 1, 2000, "wage credits" means remuneration paid for  
3 employment by an employer to an individual and remuneration  
4 received as tips or gratuities in accordance with Sections 3102 and  
5 3301 et seq. of the Internal Revenue Code. Wage credits may not  
6 exceed five thousand eight hundred dollars (\$5,800) and may not  
7 include payments that are excluded from the definition of wages under  
8 section 2 of this chapter.

9 (d) For calendar quarters beginning on and after July 1, 2000, and  
10 before July 1, 2001, "wage credits" means remuneration paid for  
11 employment by an employer to an individual and remuneration  
12 received as tips or gratuities in accordance with Sections 3102 and  
13 3301 et seq. of the Internal Revenue Code. Wage credits may not  
14 exceed six thousand seven hundred dollars (\$6,700) and may not  
15 include payments that are excluded from the definition of wages under  
16 section 2 of this chapter.

17 (e) For calendar quarters beginning on and after July 1, 2001, and  
18 before July 1, 2002, "wage credits" means remuneration paid for  
19 employment by an employer to an individual and remuneration  
20 received as tips or gratuities in accordance with Sections 3102 and  
21 3301 et seq. of the Internal Revenue Code. Wage credits may not  
22 exceed seven thousand three hundred dollars (\$7,300) and may not  
23 include payments that are excluded from the definition of wages under  
24 section 2 of this chapter.

25 (f) For calendar quarters beginning on and after July 1, 2002, and  
26 before July 1, 2003, "wage credits" means remuneration paid for  
27 employment by an employer to an individual and remuneration  
28 received as tips or gratuities in accordance with Sections 3102 and  
29 3301 et seq. of the Internal Revenue Code. Wage credits may not  
30 exceed seven thousand nine hundred dollars (\$7,900) and may not  
31 include payments that are excluded from the definition of wages under  
32 section 2 of this chapter.

33 (g) For calendar quarters beginning on and after July 1, 2003, and  
34 before July 1, 2004, "wage credits" means remuneration paid for  
35 employment by an employer to an individual and remuneration  
36 received as tips or gratuities in accordance with Sections 3102 and  
37 3301 et seq. of the Internal Revenue Code. Wage credits may not  
38 exceed eight thousand two hundred sixteen dollars (\$8,216) and may  
39 not include payments that are excluded from the definition of wages  
40 under section 2 of this chapter.

41 (h) For calendar quarters beginning on and after July 1, 2004, and  
42 before July 1, 2005, "wage credits" means remuneration paid for



1 employment by an employer to an individual and remuneration  
 2 received as tips or gratuities in accordance with Sections 3102 and  
 3 3301 et seq. of the Internal Revenue Code. Wage credits may not  
 4 exceed eight thousand seven hundred thirty-three dollars (\$8,733) and  
 5 may not include payments that are excluded from the definition of  
 6 wages under section 2 of this chapter.

7 (i) For calendar quarters beginning on and after July 1, 2005, and  
 8 before July 1, 2012, "wage credits" means remuneration paid for  
 9 employment by an employer to an individual and remuneration  
 10 received as tips or gratuities in accordance with Sections 3102 and  
 11 3301 et seq. of the Internal Revenue Code. Wage credits may not  
 12 exceed nine thousand two hundred fifty dollars (\$9,250) and may not  
 13 include payments that are excluded from the definition of wages under  
 14 section 2 of this chapter.

15 (j) For calendar quarters beginning on and after July 1, 2012, **and**  
 16 **before July 1, 2023**, "wage credits" means remuneration paid for  
 17 employment by an employer to an individual and remuneration  
 18 received as tips or gratuities in accordance with Sections 3102 and  
 19 3301 et seq. of the Internal Revenue Code. Wage credits may not  
 20 include payments that are excluded from the definition of wages under  
 21 section 2 of this chapter.

22 (k) **For calendar quarters beginning after June 30, 2023, "wage**  
 23 **credits" means remuneration paid for employment by an employer**  
 24 **to an individual and remuneration received as tips or gratuities in**  
 25 **accordance with Sections 3102 and 3301 et seq. of the Internal**  
 26 **Revenue Code. Wage credits may not exceed ten thousand six**  
 27 **hundred twenty-five dollars (\$10,625) and may not include**  
 28 **payments that are excluded from the definition of wages under**  
 29 **section 2 of this chapter.**

30 SECTION 2. IC 22-4-12-2, AS AMENDED BY P.L.2-2011,  
 31 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2023]: Sec. 2. (a) ~~With respect to initial claims filed for any~~  
 33 ~~week beginning on and after July 1, 1997, and before July 1, 2012,~~  
 34 ~~each eligible individual who is totally unemployed (as defined in~~  
 35 ~~IC 22-4-3-1) in any week in the individual's benefit period shall be paid~~  
 36 ~~for the week, if properly claimed, benefits at the rate of:~~

37 (1) ~~five percent (5%) of the first two thousand dollars (\$2,000) of~~  
 38 ~~the individual's wage credits in the calendar quarter during the~~  
 39 ~~individual's base period in which the wage credits were highest;~~  
 40 ~~and~~

41 (2) ~~four percent (4%) of the individual's remaining wage credits~~  
 42 ~~in the calendar quarter during the individual's base period in~~



1 which the wage credits were highest.

2 (a) For purposes of this section, "prior average weekly wage"  
3 means the result of:

4 (1) the individual's total wage credits during the individual's  
5 base period; divided by

6 (2) fifty-two (52).

7 (b) With respect to initial claims filed for any week beginning on  
8 and after July 1, 2012, **and before July 1, 2023**, each eligible  
9 individual who is totally unemployed (as defined in IC 22-4-3-1) in any  
10 week in the individual's benefit period shall be paid for the week, if  
11 properly claimed, an amount equal to forty-seven percent (47%) of the  
12 individual's prior average weekly wage, rounded (if not already a  
13 multiple of one dollar (\$1)) to the next lower dollar. However, the  
14 maximum weekly benefit amount may not exceed three hundred ninety  
15 dollars (\$390).

16 (c) For purposes of this section, "prior average weekly wage" means  
17 the result of:

18 (1) the individual's total wage credits during the individual's base  
19 period; divided by

20 (2) fifty-two (52):

21 (c) With respect to initial claims filed for any week beginning  
22 after **June 30, 2023**, each eligible individual who is totally  
23 unemployed (as defined in IC 22-4-3-1) in any week in the  
24 individual's benefit period shall be paid for the week, if properly  
25 claimed, benefits at the rate of:

26 (1) five percent (5%) of the first two thousand dollars (\$2,000)  
27 of the individual's wage credits in the calendar quarter during  
28 the individual's base period in which the wage credits were  
29 highest; and

30 (2) four percent (4%) of the individual's remaining wage  
31 credits in the calendar quarter during the individual's base  
32 period in which the wage credits were highest.

33 (d) Except as provided in section 2.2 of this chapter, an  
34 individual's weekly benefit amount may not exceed four hundred  
35 forty-five dollars (\$445).

36 SECTION 3. IC 22-4-12-2.2 IS ADDED TO THE INDIANA CODE  
37 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
38 1, 2023]: **Sec. 2.2. (a) This section applies to initial claims filed for**  
39 **any week beginning after June 30, 2023.**

40 (b) For purposes of this section, the term "dependent" means:

41 (1) a lawful husband or wife who is unemployed and currently  
42 ineligible for Indiana benefits because of insufficient base



- 1 period wages;  
 2 (2) a natural child;  
 3 (3) an adopted child;  
 4 (4) a stepchild, if the stepchild is not receiving temporary  
 5 assistance to needy families; or  
 6 (5) a child placed in the claimant's home for adoption by an  
 7 authorized placement agency or a court of law, if the child:  
 8 (A) is less than eighteen (18) years of age; and  
 9 (B) has received more than one-half (1/2) the cost of  
 10 support from the claimant during the past ninety (90) days  
 11 (or for the duration of the relationship, if less) immediately  
 12 preceding the claimant's benefit year beginning date.

13 (c) For purposes of subsection (d):

- 14 (1) "child" includes:  
 15 (A) a natural child;  
 16 (B) an adopted child;  
 17 (C) a stepchild of the claimant, if the stepchild is not  
 18 receiving temporary assistance to needy families; or  
 19 (D) a child placed in the claimant's home for adoption by  
 20 an authorized placement agency or a court of law; and  
 21 (2) "person with a disability" means an individual who by  
 22 reason of physical or mental defect or infirmity, whether:  
 23 (A) congenital; or  
 24 (B) acquired by accident, injury, or disease;  
 25 is totally or partially prevented from achieving the fullest  
 26 attainable physical, social, economic, mental, and vocational  
 27 participation in the normal process of living.

28 (d) For purposes of this section, the term "dependent" includes  
 29 the following:

- 30 (1) A person with a disability more than eighteen (18) years of  
 31 age who is a child of the claimant and who received more than  
 32 one-half (1/2) the cost of the person's support from the  
 33 claimant during the ninety (90) day period immediately  
 34 preceding the claimant's benefit year beginning date.  
 35 (2) A child for whom the claimant is the court appointed legal  
 36 guardian.

37 (e) In addition to the weekly benefit amount determined under  
 38 section 2 of this chapter, an eligible and qualified individual is  
 39 entitled to an additional benefit amount of fifty dollars (\$50) per  
 40 week for each dependent claimed by the eligible and qualified  
 41 individual. However, the total additional weekly benefit provided  
 42 to an eligible and qualified individual under this subsection may



1 **not exceed one hundred fifty dollars (\$150).**

