

# An Act

ENROLLED HOUSE  
BILL NO. 1933

By: Martinez, Bashore, and  
Roberts (Dustin) of the  
House

and

Taylor, Daniels, and  
Stephens of the Senate

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

SUBJECT: Labor

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

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

Section 1-221. BENEFIT WAGES.

"Benefit wages" means the taxable wages earned by a claimant during the claimant's base period which are not in excess of the current maximum weekly benefit amount, as determined under Section 2-104 of this title, multiplied by the maximum number of weeks for which benefits could be paid to any individual ~~(now twenty-six (26) weeks)~~, pursuant to Section 2-106 of this title, multiplied by three (3); provided, however, no wages shall be included as "benefit wages" unless and until the claimant has been paid benefits for five (5) weeks in one (1) benefit year.

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

Section 2-106. MAXIMUM BENEFIT AMOUNT.

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

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

- a. If prior to January 1, 2023, twenty-six (26) times the weekly benefit amount of the individual,
- b. If between January 1, 2023, and January 1, 2025, sixteen (16) times the weekly benefit amount of the individual, or
- c. If after January 1, 2025, between sixteen (16) and twenty (20) times the weekly benefit amount dependent upon the state's average unemployment insurance claims pursuant to Section 3 of this act;

2. The applicable percentage of the state's average annual wage for the second preceding calendar year as determined by the Oklahoma Employment Security Commission, rounded to the nearest multiple of One Hundred Dollars (\$100.00). 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. twenty-five percent (25%) 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. 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,
- d. forty-two and one-half percent (42.5%) during calendar years in which condition "c" exists, and
- e. forty percent (40%) during calendar years in which condition "d" exists.

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

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

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

1. a. Sixteen (16) weeks if the state's average unemployment insurance claims are at or below five thousand (5,000) claims,
- b. An additional two (2) weeks shall be added in addition to the sixteen (16) weeks for each fifteen thousand (15,000) increments if the state's average unemployment insurance claims are above five thousand (5,000) claims, or
- c. Up to the maximum of twenty (20) weeks; or

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

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

Passed the House of Representatives the 16th day of May, 2022.

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

Passed the Senate the 26th day of April, 2022.

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

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_