

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 788

By: Leewright

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5
6 AS INTRODUCED

7 An Act relating to unemployment benefit wages;
8 amending 40 O.S. 2011, Section 2-106, which relates
9 to maximum benefit amount; limiting duration of
10 provisions; amending 40 O.S. 2011, Section 1-221,
11 which relates to benefit wages; deleting language;
12 defining term; decreasing the benefit period based on
13 unemployment data rates; reducing maximum weeks of
14 unemployment benefits; providing for codification;
15 and providing an effective date.

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

17 SECTION 1. AMENDATORY 40 O.S. 2011, Section 2-106, is
18 amended to read as follows:

19 Section 2-106. MAXIMUM BENEFIT AMOUNT.

20 ~~An~~ On or before the effective date of this act, an otherwise
21 eligible individual shall be entitled during any benefit year to a
22 total amount of benefits equal to whichever is the lesser of:

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

2. The applicable percentage of the state's average annual wage
for the second preceding calendar year as determined by the

1 Commission, rounded to the nearest multiple of One Hundred Dollars
2 (\$100.00). The applicable percentage is determined by the
3 conditional factor in place during the calendar year in which the
4 individual files for benefits. The conditional factor is determined
5 pursuant to the provisions of Section 3-113 of this title. The
6 applicable percentages for this paragraph are as follows:

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

20 3. The applicable percentage of the individual's wages for
21 insured work paid during the base period of the individual. The
22 applicable percentage is determined by the conditional factor in
23 place during the calendar year in which the individual files for
24 benefits. The conditional factor is determined pursuant to the

1 provisions of Section 3-113 of this title. The applicable
2 percentages for this paragraph are as follows:

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

16 SECTION 2. AMENDATORY 40 O.S. 2011, 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 3 of this act multiplied by three (3);

1 provided, however, no wages shall be included as "benefit wages"
2 unless and until the claimant has been paid benefits for five (5)
3 weeks in one (1) benefit year.

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

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

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

16 1. Twelve (12) weeks if the state's average unemployment rate
17 is at or below four and one-half percent (4.5%);

18 2. An additional week may be added in addition to the twelve
19 (12) weeks for each one-half percent (0.5%) increment in the state's
20 average unemployment rate above four and one-half percent (4.5%); or

21 3. Up to a maximum of twenty (20) weeks.

22 SECTION 4. This act shall become effective November 1, 2021.

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