

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 789

6 By: Leewright

7 COMMITTEE SUBSTITUTE

8 An Act relating to the Oklahoma Employment Security  
9 Commission; amending 40 O.S. 2011, Section 3-114,  
10 which relates to the financial condition of certain  
11 fund; modifying language; providing procedures to  
12 supplement financial condition of fund during certain  
13 state of emergency; authorizing certain actions  
14 available to Commission to supplement fund; providing  
15 an effective date; and declaring an emergency.

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

17 SECTION 1. AMENDATORY 40 O.S. 2011, Section 3-114, is  
18 amended to read as follows:

19 Section 3-114. ESTIMATE OF FINANCIAL CONDITION OF FUND -  
20 SURCHARGE. Prior to the beginning of each calendar quarter, the  
21 Oklahoma Employment Security Commission shall prepare an estimate of  
22 the financial condition of the fund for the quarter. ~~Effective July~~  
23 ~~1, 1992, if~~ If the estimate for any quarter shows a balance at any  
24 time during the quarter of less than Twenty-five Million Dollars  
(\$25,000,000.00), the Commission shall assess and collect a  
surcharge for that calendar quarter in an amount sufficient to keep

1 the balance at Twenty-five Million Dollars (\$25,000,000.00), except  
2 as otherwise provided in this section.

3 The surcharge shall be charged to each employer in proportion to  
4 the employer's total tax liability as of the last completed quarter  
5 for the current calendar year and shall not exceed thirty-three and  
6 one-third percent (33 1/3%) per taxable year.

7 In a state of emergency declared by the Governor, the Oklahoma  
8 Legislature, the United States President or the U.S. Congress, the  
9 Commission shall have the following authority:

10 1. If a state of emergency directly and adversely impacts the  
11 fund and if the estimate for any quarter in a declared state of  
12 emergency shows a balance at any time during the quarter of less  
13 than Twenty-five Million Dollars (\$25,000,000.00), the Commission  
14 shall have authority to:

15 a. claim twenty-five percent (25%) of the federal  
16 emergency relief funds made available to the state, if  
17 any,

18 b. decrease the surcharge to be charged to each employer  
19 to a percentage rate that is sufficient to bring the  
20 balance of the fund to Twenty-five Million Dollars  
21 (\$25,000,000.00),

22 c. borrow federal funds in amounts determined necessary  
23 by the Commission,

24

- 1           d. allow the balance of the fund to remain less than  
2           Twenty-five Million Dollars (\$25,000,000.00) but not  
3           less than Ten Million Dollars (\$10,000,000.00), or  
4           e. use any combination of the provisions of subparagraph  
5           a, b, c or d of this subsection to supplement the  
6           fund; and

7           2. When a state of emergency does not directly impact the fund,  
8 the Commission shall adhere to the required duty to assess and  
9 collect a surcharge for that calendar quarter in an amount  
10 sufficient to keep the fund balance at Twenty-five Million Dollars  
11 (\$25,000,000.00).

12           SECTION 2. This act shall become effective July 1, 2021.

13           SECTION 3. It being immediately necessary for the preservation  
14 of the public peace, health or safety, an emergency is hereby  
15 declared to exist, by reason whereof this act shall take effect and  
16 be in full force from and after its passage and approval.

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