

SENATE COMMITTEE AMENDMENTS

2021 Regular Session

Amendments proposed by Senate Committee on Labor and Industrial Relations to Original Senate Bill No. 225 by Senator Reese

1 AMENDMENT NO. 1

2 On page 1, line 2, after "1595" and before the comma "," insert "and to enact R.S. 23:1606"

3 AMENDMENT NO. 2

4 On page 1, line 5, after "definitions;" insert "to provide for extended benefits;"

5 AMENDMENT NO. 3

6 On page 1, line 9, after "reenacted" insert "and R.S. 23:1606 is hereby enacted"

7 AMENDMENT NO. 4

8 On page 4, delete lines 3 and 4, and insert the following:

9 "A.(1) The formula for the calculation of a claimant's weekly benefit
10 amount shall be determined each calendar year based upon the state average
11 unemployment rate, as defined in R.S. 23:1595, for the third quarter of the
12 previous calendar year."

13 AMENDMENT NO. 5

14 On page 6, after line 29, insert the following:

15 " * * *
16 §1606. Extended benefits for training; definitions; eligibility; weekly extended
17 benefit amount; total extended benefit amount; termination of
18 extended benefits

19 A. As used in this Section, unless the context clearly requires
20 otherwise, the following terms shall have the following meanings:

21 (1) "Extended benefit period" means a period which begins upon
22 exhaustion of regular unemployment benefits and ends upon the exhaustion or
23 disqualification for extended benefits pursuant to this Section.

24 (2) "Regular benefits" means benefits payable to an individual under
25 this Chapter or under the Unemployment Insurance Law of any state, approved
26 by the U.S. Secretary of Labor under Section 3304 of the Internal Revenue Code
27 of 1954, 26 U.S.C. §3304, including benefits payable to federal civilian
28 employees and to ex-servicemen pursuant to 5 U.S.C. Chapter 85, other than
29 extended benefits.

30 (3) "Extended benefits" means benefits payable to an individual under
31 the provisions of this Section for weeks of unemployment in his eligibility
32 period.

33 (4) "Eligibility period" of an individual means the period consisting of
34 the weeks in his benefit year which begin in an extended benefit period and, if
35 his benefit year ends within such extended benefit period, any weeks thereafter
36 which begin in such period.

37 (5) "Exhaustee" means an individual who, with respect to any week of
38 unemployment in his eligibility period, either:

39 (a) Has received, prior to such week, all of the regular benefits that were
40 available to him under this Chapter or any other unemployment insurance law
41 of any state approved by the United States Secretary of Labor under Section
42 3304 of the Internal Revenue Code of 1954, 26 U.S.C. §3304, including
43 dependent's allowances and benefits payable to federal civilian employees and

ex-servicemen under 5 U.S.C. Chapter 85, in his current benefit year that includes such week. For the purposes of this Paragraph, an individual shall be considered to have received all of the regular benefits that were available to him although as a result of a pending appeal with respect to wages or employment, or both, that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits.

(b) His benefit year having expired prior to such week, has no wages, or has insufficient wages or employment, or both, on the basis of which he could establish a new benefit year that would include such week if both of the following apply:

(i) He has no right to unemployment insurance benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, 45 U.S.C. §351 et seq., or under such other federal laws as are specified in regulations issued by the United States Secretary of Labor.

(ii) He has not received and is not seeking unemployment insurance benefits under the unemployment insurance law of Canada or the Virgin Islands, but if the individual is seeking such benefits and the appropriate agency finally determines that the individual is not entitled to benefits under such law, the individual shall be considered an exhaustee if the other provisions of this definition are met. Provided, that the reference in this Subparagraph to the Virgin Islands shall be inapplicable effective on the day after the day on which the United States Secretary of Labor approves under Section 3304(a) of the Internal Revenue Code of 1954, 26 U.S.C. §3304 (a), an unemployment compensation law submitted to the secretary by the Virgin Islands for approval.

B. An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period, only if the administrator finds that with respect to such week the following:

(1) He is an exhaustee as defined in R.S. 23:1606.

(2) He is enrolled and participating in an approved training program as provided in R.S. 23:1602 at the time his regular benefits are exhausted.

C. The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit amount determined pursuant to R.S. 23:1592 payable to him during his benefit year with respect to which he last became an exhaustee.

D. The total extended benefit amount payable to any eligible individual with respect to any one benefit year shall be eight times his weekly benefit amount which was payable to him under this Chapter for a week of total unemployment in such benefit year.

E. Except when the result would be inconsistent with the provisions of this Section and as provided in the regulation of the administrator, the provisions of this Chapter which apply for, or the payment of, regular benefits shall apply to claims for and the payment of, extended benefits.

F. An individual shall not be eligible for extended benefits for any week if the administrator determines that the individual is no longer enrolled or participating in the training program or the individual has completed the training program."

AMENDMENT NO. 6

On page 7, delete lines 1 through 3 and insert:

"Section 2. The Act shall take effect and become operative when the state's average unemployment rate, as defined in R.S. 23:1595, is less than five and one-half percent for two consecutive calendar quarters and the programs authorized by the Coronavirus Aid, Relief, and Economic Security Act of 2020, as amended, have expired."