

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Labor and Industrial Relations to Original Senate Bill No. 121 by Senator Riser

AMENDMENT NO. 1

On page 1, line 2 after "1533" insert "and 1552(E)"

AMENDMENT NO. 2

On page 1, line 6 delete the line and insert "Section 1. R.S. 23:1533 and 1552(E) are hereby amended and reenacted to read as follows:"

1 AMENDMENT NO. 3

2 On page 2, delete lines 15 through 19 and insert the following:

3 "(4)(a) Benefits shall not be charged against the experience rating records of a

4 claimant's base period employer if both of the following conditions are met:

5 (i) Benefits are paid in a situation in which the unemployment is caused solely by an

6 act or omission of any third party or parties, or solely by such act or omission in

7 combination with an act of God or an act of war. The determination of the

8 responsibility of any third party or parties shall be as determined by the Oil Pollution

9 Act, 33 U.S.C. 2701, et seq.

10 (ii) Reimbursement for such benefits shall have been paid by the responsible third

11 party or parties into the Unemployment Trust Fund.

12 (b) The amount owed by any responsible third party or parties shall equal the amount

13 of regular and extended benefits paid to individuals as a result of the act or omission

14 attributed to the responsible party or parties.

15 (c) At the end of each calendar quarter, or at the end of any other period as the

16 administrator may prescribe by regulation, the administrator shall charge the

17 responsible party or parties accordingly.

18 (d) Paragraph (4) of Subsection A of this Section is remedial and shall be retroactive

19 to January 1, 2010."

20 AMENDMENT NO. 4

21 On page 3, after line 5 insert the following:

22 " \* \* \*

23 §1552. Financing benefits paid to employees of nonprofit organizations and of the state, its

24 instrumentalities and political subdivisions and Indian tribes or tribal units

25 \* \* \*

26 E.(1) Each employer who is liable for payments in lieu of contributions shall pay to the

27 administrator for the fund the amount of regular benefits plus the amount of extended

28 benefits paid (not reimbursed by the federal government) that are attributable to services in

29 the employ of such employer, except **in the following circumstances:**

30 ~~(1) (a) that those benefits~~ **Benefits** paid to an individual pursuant to R.S. 23:1635 or through

31 any administrative error shall not be charged to the employer's account if it is finally

32 determined that such claimant was not entitled to such benefits or the employer is held not

33 to be liable for such payments, ~~and,~~

34 ~~(2) (b) that benefits~~ **Benefits** paid to an individual who continues to remain in the employ

35 of a base-period employer without a reduction in the number of hours worked or wages paid

36 shall not be charged to the employer's accounts. In addition, any payment previously

37 tendered the administrator on behalf of claims subject to these exceptions, which occur

38 subsequent to July 23, 1981, shall be immediately credited to the employer's account

39 **(2)** If benefits paid to an individual are based on wages paid by more than one employer and

40 one or more of such employers are liable for payments in lieu of contributions, the amount

41 attributable to each employer who is liable for such payments shall be an amount which

42 bears the same ratio to the total benefits paid to the individual as the total base-period wages

1 paid to the individual by such employer bear to the total base-period wages paid to the  
2 individual by all of his base-period employers.

3 **(3)(a) Benefits shall not be charged to the base period employer's account if both of the**  
4 **following conditions are met:**

5 **(i) Benefits are paid in a situation in which the unemployment is caused solely by an**  
6 **act or omission of any third party or parties, or solely by such act or omission in**  
7 **combination with an act of God or an act of war. The determination of the**  
8 **responsibility of any third party or parties shall be as determined by the Oil Pollution**  
9 **Act, 33 U.S.C. 2701, et seq.**

10 **(ii) Reimbursement for such benefits shall have been paid by the responsible third**  
11 **party or parties into the Unemployment Trust Fund.**

12 **(b) The amount owed by any responsible third party or parties shall equal the amount**  
13 **of regular and extended benefits paid to individuals as a result of the act or omission**  
14 **attributed to the responsible party or parties.**

15 **(c) At the end of each calendar quarter, or at the end of any other period as the**  
16 **administrator may prescribe by regulation, the administrator shall charge the**  
17 **responsible party or parties accordingly.**

18 **(d) Paragraph (3) of Subsection E of this Section is remedial and shall be retroactive**  
19 **to January 1, 2010."**