

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 23 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning labor
- 3 and safety.
- 4 Page 1, delete lines 1 through 17.
- 5 Delete pages 2 through 20.
- 6 Page 21, delete lines 1 through 13.
- 7 Page 23, delete lines 17 through 42.
- 8 Delete page 24.
- 9 Page 25, delete lines 1 through 39.
- 10 Page 26, delete lines 34 through 38.
- 11 Page 34, delete lines 36 through 42, begin a new paragraph and
- 12 insert:
- 13 "SECTION 16. IC 22-4-12-2 IS AMENDED TO READ AS
- 14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) ~~With respect~~
- 15 ~~to initial claims filed for any week beginning on and after July 6, 1980;~~
- 16 ~~and before July 7, 1985; each eligible individual who is totally~~
- 17 ~~unemployed (as defined in IC 22-4-3-1) in any week in the individual's~~
- 18 ~~benefit period shall be paid for the week, if properly claimed; benefits~~
- 19 ~~at the rate of four and three-tenths percent (4.3%) of the individual's~~
- 20 ~~wage credits in the calendar quarter during the individual's base period~~
- 21 ~~in which the wage credits were highest. However, the weekly benefit~~
- 22 ~~amount may not exceed:~~
- 23 (1) ~~eighty-four dollars (\$84) if the eligible and qualified~~

- 1 individual has no dependents;
 2 (2) ninety-nine dollars (\$99) if the eligible and qualified
 3 individual has one (1) dependent;
 4 (3) one hundred thirteen dollars (\$113) if the eligible and
 5 qualified individual has two (2) dependents;
 6 (4) one hundred twenty-eight dollars (\$128) if the eligible and
 7 qualified individual has three (3) dependents; or
 8 (5) one hundred forty-one dollars (\$141) if the eligible and
 9 qualified individual has four (4) or more dependents.

10 With respect to initial claims filed for any week beginning on and
 11 after July 7, 1985, and before July 6, 1986, each eligible individual who
 12 is totally unemployed (as defined in IC 22-4-3-1) in any week in the
 13 individual's benefit period shall be paid for the week, if properly
 14 claimed, benefits at the rate of four and three-tenths percent (4.3%) of
 15 the individual's wage credits in the calendar quarter during the
 16 individual's base period in which the wage credits were highest.
 17 However, the weekly benefit amount may not exceed:

- 18 (1) ninety dollars (\$90) if the eligible and qualified individual has
 19 no dependents;
 20 (2) one hundred six dollars (\$106) if the eligible and qualified
 21 individual has one (1) dependent;
 22 (3) one hundred twenty-one dollars (\$121) if the eligible and
 23 qualified individual has two (2) dependents;
 24 (4) one hundred thirty-seven dollars (\$137) if the eligible and
 25 qualified individual has three (3) dependents; or
 26 (5) one hundred fifty-one dollars (\$151) if the eligible and
 27 qualified individual has four (4) or more dependents.

28 With respect to initial claims filed for any week beginning on and
 29 after July 6, 1986, and before July 7, 1991, each eligible individual who
 30 is totally unemployed (as defined in IC 22-4-3-1) in any week in the
 31 individual's benefit period shall be paid for the week, if properly
 32 claimed, benefits at the rate of four and three-tenths percent (4.3%) of
 33 the individual's wage credits in the calendar quarter during the
 34 individual's base period in which the wage credits were highest.
 35 However, the weekly benefit amount may not exceed:

- 36 (1) ninety-six dollars (\$96) if the eligible and qualified individual
 37 has no dependents;
 38 (2) one hundred thirteen dollars (\$113) if the eligible and
 39 qualified individual has one (1) dependent;
 40 (3) one hundred twenty-nine dollars (\$129) if the eligible and
 41 qualified individual has two (2) dependents;
 42 (4) one hundred forty-seven dollars (\$147) if the eligible and
 43 qualified individual has three (3) dependents; or
 44 (5) one hundred sixty-one dollars (\$161) if the eligible and
 45 qualified individual has four (4) or more dependents.

46 With respect to initial claims filed for any week beginning on and

1 after July 7, 1991, benefits shall be paid in accordance with subsections
2 (d) through (k):

3 For the purpose of this subsection and subsections (e) through (g);
4 the term "dependent" means lawful husband or wife; natural child;
5 adopted child; stepchild; if such stepchild is not receiving aid to
6 dependent children under the welfare program; or child placed in the
7 claimant's home for adoption by an authorized placement agency or a
8 court of law; provided such child is under eighteen (18) years of age
9 and that such dependent claimed has received more than one-half (1/2)
10 the cost of support from the claimant during ninety (90) days (or for
11 duration of relationship; if less) immediately preceding the claimant's
12 benefit year beginning date; but only if such dependent who is the
13 lawful husband or wife is unemployed and currently ineligible for
14 Indiana benefits because of insufficient base period wages. The number
15 and status of dependents shall be determined as of the beginning of the
16 claimant's benefit period and shall not be changed during that benefit
17 period:

18 With respect to initial claims filed for any week beginning on and
19 after July 6, 1980; the term "dependent" shall include a person with a
20 disability over eighteen (18) years of age who is a child of the claimant
21 and who receives more than one-half (1/2) the cost of his support from
22 the claimant during the ninety (90) day period immediately preceding
23 the claimant's benefit year beginning date. "Child" includes a natural
24 child; an adopted child; a stepchild of claimant; if the stepchild is not
25 receiving aid to dependent children under the welfare program; or a
26 child placed in the claimant's home for adoption by an authorized
27 placement agency or a court of law. The term "disabled" means an
28 individual who by reason of physical or mental defect or infirmity;
29 whether congenital or acquired by accident, injury, or disease; is totally
30 or partially prevented from achieving the fullest attainable physical;
31 social; economic; mental; and vocational participation in the normal
32 process of living:

33 For the purpose of this subsection; the term "dependent" includes a
34 child for whom claimant is the court appointed legal guardian:

35 On and after July 6, 1980; and before July 7, 1991; if the weekly
36 benefit amount is less than forty dollars (\$40); the board; through the
37 commissioner; shall pay benefits at the rate of forty dollars (\$40) per
38 week. On and after July 7, 1991; if the weekly benefit amount is less
39 than fifty dollars (\$50); the board; through the commissioner; shall pay
40 benefits at the rate of fifty dollars (\$50) per week. If such weekly
41 benefit amount is not a multiple of one dollar (\$1); it shall be computed
42 to the next lower multiple of one dollar (\$1):

43 (b) Each eligible individual who is partially or part-totally
44 unemployed in any week shall be paid with respect to such week a
45 benefit in an amount equal to his weekly benefit amount; less his
46 deductible income; if any; for such week. If such partial benefit is not

1 a multiple of one dollar (\$1); it shall be computed to the next lower
 2 multiple of one dollar (\$1). Except for an individual who is totally
 3 unemployed; an individual who is not partially or part-totally
 4 unemployed is not eligible for any benefit. The board may prescribe
 5 rules governing the payment of such partial benefits; and may provide,
 6 with respect to individuals whose earnings cannot reasonably be
 7 computed on a weekly basis; that such benefits may be computed and
 8 paid on other than a weekly basis. However, such rules shall secure
 9 results reasonably equivalent to those provided in the analogous
 10 provisions of this section.

11 (c) The weekly extended benefit amount payable to an individual for
 12 a week of total unemployment in the individual's eligibility period shall
 13 be an amount equal to the weekly benefit amount payable to the
 14 individual during the individual's applicable benefit period; prior to any
 15 reduction of such weekly benefit amount.

16 (d) With respect to initial claims filed for any week beginning on
 17 and after July 7, 1991, and before July 1, 1995, each eligible individual
 18 who is totally unemployed (as defined in IC 22-4-3-1) in any week in
 19 the individual's benefit period shall be paid for the week, if properly
 20 claimed; benefits at the rate of:

- 21 (1) five percent (5%) of the first one thousand dollars (\$1,000) of
- 22 the individual's wage credits in the calendar quarter during the
- 23 individual's base period in which the wage credits were highest;
- 24 and
- 25 (2) four percent (4%) of the individual's remaining wage credits
- 26 in the calendar quarter during the individual's base period in
- 27 which the wage credits were highest.

28 However, the weekly benefit amount may not exceed the amount
 29 specified in subsections (e) through (i):

30 (e) With respect to initial claims filed for any week beginning on
 31 and after July 7, 1991, and before July 5, 1992, the weekly benefit
 32 amount may not exceed:

- 33 (1) one hundred sixteen dollars (\$116) if the eligible and qualified
- 34 individual has no dependents;
- 35 (2) one hundred thirty-four dollars (\$134) if the eligible and
- 36 qualified individual has one (1) dependent;
- 37 (3) one hundred fifty-three dollars (\$153) if the eligible and
- 38 qualified individual has two (2) dependents; or
- 39 (4) one hundred seventy-one dollars (\$171) if the eligible and
- 40 qualified individual has three (3) or more dependents.

41 (f) With respect to initial claims filed for any week beginning on
 42 and after July 5, 1992, and before July 4, 1993, the weekly benefit
 43 amount may not exceed:

- 44 (1) one hundred forty dollars (\$140) if the eligible and qualified
- 45 individual has no dependents;
- 46 (2) one hundred sixty dollars (\$160) if the eligible and qualified

1 individual has one (1) dependent; or
 2 (3) one hundred eighty-one dollars (\$181) if the eligible and
 3 qualified individual has two (2) or more dependents.

4 (g) With respect to initial claims filed for any week beginning on
 5 and after July 4, 1993, and before July 3, 1994, the weekly benefit
 6 amount may not exceed:

7 (1) one hundred seventy dollars (\$170) if the eligible and
 8 qualified individual has no dependents; or

9 (2) one hundred ninety-two dollars (\$192) if the eligible and
 10 qualified individual has one (1) or more dependents.

11 (h) With respect to initial claims filed for any week beginning on or
 12 after July 3, 1994, and before July 1, 1995, the weekly benefit amount
 13 may not exceed two hundred two dollars (\$202).

14 (i) With respect to initial claims filed for any week on or after July
 15 1, 1995, the weekly benefit amount will equal the amount that results
 16 from applying the percentages provided in subsections (j) through (k)
 17 to the applicable maximum wage credits under IC 22-4-4-3.

18 (j) With respect to initial claims filed for any week beginning on and
 19 after July 1, 1995, and before July 1, 1997, each eligible individual who
 20 is totally unemployed (as defined in IC 22-4-3-1) in any week in the
 21 individual's benefit period shall be paid for the week, if properly
 22 claimed, benefits at the rate of:

23 (1) five percent (5%) of the first one thousand seven hundred fifty
 24 dollars (\$1,750) of the individual's wage credits in the calendar
 25 quarter during the individual's base period in which the wage
 26 credits were highest; and

27 (2) four percent (4%) of the individual's remaining wage credits
 28 in the calendar quarter during the individual's base period in
 29 which the wage credits were highest.

30 However, the weekly benefit amount may not exceed the amount
 31 specified in subsection (i).

32 (k) (a) With respect to initial claims filed for any week beginning on
 33 and after July 1, 1997, **and before July 1, 2010**, each eligible
 34 individual who is totally unemployed (as defined in IC 22-4-3-1) in any
 35 week in the individual's benefit period shall be paid for the week, if
 36 properly claimed, benefits at the rate of:

37 (1) five percent (5%) of the first two thousand dollars (\$2,000) of
 38 the individual's wage credits in the calendar quarter during the
 39 individual's base period in which the wage credits were highest;
 40 and

41 (2) four percent (4%) of the individual's remaining wage credits
 42 in the calendar quarter during the individual's base period in
 43 which the wage credits were highest.

44 (b) With respect to initial claims filed for any week beginning on
 45 **and after July 1, 2010**, each eligible individual who is totally
 46 unemployed (as defined in IC 22-4-3-1) in any week in the

1 individual's benefit period shall be paid for the week, if properly
2 claimed, an amount equal to fifty-five percent (55%) of the
3 individual's prior average weekly wage, rounded (if not already a
4 multiple of one dollar (\$1)) to the next lower dollar.

5 (c) For purposes of this section, "prior average weekly wage"
6 means the result of:

7 (1) the individual's total wage credits during the individual's
8 base period; divided by

9 (2) fifty-two (52)."

10 Delete pages 35 through 38.

11 Page 39, delete lines 1 through 27.

12 Page 39, line 32, delete ":".

13 Page 39, line 33, delete "(1)".

14 Page 39, line 34, after "IC 31-9-2-42)" insert ".".

15 Page 39, run in lines 32 through 34.

16 Page 39, delete lines 35 through 39.

17 Page 40, line 21, delete "Notwithstanding any".

18 Page 40, delete lines 22 through 26.

19 Page 41, delete lines 35 through 42.

20 Delete pages 42 through 46.

21 Page 47, delete lines 1 through 13.

22 Page 51, delete lines 32 through 42.

23 Page 52, delete lines 1 through 30.

24 Page 52, delete lines 33 through 37.

25 Renumber all SECTIONS consecutively.

(Reference is to ESB 23 as printed February 19, 2010.)

Representative Leonard