

# HB0120S01 compared with HB0120

~~text~~ shows text that was in HB0120 but was deleted in HB0120S01.

text shows text that was not in HB0120 but was inserted into HB0120S01.

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Representative Jennifer Dailey-Provost proposes the following substitute bill:

## UNEMPLOYMENT INSURANCE AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jennifer ~~Dailey-Provost~~ Dailey-Provost**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill modifies provisions in the Employment Security Act.

#### Highlighted Provisions:

This bill:

- ▶ requires certain small nonprofit organizations to notify an employee that the employee will be unable to claim service performed for the nonprofit organization as employment for the purpose of qualifying for unemployment insurance benefits; and
- ▶ makes technical changes

#### Money Appropriated in this Bill:

None

#### Other Special Clauses:

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None

### Utah Code Sections Affected:

AMENDS:

**35A-4-313**, as renumbered and amended by Laws of Utah 1996, Chapter 240

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **35A-4-313** is amended to read:

**35A-4-313. Determination of employer and employment.**

(1) (a) The division or its authorized representatives may, upon its own motion or upon application of an employing unit, determine whether an employing unit constitutes an employer and whether services performed for, or in connection with the business of, an employer constitute employment for the employing unit. [~~The determinations~~]

(b) A determination described in Subsection (1)(a) may constitute the basis for determination of contribution liability under Subsection 35A-4-305(2) and be subject to review and appeal as provided.

(2) Pursuant to Subsection 35A-4-204(2)(e), if the division or the division's authorized representatives determine that services performed for, or in connection with the business of, a religious, charitable, educational, or other organization do not constitute employment for an employer:

(a) the religious, charitable, educational, or other organization shall notify a prospective employee, at the time an offer of employment is made, that the employee will be unable to claim the service as employment for the purpose of qualifying for unemployment benefits under this chapter; and

(b) the division shall notify the religious, charitable, educational, or other organization of the requirement described in Subsection (2)(a).

(3) Pursuant to Subsection 35A-4-204(2)(e), if the division or the division's authorized representatives determine that the status of whether services performed for, or in connection with the business of, a religious, charitable, educational, or other organization has changed regarding whether the services constitute employment for an employer:

(a) the religious, charitable, educational, or other organization shall notify each current employee of the change in status regarding whether the employee will be able or unable to

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claim the service as employment for the purpose of qualifying for unemployment benefits under this chapter; and

(b) the division shall notify the religious, charitable, educational, or other organization of the requirement described in Subsection (3)(a).