**South Carolina General Assembly**

118th Session, 2009-2010

**A123, R122, S374**

**STATUS INFORMATION**

General Bill

Sponsors: Senator L. Martin

Document Path: l:\council\bills\nbd\11026ac09.docx

Companion/Similar bill(s): 929

Introduced in the Senate on February 3, 2009

Introduced in the House on April 29, 2009

Last Amended on October 27, 2009

Passed by the General Assembly on October 28, 2009

Governor's Action: October 29, 2009, Signed

Summary: Department of Labor, Licensing, and Regulation

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/3/2009 Senate Introduced and read first time [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C02-03-09.docx)‑8

 2/3/2009 Senate Referred to Committee on **Labor, Commerce and Industry** [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C02-03-09.docx)‑8

 4/23/2009 Senate Polled out of committee **Labor, Commerce and Industry** [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C04-23-09.docx)‑10

 4/23/2009 Senate Committee report: Favorable **Labor, Commerce and Industry** [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C04-23-09.docx)‑10

 4/24/2009 Scrivener's error corrected

 4/28/2009 Senate Read second time [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C04-28-09.docx)‑29

 4/29/2009 Senate Read third time and sent to House [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C04-29-09.docx)‑9

 4/29/2009 House Introduced and read first time [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-29-09.docx)‑183

 4/29/2009 House Referred to Committee on **Labor, Commerce and Industry** [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-29-09.docx)‑183

 10/27/2009 House Recalled from Committee on **Labor, Commerce and Industry** [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C10-27-09.docx)‑3

 10/27/2009 House Special order, set for Tuesday, October 27, 2009 at the call of the Speaker (Under H. 4161) [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C10-27-09.docx)‑5

 10/27/2009 House Amended [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C10-27-09.docx)‑5

 10/27/2009 House Read second time [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C10-27-09.docx)‑5

 10/28/2009 House Read third time and returned to Senate with amendments [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C10-28-09.docx)‑3

 10/28/2009 Senate Concurred in House amendment and enrolled [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C10-28-09.docx)‑5

 10/28/2009 Ratified R 122

 10/29/2009 Signed By Governor

 11/2/2009 Effective date 10/29/09

 11/2/2009 Act No. 123

**VERSIONS OF THIS BILL**

[2/3/2009](file:///p%3A%5Cpprever%5C2009-10%5C374_20090203.docx)

[4/23/2009](file:///p%3A%5Cpprever%5C2009-10%5C374_20090423.docx)

[4/24/2009](file:///p%3A%5Cpprever%5C2009-10%5C374_20090424.docx)

[10/27/2009](file:///p%3A%5Cpprever%5C2009-10%5C374_20091027.docx)

(A123, R122, S374 of 2009)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑35‑320 SO AS TO PROVIDE FOR THE PAYMENT OF EXTENDED UNEMPLOYMENT BENEFITS WHEN THESE BENEFITS ARE FULLY FUNDED BY THE FEDERAL GOVERNMENT AND UPON THE MEETING OF OTHER SPECIFIC CONDITIONS.**

Be it enacted by the General Assembly of the State of South Carolina:

**Employment security benefits, extension under certain conditions**

SECTION 1. Article 3, Chapter 35, Title 41 of the 1976 Code is amended by adding:

 “Section 41‑35‑320. (1) For a week in which one hundred percent federal sharing funding is available, there is an ‘on’ indicator for a week:

 (a) beginning after March 7, 2009; and

 (b) ending four weeks before the last week of unemployment for which one hundred percent federal sharing is available under Section 2005(a) of Public Law No. 111‑5, or an amendment of this provision, without regard to the extension of federal sharing for certain claims as provided under Section 2005(c) of this law.

 (2) There is a state ‘on’ indicator for this State for a week in which the United States Secretary of Labor determines that for the period consisting of the most recent three months, the rate of total unemployment, seasonally adjusted, equaled or exceeded six and a half percent, and the average rate of total unemployment for the State, seasonally adjusted, as determined by the United States Secretary of Labor for this period equals or exceeds one hundred ten percent of the average unemployment for the State for either or both of the corresponding three‑month periods ending in the two preceding calendar years.

 (3)(a) Effective with respect to weeks beginning in a ‘high unemployment period’, Section 41‑35‑440 must be applied by substituting:

 (i) ‘eighty percent’ for ‘fifty percent’ in item (1)(a) of that section; and

 (ii) ‘twenty’ for ‘thirteen’ in item (1)(b) of that section.

 (b) For the purpose of this section, a ‘high unemployment period’ exists during a period in which an extended benefit period would be in effect by substituting ‘eight percent’ for ‘six and a half percent’ in subsection (2).

 (4) There is a state ‘off’ indicator for the purpose of this section when a condition of subsection (2) is not satisfied.

 (5) Notwithstanding a provision of Section 41‑35‑380, an individual’s ‘eligibility period’ must include an eligibility period provided in Section 2005(b) of Public Law 111‑5 and an amendment of this provision.

 (6) The commission shall implement procedures to allow retroactive claims, but these procedures must conform to conditions of federal funding.”

**Time effective**

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 28th day of October, 2009.

Approved the 29th day of October, 2009.

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