**South Carolina General Assembly**

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**H. 3940**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Cobb‑Hunter

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Companion/Similar bill(s): 893

Introduced in the House on April 22, 2009

Currently residing in the House Committee on **Ways and Means**

Summary: Unemployment benefits

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/22/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\04-22-09.docx)‑61

4/22/2009 House Referred to Committee on **Ways and Means** [HJ](file:///h:\HJ%20Archive\2009\04-22-09.docx)‑61

**VERSIONS OF THIS BILL**

[4/22/2009](file:///p:\pprever\2009-10\3940_20090422.docx)

**A** **BILL**

TO AMEND SECTION 41‑35‑330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN DEFINITIONS ASSOCIATED WITH EXTENDED UNEMPLOYMENT BENEFITS, SO AS TO PROVIDE AN ADDITIONAL “STATE ‘ON’ INDICATOR”; TO AMEND SECTION 41‑35‑380, RELATING TO THE DEFINITION OF THE ELIGIBILITY PERIOD FOR UNEMPLOYMENT BENEFITS, SO AS TO ADD TO THE DEFINITION OF THIS ELIGIBILITY PERIOD; AND TO AMEND SECTION 41‑35‑440, RELATING TO THE TOTAL EXTENDED BENEFIT AMOUNT OF UNEMPLOYMENT BENEFITS PAYABLE TO AN INDIVIDUAL WITHIN A BENEFIT YEAR, SO AS TO PROVIDE FOR A FORMULA FOR DETERMINING THE TOTAL EXTENDED BENEFIT AMOUNT PAYABLE TO AN INDIVIDUAL WITH RESPECT TO THE APPLICABLE BENEFIT YEAR FOR WEEKS BEGINNING IN A HIGH‑UNEMPLOYMENT PERIOD.

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

SECTION 1. Section 41‑35‑330 of the 1976 Code is amended to read:

“Section 41‑35‑330. ~~(1)~~(A) There is a ‘state ‘on’ indicator’ for this State for a week if the commission determines, in accordance with the regulations of the U. S. Secretary of Labor, that for the period consisting of ~~such~~ this week and the immediately preceding twelve weeks’ the rate of insured unemployment, ~~(~~not seasonally adjusted~~)~~, under Chapters 27 through 41 of this title:

~~(a)~~(1) ~~Equaled~~ equaled or exceeded one hundred twenty percent of the average of ~~such~~ these rates for the corresponding thirteen week ~~period~~ periods ending in ~~each of~~ the preceding two calendar years~~,~~; and

~~(b)~~(2) ~~Equaled~~ equaled or exceeded five percent. With respect to benefits for weeks of unemployment beginning after July 1, 1977, the determination of whether there has been a ‘state ‘on’ or ‘off’ indicator’ for this State beginning or ending any extended benefit period must be made under this section as if:

~~(i)~~ (a) ~~paragraph (1)~~ subsection (A) did not contain ~~subparagraph (a)~~ item (1); and

~~(ii)~~(b) the word ‘five’ contained in ~~subparagraph (b) thereof~~ item (2) of subsection (A) of this section were ‘six’ except that, notwithstanding ~~any such~~ another provision of this section, ~~any~~ a week for which there would otherwise be a ‘state ‘on’ indicator’ for this State must continue to be such a week and ~~shall~~ must not be determined to be a week for which there is a ‘state ‘off’ indicator’ for this State.

(B)(1) There is a ‘state ‘on’ indicator’ if, with respect to a week of unemployment beginning after January 31, 2009:

(a) the average rate of total unemployment, seasonally adjusted, as determined by the United States Secretary of Labor, for the period consisting of the most recent three months for which data for all states are published before the close of the week equals or exceeds six and one‑half percent; and

(b) the average rate of total unemployment in this State, seasonally adjusted, as determined by the United States Secretary of Labor, for the three‑month period referred to in subitem (A) of this subsection, equals or exceeds one hundred ten percent of the average for either or both of the corresponding three‑month periods ending in the two preceding calendar years.

(2) This subsection is effective after January 31, 2009, and ceases to be in effect the week ending three weeks before the last week for which federal sharing is authorized by Section 2005(a) of Public Law 111‑5.

~~(2)~~(C) There is a ‘state ‘off’ indicator’ for this State for a week if, for the period consisting of such week and the immediately preceding twelve weeks, either ~~subparagraph (a) or (b) of paragraph (1)~~ item (1) or (2) of subsection (A) was not satisfied.

~~(3)~~(D) ~~This~~ Except as provided in subsection (B), this section is applicable for ~~all weeks~~ a week beginning after September 25, 1982.”

SECTION 2. Section 41‑35‑380 of the 1976 Code is amended to read:

“Section 41‑35‑380. ‘Eligibility period’ of an individual means the period consisting of the weeks in his benefit year ~~which~~ that begin in an extended benefit period and, if his benefit year ends within ~~such~~ the extended benefit period, ~~any weeks thereafter which begin in such~~ a week after that begins in this period. For the purpose of extended benefits in effect after January 31, 2009, for which federal sharing is authorized by Section 2005(a) of Public Law 111‑5, ‘eligibility period’ includes weeks within the extended benefit period if the individual exhausts emergency unemployment compensation within the extended benefit period regardless of whether weeks in the individual’s benefit year are within the extended benefits period.”

SECTION 3. Section 41‑35‑440 of the 1976 Code is amended to read:

“Section 41‑35‑440. ~~(1)~~(A) The total extended benefit amount payable to ~~any~~ an eligible individual with respect to his applicable benefit year is the least of the following amounts:

~~(a)~~(1) Fifty percent of the total amount of regular benefits which were payable to him under Chapters 27 through 41 of this title in his applicable benefit year.

~~(b)~~(2) Thirteen times his weekly benefit amount which was payable to him under Chapters 27 through 41 of this title for a week of total unemployment in the applicable benefit year.

~~(2)~~(B) Notwithstanding ~~any other~~ another provision of Chapters 27 through 41 of this Title, if the benefit year of ~~any~~ an individual ends within an extended benefit period, the remaining balance of extended benefits that ~~such~~ this individual would, but for this section, be entitled to receive in that extended benefit period, with respect to weeks of unemployment beginning after the end of the benefit year, must be reduced, ~~(~~but not below zero~~)~~, by the product of the number of weeks for which the individual received ~~any amounts~~ an amount as trade readjustment allowances within that benefit year, multiplied by the individual’s weekly benefit amount for extended benefits.

(C) Effective with respect to weeks beginning in a high‑unemployment period, the total extended benefit amount payable to an eligible individual with respect to the applicable benefit year is the least of the following amounts:

(1) Eighty percent of the total amount of regular benefits that were payable to the individual pursuant to this section in the individual’s applicable benefit year; or

(2) Twenty times the individual’s average weekly benefit amount that was payable to the individual pursuant to this section for a week of total unemployment in the applicable benefit year.

(D) For the purpose of subsection (C) of this section, ‘high‑unemployment period’ means a period during which an extended benefit period would be in effect if Section 41‑35‑330(A)(1)(a) of this chapter were applied by substituting ‘eight percent’ for ‘six and one‑half percent’.

(E) Subsections (C) and (D) of the section take effect after January 31, 2009, and cease to be in effect the week ending three weeks prior to the last week for which federal sharing is authorized by Section 2005(a) of Public Law 111‑5.”

SECTION 4. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 5. This act takes effect upon approval by the Governor.

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