

## Session 119 - (2011-2012)

**H\*3762 (Rat #0093, Act #0063 of 2011) General Bill, By Cooper, White, Bowen, Gambrell, Thayer, Sandifer, D.C. Moss, McLeod, Viers and Clemmons**

**Similar (S 0478, H 3286, H 4198)**

**Summary:** Unemployment insurance trust fund

AN ACT TO AMEND SECTION 41-31-5, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING THE RATE OF CONTRIBUTIONS TO THE UNEMPLOYMENT TRUST FUND, SO AS TO MODIFY THE METHOD OF COMPUTATION; TO AMEND SECTION 41-31-20, AS AMENDED, RELATING TO EMPLOYERS' ACCOUNTS, SO AS TO PROVIDE THAT THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE SHALL MAINTAIN A SEPARATE ACCOUNT FOR EACH EMPLOYER AND SHALL ACCURATELY RECORD THE DATA USED TO DETERMINE AN EMPLOYER'S EXPERIENCE FOR THE PURPOSE OF RATE ASSIGNMENT; TO AMEND SECTION 41-31-40, AS AMENDED, RELATING TO BASE RATE COMPUTATION PERIODS, SO AS TO LOWER THE NEW EMPLOYER TAX CLASS FROM THIRTEEN TO TWELVE; TO AMEND SECTION 41-31-50, AS AMENDED, RELATING TO BASE RATE DETERMINATIONS, SO AS TO CLARIFY EXCLUSIONS TO TAXABLE WAGES AND TO PROVIDE THAT FOR CALENDAR YEAR 2011 AND SUBSEQUENT CALENDAR YEARS, VOLUNTARY PAYMENTS ARE NOT PERMITTED FOR THE PURPOSE OF OBTAINING A LOWER RATE OF REQUIRED CONTRIBUTIONS; TO AMEND SECTION 41-31-60, AS AMENDED, RELATING TO BASE RATES WHERE A DELINQUENT REPORT IS RECEIVED, SO AS TO CHANGE REFERENCES TO TAX RATES; TO AMEND SECTION 41-31-70, AS AMENDED, RELATING TO A PROHIBITION ON THE TERMINATION OF THE ACCOUNT OF AN EMPLOYER, SO AS TO DELETE A BENEFIT RATIO CALCULATION; TO AMEND SECTION 41-31-125, AS AMENDED, RELATING TO THE ASSIGNMENT OF AN EMPLOYMENT BENEFIT RECORD UPON ACQUISITION OR REORGANIZATION OF AN EXISTING EMPLOYMENT UNIT, SO AS TO PROVIDE IF THE EXPERIENCE RATING ACCOUNT OF A PREDECESSOR IS EQUAL TO OR EXCEEDS TAX CLASS THIRTEEN, THIS EXPERIENCE RATING ACCOUNT MUST BE TRANSFERRED TO THE SUCCESSOR EMPLOYER; TO AMEND SECTION 41-31-140, AS AMENDED, RELATING TO LIMITS ON THE TRANSFER OF AN EXPERIENCE RATING ACCOUNT IN CERTAIN CIRCUMSTANCES, SO AS TO CLARIFY TIME LIMITS OF APPLICABILITY AND TO PROVIDE FOR FUTURE LIMITS ON TRANSFERS FOR AN EXPERIENCE RATING ACCOUNT; TO AMEND SECTION 41-31-670, AS AMENDED, RELATING TO SPECIAL PROVISIONS FOR ORGANIZATIONS THAT MADE CONTRIBUTIONS PRIOR TO 1969, SO AS TO UPDATE REFERENCES TO APPLICABLE TAX FORMULAS AND TO PROVIDE FOR THE MANAGEMENT OF AN ACCOUNT IF THE ORGANIZATION TERMINATES THE ELECTION AVAILABLE UNDER THIS SECTION; TO AMEND SECTION 41-35-125, AS AMENDED, RELATING TO BENEFITS FOR INDIVIDUALS UNEMPLOYED AS A RESULT OF DOMESTIC ABUSE, SO AS TO REDEFINE THE TERM "DISABILITY"; TO AMEND SECTION 41-35-130, AS AMENDED, RELATING TO PAYMENTS NOT CHARGEABLE TO A FORMER EMPLOYER, SO AS TO MAKE THE SECTION APPLICABLE TO BENEFITS PAID AS A RESULT OF A NATURAL DISASTER DECLARED BY THE PRESIDENT OF THE UNITED STATES; TO AMEND SECTION 41-39-30, AS AMENDED, RELATING TO LIMITS ON FEES, SO AS TO ELIMINATE THE REQUIREMENT THAT A PERSON APPEARING AT A HEARING PURSUANT TO THIS SECTION MUST BE REPRESENTED BY AN ATTORNEY; TO AMEND SECTION 41-41-40, AS AMENDED, RELATING TO THE RECOVERY OF BENEFITS PAID TO A PERSON NOT ENTITLED TO BENEFITS, SO AS TO PROVIDE AN ADDITIONAL MEANS FOR ATTEMPTING A COLLECTION PURSUANT TO THIS SECTION; TO AMEND SECTION 41-27-260, AS AMENDED, RELATING TO EXEMPTED EMPLOYMENT, SO AS TO PROVIDE THE CIRCUMSTANCES BY WHICH SERVICES PERFORMED BY A DIRECT SELLER ARE EXEMPT FROM CERTAIN PROVISIONS OF CHAPTERS 27 THROUGH 41, TITLE 41; TO AMEND SECTION 41-31-50, AS AMENDED, RELATING TO DETERMINATION OF BASE RATES, SO AS TO PLACE A LIMIT ON THE EMPLOYER BASE TAX RATE FOR TAX YEAR 2011; BY ADDING SECTION 41-31-52 SO AS TO PROVIDE FOR THE CIRCUMSTANCES BY WHICH A SEASONAL WORKER IS ELIGIBLE TO RECEIVE BENEFITS; TO AMEND SECTION 41-35-50, RELATING TO ANNUAL MAXIMUM POTENTIAL BENEFITS, SO AS TO REDUCE A POTENTIAL MAXIMUM FROM TWENTY-SIX TIMES THE WEEKLY BENEFIT AMOUNT TO TWENTY TIMES THE WEEKLY BENEFIT AMOUNT; TO AMEND SECTION 41-29-300, AS AMENDED, RELATING TO THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE APPELLATE PANEL, SO AS TO DESIGNATE SEAT NUMBERS ON THE PANEL; TO AMEND SECTION 41-31-330, RELATING TO PENALTIES FOR ADDITIONAL CONTRIBUTIONS DUE, SO AS TO SET AN INTEREST RATE FOR 2011; AND TO DIRECT THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE TO RECALCULATE PREMIUM RATES AND TO APPLY CERTAIN APPROPRIATIONS TO THE UNEMPLOYMENT INSURANCE TRUST FUND. - ratified title

**03/01/11 House Introduced and read first time (House Journal-page 3)**

**03/01/11 House Referred to Committee on Ways and Means (House Journal-page 3)**

03/02/11 House Member(s) request name added as sponsor: Sandifer  
03/29/11 House Member(s) request name added as sponsor: D.C.Moss  
04/06/11 House Member(s) request name added as sponsor: McLeod  
04/06/11 House Committee report: Favorable Ways and Means (House Journal-page 65)  
04/13/11 House Member(s) request name added as sponsor: Viers  
04/13/11 House Debate adjourned until Tuesday, April 26, 2011 (House Journal-page 83)  
04/26/11 House Debate adjourned until Wednesday, April 27, 2011 (House Journal-page 54)  
04/27/11 House Member(s) request name added as sponsor: Clemmons  
04/27/11 House Debate adjourned (House Journal-page 14)  
04/27/11 House Debate adjourned (House Journal-page 56)  
04/27/11 House Amended (House Journal-page 82)  
04/27/11 House Read second time (House Journal-page 82)  
04/27/11 House Roll call Yeas-108 Nays-0 (House Journal-page 82)  
04/28/11 House Read third time and sent to Senate (House Journal-page 13)  
04/28/11 Scrivener's error corrected  
05/03/11 Senate Introduced and read first time (Senate Journal-page 25)  
05/03/11 Senate Referred to Committee on Labor, Commerce and Industry (Senate Journal-page 25)  
05/04/11 Senate Recalled from Committee on Labor, Commerce and Industry (Senate Journal-page 42)  
05/04/11 Senate Amended (Senate Journal-page 42)  
05/04/11 Senate Debate interrupted  
05/11/11 Senate Amended (Senate Journal-page 49)  
05/11/11 Senate Read second time (Senate Journal-page 49)  
05/11/11 Senate Roll call Ayes-38 Nays-0 (Senate Journal-page 49)  
05/12/11 Scrivener's error corrected  
05/26/11 Senate Amended (Senate Journal-page 83)  
05/26/11 Senate Read third time and returned to House with amendments (Senate Journal-page 83)  
05/26/11 Senate Roll call Ayes-32 Nays-0 (Senate Journal-page 83)  
06/01/11 House Concurred in Senate amendment and enrolled (House Journal-page 66)  
06/01/11 House Roll call Yeas-93 Nays-11 (House Journal-page 66)  
06/08/11 Ratified R 93  
06/14/11 Signed By Governor  
06/22/11 Effective date 06/14/11  
06/27/11 Act No. 63