~~Indicates Matter Stricken~~

Indicates New Matter

POLLED OUT OF COMMITTEE

MAJORITY FAVORABLE

January 20, 2011

**H. 3286**

Introduced by Rep. Bingham

S. Printed 1/20/11--S.

Read the first time January 19, 2011.

**THE COMMITTEE ON LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (H. 3286) to amend Section 41‑35‑320, Code of Laws of South Carolina, 1976, relating to the payment of extended unemployment benefits when federally funded, etc., respectfully

**REPORT:**

Has polled the Bill out majority favorable.

**A** **BILL**

TO AMEND SECTION 41‑35‑320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PAYMENT OF EXTENDED UNEMPLOYMENT BENEFITS WHEN FEDERALLY FUNDED, SO AS TO CHANGE THE METHOD FOR CALCULATING CERTAIN FUNDING INDICATORS BY BASING THE CALCULATION ON ONE OR MORE THREE‑MONTH PERIODS ENDING THE PRECEDING THREE CALENDAR YEARS.

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

SECTION 1. Section 41‑35‑320 of the 1976 Code, as added by Act 123 of 2009, is amended to read:

“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~~ one or more of the corresponding three‑month periods ending in the ~~two~~ three 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~~ department shall implement procedures to allow retroactive claims, but these procedures must conform to conditions of federal funding.”

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

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