**South Carolina General Assembly**

121st Session, 2015-2016

**H. 3865**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hodges, R.L. Brown, Whipper and Gilliard

Document Path: l:\council\bills\agm\18509ab15.docx

Introduced in the House on March 18, 2015

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Self-Employment Assistance Program Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/18/2015 House Introduced and read first time ([House Journal‑page 42](file:///h:\HJ%20Archive\2015\03-18-15.docx))

3/18/2015 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 42](file:///h:\HJ%20Archive\2015\03-18-15.docx))

3/24/2015 House Member(s) request name added as sponsor: R.L.Brown, Whipper, Gilliard

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**VERSIONS OF THIS BILL**

[3/18/2015](file:///p:\pprever\2015-16\3865_20150318.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SELF‑EMPLOYMENT ASSISTANCE PROGRAM ACT” BY ADDING CHAPTER 28 TO TITLE 41 SO AS TO PROVIDE A CITATION, TO PROVIDE NECESSARY DEFINITIONS, TO PROVIDE WEEKLY UNEMPLOYMENT BENEFITS FOR SELF‑EMPLOYED PEOPLE, AND TO PROVIDE MISCELLANEOUS REQUIREMENTS CONCERNING THESE BENEFITS.

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

SECTION 1. Title 41 of the 1976 Code is amended by adding:

“CHAPTER 28

Self‑Employment Assistance Program

Section 41‑28‑110. This act must be known and may be cited as the ‘Self‑Employment Assistance Program Act’.

Section 41‑28‑120. As used in this chapter:

(1) ‘Department’ means the Department of Employment and Workforce.

(2) ‘Self‑employment assistance activities’ means activities approved by Department of Employment and Workforce in which an individual identified through a worker profiling system as likely to exhaust regular unemployment compensation participates for the purpose of establishing a business and becoming self‑employed. Examples of these activities include entrepreneurial training, business counseling, and technical assistance.

(3) ‘Self‑employment assistance allowance’ means an allowance, payable in lieu of regular unemployment compensation and from the unemployment trust fund established in Chapter 31, to an individual who participates in self‑employment assistance activities and meets the requirements of this chapter.

(4) ‘Regular unemployment compensation’ means benefits payable to an individual under this title, including benefits payable to Federal civilian employees and to former service members pursuant to 5 U.S.C. Chapter 85, other than additional and extended benefits.

Section 41‑28‑130. The weekly allowance payable pursuant to this chapter to an individual must be equal to the weekly benefit amount for regular unemployment compensation otherwise payable under this title. The combined total amount of the allowance paid under this chapter and the regular unemployment compensation paid under this title with respect to any benefit year may not exceed the maximum benefit amount as provided in Section 41‑35‑50 with respect to that benefit year.

Section 41‑28‑140. The allowance described Section 41‑28‑130 is payable to an individual at the same interval, on the same terms, and subject to the same conditions as regular unemployment compensation under this title, except:

(1) the requirements of this title relating to availability for work, active search for work, and refusal to accept work are not applicable to the individual;

(2) the requirements of this title relating to self‑employment income are not applicable to income earned from self‑employment by the individual;

(3) an individual who meets the requirements of this chapter is considered to be unemployed under Section 41‑27‑370; and

(4) an individual who fails to participate in self‑employment assistance activities or who fails to actively engage on a full‑time basis in activities relating to the establishment of a business and becoming self‑employed is disqualified for the week in which the failure occurs.

Section 41‑28‑150. The aggregate number of individuals receiving the allowance under this chapter at any time may not exceed five percent of the number of individuals receiving regular unemployment compensation. The department shall, through regulations, prescribe the actions that are necessary to assure the requirements of this section are satisfied.

Section 41‑28‑160. Allowances paid under this chapter must be charged to employers as provided under provisions of this title relating to the charging of regular unemployment compensation.

Section 41‑28‑170. The self‑employment assistance program may not result in a cost to the Unemployment Trust Fund in excess of the cost that would be incurred by the State and charged to the fund had the program not been operated.

Section 41‑28‑180. Self‑employment assistance allowances paid under this chapter must be paid in accordance with other additional program requirements established by the United States Secretary of Labor.”

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

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