**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4439**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Trantham, Burns, Chumley, Haddon, Vaughan and Pedalino

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Introduced in the House on May 4, 2023

Currently residing in the House Committee on **Agriculture, Natural Resources and Environmental Affairs**

Summary: Unemployment insurance

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/4/2023 House Introduced and read first time ([House Journal‑page 57](h:\hj\20230504.docx))

5/4/2023 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 57](h:\hj\20230504.docx))

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**VERSIONS OF THIS BILL**

[05/04/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4439_20230504.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 41‑27‑230, RELATING TO THE DEFINITION OF EMPLOYMENT, SO AS TO REMOVE THE WAGE THRESHOLD for AGRICULTURAL LABOR.

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

SECTION 1. Section 41‑27‑230(5) of the S.C. Code is amended to read:

(5) Service performed after December 31, 1977, by an individual in agricultural labor as defined in Section 41‑27‑120 of this title when:

(a) Such service is performed for a person who:

(i) During any calendar quarter in either the current or preceding calendar year paid remuneration in cash of twenty thousand dollars or more to individuals employed in agricultural labor (not taking into account service in agricultural labor performed before January 1, 1980, by an alien referred to in division (b) of this subparagraph); or

(ii) for some portion of a day in each of twenty different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor (not taking into account service performed before January 1, 1980, by an alien referred to in division (b) of this subparagraph), ten or more individuals regardless of whether they were employed at the same moment of time.

(b) Such service is not performed in agricultural labor if performed before January 1, 1980, by an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to Sections 214(c) and 101(a)(15)(H) of the Immigration and Nationality Act.

(c) For the purposes of this paragraph any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other person shall be treated as an employee of such crew leader:

(i) If such crew leader holds a valid certificate of registration under the Farm Labor Contractor Registration Act of 1963; or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or cropdusting crop‑dusting equipment, or any other mechanized equipment, which is provided by such crew leader; and

(ii) If such individual is not an employee of such other person within the meaning of paragraph (1) of this section.

(d) For the purposes of this paragraph, in the case of any individual who is furnished by a crew leader to perform service in agricultural labor for any other person who is not treated as an employee of such crew leader under (c); such other person and not the crew leader shall be treated as the employer of such individual, and such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader (either on his own behalf or on behalf of such other person) for the service in agricultural labor performed for such other person.

(e) For the purposes of this paragraph, the term “crew leader” means an individual who:

(i) furnished individuals to perform service in agricultural labor for any other person;

(ii) pays (either on his own behalf or on behalf of such other person) the individuals so furnished by him for the service in agricultural labor performed by them,; and

(iii) has not entered into a written agreement with such other farm operator under which such crew leader is designated as an employee of such other farm operator.

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

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