

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE DRS55238-LR-94B* (03/24)

Short Title: UI/Implement EB Three-Year Look Back. (Public)

Sponsors: Senators Nesbitt, Stein, and Hartsell (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA
3 TO IMPLEMENT THE THREE-YEAR LOOK BACK PERIOD FOR FEDERALLY
4 FUNDED EXTENDED UNEMPLOYMENT BENEFITS AS AUTHORIZED BY
5 SECTION 502 OF THE TAX RELIEF, UNEMPLOYMENT INSURANCE
6 REAUTHORIZATION, AND JOB CREATION ACT OF 2010, PUBLIC LAW 111-312,
7 WITH THE AMENDMENTS EXPIRING JANUARY 1, 2012.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 96-12.01(a1)(4)c. is amended by adding a new
10 sub-sub-subdivision to read:

11 "3. This section applies as provided under the Tax Relief,
12 Unemployment Insurance Reauthorization, and Job Creation
13 Act of 2010 (P.L. 111-312) as it existed on December 17,
14 2010, and is applicable to compensation for weeks of
15 unemployment beginning after December 17, 2010, and
16 ending on or before December 31, 2011, provided that:

17 I. The average rate of (i) insured unemployment, not
18 seasonally adjusted, equaled or exceeded one hundred
19 twenty percent (120%) of the average of such rates for
20 the corresponding 13-week period ending in all of the
21 preceding three calendar years and equaled or
22 exceeded five percent (5%) or (ii) total
23 unemployment, seasonally adjusted, as determined by
24 the United States Secretary of Labor, for the period
25 consisting of the most recent three months for which
26 data for all states are published before the close of the
27 week equals or exceeds six and one-half percent
28 (6.5%); and

29 II. The average rate of total unemployment in this State,
30 seasonally adjusted, as determined by the United
31 States Secretary of Labor, for the three-month period
32 referred to in this subsection, equals or exceeds one
33 hundred ten percent (110%) of the average for any of
34 the corresponding three-month periods ending in the
35 three preceding calendar years."



1 **SECTION 2.** G.S. 96-12.01(a1)(4)e. reads as rewritten:

2 "(4) There is an "on indicator" for this State for a week if the Commission
3 determines, in accordance with the regulations of the United States Secretary
4 of Labor, that for the period consisting of such week and the immediate
5 preceding 12 weeks, the rate of insured unemployment (not seasonally
6 adjusted) under this Chapter:

7 ...
8 e. Total extended benefit amount.

9 1. The total extended benefit amount payment to any eligible
10 individual with respect to the applicable benefit year shall be
11 the least of the following amounts:

12 I. Fifty percent (50%) of the total amount of regular
13 benefits which were payable to the individual under
14 this Chapter in the individual's applicable benefit year;
15 or

16 II. Thirteen times the individual's weekly benefit amount
17 that was payable to the individual under this Chapter
18 for a week of total unemployment in the applicable
19 benefit year.

20 2. I. Effective with respect to weeks beginning in a high
21 unemployment period, sub-subdivision e.1. of this
22 subdivision shall be applied by substituting:

23 A. "Eighty percent (80%)" for "fifty percent
24 (50%)" in sub-subdivision e.1.I., and

25 B. "Twenty" for "thirteen" in sub-subdivision
26 e.1.II.

27 II. For purposes of sub-subdivision 2.I., the term "high
28 unemployment period" means any period during
29 which an extended benefit period would be in effect if
30 sub-subdivision c. of this subdivision were applied by
31 substituting "eight percent (8%)" for six and one-half
32 percent (6.5%)".

33 3. This subdivision applies as provided under the Tax Relief,
34 Unemployment Insurance Reauthorization, and Job Creation
35 Act of 2010 (P.L. 111-312) as it existed on December 17,
36 2010, and is applicable to compensation for weeks of
37 unemployment beginning after December 17, 2010, and
38 ending on or before December 31, 2011, provided that:

39 I. The average rate of total unemployment, seasonally
40 adjusted, as determined by the United States Secretary
41 of Labor, for the period consisting of the most recent
42 three months for which data for all states are
43 published before the close of the week equals or
44 exceeds eight percent (8%); and

45 II. The average rate of total unemployment in this State,
46 seasonally adjusted, as determined by the United
47 States Secretary of Labor, for the three-month period
48 referred to in this subdivision equals or exceeds one
49 hundred ten percent (110%) of the average for any of
50 the corresponding three-month periods ending in the
51 three preceding calendar years."

1 **SECTION 3.** This act is effective when it becomes law and expires January 1,
2 2012.