

**SB0391/387875/1**

BY: Finance Committee

AMENDMENTS TO SENATE BILL 391  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Unemployment Insurance –”; in the same line, after “Employees –” insert “Unemployment Insurance”; in the same line, after “Benefits” insert “and Federal Government Shutdown Employee Assistance Loan Fund”; in line 6, after “circumstances;” insert “altering the purpose for which the Catastrophic Event Account is established; authorizing the Governor, under certain circumstances, to transfer funds by budget amendment from the Catastrophic Event Account to the Federal Government Shutdown Employee Assistance Loan Fund; authorizing funds appropriated to the Catastrophic Event Account to be expended to assist a unit of State government in funding costs in connection with a full or partial federal government shutdown due to a lapse in appropriations; establishing the Federal Government Shutdown Employee Assistance Loan Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Department of Labor, Licensing, and Regulation to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring interest earnings of the Fund to be credited to the Fund; requiring the Department of Labor, Licensing, and Regulation to establish certain procedures and certain eligibility criteria for loans from the Fund; exempting the Fund from a certain provision of law requiring the interest earnings on State money to accrue to the General Fund of the State; defining a certain term;”; in line 8, after “Act” insert “and within a certain time period after a change in certain federal laws or federal guidance”; in line 9, in each instance, strike “a”; in the same line, strike “provision” and substitute “provisions”; in the same line, strike “contingency” and substitute “contingencies”; in line 10, after “benefits” insert “and assistance”; and after line 16, insert:

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“BY repealing and reenacting, without amendments,  
Article – State Finance and Procurement  
Section 6–226(a)(2)(i)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 6–226(a)(2)(ii)112. and 113. and 7–324  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)

BY adding to  
Article – State Finance and Procurement  
Section 6–226(a)(2)(ii)114. and 7–327  
Annotated Code of Maryland  
(2015 Replacement Volume and 2018 Supplement)”.

AMENDMENT NO. 2

On page 3, in line 3, after “IF” insert “**THE EMPLOYEE**”; in line 4, strike “**THE EMPLOYEE**”; in line 6, after “**(2)**” insert “**IS NOT BEING PAID BECAUSE**”; and after line 7, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
read as follows:

Article – State Finance and Procurement

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless  
inconsistent with a federal law, grant agreement, or other federal requirement or with

the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

112. the Pretrial Services Program Grant Fund; [and]

113. the Veteran Employment and Transition Success Fund; AND

114. THE FEDERAL GOVERNMENT SHUTDOWN EMPLOYEE ASSISTANCE LOAN FUND.

7-324.

(a) In this section, “Account” means the Catastrophic Event Account.

(b) Subject to the provisions of this section, the Account is established to enable the State to respond without undue delay to a natural disaster or other catastrophic situation, OR FEDERAL CIVILIAN EMPLOYEE FINANCIAL HARDSHIP FROM A FULL OR PARTIAL FEDERAL GOVERNMENT SHUTDOWN DUE TO A LAPSE IN FEDERAL APPROPRIATIONS that cannot be taken care of within the resources of existing appropriations.

(c) The Governor may provide an appropriation in the budget bill to the Account.

(Over)

(d)    (1)    [After] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AFTER a 15–day review and comment period by the Legislative Policy Committee, the Governor may transfer funds by budget amendment from the Account to the expenditure accounts of the appropriate unit of State government.

(2)    IF THE FEDERAL GOVERNMENT IS IN A FULL OR PARTIAL SHUTDOWN DUE TO A LAPSE IN APPROPRIATIONS, AFTER A 2–DAY REVIEW AND COMMENT PERIOD BY THE LEGISLATIVE POLICY COMMITTEE, THE GOVERNOR MAY TRANSFER FUNDS BY BUDGET AMENDMENT FROM THE ACCOUNT TO THE FEDERAL GOVERNMENT SHUTDOWN EMPLOYEE ASSISTANCE LOAN FUND ESTABLISHED UNDER § 7–327 OF THIS SUBTITLE.

(e)    Funds appropriated to the Catastrophic Event Account:

(1)    may not be used to offset operating deficiencies in regular programs of State government; but

(2)    may be expended to assist a unit of State government in funding costs in connection with a natural disaster, [or] A catastrophic situation, OR A FULL OR PARTIAL FEDERAL GOVERNMENT SHUTDOWN DUE TO A LAPSE IN APPROPRIATIONS.

(f)    (1)    The Account is a continuing, nonlapsing fund which is not subject to § 7–302 of this subtitle.

(2)    The Treasurer shall separately hold, and the Comptroller shall account for, the Account.

(3)    The Account shall be invested and reinvested in the same manner as other State funds.

(4) Any investment earning shall be subject to § 7-311(d) of this subtitle.

(g) Money appropriated to the Account does not revert to the Revenue Stabilization Account.

**7-327.**

**(A) IN THIS SECTION, "FUND" MEANS THE FEDERAL GOVERNMENT SHUTDOWN EMPLOYEE ASSISTANCE LOAN FUND.**

**(B) THERE IS A FEDERAL GOVERNMENT SHUTDOWN EMPLOYEE ASSISTANCE LOAN FUND.**

**(C) THE PURPOSE OF THE FUND IS TO PROVIDE LOANS TO CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT WHO ARE:**

**(1) REQUIRED TO REPORT TO WORK AT A WORK SITE LOCATED IN THE STATE; AND**

**(2) NOT BEING PAID BECAUSE OF A FULL OR PARTIAL FEDERAL GOVERNMENT SHUTDOWN DUE TO A LAPSE IN APPROPRIATIONS.**

**(D) THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION SHALL ADMINISTER THE FUND.**

**(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THIS SUBTITLE THAT SHALL BE AVAILABLE IN PERPETUITY FOR THE PURPOSE OF PROVIDING LOANS IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.**

(Over)

**(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

**(F) THE FUND CONSISTS OF:**

**(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

**(2) ANY INTEREST EARNINGS OF THE FUND;**

**(3) MONEY TRANSFERRED FROM THE CATASTROPHIC EVENT ACCOUNT IN ACCORDANCE WITH § 7-324 OF THIS SUBTITLE;**

**(4) REPAYMENTS ON LOANS MADE FROM THE FUND; AND**

**(5) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.**

**(G) THE FUND SHALL BE USED ONLY TO PROVIDE NO-INTEREST LOANS TO CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT WHO ARE:**

**(1) REQUIRED TO REPORT TO WORK AT A WORK SITE LOCATED IN THE STATE; AND**

**(2) NOT BEING PAID BECAUSE OF A FULL OR PARTIAL FEDERAL GOVERNMENT SHUTDOWN DUE TO A LAPSE IN APPROPRIATIONS.**

**(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

**(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.**

**(1) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION SHALL ESTABLISH PROCEDURES AND ELIGIBILITY CRITERIA FOR LOANS FROM THE FUND.**

**(2) THE ELIGIBILITY CRITERIA SHALL INCLUDE THAT:**

**(1) THE FEDERAL GOVERNMENT IS IN A FULL OR PARTIAL SHUTDOWN DUE TO A LAPSE IN APPROPRIATIONS; AND**

**(II) AN INDIVIDUAL APPLYING FOR A LOAN FROM THE FUND IS:**

**1. A CIVILIAN EMPLOYEE OF THE FEDERAL GOVERNMENT;**

**2. REQUIRED TO REPORT TO WORK AT A WORK SITE LOCATED IN THE STATE; AND**

**3. NOT BEING PAID BECAUSE OF THE FULL OR PARTIAL FEDERAL GOVERNMENT SHUTDOWN DUE TO THE LAPSE IN APPROPRIATIONS.**

**(3) THE PROCEDURES SHALL INCLUDE:**

**(1) APPLICATION PROCEDURES;**

(Over)

**(II) PAYMENT PROCEDURES FROM THE FUND; AND**

**(III) REPAYMENT PROCEDURES, INCLUDING TIMELINES, FOR AN INDIVIDUAL TO REPAY A LOAN FROM THE FUND.**”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 8 through 26, inclusive, and substitute:

“SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) (1) Within 24 hours after the enactment of Section 1 of this Act, the Department of Labor, Licensing, and Regulation shall request a determination letter from the U.S. Department of Labor confirming whether the implementation of Section 1 of this Act, with federal reimbursement for the administration and payment of claims, conforms with federal unemployment compensation program requirements and will not result in a loss of certification by the United States Secretary of Labor.

(2) Within 24 hours after receiving the determination letter requested under paragraph (1) of this subsection from the U.S. Department of Labor, the Department of Labor, Licensing, and Regulation shall forward a copy of the letter to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

(b) (1) If there is a change to § 303 of the federal Social Security Act, other applicable federal law, or federal guidance to states on or before January 1, 2024, within 24 hours after the Department of Labor, Licensing, and Regulation receives notice of the change, the Department shall request a determination letter from the U.S. Department of Labor confirming whether the implementation of Section 1 of this Act, with federal reimbursement for the administration and payment of claims, conforms with federal unemployment compensation program requirements and will not result in a loss of certification by the United States Secretary of Labor.

(2) Within 24 hours after receiving the determination letter requested under paragraph (1) of this subsection from the U.S. Department of Labor, the Department of Labor, Licensing, and Regulation shall forward a copy of the letter to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) (1) Section 1 of this Act shall take effect contingent on the receipt by the Department of Labor, Licensing, and Regulation of a favorable determination letter requested under Section 3 of this Act from the U.S. Department of Labor.

(2) Section 1 of this Act shall take effect on the date notice of the letter described under paragraph (1) of this subsection is received by the Department of Legislative Services in accordance with Section 3 of this Act.

(3) If the Department of Labor, Licensing, and Regulation does not receive a favorable determination letter described under paragraph (1) of this subsection, Section 1 of this Act, with no further action required by the General Assembly, shall be null and void.

(b) (1) Section 2 of this Act shall take effect contingent on receipt by the Department of Labor, Licensing, and Regulation of an unfavorable determination letter requested under Section 3(a) of this Act from the U.S. Department of Labor.

(2) Section 2 of this Act shall take effect on the date notice of the letter described under paragraph (1) of this subsection is received by the Department of Legislative Services in accordance with Section 3 of this Act.

(3) If Section 1 of this Act takes effect following the receipt by the Department of Labor, Licensing, and Regulation of a favorable determination letter requested under Section 3(a) of this Act, Section 2 of this Act, with no further action required by the General Assembly, shall be null and void.”;

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in line 27, strike “4.” and substitute “5.”; and in the same line, strike “3” and substitute “4”.