

SENATE BILL 77

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C4

2000 Regular Session  
(01r0042)

*ENROLLED BILL*  
-- Finance/Economic Matters --

Introduced by **Chairman, Finance Committee (Departmental - Labor,  
Licensing and Regulation)**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER 227

1 AN ACT concerning

2 **Unemployment Insurance - Self-Employment Assistance Program - ~~Repeat~~**  
3 **Modification of Termination Date**

4 FOR the purpose of ~~repealing the~~ altering certain termination ~~date~~ provisions for the  
5 Self-Employment Assistance Program; repealing certain plan approval  
6 requirements; providing for the termination of the Self-Employment Assistance  
7 Program when the Department of Labor, Licensing, and Regulation makes a  
8 certain determination; requiring the Department to notify the Department of  
9 Legislative Services within a certain period after making a certain  
10 determination; and generally relating to the Self-Employment Assistance  
11 Program.

12 BY repealing and reenacting, without amendments,  
13 Article - Labor and Employment  
14 Section 8-1601 through 8-1608  
15 Annotated Code of Maryland

1 (1999 Replacement Volume)

2 BY repealing *and reenacting, with amendments,*

3 Chapter 332 of the Acts of the General Assembly of 1995, as amended by

4 Chapter 309 of the Acts of the General Assembly of 1999

5 Section 3

6 BY repealing

7 Chapter 332 of the Acts of the General Assembly of 1995

8 Section 4

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article - Labor and Employment**

12 8-1601.

13 (a) In this subtitle the following terms have the meanings indicated.

14 (b) "Self-employment assistance activities" means activities approved by the

15 Secretary in which an individual participates for the purpose of establishing a

16 business and becoming self-employed. Self-employment assistance activities may

17 include, but are not limited to, entrepreneurial training, business counseling, and

18 technical assistance.

19 (c) "Self-employment assistance allowance" means an allowance payable, in

20 lieu of regular unemployment insurance benefits, from the unemployment insurance

21 trust fund to an individual who meets the requirements of this subtitle.

22 (d) "Self-employment assistance program" means a program under which an

23 individual who meets the requirements described in § 8-1604 of this subtitle is

24 eligible to receive an allowance in lieu of regular unemployment insurance benefits

25 for the purpose of assisting that individual in establishing a business and becoming

26 self-employed.

27 (e) "Regular benefits" means benefits payable to an individual under this title,

28 including benefits payable to federal civilian employees and to ex-servicemembers as

29 defined in 5 U.S.C. § 8521(a) who are eligible for unemployment insurance benefits

30 for ex-servicemembers under 5 U.S.C. § 8521.

31 8-1602.

32 Unless the result would be inconsistent with this subtitle, the provisions of this

33 title that apply to claims for or the payment of regular benefits shall apply to

34 self-employment assistance allowances.

1 8-1603.

2 (a) The weekly amount of a self-employment assistance allowance payable to  
3 an individual under this subtitle is equal to the weekly benefit amount for regular  
4 benefits otherwise payable under this title.

5 (b) The maximum self-employment assistance allowance paid under this  
6 subtitle may not exceed the maximum amount of benefits established under § 8-808  
7 of this title.

8 8-1604.

9 (a) Self-employment assistance benefits will be payable pursuant to the  
10 eligibility requirements of this subtitle.

11 (b) An individual may be paid a self-employment assistance allowance if the  
12 individual:

13 (1) is determined eligible to be paid regular unemployment insurance  
14 benefits except for the requirements described in subsection (c) of this section;

15 (2) is identified by a worker profiling system, as outlined in the Code of  
16 Maryland Regulations, as an individual likely to exhaust regular unemployment  
17 insurance benefits;

18 (3) has filed an application for participation in a self-employment  
19 assistance program within 60 days of filing an initial claim for benefits and has  
20 provided the information the Secretary may prescribe;

21 (4) has, at the time the application is filed, a balance of regular benefits  
22 equal to at least 18 times the individual's weekly benefit amount in the individual's  
23 benefit year;

24 (5) has been accepted into a program approved by the Secretary that will  
25 provide self-employment assistance activities;

26 (6) is participating in self-employment assistance activities;

27 (7) is actively engaged on a full-time basis in activities, which may  
28 include training, relating to establishing a business and becoming self-employed; and

29 (8) has filed a weekly claim for the self-employment assistance  
30 allowance and provided the information the Secretary prescribes.

31 (c) A self-employment assistance allowance is payable on the same terms and  
32 subject to the same conditions as regular unemployment insurance benefits except  
33 that:

34 (1) the requirements of § 8-903 of this title relating to availability for  
35 work and actively seeking work are not applicable to the individual;

1 (2) the requirements of § 8-1005 of this title relating to refusal to accept  
2 referrals or offers of suitable work are not applicable to the individual;

3 (3) the provisions of § 8-803(d) of this title concerning subtracting any  
4 wages in excess of \$70 will not apply to the individual;

5 (4) an individual will be considered unemployed for the purposes of §  
6 8-801 of this title; and

7 (5) an individual who fails to participate in self-employment activities or  
8 who fails to actively engage on a full-time basis in activities, which may include  
9 training, related to establishing a business and becoming self-employed is denied for  
10 the week in which the failure occurs.

11 8-1605.

12 The aggregate number of individuals receiving a self-employment assistance  
13 allowance at any time shall not exceed 5 percent of the individuals receiving regular  
14 unemployment insurance benefits at that time.

15 8-1606.

16 Self-employment assistance allowances shall be noncharged to the extent  
17 authorized by federal law.

18 8-1607.

19 An application for review of the decision of an individual who is not accepted  
20 into the self-employment assistance program may be filed with the Secretary within  
21 15 days after the Secretary mailed or otherwise delivered the decision.

22 8-1608.

23 The Secretary may adopt regulations to implement a self-employment  
24 assistance program, including, but not limited to, criteria for approval of programs  
25 that provide self-employment assistance activities and eligibility criteria for  
26 acceptance into and participation in these programs.

27 **Chapter 332 of the Acts of 1995, as amended by Chapter 309 of the Acts of**  
28 **1999**

29 ~~{SECTION 3. AND BE IT FURTHER ENACTED, That subject to Section 4 of~~  
30 ~~this Act, this Act shall remain effective until June 1, 2000, and~~ THE DEPARTMENT OF  
31 LABOR, LICENSING, AND REGULATION DETERMINES THAT FEDERAL FUNDING OR  
32 OTHER SOURCES OF FUNDING FOR SELF-EMPLOYMENT ASSISTANCE PROGRAMS  
33 ARE NO LONGER AVAILABLE, AND WHEN THE DEPARTMENT DETERMINES THAT  
34 FEDERAL FUNDING OR OTHER SOURCES OF FUNDING FOR SELF-EMPLOYMENT  
35 ASSISTANCE PROGRAMS ARE NO LONGER AVAILABLE, with no further action  
36 required by the General Assembly, this Act shall be abrogated and of no further force  
37 and effect. THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION, WITHIN 15

1 DAYS AFTER DETERMINING THAT FEDERAL FUNDING OR OTHER SOURCES OF  
2 FUNDING FOR SELF-EMPLOYMENT ASSISTANCE PROGRAMS ARE NO LONGER  
3 AVAILABLE, SHALL NOTIFY THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE  
4 CIRCLE, ANNAPOLIS, MARYLAND, OF THAT DETERMINATION.}

5

**Chapter 332 of the Acts of 1995**

6 [SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall terminate  
7 as provided in Section 3 of this Act, as of the effective date of the withdrawal of  
8 approval of any plan required by the United States Department of Labor, or as of the  
9 week preceding the week containing the date when federal law no longer authorizes  
10 self-employment assistance programs, whichever is earlier.]

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 June 1, 2000.