

HOUSE BILL 97

Unofficial Copy  
C4

2000 Regular Session  
0lr0151  
CF 0lr0042

(PRE-FILED)

---

By: **Chairman, Economic Matters Committee (Departmental - Labor,  
Licensing and Regulation)**

Requested: November 15, 1999

Introduced and read first time: January 12, 2000

Assigned to: Economic Matters

---

A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance - Self-Employment Assistance Program - Repeal**  
3 **of Termination Date**

4 FOR the purpose of repealing the termination date for the Self-Employment  
5 Assistance Program; repealing certain plan approval requirements; and  
6 generally relating to the Self-Employment Assistance Program.

7 BY repealing and reenacting, without amendments,  
8 Article - Labor and Employment  
9 Section 8-1601 through 8-1608  
10 Annotated Code of Maryland  
11 (1999 Replacement Volume)

12 BY repealing  
13 Chapter 332 of the Acts of the General Assembly of 1995, as amended by  
14 Chapter 309 of the Acts of the General Assembly of 1999  
15 Section 3

16 BY repealing  
17 Chapter 332 of the Acts of the General Assembly of 1995  
18 Section 4

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Labor and Employment**

22 8-1601.

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

24 (b) "Self-employment assistance activities" means activities approved by the  
25 Secretary in which an individual participates for the purpose of establishing a

1 business and becoming self-employed. Self-employment assistance activities may  
2 include, but are not limited to, entrepreneurial training, business counseling, and  
3 technical assistance.

4 (c) "Self-employment assistance allowance" means an allowance payable, in  
5 lieu of regular unemployment insurance benefits, from the unemployment insurance  
6 trust fund to an individual who meets the requirements of this subtitle.

7 (d) "Self-employment assistance program" means a program under which an  
8 individual who meets the requirements described in § 8-1604 of this subtitle is  
9 eligible to receive an allowance in lieu of regular unemployment insurance benefits  
10 for the purpose of assisting that individual in establishing a business and becoming  
11 self-employed.

12 (e) "Regular benefits" means benefits payable to an individual under this title,  
13 including benefits payable to federal civilian employees and to ex-servicemembers as  
14 defined in 5 U.S.C. § 8521(a) who are eligible for unemployment insurance benefits  
15 for ex-servicemembers under 5 U.S.C. § 8521.

16 8-1602.

17 Unless the result would be inconsistent with this subtitle, the provisions of this  
18 title that apply to claims for or the payment of regular benefits shall apply to  
19 self-employment assistance allowances.

20 8-1603.

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

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

27 8-1604.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (4) an individual will be considered unemployed for the purposes of §  
24 8-801 of this title; and

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

29 8-1605.

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

33 8-1606.

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

1 8-1607.

2 An application for review of the decision of an individual who is not accepted  
3 into the self-employment assistance program may be filed with the Secretary within  
4 15 days after the Secretary mailed or otherwise delivered the decision.

5 8-1608.

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

10 **Chapter 332 of the Acts of 1995, as amended by Chapter 309 of the Acts of**  
11 **1999**

12 [SECTION 3. AND BE IT FURTHER ENACTED, That subject to Section 4 of  
13 this Act, this Act shall remain effective until June 1, 2000, and with no further action  
14 required by the General Assembly, this Act shall be abrogated and of no further force  
15 and effect.]

16 **Chapter 332 of the Acts of 1995**

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

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