
By: **Senator Middleton (Committee on Unemployment Insurance
Oversight) and Senators Exum and Kelley**

Introduced and read first time: February 3, 2006

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance - Special Administrative Expense Fund**

3 FOR the purpose of authorizing use of the money from the Special Administrative
4 Expense Fund for certain administrative purposes related to the unemployment
5 insurance program under certain circumstances; altering the circumstances
6 under which the Secretary of Labor, Licensing, and Regulation is required to
7 direct the State Treasurer to transfer a certain balance of the Special
8 Administrative Expense Fund; requiring the Secretary to submit a certain
9 report each year to the Governor and to certain committees of the General
10 Assembly; and generally relating to the use of the Special Administrative
11 Expense Fund.

12 BY repealing and reenacting, with amendments,
13 Article - Labor and Employment
14 Section 8-421 and 8-422
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2005 Supplement)

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

19 **Article - Labor and Employment**

20 8-421.

21 (a) The Special Administrative Expense Fund shall consist of money
22 appropriated in the State budget from:

23 (1) fines, interest, and other penalties collected under this title and paid
24 from the clearing account under § 8-404(c) of this subtitle;

25 (2) money transferred from the Unemployment Insurance
26 Administration Fund under § 8-422 of this subtitle; and

1 (3) any voluntary contribution to the Special Administrative Expense
2 Fund.

3 (b) (1) Notwithstanding any other provision in this Part III of this subtitle,
4 the Special Administrative Expense Fund may be used as a revolving account to cover
5 costs that are proper under the law for which federal money is requested but not yet
6 received, if the costs are charged against the federal money when received.

7 (2) Subject to subsection (d) of this section, the Secretary:

8 (i) shall use the Special Administrative Expense Fund for
9 reimbursement of interest on contributions that is collected erroneously;

10 (ii) shall use the Special Administrative Expense Fund to pay for
11 costs of administration that are found to have been improperly charged against
12 federal money credited to the Unemployment Insurance Administration Fund; and

13 (iii) may use the Special Administrative Expense Fund:

14 1. for replacement within a reasonable time of any money
15 that the State receives under § 302 of the Social Security Act and that because of an
16 action or contingency has been lost or has been used for purposes other than or in
17 amounts exceeding those necessary for proper administration of this title; or

18 [2. for office space in accordance with subsection (c) of this
19 section.]

20 2. FOR ADMINISTRATIVE EXPENSES OF THE OFFICE OF
21 UNEMPLOYMENT INSURANCE AND OFFICE OF EMPLOYMENT SERVICES, IN
22 ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

23 [(c) Subject to subsection (d) of this section and approval by the Board of Public
24 Works, the Secretary may use the Special Administrative Expense Fund to acquire
25 office space that is suitable for effective administration of this title by:

26 (1) purchase;

27 (2) lease;

28 (3) construction; or

29 (4) use of money in the Fund:

30 (i) to assist the State in financing a building that the State builds
31 for 1 of its units in which space will be provided under a lease or other contract
32 between the Department and the State or its unit;

33 (ii) to pay architectural fees;

34 (iii) to make a deposit on a building or land; or

1 (iv) for any other approved purpose that is necessary for acquisition
2 of office space.]

3 (C) (1) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE SECRETARY
4 MAY USE THE SPECIAL ADMINISTRATIVE EXPENSE FUND FOR ADMINISTRATIVE
5 EXPENSES NECESSARY TO ADMINISTER THIS TITLE.

6 (2) ADMINISTRATIVE EXPENSES INCLUDE:

7 (I) EXPENSES RELATED TO THE ACQUISITION OF OFFICE SPACE
8 REQUIRED FOR EFFECTIVE ADMINISTRATION OF THIS TITLE, SUBJECT TO APPROVAL
9 BY THE BOARD OF PUBLIC WORKS;

10 (II) COSTS FOR FURNISHING, MAINTENANCE, REPAIR,
11 IMPROVEMENT, AND ENHANCEMENT OF OFFICE SPACE;

12 (III) THE PURCHASE, LEASING, AND MAINTENANCE OF
13 INFORMATION TECHNOLOGY SYSTEMS, INCLUDING EQUIPMENT, PROGRAMS, AND
14 SERVICES;

15 (IV) THE PURCHASE, LEASING, AND MAINTENANCE OF
16 TELECOMMUNICATIONS SYSTEMS, SERVICES, AND EQUIPMENT INCLUDING
17 CONNECTIVITY COSTS AND ONGOING USAGE COSTS; AND

18 (V) OTHER ADMINISTRATIVE COSTS THAT THE SECRETARY
19 DETERMINES ARE NECESSARY TO ADMINISTER SOLELY THE PROVISIONS OF THIS
20 TITLE.

21 (d) The Special Administrative Expense Fund may not be used in a manner
22 that would result in a loss of federal money that, in the absence of money from the
23 Special Administrative Expense Fund, would be available to pay for administrative
24 costs of this title.

25 8-422.

26 (a) The State Treasurer is custodian of the Special Administrative Expense
27 Fund.

28 (b) Money in the Special Administrative Expense Fund shall be spent in
29 accordance with appropriations in the State budget.

30 (c) Money in the Special Administrative Expense Fund shall be available to
31 the Secretary whenever it is needed for use in accordance with this subtitle.

32 (d) When money is needed for reimbursement of interest and payment of
33 administrative costs under § 8-421(b)(2)(i) and (ii) of this subtitle, the Secretary may
34 make the reimbursement or payment from money that:

35 (1) is in the Special Administrative Expense Fund; or

1 (2) the State Treasurer transfers for that purpose from the Special
2 Administrative Expense Fund to the Unemployment Insurance Administration Fund.

3 (e) When the Secretary acquires, repairs, or maintains office space with
4 money from the Special Administrative Expense Fund that will be reimbursed from
5 federal funds, until the reimbursement, the Secretary may transfer from the
6 Unemployment Insurance Administration Fund to the Special Administrative
7 Expense Fund money in an amount that:

8 (1) does not exceed the amount of federal funds specifically made
9 available to the Secretary; and

10 (2) equals the fair reasonable rental value of:

11 (i) land or buildings that the Secretary acquires to use to carry out
12 this title; or

13 (ii) the proportionate amount of space that the Secretary uses in a
14 building constructed by the State for another unit.

15 (f) On July 1 of each year, the Secretary shall direct the State Treasurer to
16 transfer to the General Fund of the State the balance in the Special Administrative
17 Expense Fund that:

18 (1) the Secretary has not allocated OR ENCUMBERED; and

19 (2) exceeds \$250,000.

20 (G) (1) BEGINNING DECEMBER 31, 2007, AND EACH YEAR THEREAFTER, THE
21 SECRETARY SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246
22 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE BUDGET AND TAXATION
23 COMMITTEE, THE SENATE FINANCE COMMITTEE, THE HOUSE APPROPRIATIONS
24 COMMITTEE, AND THE HOUSE ECONOMIC MATTERS COMMITTEE.

25 (2) THE REPORT SHALL INCLUDE:

26 (I) THE FINANCIAL STATUS OF THE SPECIAL ADMINISTRATIVE
27 EXPENSE FUND AND A SUMMARY OF ITS ACTIVITY FOR THE PRECEDING FISCAL
28 YEAR; AND

29 (II) A DESCRIPTION OF ALL PROJECTS RECEIVING MONEYS FROM
30 THE SPECIAL ADMINISTRATIVE EXPENSE FUND IN THE PRECEDING FISCAL YEAR.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 July 1, 2006.