

# HOUSE BILL 1199

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9lr2479

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By: **Delegate Carr**

Introduced and read first time: February 13, 2009

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance - Benefits - Backdated Claims**

3 FOR the purpose of requiring the Secretary of Labor, Licensing, and Regulation to  
4 backdate an initial claim for unemployment insurance benefits for certain  
5 claimants for a certain period under certain circumstances; requiring the  
6 Secretary to adopt certain regulations; defining a certain term; and generally  
7 relating to payment of unemployment insurance benefits.

8 BY repealing and reenacting, without amendments,  
9 Article – Labor and Employment  
10 Section 8–101(v) and 8–805(a)  
11 Annotated Code of Maryland  
12 (2008 Replacement Volume)

13 BY adding to  
14 Article – Labor and Employment  
15 Section 8–805(d)  
16 Annotated Code of Maryland  
17 (2008 Replacement Volume)

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

20 **Article – Labor and Employment**

21 8–101.

22 (v) “Secretary” means the Secretary of Labor, Licensing, and Regulation.

23 8–805.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) To apply for benefits an individual shall file a claim for benefits in  
2 accordance with regulations adopted by the Secretary.

3 (D) (1) IN THIS SUBSECTION, "INITIAL CLAIM" MEANS A FIRST CLAIM  
4 REQUESTING A DETERMINATION OF, ENTITLEMENT TO, AND ELIGIBILITY FOR  
5 COMPENSATION AND DOES NOT INCLUDE A CLAIM FOR EXTENDED OR  
6 ADDITIONAL BENEFITS.

7 (2) AN INDIVIDUAL WHO HAS FILED AN INITIAL CLAIM UNDER  
8 SUBSECTION (A) OF THIS SECTION MAY REQUEST THAT THE INITIAL CLAIM BE  
9 BACKDATED IF THE INDIVIDUAL:

10 (I) HAS NOT FILED FOR BENEFITS IN THE 5 YEARS  
11 PRECEDING THE DATE THAT THE INITIAL CLAIM WAS FILED; AND

12 (II) BECAME ELIGIBLE FOR BENEFITS IN THE 6 WEEKS  
13 PRECEDING THE DATE THAT THE INITIAL CLAIM WAS FILED.

14 (3) ON A REQUEST UNDER PARAGRAPH (2) OF THIS SUBSECTION,  
15 THE SECRETARY SHALL PROMPTLY BACKDATE AN INITIAL CLAIM FOR UP TO 6  
16 WEEKS IF THE CLAIMANT:

17 (I) IS DETERMINED TO BE ELIGIBLE FOR BENEFITS UNDER  
18 THIS TITLE; AND

19 (II) FILES A COMPLETE AND CORRECTED INITIAL CLAIM, AS  
20 REQUESTED BY THE SECRETARY.

21 (4) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT  
22 THIS SUBSECTION.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2009.