

SB0985/273028/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 985  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Violations**”; in the same line, before “**Penalties**” insert “**Duties of Secretary and**”; in line 3, after “of” insert “requiring the Secretary of Labor to enter into certain memorandums of understanding to implement and enforce the Maryland Unemployment Insurance Law and to conduct certain integrity activities for a certain purpose;”; strike beginning with “penalties” in line 4 down through “of” in line 5; and in line 8, after “Section” insert “8-305, 8-311, 8-1301, and”.

AMENDMENT NO. 2

On page 1, after line 13, insert:

“8-305.

(a) The Secretary may adopt any regulation that is necessary to carry out this title.

**(B) THE SECRETARY SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH ANY STATE AGENCY AS NECESSARY TO IMPLEMENT AND ENFORCE THIS TITLE.**

**(C) TO VERIFY THAT AN INDIVIDUAL IS ELIGIBLE TO RECEIVE BENEFITS UNDER THIS TITLE, THE SECRETARY SHALL CONDUCT ALL MANDATORY PROGRAM INTEGRITY ACTIVITIES IDENTIFIED BY THE U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION AND OFFICE OF INSPECTOR GENERAL.**

**[(b)] (D) (1) In accordance with the provisions of the State Personnel and Pensions Article, the Secretary may employ the staff necessary to carry out this title.**

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(2) In accordance with the State budget, the Secretary may set the compensation of an employee under this subsection in a position that:

(i) is unique to the Department;

(ii) requires specific skills or experience to perform the duties of the position; and

(iii) does not require the employee to perform functions that are comparable to functions performed in other units of the Executive Branch of State government.

(3) The Secretary of Budget and Management, in consultation with the Secretary, shall determine the positions for which the Secretary may set compensation under paragraph (2) of this subsection.

(4) Subject to other applicable provisions of this title, the Secretary may appoint employees and set their powers and duties as necessary to carry out this title.

**[(c)] (E)**      The Secretary shall determine whether an employee who handles money for the Department under this title should be covered under a bond.

**[(d)] (F)**      (1) The Secretary shall print:

(i) this title;

(ii) each annual report that the Secretary submits to the Governor; and

(iii) any other material that the Secretary considers relevant and suitable.

(2) On request by any person, the Secretary shall give the person a copy of:

(i) any material that the Secretary prints under this subsection; and

(ii) the current regulations adopted to carry out this title.

8-311.

(a) On or before January 1 of each year, the Secretary shall submit to the Governor an annual report on the administration and operation of this title during the previous fiscal year.

(b) The annual report shall include:

(1) a balance sheet for the Unemployment Insurance Fund;

(2) a table that shows the amount of any benefit that was ineffectively charged or not charged to the experience rating record of an employer;

(3) the reason for not charging the amount of any benefit to the experience rating record of an employer;

(4) by category of disqualification, the amount of any benefit that was paid after a disqualification under Subtitle 10 of this title; [and]

(5) any recommendation for an amendment to this title that the Secretary considers proper;

**(6) THE GENERAL PROGRAM INTEGRITY PROCESSES USED BY THE DEPARTMENT, INCLUDING TOOLS, RESOURCES, AND DATABASES, TO THE EXTENT THAT SHARING THE INFORMATION DOES NOT JEOPARDIZE PROGRAM INTEGRITY MEASURES;**

**(7) A DESCRIPTION OF EFFORTS MADE TO IDENTIFY, PREVENT, AND RECOVER IMPROPER OVERPAYMENTS OF BENEFITS, FRAUDULENT PAYMENTS, AND MEASURES BEING TAKEN TO IMPROVE THE EFFORTS;**

**(8) THE TYPE AND AMOUNT OF IMPROPER PAYMENTS DETECTED RETROACTIVELY;**

**(9) MONEY RECOUPED FROM IMPROPER OVERPAYMENTS; AND**

(Over)

**(10) AN EXPLANATION FOR THE NONRECOVERY OF OVERPAYMENTS, INCLUDING THE APPLICATION OF ANY ALLOWABLE RECOVERY EXCEPTIONS.**

8-1301.

**(A) A person, for that person or another, may not knowingly make a false statement or false representation or knowingly fail to disclose a material fact to receive or increase a benefit or other payment under this title or an unemployment insurance law of another state, the federal government, or a foreign government.**

**(B) (1) THE SECRETARY SHALL PERFORM A FULL REVIEW OF SUSPICIOUS OR POTENTIALLY IMPROPER CLAIMS.**

**(2) IN DETERMINING IF A CLAIM IS SUSPICIOUS OR POTENTIALLY IMPROPER, THE SECRETARY SHALL CONSIDER THE FACTORS USED BY THE INTEGRITY DATA HUB OR ANY OTHER PUBLIC OR PRIVATE INTERSTATE DATABASE DESIGNED TO SUPPORT THE INTEGRITY OF STATE UNEMPLOYMENT INSURANCE PROGRAMS AND ANY ADDITIONAL FACTORS AS APPROPRIATE, INCLUDING COMMONALITIES IN:**

**(I) PHYSICAL ADDRESSES;**

**(II) MAILING ADDRESSES;**

**(III) INTERNET PROTOCOL ADDRESSES;**

**(IV) E-MAIL ADDRESSES;**

**(V) MULTIFACTOR AUTHENTICATION; OR**

**(VI) BANK ACCOUNTS.**;

and in line 18, strike “**3 YEARS**” and substitute “**1 YEAR**”.