

THE GENERAL ASSEMBLY DECLARES THAT, IN ITS CONSIDERED JUDGMENT, THE PUBLIC GOOD AND THE GENERAL WELFARE OF THE CITIZENS OF THE STATE REQUIRE THE ENACTMENT OF THIS TITLE, UNDER THE POLICE POWERS OF THE STATE, FOR THE COMPULSORY SETTING ASIDE OF UNEMPLOYMENT RESERVES TO BE USED FOR THE BENEFIT OF INDIVIDUALS UNEMPLOYED THROUGH NO FAULT OF THEIR OWN.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95A, § 2.

Subsection (b) of this section is revised as a statement of legislative findings, since the provisions revised in subsection (b) seemed to be the bases for, rather than part of, the policy of the State.

In subsection (c) of this section, the word "individuals" is substituted for the former word "persons", since only human beings are protected under this title. As to the definition of "person", see § 1-101 of this article.

8-103. RULE OF CONSTRUCTION.

TO THE EXTENT NECESSARY TO ENSURE THAT THE UNITED STATES SECRETARY OF LABOR CERTIFIES THIS TITLE UNDER § 3304 OF THE INTERNAL REVENUE CODE AND UNLESS THIS TITLE CLEARLY INDICATES AN INTENT TO THE CONTRARY, THIS TITLE SHALL BE CONSTRUED IN A MANNER CONSISTENT WITH THE RELEVANT PROVISIONS OF THE INTERNAL REVENUE CODE, THE FEDERAL SOCIAL SECURITY ACT, THE FEDERAL-STATE EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 1970, AND THE FEDERAL TRADE ACT OF 1974.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95A, § 25.

The language "as these acts may be amended from time to time", which formerly modified the list of federal acts in Art. 95A, § 25, is deleted as unnecessary in light of Art. 1, § 21 which provides that "[w]henver a provision of the public general ... laws of this State refers ... to any other law, the reference applies to any subsequent amendment to that ... other law, unless the referring provision expressly provides otherwise".

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that the words "unless this title clearly indicates an intent to the contrary" seem to allow for construction of provisions of this title in a manner inconsistent with relevant provisions of federal law. In other words, a provision intended to be in conformity may be construed to not conform with federal law if there is a "clear indication". Since conformity is critical to receipt of federal money to fund the State's unemployment insurance program, the General Assembly may wish to consider the need for the words "unless this title clearly indicates an intent to the contrary" or for delineation of a "clear indication".