

In subsection (e)(2) of this section, the former limitation on retroactivity is deleted as obsolete since the referenced date, December 31, 1971, has long since passed.

Former Art. 95A, § 8(d)(2)(i), which applied to nonprofit organizations that were or became subject to the unemployment insurance law on January 1, 1972, is deleted as obsolete.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that subsection (c) of this section does not include a provision on liability for benefits attributable to base period wages paid during the period of the election. Compare with subsection (a)(3) of this section.

The Committee also notes that former Art. 95A, § 8(f) stated that a governmental entity may make an election "as provided for nonprofit organizations in paragraphs (3) and (4) of former subsection (d)". As interpreted literally, there are no statutory provisions for time for filing or term of an election by a governmental entity, because those provisions were set out in former subsection (d)(2). Since some parts of former subsection (d)(2) contained express references to a "governmental entity", it seemed reasonable to assume that the General Assembly intentionally omitted references to "governmental entity" in other parts of (d)(2). This assumption is supported by legislative history. In Ch. 874, Acts of 1978, the General Assembly repealed and reenacted § 8(d)(2) in its entirety, but added references to a "governmental entity" only in the introductory language of former subsection (d)(2). Thus the Committee revised subsections (a) and (c) through (g) of this section to apply only to not for profit organizations.

Defined terms: "Base period wages" § 8-601
 "Benefits" § 8-101 "Board of Appeals" § 8-101
 "Contributions" § 8-101
 "Election" § 8-601 "Employer" § 8-101
 "Governmental entity" § 8-101
 "Not for profit organization" § 8-101
 "Reimbursement payment" § 8-101

8-618. REQUIRED SECURITY FOR NOT FOR PROFIT ORGANIZATIONS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO EACH NOT FOR PROFIT ORGANIZATION THAT MAKES AN ELECTION.

(B) TYPE SECURITY; TIME FOR DEPOSIT.

WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF AN ELECTION, A NOT FOR PROFIT ORGANIZATION, AS COLLATERAL:

(1) SHALL EXECUTE AND SUBMIT TO THE SECRETARY A SURETY BOND THAT THE SECRETARY APPROVES; OR