

(2) AN EXEMPTION UNDER THIS SECTION MAY BE GRANTED ONLY WITH RESPECT TO A SPECIFIC PLANT CLOSING.

REVISOR'S NOTE: This section is new language derived without substantive change from the sixth through ninth sentences of former Art. 95A, § 4(c).

In subsection (a) and the introductory language of (b) of this section, the word "definite" is substituted for the former words "certain and definable", for brevity.

Also in subsection (a) and the introductory language of subsection (b) of this section, the phrase "during that period" is added to clarify the time limitation on the exemption. This addition is supported, in each instance, by the former reference to employees "who thereby become unemployed", which seemed to limit both the individuals to whom the exemptions would apply and the period of the exemption.

Subsection (c) of this section is revised to apply to subsections (a) and (b). Although the ninth sentence of former Art. 95A, § 4(c) referred ambiguously to "such employees" and could have meant only employees described in the eighth sentence revised as subsection (b) – such a limited construction would not have made sense in reading of § 4(c) in its entirety.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that the references to the closing of a "plant" in subsections (a) and (b) of this section may be unduly narrow.

The Committee also notes that it is unclear how the Secretary would make a prospective determination of compliance under subsection (b)(2) of this section.

Defined terms: "Benefits" § 8-101

"Employer" § 8-101 "Secretary" § 8-101

8-905. ALIENS.

(A) CONDITIONS OF ELIGIBILITY.

AN ALIEN IS NOT ELIGIBLE FOR BENEFITS UNLESS AT THE TIME THE COVERED EMPLOYMENT WAS PERFORMED THE ALIEN:

(1) WAS ADMITTED TO THE UNITED STATES LAWFULLY FOR PERMANENT RESIDENCE;

(2) LAWFULLY WAS PRESENT IN THE UNITED STATES TO PERFORM THE COVERED EMPLOYMENT; OR

(3) OTHERWISE WAS RESIDING PERMANENTLY IN THE UNITED STATES UNDER COLOR OF LAW, INCLUDING BEING PRESENT IN THE UNITED STATES LAWFULLY AS A RESULT OF THE APPLICATION OF §§ 207 AND 208 OF THE REFUGEE ACT § 212(D)(5) OF THE IMMIGRATION AND NATIONALITY ACT.