



LAWS OF ALASKA

2004

Source

CSHB 490(JUD) am

Chapter No.

AN ACT

Relating to the release of employment security records, to the binding effect of determinations and decisions regarding unemployment compensation benefits, and to contributions, interest, penalties, and payments under the Alaska Employment Security Act; providing that property under the Alaska Employment Security Act is not subject to the Uniform Unclaimed Property Act; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1

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2 and decisions regarding unemployment compensation benefits, and to contributions, interest,
3 penalties, and payments under the Alaska Employment Security Act; providing that property
4 under the Alaska Employment Security Act is not subject to the Uniform Unclaimed Property
5 Act; and providing for an effective date.

6

7 * **Section 1.** AS 23.20.110(g) is amended to read:

8 (g) The requirements of this section concerning the confidentiality of
9 information obtained in the course of administering this chapter apply to officers and
10 employees of a state, [OR] federal, **or municipal** agency to whom the department
11 provides information as authorized by this section.

12 * **Sec. 2.** AS 23.20.110 is amended by adding a new subsection to read:

13 (q) Upon the written request by a state district attorney, a municipal attorney,

1 a United States attorney, or the Federal Bureau of Investigation, the department may
2 release to the requestor information under this section for the investigation or
3 prosecution of a crime or to enforce an order of a court in a criminal matter, including
4 enforcing probation or parole conditions.

5 * **Sec. 3.** AS 23.20.115 is amended to read:

6 **Sec. 23.20.115. Unauthorized disclosure of information.** A member of the
7 department, an employee of the department, an agent of the department, or an officer
8 or employee of a state, [OR] federal, **or municipal** agency that has been provided with
9 information by the department who, in violation of AS 23.20.110, makes a disclosure
10 of information obtained from an employing unit or from an individual in the
11 administration of this chapter, or a person who has obtained a list of applicants for
12 work or of claimants or recipients of benefits under this chapter and who uses or
13 permits the use of the list for a purpose not authorized by AS 23.20.110 is guilty of a
14 class B misdemeanor.

15 * **Sec. 4.** AS 23.20.225(e) is amended to read:

16 (e) The department shall adopt regulations providing for the disposition of
17 excess contributions paid to the unemployment compensation fund under
18 AS 23.20.130 **after notice and opportunity for hearing** [. THE REGULATIONS
19 MUST BE SUBSTANTIALLY SIMILAR TO THE PROVISIONS OF AS 34.45.110
20 - 34.45.430].

21 * **Sec. 5.** AS 23.20.240(f) is amended to read:

22 (f) In this section, "employer" as defined in AS 23.20.520 also includes [,
23 BUT IS NOT LIMITED TO,] an officer or employee of a corporation, **a member,**
24 **manager, or employee of a limited liability company,** or a member or employee of a
25 partnership, **including a limited partnership and a limited liability partnership,**
26 who, as an officer, employee, **manager,** or member, is under a duty to pay the
27 contributions as required by (a) of this section.

28 * **Sec. 6.** AS 23.20.242 is amended to read:

29 **Sec. 23.20.242. Appeals by officer, manager, member, or employee.** The
30 department shall permit each officer or employee of a corporation, **member,**
31 **manager, or employee of a limited liability company,** or [A] member or employee

1 of a partnership, **including a limited partnership and a limited liability**
2 **partnership**, who is required to pay the contributions and interest owed by the
3 corporation, **limited liability company**, or partnership, **including the limited**
4 **partnership and the limited liability partnership**, under AS 23.20.165 - 23.20.278
5 to appeal individually their duty to pay under those sections.

6 * **Sec. 7.** AS 23.20.390(c) is amended to read:

7 (c) For similar cause and in the same manner, a claim by another state for the
8 recovery of sums paid as benefits under an employment security law of the other state
9 is recoverable under this chapter if the sums were [FRAUDULENTLY] obtained **by**
10 **an individual who is not entitled** and the other state has a comparable provision in its
11 employment security law for recovery of the sums on behalf of this state.

12 * **Sec. 8.** AS 23.20.497 is amended by adding a new subsection to read:

13 (b) In this section, "action" means a court or administrative proceeding not
14 brought under this chapter or an arbitration proceeding.

15 * **Sec. 9.** AS 23.20.520 is amended by adding a new paragraph to read:

16 (21) "municipal agency" means an agency of a municipality of the
17 state; in this paragraph, "municipality" has the meaning given in AS 29.71.800.

18 * **Sec. 10.** AS 23.20.526(a)(16) is amended to read:

19 (16) service performed **as a student nurse in the employ of a**
20 **hospital or a nurses' training school by an individual who is enrolled and is**
21 **regularly attending classes in a nurses' training school chartered or approved in**
22 **accordance with the laws of this state, and service performed as an intern in the**
23 **employ of a hospital by an individual who has completed a four-year course in a**
24 **medical school chartered or approved in accordance with the laws of this state**
25 [AFTER DECEMBER 31, 1971, BY NURSES, TECHNICIANS, AND OTHER
26 PROFESSIONAL EMPLOYEES OF HOSPITALS NO PART OF THE NET
27 EARNINGS OF WHICH INURES TO THE BENEFIT OF A PRIVATE
28 SHAREHOLDER OR INDIVIDUAL], unless the service is required to be covered
29 under the Federal Unemployment Tax Act;

30 * **Sec. 11.** AS 23.20.530(b) is amended by adding a new paragraph to read:

31 (13) the amount of payment made, or benefit furnished, by the

1 employer under a plan to provide educational assistance to or for the benefit of an
2 employee if, at the time of the payment or the furnishing, it is reasonable to believe
3 that the employee will be able to exclude the payment or benefit from income under
4 26 U.S.C. 127(b).

5 * **Sec. 12.** AS 34.45.760(14) is amended to read:

6 (14) "property" means personal property, but does not include property
7 covered by

8 (A) AS 14.57.200 - 14.57.290;

9 (B) AS 23.20;

10 * **Sec. 13.** This Act takes effect immediately under AS 01.10.070(c).