

HOUSE BILL NO. 490

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/16/04

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the release of employment security records, to the admissibility of**
2 **determinations and decisions regarding unemployment compensation benefits, and to**
3 **contributions, interest, penalties, and payments under the Alaska Employment Security**
4 **Act; providing that property under the Alaska Employment Security Act is not subject**
5 **to the Uniform Unclaimed Property Act; and providing for an effective date."**

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

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
 20 AS 34.45.110 - 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, but is
 23 not limited to, an officer or employee of a corporation, a member, manager, or
 24 employee of a limited liability company, or a member or employee of a partnership
 25 who, as an officer, employee, manager, or member, is under a duty to pay the
 26 contributions as required by (a) of this section.

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

28 **Sec. 23.20.242. Appeals by officer, manager, member, or employee.** The
 29 department shall permit each officer or employee of a corporation, member,
 30 manager, or employee of a limited liability company, or a member or employee of a
 31 partnership who is required to pay the contributions and interest owed by the

1 corporation, **limited liability company**, or partnership under AS 23.20.165 -
 2 23.20.278 to appeal individually their duty to pay under those sections.

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

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

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

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

12 * **Sec. 9.** AS 23.20.520(10) is amended to read:

13 (10) "employing unit" means one or more departments or other
 14 agencies of the state, a political subdivision of the state, an individual, or a type of
 15 organization, partnership, **limited liability company**, association, trust, estate, joint
 16 trust company, insurance company, or domestic or foreign corporation, or the receiver,
 17 referee in bankruptcy, trustee, or successor of one of these, or the legal representative
 18 of a deceased person, which has or, after January 1, 1937, had one or more individuals
 19 performing service for it in the state; an individual performing services in the state for
 20 an employing unit which maintains two or more separate establishments in the state is
 21 considered as employed by a single employing unit for the purposes of this chapter;
 22 notwithstanding any provision in this chapter, any employing unit which employs
 23 individuals whose services must be covered by the unemployment insurance laws of
 24 this state after December 31, 1971 as a condition of approval of the unemployment
 25 insurance laws of this state under 26 U.S.C. 3304(a) (Internal Revenue Code of 1954),
 26 as amended, will be considered an employer as to those individuals and is subject to
 27 contributions on all wages paid after December 31, 1971, or reimbursement payments
 28 to cover benefits paid based on services performed after December 31, 1971,
 29 depending on the applicable law;

30 * **Sec. 10.** AS 23.20.520 is amended by adding a new paragraph to read:

31 (21) "municipal agency" means an agency of a municipality of the

1 state; in this paragraph, "municipality" has the meaning given in AS 29.71.800.

2 * **Sec. 11.** AS 23.20.526(a)(16) is amended to read:

3 (16) service performed as a student nurse in the employ of a
 4 hospital or a nurses' training school by an individual who is enrolled and is
 5 regularly attending classes in a nurses' training school chartered or approved in
 6 accordance with the laws of this state, and service performed as an intern in the
 7 employ of a hospital by an individual who has completed a four-year course in a
 8 medical school chartered or approved in accordance with the law of this state

9 [AFTER DECEMBER 31, 1971, BY NURSES, TECHNICIANS, AND OTHER
 10 PROFESSIONAL EMPLOYEES OF HOSPITALS NO PART OF THE NET
 11 EARNINGS OF WHICH INURES TO THE BENEFIT OF A PRIVATE
 12 SHAREHOLDER OR INDIVIDUAL], unless the service is required to be covered
 13 under the Federal Unemployment Tax Act;

14 * **Sec. 12.** AS 23.20.530(b) is amended by adding a new paragraph to read:

15 (13) the amount of payment made, or benefit furnished, by the
 16 employer under a plan to provide educational assistance to or for the benefit of an
 17 employee if, at the time of the payment or the furnishing, it is reasonable to believe
 18 that the employee will be able to exclude the payment or benefit from income under
 19 26 U.S.C. 127(b).

20 * **Sec. 13.** AS 34.45.760(14) is amended to read:

21 (14) "property" means personal property, but does not include property
 22 covered by

23 (A) AS 14.57.200 - 14.57.290;

24 (B) AS 23.20;

25 * **Sec. 14.** This Act takes effect immediately under AS 01.10.070(c).