

CS FOR HOUSE BILL NO. 490(JUD) am
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 4/21/04

Offered: 4/14/04

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the release of employment security records, to the binding effect 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 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).