

1 IN THE SENATE

BY THE COMMITTEE ON COMMERCE
AND INDUSTRY BY REQUEST

2

SENATE BILL NO. 41

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

A BILL

6 For an Act entitled: "An Act relating to Employment Security,
7 amending Articles LL, LLL, LV, V, VI and
8 VII of the Alaska Employment Security Act
9 (Chapter 5, ESLA 1955); and declaring an
10 emergency."

11 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

12 Section 1. Sec. 205, Art. II of Ch. 5, ESLA 1955, is hereby
13 amended to read as follows:

14 Sec. 205. "Benefit year" means the [PERIOD BEGINNING
15 WITH THE FIRST FULL CALENDAR WEEK IN JULY AND ENDING WITH
16 THE FOLLOWING CALENDAR YEAR WITH THE LAST CALENDAR WEEK
17 BEGINNING IN JUNE, PROVIDED THAT AFTER JUNE 30, 1956 "BENEFIT
18 YEAR" MEANS] one-year period beginning with the [FIRST] day
19 as of [THE WEEK IN] which and insured worker first files a
20 request for determination of his insured status, and there-
21 after the one-year period beginning with the [FIRST] day
22 as of [OF THE WEEK IN] which he next files such request
23 after the end of his last preceding benefit year. The fil-
24 ing of a notice of unemployment shall be deemed a request
25 for determination of insured status if a current benefit
26 year has not previously been established.

27 Sec. 2. Sec. 213, Art. II of Ch. 5, ESLA 1955, is hereby
28 amended to read as follows:

29 Sec. 213. "Employing unit" means the Territory of

SB #41

Amended

1 Alaska and any individual or type of organization, any part-
2 nership, association, trust, estate, joint trust company,
3 insurance company or corporation, whether domestic or foreign,
4 or the receiver, referee in bankruptcy, trustee, or successor
5 of any of the foregoing, or the legal representative of a
6 deceased person, which has, or subsequent to January 1, 1937
7 had one or more individuals performing service for it within
8 this Territory. All individuals performing services within
9 this Territory for any employing unit which maintains two or
10 more separate establishments within this Territory shall be
11 deemed to be employed by a single employing unit for all the
12 purposes of this Act.

13 Sec. 3. Sec. 214, Art. II of Ch. 5, ESLA 1955, is hereby
14 amended to read as follows:

15 Sec. 214. "Employment" means:
16 (No change in subsection (a))
17 (No change in subsection (b))
18 (No change in subsection (c))
19 (d) Service performed in the direct employ of the
20 Territory of Alaska.

21 Sec. 4. Art. II of Ch. 5, ESLA 1955, is hereby amended to
22 include the following:

23 Sec. 220.1 The term "employment" shall not include
24 newsboys' services in selling or distributing newspapers
25 on the street or from house to house.

26 Sec. 5. Sec. 222, Art. II of Ch. 5, ESLA 1955, is hereby
27 amended to read as follows:

28 Sec. 222. [THE TERM "EMPLOYMENT" SHALL NOT INCLUDE
29 SERVICE PERFORMED BY AN INDIVIDUAL IN ANY CALENDAR QUARTER

1 AFTER DECEMBER 31, 1954, IN THE EMPLOY OF ANY ORGANIZATION
2 EXEMPT FROM INCOME TAX UNDER SECTION 501 (a) OF THE FEDERAL
3 INTERNAL REVENUE CODE, OTHER THAN AN ORGANIZATION DESCRIBED
4 IN SECTION 401 (a) OF SECTION 521 THEREOF, IF (a) THE REMUN-
5 ERATION FOR SUCH SERVICE IS LESS THAN \$50; OR (b) SUCH
6 SERVICE IS IN CONNECTION WITH THE COLLECTION OF DUES OR
7 PREMIUMS FOR A FRATERNAL BENEFICIARY SOCIETY, ORDER, OR
8 ASSOCIATION, AND IS PERFORMED AWAY FROM THE HOME OFFICE, OR
9 IS RITUALISTIC SERVICE IN CONNECTION WITH ANY SUCH SOCIETY,
10 ORDER, OR ASSOCIATION; OR (c) SUCH SERVICE IS PERFORMED BY
11 A STUDENT WHO IS ENROLLED, AND IS REGULARLY ATTENDING CLASSES,
12 AT A SCHOOL, COLLEGE OR UNIVERSITY; OR (d) SUCH SERVICE IS
13 PERFORMED BY A DULY ORDAINED, COMMISSIONED, OR LICENSED
14 MINISTER OF RELIGION IN THE EXERCISE OF HIS MINISTRY, OR BY
15 A MEMBER OF A RELIGIOUS ORDER IN THE EXERCISE OF DUTIES RE-
16 QUIRED BY SUCH ORDER. The term "employment" shall not include
17 services performed in the employ of a corporation, community
18 chest, fund, or foundation, organized and operated exclusive-
19 ly for religious, charitable, scientific, literary, or
20 educational purposes, or for the prevention of cruelty to
21 children or animals, no part of the net earnings of which
22 is used to the benefit of any private shareholder or individ-
23 ual.

24 Sec. 6. Art. II of Ch. 5, ESLA 1955, is hereby amended to
25 include the following:

26 F Sec. 222.1 The term "employment" shall not include
27 E services performed in any calendar quarter in the employ of
28 W any of the following organizations:

29 Fraternal beneficiary societies, orders, or associations

1 N (a) operating under the lodge system or for the exclusive
2 E benefit of the members of a fraternity itself operating
3 W under the lodge system, and (b) providing for the payment
4 of life, sickness, accident or other benefits to the members
5 M of such society, order or association or their dependents;
6 A Labor organizations; Business leagues, chambers of commerce,
7 T real estate boards, or boards of trade not organized for
8 T profit and no part of the net earnings of which inures to
9 E the benefit of any private shareholder or individual;
10 R Civic leagues or organizations not organized for profit but
11 operated exclusively for pleasure, recreation, and other non-
12 N profitable purposes no part of which inures to the benefit
13 E of any private shareholder or individual;
14 W If: (1) the remuneration for such service does not exceed
15 one hundred fifty (\$150.00) dollars; or,
16 N (2) such service is in connection with the collection of
17 A dues or premiums for a fraternal benefit society, order or
18 T association and is performed away from the home office or is
19 T a ritualistic service in connection with any such society,
20 E order, or association; or, (3) such service is performed
21 R by a student who is enrolled and who is regularly attending
22 classes at a school, college or university.

23 Sec. 7, Sec. 225, Art. II of Ch. 5, ESLA 1955 is hereby
24 repealed.

25 Sec. 8, Sec. 230, Art. II of Ch. 5, ESLA 1955 is hereby
26 amended to read as follows:

27 Sec. 230. The term "employment" shall not include serv-
28 ice performed in the employ of any [OTHER] State, excepting
29 Alaska, or any political subdivision [THEREOF] of any State.

1 including Alaska, or any instrumentality of any one or more
2 of the foregoing which is wholly owned by one or more such
3 States or political subdivision; and any service performed
4 in the employ of any instrumentality of one or more other
5 States or their political subdivisions to the extent that
6 the instrumentality is, with respect to such service,
7 exempt under the Constitution of the United States from the
8 tax imposed by Section 3301 of the Federal Unemployment Tax
9 Act.

10 Sec. 9. Art. II of Ch. 5, ESLA 1955, is hereby amended to
11 include the following:

12 Sec. 230.1. The term "employment" shall not include
13 service performed in the employ of this Territory by an
14 elected official or by an official compensated on a fee
15 basis.

16 Sec. 10. Sec. 254, Art. II of Ch. 5, ESLA 1955, is hereby
17 amended to read as follows:

18 Sec. 254. UNEMPLOYED INDIVIDUAL. An individual shall
19 be deemed to be "unemployed" in any week during which he
20 performs no services and with respect to which no remunera-
21 tion is payable to him, or in any week of less than full-
22 time work if the remuneration payable to him with respect to
23 such week is less than \angle HIS WEEKLY BENEFIT AMOUNT PLUS TEN
24 DOLLARS one and one-half times his weekly benefit amount.
25 The provisions of this section shall be effective for all
26 persons whose claims are paid after July 1, 1957 excepting
27 the persons payment of whose claims have been delayed due
28 to court action.

29 Sec. 11. Sec. 302, Art. III of Ch. 5, ESLA 1955, is hereby

1 amended to read as follows:

2 Sec. 302. TERMS OF OFFICE. Except as provided in
3 this section and in Section 303 herein, each member shall
4 hold office for a term of four years. ~~THE MEMBERS OF THE~~
5 COMMISSION AS OF JANUARY 1, 1955, SHALL CONSTITUTE THE
6 FIRST MEMBERS OF THE COMMISSION CREATED BY THIS ACT AND
7 THEIR TERMS OF OFFICE SHALL EXPIRE AS FOLLOWS: ~~The term of~~
8 office of each Commissioner shall expire on the date estab-
9 lished herein which is closest to the date on which his term
10 would have expired by the law in effect at the time of his
11 appointment, except that any outgoing Commissioner may
12 continue to act until his successor is eligible and assumes
13 the duties of his office. The term of one management member
14 and one labor member shall expire ~~FEBRUARY 1, 1957~~ March 1,
15 1959; the term of one labor member and one management member
16 shall expire on ~~FEBRUARY 1, 1959~~ March 1, 1961; and the
17 term of the member representing the public shall expire on
18 ~~FEBRUARY 1, 1959~~ March 1, 1959. ~~;~~ PROVIDED THAT THE
19 LONG AND SHORT TERMS OF THE SAID FIRST LABOR AND MANAGEMENT
20 MEMBERS RESPECTIVELY SHALL BE DETERMINED BY THEM BY LOT AT
21 THEIR FIRST MEETING AFTER THE EFFECTIVE DATE OF THIS ACT, ~~.~~
22 The Governor, at any time, after due notice and public
23 hearing, may remove any member of the Commission for neglect
24 of duty, malfeasance in office, or the commission of a crime
25 involving moral turpitude.

26 Sec. 12. Sec. 316, Art. III of Ch. 5, ESLA 1955, is hereby
27 amended to read as follows:

28 Sec. 316. PRESERVATION AND DESTRUCTION OF AGENCY RECORD
29 (No change in subsection (a))

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(No change in subsection (b))
(c) Notwithstanding the provisions of Ch. 30, ESLA 1953,
or any other territorial law, the following records of the
Alaska Employment Security Commission

A. May be destroyed after microfilming but not before an
audit satisfactory to the Director of Finance has been
conducted,
except that
where the records are more than two years old and still
not audited they may be destroyed after microfilming
without audit:

- (1) All documents and correspondence dealing with
individual employer accounts and normally contained
in the Agency's files in individual employer account
folders.
- (2) Master Benefit Record
- (3) Appeal Decisions

B. May be destroyed after microfilming at any time after an
audit satisfactory to the Director of Finance has been
conducted,
except that
these records may be destroyed after audit without micro-
filming when more than two years have elapsed since the
end of the benefit year for which the records were
received or prepared:

- (1) All documents and correspondence dealing with in-
dividual entitlement to, and amount of, unemployment
benefits, excluding Master Benefit Record and Appeal
decisions and provided that no cancelled benefit

1 check shall be destroyed without microfilming until
2 five years have elapsed since its issuance.

3 0. May be destroyed without microfilming and without audit:

4 (1) All records concerning benefit claims and rights,
5 excepting monetary determinations and Master
6 Benefit Record, which relate to periods prior to
7 January 1, 1949.

8 Sec. 13, Sec. 402, Art. IV of Ch. 5, ESLA 1955, is hereby
9 amended to read as follows:

10 Sec. 402. ACCOUNTS AND DEPOSIT. The Territorial
11 treasurer shall be ex-officio the treasurer and custodian of
12 the fund and shall administer such funds in accordance with
13 the direction of the Commission and shall issue his checks
14 or warrants upon it in accordance with such regulations as
15 the Commission may prescribe. He shall maintain within the
16 fund three separate accounts:

- 17 (a) a Clearing Account,
18 (b) an Unemployment Trust Fund Account, and
19 (c) a Benefit Account.

20 All moneys payable to the fund, upon receipt thereof by the
21 Commission shall be forwarded to the Treasurer who shall
22 immediately deposit them in the Clearing Account. Refunds
23 payable pursuant to Sections 227, 501(b) and 518 herein may
24 be paid from the Clearing Account upon checks or warrants
25 issued by the Treasurer under the direction of the Com-
26 mission. After clearance thereof, all of the moneys in the
27 Clearing Account shall be immediately deposited with the
28 Secretary of the Treasury of the United States of America
29 to the credit of the Account of this Territory in the Un-

1 employment Trust Fund, established and maintained pursuant
2 to Section 904 of the Social Security Act, as amended, any
3 provision of law in this territory relating to the deposit,
4 administration, release, or disbursement of moneys in the
5 possession or custody of this Territory to the contrary not-
6 withstanding.

7 The Benefit Account shall consist of moneys requisitioned
8 from this Territory's account in the Unemployment Trust Fund
9 for the purpose of paying benefits. Except as herein other-
10 wise provided, moneys in the Clearing and Benefit ✓, AND EM-
11 PLOYEE CONTRIBUTION⁷ accounts may be deposited by the Treas-
12 urer, under the direction of the Commission, in any bank or
13 public depository in which general funds of the Territory may
14 be deposited, but no public deposit insurance charge or
15 premium shall be paid out of the fund. Money in these
16 accounts shall not be commingled with other Territorial funds,
17 but shall be maintained in separate accounts on the books of
18 the depository bank. Such money shall be secured by the dep-
19 ository law of this Territory; and collateral pledged for
20 this purpose shall be kept separate and distinct from any
21 collateral pledged to secure other funds of the Territory.
22 The Treasurer shall be liable on his official bond for the
23 faithful performance of his duties in connection with the
24 fund. All sums recovered for losses sustained by the fund
25 shall be deposited therein.

26 Sec. 14. Sec. 404, Art. IV of Ch. 5, ESLA 1955, is hereby
27 amended to read as follows:

28 Sec. 404. WITHDRAWALS. In accordance with regulations
29 proscribed by the Commission, moneys shall be requisitioned

1 from the Territory's account in the Unemployment Trust Fund
2 solely for the payment of benefits and refunds.

3 (a) Benefit Payments. The Commission shall from time to
4 time requisition from the Unemployment Trust Fund such
5 amounts, not exceeding the amount standing to this Terri-
6 tory's account therein, as it deems necessary for the pay-
7 ment of benefits for a reasonable future period. Upon
8 receipt thereof the Treasurer shall deposit such moneys in
9 the Benefit Account and shall issue checks or warrants for
10 the payment of benefits solely from such Benefit Account.

11 (b) Refund Payments. If, at any time, moneys in the Clear-
12 ing Account are not sufficient to provide for refunds pay-
13 able pursuant to Section 227, 501(b) and 518 herein, the
14 Commission shall withdraw from the Unemployment Trust Fund
15 such amounts, not exceeding the amount standing to this
16 Territory's account herein, as are necessary for the payment
17 of such refunds. Upon receipt thereof the Treasurer shall
18 deposit such moneys in the Clearing Account and shall issue
19 checks or warrants for the payment of such refunds from such
20 account.

21 Expenditures of such moneys in the Benefit Account and re-
22 funds from the Clearing Account shall not be subject to any
23 provisions of law requiring specific appropriations or other
24 formal release by Territorial officers of money in their
25 custody. All checks or warrants issued by the Treasurer for
26 the payment of benefits and refunds shall bear the signature
27 of the Treasurer and countersignature of the duly authorized
28 agent of the Commission for that purpose. Any balance of
29 moneys requisitioned from the Unemployment Trust Fund which

1 remaine unclaimed or unpaid in the Benefit Account after the
2 expiration of the period for which such sums were requisitioned shall either be deducted from estimates for, and may
3 be utilized for the payment of, benefits during succeeding
4 periods, or, in the discretion of the Commission, shall be
5 redeposited with the Secretary of the Treasury of the United
6 States of America, to the credit of this Territory's account
7 in the Unemployment Trust Fund, as provided in Section 402
8 herein.

9
10 Sec. 15. Sec. 501, Art. V of Ch. 5, ESLA 1955, is hereby
11 amended to read as follows:

12 Sec. 501. PAYMENT OF CONTRIBUTIONS. (a) Contributions with
13 respect to wages for employment shall accrue and become
14 payable by each employer for each calendar year in which he
15 is subject to this Act. Such contributions shall become due
16 and be paid by each employer to the Commission for the fund
17 in accordance with such regulations as the Commission may
18 prescribe and contributions payable by the employer shall
19 not be deducted in whole, or in part, from the wages of in-
20 dividuals in employment for such employers. (b) Contributions
21 with respect to wages paid on or after January 1, 1955 for
22 employment shall accrue and become payable until such time
23 as contributions shall be terminated pursuant to Section 502
24 of this Article, by each individual who performs service in
25 employment for each calendar year in which such services are
26 subject to this Act.

27 The contributions required of each such individual, in
28 accordance with regulations prescribed by the Commission,
29 shall become payable, be deducted from his wages by his

1 employer, and be held in trust by the employer for the
2 Commission until such time as such employee contributions
3 are required by regulation to be deposited with the Com-
4 mission. Such funds shall not be subject to garnishment
5 or attachment in any fashion, and in the event of lien,
6 judgment or bankruptcy proceedings shall not be considered
7 as assets of the employer. Any employer who shall fail to
8 make such deductions from the wages of his employees shall
9 himself be liable to the Commission for the payment of such
10 required contributions, which shall be collected from him
11 in the same manner as is provided for the collection of
12 employer contributions.

13 If any employer shall convert to his own use or otherwise
14 misappropriate any funds so held in trust, he shall be re-
15 quired to pay to the Commission for deposit in the
16 EMPLOYEE CONTRIBUTION ACCOUNT Clearing Account the
17 amount so converted or misappropriated, together with a
18 penalty equal to five times that amount but not less than
19 \$25.00. In addition, if such conversion or misappropriation
20 is willful, he shall be guilty of a misdemeanor and, upon
21 conviction thereof, shall be fined not more than \$200.00,
22 or imprisoned for not more than 60 days, or both.

23 Each employer shall maintain a record of the amount so
24 deducted from the wages of each of his employees, and shall
25 furnish a statement of such deductions to each employee at
26 such times and in such manner as the Commission shall pre-
27 scribe by regulation. No such deduction shall be made from
28 those wages in excess of the first \$3,600.00 \$4,200.00
29 of wages paid to an employee during any calendar year. In

1 the event that an employee earns wages totaling in excess
2 of ~~/\$3,600.00/~~ \$4,200.00 in one calendar year in the
3 employ of two or more employers, or in the event that any
4 one employer through error shall have made such deductions
5 from his wages in excess of ~~/\$3,600.00/~~ \$4,200.00 during
6 any one calendar year, the amount of such deductions in
7 excess of those required by this Act shall be refunded to
8 the employee by the Commission upon application therefor
9 in accordance with regulations prescribed by the Commission,
10 provided, that such application is made during the calendar
11 year immediately following the calendar year in which such
12 deductions were made.

13 Delete subsection (c)

14 Sec. 16. Sec. 502, Art. V of Ch. 5, ESLA 1955, is
15 hereby amended to read as follows:

16 Sec. 502 RATE OF CONTRIBUTIONS. Each employer shall pay
17 contributions equal to 2.7 percent of wages paid by him during
18 the calendar year with respect to employment commencing
19 January 1, 1955 except as otherwise provided in Section 503.
20 Each individual performing services in employment for such
21 employer, commencing ~~JANUARY 1, 1955~~ JANUARY 1, 1957, shall
22 pay contributions equal to ~~ONE HALF OF~~ ONE HALF OF one percent of wages
23 paid to him during the calendar year with respect to employ-
24 ment. PROVIDED THAT THE PROVISIONS OF THIS ARTICLE WITH
25 RESPECT TO THE PAYMENT BY, AND RATE OF, CONTRIBUTIONS FOR
26 INDIVIDUALS IN THE EMPLOYMENT OF EMPLOYERS SHALL TERMINATE
27 WITH CONTRIBUTIONS DUE FOR WAGES PAID THROUGH DECEMBER 31,
28 1956.

29 In the payment of any contributions a fractional part of a

1 cent shall be disregarded unless it amounts to one-half
2 cent or more, in which case it shall be increased to one
3 cent.

4 Sec. 17. Sec. 503, Art. V of Ch. 5, ESLA 1955, is hereby
5 amended to read as follows:

6 Sec. 503. BASE OF CONTRIBUTIONS. For the purposes of
7 sections 501 and 502 of this Article and subsequent to
8 DECEMBER 31, 1954 December 31, 1956, wages shall not
9 include that part of remuneration which EXCEEDS \$3,600.00
10 after remuneration equal to \$4,200.00 has been paid in a
11 calendar year to ANY an individual UNLESS SAID EXCESS BE-
12 COMES by an employer or his predecessor with respect to
13 employment during any calendar year, is paid to such individual
14 by such employer during such calendar year unless that part of
15 the remuneration is subject to a tax under a Federal law
16 imposing a tax against which credit may be taken for contri-
17 butions required to be paid into a State unemployment fund.
18 For the purposes of this section, the term employment shall
19 include service constituting employment under any employment
20 security law of another State or of the Federal Government.

21 Sec. 18. Sec. 515, Art. V of Ch. 5, ESLA 1955, is hereby
22 amended to read as follows:

23 Sec. 515. NOTICE OF ASSESMENT, DISTRAINT, SEIZURE AND
24 SALE. At any time after the Commission shall find that any
25 contributions, including interest or penalty thereon, has
26 become delinquent, the Commission may issue a notice of
27 assesment specifying the amount due, which notice of
28 assesment shall be served on the delinquent employer by the
29 marshal of the judicial division wherein service is made, or

1 by his deputy, or by any duly authorized representative of
2 the Commission; or by certified or registered mail, with
3 return receipt requested. In the case of service by mail
4 the notice must be deposited in the post office, addressed
5 to the delinquent employer at his last known address; and
6 the postage paid. The service shall be deemed to be made
7 on the day OF SUCH DEPOSIT IN THE POST OFFICE/ of delivery
8 shown on the delivery receipt; however, in the event it
9 appears the addressee is deliberately avoiding service, then
10 service shall be deemed to be made on the day of mailing. If
11 the amount so assessed is not paid within thirty days after
12 such personal service or mailing of said notice, the Com-
13 mission or its duly authorized representative may collect
14 the amount stated in the assessment by the distraint, seizure
15 and sale of the property, goods, chattels and effects of said
16 delinquent employer, except as is provided in Section 517 of
17 this Act. There shall be exempt from distraint and sales
18 under this section such goods and property as are exempt
19 from execution under the laws of this Territory.

20 Sec. 19. Art. V of Ch. 5, ESLA 1955, is hereby amended to
21 include the following:

22 Section 516.1 NOTICE AND ORDER TO WITHHOLD AND DELIVER.

23 NEW
24 MATTER
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28 The Commission, or its authorized representative, is hereby
29 authorized to issue to any person, firm, corporation, political
subdivision or department of the territory, a notice
and order to withhold and deliver property of any kind whatsoever
when the Commission, or its authorized representative
has reason to believe that there is in the possession of such
person, firm, corporation, political subdivision or

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department, property which is due, owing, or belonging to any person, firm, or corporation upon whom a notice and order of assessment has, at least 30 days prior to issuance of said notice and order to withhold and deliver, been served by the Employment Security Commission of the Territory for unemployment compensation contributions, penalties, or interest.

The notice and order to withhold and deliver shall be served by the Marshal of the Judicial Division wherein the service is made, or by his deputy, or by any duly authorized representative of the Commission. Any person, firm, corporation, political subdivision or department upon whom service has been made is hereby required to answer the notice within ten days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice.

In the event there is in the possession of any such person, firm, corporation, political subdivision or department, any property, credits or money, which may be subject to the claim of the Employment Security Commission of the Territory, such property shall be delivered forthwith to the Commission or its duly authorized representative upon demand to be held in trust by the Commission for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or nonliability, or in the alternative, there shall be furnished a good and sufficient bond satisfactory to the Commission conditioned upon final determination of liability.

Should any person, firm or corporation fail to make answer
BB #41

1 to an order to withhold and deliver within the time pro-
2 N scribed herein, it shall be lawful for the District Court
3 E of the Judicial Division in which said order was served,
4 M after the time to answer such order has expired, to render
5 A judgment by default against such person, firm or corporation
6 T for the full amount claimed by the Commission in the notice
7 E to withhold and deliver, together with costs.

8 Sec. 20. Sec. 517, Art. V of Ch. 5, ESLA 1955, is hereby
9 amended to read as follows:

10 Sec. 517. PETITION FOR HEARING AND SUMMARY JUDGMENT.

11 When any notice of assessment has been delivered or mailed to a
12 delinquent employer, as heretofore provided, such employer
13 may within thirty days thereafter file a petition in writing
14 with the Commission, stating that such assessment is unjust
15 or incorrect and requesting a hearing thereon. Such peti-
16 tion shall set forth the reasons why the assessment is
17 objected to and the amount of contributions, if any, which
18 said employer admits to be due the Commission. If no such
19 petition is filed with the Commission within said thirty
20 days, said assessment shall be prima facie just and correct;
21 Provided, that in such cases the Commission may properly
22 entertain a subsequent application for refund, and hearing
23 thereon if denied, in accordance with Section 518 herein.
24 The filing of a petition on a disputed assessment with the
25 Commission shall stay the sale provided for in Section 516
26 herein until a final decision thereon shall have been made,
27 but the filing of such petition shall not affect the right
28 of the Commission to perfect a lien, as provided in Section
29 514 herein. After granting the petitioner reasonable

1 opportunity for fair hearing, the Commission shall make a
2 decision on the petition. The Commission's decision shall
3 be final unless the petitioner initiates a proceeding for
4 judicial review substantially in the manner provided by
5 Section 509. Whenever any order and notice of assessment
6 shall have become final in accordance with the provisions
7 of this act, the District Court shall upon application of
8 the Commission enter a judgment in the amount provided for in
9 said order and notice of assessment and said judgment shall
10 have and be given the same effect as if entered pursuant
11 to civil action instituted in said Court.

12 Sec. 21, Art. V of Ch.5, ESLA 1955, is hereby amended to
13 include the following:

14 Sec. 527. LIMITATION OF ACTIONS AND UNCOLLECTIBLE ACCOUNTS.

15 The Commission shall commence action for the collection of
16 NEW contributions (including interest and penalties), imposed
17 W by this act by assessment or suit within five years after a
18 M return is filed. No proceedings for the collection of such
19 A amounts shall be begun after the expiration of such period;
20 T Provided, however, that this provision shall not become effect-
21 E ive until January 1, 1958.
22 R

23 In case of a false or fraudulent return with intent to evade
24 contributions, or in the event of a failure to file a return,
25 the contributions may be assessed, or a proceeding in court
26 for the collection of such contributions may be begun, at any
27 time.

28 The Commission may charge off as uncollectible and no longer
29 an asset of the unemployment compensation fund any delinquent
contributions at any time after five years from the date

1 of delinquency, if the Commission is satisfied that there
2 are no available and lawful means by which such contri-
3 butions may thereafter be collected.

4 Sec. 22, Sec. 603, Art. VI of Ch. 5, ESLA 1955, is hereby
5 repealed.

6 Sec. 23, Sec. 713, Art. VII of Ch. 5, ESLA 1955, is hereby
7 amended to read as follows:

8 Sec. 713. EARNINGS DEDUCTED FROM WEEKLY BENEFIT AMOUNT.

9 Each eligible individual who is unemployed in any week shall
10 be paid with respect to such week a benefit in an amount
11 equal to his basic or augmented weekly benefit amount less the
12 part of the remuneration, whether or not covered by this
13 Act, payable to him with respect to such week which is in
14 excess of TEN DOLLARS one half of his weekly benefit
15 amount. Such benefit, if not a multiple of one dollar, shall
16 be computed to the next higher multiple of one dollar. The
17 provisions of this section shall be EFFECTIVE ON AND
18 AFTER JULY 3, 1955 applicable to all claims paid on and
19 after July 1, 1957 excepting claims the payment of which
20 has been delayed due to court action.

21 Sec. 24, Sec. 741, Art. VII of Ch. 5, ESLA 1955, is hereby
22 amended to read as follows:

23 Sec. 741. DISQUALIFICATION FOR BENEFITS. An insured
24 worker shall be disqualified for waiting-week credit or
25 benefits for any week of HIS unemployment if with respect
26 to such week the Commission finds that:

- 27 (a) He was not able to work or was not available for
28 suitable work for such week. (For purposes of
29 this subsection, a woman shall be considered

1 unable to work for the period within two calendar
2 months before the anticipated date of childbirth
3 and one month after childbirth, and an unemployed
4 individual shall not be considered available for
5 work unless making such reasonable search for work
6 as the Commission may direct); or

7 (No change in subsection (b))

8 (No change in subsection (c))

9 (No change in subsection (d))

10 (No change in subsection (e))

11 Delete subsection (f)

12 Delete subsection (g)

13 Delete subsection (h)

14 Renumber subsection (j)

15 ~~[(k)]~~ (k) Within the twenty-four calendar months immediately
16 preceding such week he has, with intent to defraud by obtaining
17 any benefits not due under this Act, made a false statement
18 or representation of a material fact knowing it to be false
19 or knowingly failed to disclose a material fact, in which
20 case he shall be disqualified for the week in which the
21 Commission makes such determination and for the twenty-six
22 weeks immediately following such week, and for the week or
23 weeks with respect to which the false statement or repres-
24 entation was made.

25 Section 25. An emergency is hereby declared to exist and
26 this Act shall be in full force and effect from and after the
27 date of its passage and approval.