

Original sponsor: Rules Committee by
request of the Governor

Offered: 4/16/69
Referred: Rules

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1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 342

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act segregating the training and building fund from
7 the unemployment compensation fund; and providing
8 for an effective date."

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

10 * Section 1. AS 23.20.130 is repealed and re-enacted to read:

11 Sec. 23.20.130. ESTABLISHMENT AND CONTROL. (a) There shall be
12 maintained as special funds separate and apart from all public funds
13 of this state, an unemployment compensation fund which shall be
14 administered by the department exclusively for the purposes of this
15 chapter, and a training and building fund.

16 (b) The unemployment compensation fund shall consist of

17 (1) all contributions collected under this chapter;

18 (2) interest earned on money in the unemployment trust fund
19 account;

20 (3) property or securities acquired through the use of money
21 belonging to the fund;

22 (4) earnings of the property or securities;

23 (5) sums made available to the state as advances under Title
24 XII of the Social Security Act, as amended, for the purposes of paying
25 benefits as provided in this chapter;

26 (6) advances from the general fund of the state for the
27 purposes of paying benefits provided in this chapter;

28 (7) all money credited to this State's account in the
29 Unemployment Trust Fund pursuant to sec. 903 of the Social Security

1 Act, as amended;

2 (b) all money received for the fund from any other source.

3 (c) All money in the unemployment compensation fund is mingled
4 and undivided.

5 (d) The training and building fund shall consist of all interest
6 and penalties collected pursuant to secs. 185, 190, and 195 of this
7 chapter after June 30, 1968, and all sums recovered on official bond
8 for losses sustained by the fund. Training and building fund monies
9 shall be deposited in the clearing account of the unemployment
10 compensation fund for clearance only, and shall not become a part of
11 the fund. The un-obligated amount in the training and building fund
12 in excess of \$100,000 on the close of business of the last day of each
13 calendar quarter shall be immediately transferred to this State's
14 account in the unemployment trust fund. Funds available in the training
15 and building fund shall be expended upon the direction of the department,
16 with the approval of the governor, whenever it appears to him that such
17 expenditure is necessary for, but not limited to

18 (1) the proper administration of this chapter where no federal
19 funds are available for the specific purpose for which the expenditure
20 is to be made, provided, the funds are not substituted for appropria-
21 tions from federal funds which would be made available in the absence
22 of such funds.

23 (2) the proper administration of this chapter, for which
24 purpose appropriations from federal funds have been requested but not
25 yet received, provided that the training and building fund will be
26 reimbursed upon receipt of the requested federal appropriation.

27 (3) the purposes specified in AS 23.15.611

28 (4) the purposes specified in AS 23.20.075.

29 * Sec. 2. AS 23.20.185 is amended by adding a new subsection to read:

1 (d) Interest collected under this section after June 30, 1968,
2 shall periodically be transferred from the clearing account to the
3 training and building fund.

4 * Sec. 3. AS 23.20.190 is amended by adding a new subsection to read:

5 (c) Penalties collected under this section after June 30, 1968,
6 shall periodically be transferred from the clearing account to the
7 training and building fund.

8 * Sec. 4. AS 23.20.195 is amended by adding a new subsection to read:

9 (d) Penalties collected under this section on or after June 30,
10 1968, shall periodically be transferred from the clearing account to
11 the training and building fund.

12 * Sec. 5. AS 23.20.135(b) is amended to read:

13 (b) The department shall forward, upon receipt, all money payable
14 to the fund to the commissioner of revenue who shall immediately deposit
15 them in the clearing account. Refunds of contributions erroneously
16 collected and payable under secs. 225 and 525(c)(11) of this chapter may
17 be paid from the clearing account in the same manner, if they were
18 deposited in the unemployment compensation fund, or from the training
19 and building fund; except that interest and penalty payments collected
20 on and after June 30, 1968 may not be refunded from the unemployment
21 compensation fund. [REFUNDS PAYABLE UNDER SECS. 225 AND 525(C)(11)
22 OF THIS CHAPTER MAY BE PAID FROM THE CLEARING ACCOUNT UPON CHECKS OR
23 WARRANTS ISSUED UNDER THE DIRECTION OF THE DEPARTMENT.] After clearance
24 all money in the clearing account shall be immediately deposited with
25 the secretary of the Treasury of the United States to the credit of the
26 account of this state in the unemployment trust fund, established and
27 maintained under sec. 904 of the Social Security Act, as amended.

28 * Sec. 6. AS 23.20.145(c) is amended to read:

29 (c) If money in the clearing account is not sufficient to provide

1 for refunds of contributions erroneously collected and payable under
2 sec. 225 and 525(c)(11) of this chapter, the department shall withdraw
3 from the unemployment trust fund the amounts not exceeding the amount
4 standing to this state's account in the fund which are necessary for
5 the payment of the refunds; if such erroneously collected interest and
6 penalties were deposited and retained in the unemployment compensation
7 fund. but no amounts may be withdrawn from the unemployment trust
8 fund for the refund of any interest and penalty payments collected on
9 and after June 30, 1968. [IF MONEY IN THE CLEARING ACCOUNT IS NOT
10 SUFFICIENT TO PROVIDE FOR REFUNDS PAYABLE UNDER SECS. 225 AND 525(C)(11)
11 OF THIS CHAPTER, THE DEPARTMENT SHALL WITHDRAW FROM THE UNEMPLOYMENT
12 TRUST FUND THE AMOUNTS NOT EXCEEDING THE AMOUNT STANDING TO THIS
13 STATE'S ACCOUNT IN THE FUND WHICH ARE NECESSARY FOR THE PAYMENT OF THE
14 REFUNDS.] Upon receipt the commissioner of revenue shall deposit
15 this money to the clearing account. A check or warrant for the
16 payment of a refund shall be issued from the clearing account.

17 * Sec. 7. AS 23.20.225(a) is amended to read:

18 (a) Within two years after contributions or interest are
19 erroneously paid, an employer who has paid such [THE] contributions or
20 interest may file a written petition with the department for an
21 adjustment of the payment as an offset against subsequent contribution
22 payments, or for a refund of the payment when the adjustment as an
23 offset cannot be made, if such erroneously collected interest and
24 penalties were deposited and retained in the unemployment compensation
25 fund. If the department upon ex parte consideration determines that
26 the contributions or interest were erroneously collected, it shall
27 allow the employer to make an adjustment without interest. For like
28 cause and within the same period, adjustment or refund may be made on
29 the department's own motion.

1 * Sec. 8. AS 23.20.225 is amended by adding a new subsection to read:

2 (d) If not later than two years after the date of payment of any
3 interest or penalty an employer who has made such payment determines
4 that it was made erroneously, he may file a written petition with the
5 department to have any subsequent amount of interest or penalties which
6 has been, or might be, assessed against him, adjusted by the amount of
7 the erroneous payment, or, if it appears that such adjustment would not
8 be feasible within a reasonable time, he may request a refund of the
9 erroneous payment. If the department upon ex parte consideration
10 determines that the payment of interest or penalties, or any portion
11 thereof, was erroneous, it shall allow such employer to make an adjust-
12 ment in an amount equal to that erroneously paid, without interest, in
13 connection with any subsequent interest or penalty payment which may be
14 due, or, if such adjustment cannot be made, the department shall refund
15 the amount, without interest, from the fund into which such payment was
16 deposited or transferred. Refunds of interest and penalties erroneously
17 collected may be made from the unemployment compensation fund, if they
18 were deposited in that fund, or from the training and building fund if
19 they were transferred to and deposited in the training and building
20 fund; provided that interest and penalty payments collected on and after
21 June 30, 1968 may not be refunded from the unemployment compensation
22 fund. If an employer to whom a refund is due does not file a petition
23 for the refund, the department may make an adjustment or refund of
24 interest or penalties on its own initiative for like cause and subject
25 to the same conditions as make the refund available to the employer.

26 * Sec. 9. This Act takes effect July 1, 1969.
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