

HOUSE BILL NO. 256

Introduced: 01/15/83

Referred to Committee on Labor & Employment Relations: 01/15/83

Hearing: 1/25/83

Died in Committee

1 *House* BILL NO. *256*  
 2 INTRODUCED BY *W. L. Callard* *Worthington* *Sales*  
 3 *FARR* *David* *Seay* *Seay*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PLACE UNEMPLOYMENT  
 5 INSURANCE PENALTY AND INTEREST COLLECTIONS BY THE DEPARTMENT  
 6 OF LABOR AND INDUSTRY IN THE STATE GENERAL FUND; AMENDING  
 7 SECTIONS 39-51-406 AND 39-51-1301, MCA."

8  
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 39-51-406, MCA, is amended to read:

11 "39-51-406. Unemployment insurance administration  
 12 account. (1) There is hereby created an account in the  
 13 federal and private revenue fund to be known as the  
 14 unemployment insurance administration account. All moneys  
 15 which are deposited, appropriated, or paid into this account  
 16 are hereby appropriated and made available to the  
 17 department. All moneys in the account shall be expended  
 18 solely for the purpose of defraying the costs of  
 19 administration of this chapter and costs of administration  
 20 of such other legislation as shall be specifically delegated  
 21 to the department for administration by the legislature.

22 (2) All moneys received and deposited in said account  
 23 for administration expense from the United States or any  
 24 agency thereof pursuant to section 302, Title III of the  
 25 Social Security Act shall be expended solely for the purpose

1 and in the amounts found necessary by the secretary of labor  
 2 for the proper and efficient administration of this chapter.

3 (3) The account shall consist of:

4 (a) all moneys received from the United States or any  
 5 agency thereof pursuant to section 302, Title III of the  
 6 Social Security Act, as amended;

7 (b) all moneys appropriated by the state from the  
 8 general fund for the purpose of administering this chapter;  
 9 and

10 ~~(c) all interest and penalties collected on post due~~  
 11 ~~contributions as provided by 39-51-1301; and~~

12 ~~(d)(c)~~ all moneys, trust funds, supplies, facilities,  
 13 or services furnished, deposited, paid, and received from:

14 (i) the United States or any agency thereof;

15 (ii) this state or any agency thereof;

16 (iii) any other state or any of its agencies;

17 (iv) political subdivisions of the state; or

18 (v) any other source for administrative expense and  
 19 purpose.

20 (4) Notwithstanding any provisions of this section,  
 21 all money requisitioned and deposited in this account  
 22 pursuant to 39-51-403 through 39-51-405 shall remain part of  
 23 the unemployment insurance account and shall be used only in  
 24 accordance with the conditions specified in 39-51-403  
 25 through 39-51-405.

1 (5) All moneys in this account shall be deposited,  
 2 administered, and disbursed in the same manner and under the  
 3 same conditions and requirements as is provided by law for  
 4 other accounts. Any balance in this account shall not lapse  
 5 at any time, but shall be continuously available to the  
 6 department for the expenditure consistent with this chapter.

7 (6) The state treasurer shall give a separate and  
 8 additional bond conditioned upon the faithful performance of  
 9 his duties in connection with the unemployment insurance  
 10 administration account in an amount to be fixed by the  
 11 department and in a form prescribed by law or approved by  
 12 the attorney general. The premiums for such bond and the  
 13 premiums for the bond given by the treasurer for the  
 14 unemployment insurance account under 39-51-402 shall be paid  
 15 from the money in the unemployment insurance administration  
 16 account.

17 (7) Any reference to the unemployment insurance  
 18 administration fund in this code shall be taken to mean the  
 19 unemployment insurance administration account in the federal  
 20 and private revenue fund."

21 Section 2. Section 39-51-1301, MCA, is amended to  
 22 read:

23 "39-51-1301. Penalty and interest on past-due  
 24 contributions. (1) Contributions unpaid on the date on which  
 25 they are due and payable, as provided by subsections (1) and

1 (2) of 39-51-1103 and 39-51-1125, shall be subject to a  
 2 penalty assessment of \$10 or 10% of the contribution due,  
 3 whichever is greater, and shall bear interest at the rate of  
 4 1% per month.

5 (2) Interest and penalties collected pursuant to this  
 6 section shall be paid into the ~~unemployment insurance trust~~  
 7 ~~fund state general fund~~.

8 (3) When failure to pay contributions on time was not  
 9 caused by willful intent of the employer, the department may  
 10 abate the penalty and interest."

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