

HOUSE BILL NO. 795

INTRODUCED BY COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS

BY REQUEST OF THE HOUSE LABOR AND
EMPLOYMENT RELATIONS COMMITTEE

IN THE HOUSE

February 14, 1983	Introduced and referred to Committee on Labor and Employment Relations.
February 19, 1983	Committee recommend bill do pass. Report adopted. Bill printed and placed on members' desks.
February 22, 1983	Second reading, do pass. Considered correctly engrossed. Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 1, 1983	Introduced and referred to Committee on Labor and Employment Relations.
March 19, 1983	Committee recommend bill be concurred in. Report adopted.
March 22, 1983	Second reading, concurred in.
March 24, 1983	Third reading, concurred in. Ayes, 49; Noes, 0.

IN THE HOUSE

March 24, 1983

Returned to House.

March 25, 1983

Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 795
 2 INTRODUCED BY Committee on Labor & Employment Relations
 3 BY REQUEST OF THE HOUSE
 4 LABOR AND EMPLOYMENT RELATIONS COMMITTEE

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT THE USE OF
 7 MONEY ACCRUED TO THE UNEMPLOYMENT INSURANCE TRUST FUND FROM
 8 INTEREST AND PENALTIES ON PAST-DUE CONTRIBUTIONS; AMENDING
 9 SECTIONS 39-51-406 AND 39-51-1301, MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

24 (2) All moneys received and deposited in said account
 25 for administration expense from the United States or any

1 agency thereof pursuant to section 302, Title III of the
 2 Social Security Act shall be expended solely for the purpose
 3 and in the amounts found necessary by the secretary of labor
 4 for the proper and efficient administration of this chapter.

5 (3) The account shall consist of:

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

9 (b) all moneys appropriated by the state from the
 10 general fund for the purpose of administering this chapter;
 11 ~~(c) all interest and penalties collected on past-due~~
 12 ~~contributions as provided by 39-51-1301~~ and

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

15 (i) the United States or any agency thereof;
 16 (ii) this state or any agency thereof;
 17 (iii) any other state or any of its agencies;
 18 (iv) political subdivisions of the state; or
 19 (v) any other source for administrative expense and
 20 purpose.

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

1 through 39-51-405.

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

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

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

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

24 "39-51-1301. Penalty and interest on past-due
25 contributions ==_use_. (1) Contributions unpaid on the date

1 on which they are due and payable, as provided by
2 subsections (1) and (2) of 39-51-1103 and 39-51-1125, shall
3 be subject to a penalty assessment of \$10 or 10% of the
4 contribution due, whichever is greater, and shall bear
5 interest at the rate of 1% per month.

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

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

12 ~~(4) All money accruing to the unemployment insurance~~
13 ~~trust fund from interest and penalties collected on past-due~~
14 ~~contributions must be used solely for the payment of~~
15 ~~unemployment insurance benefits and may not be used for any~~
16 ~~other purpose."~~

-End-

Approved by Committee
on Labor & Employment
Relations

House BILL NO. *795*
INTRODUCED BY *Committee on Labor & Employment Relations*

BY REQUEST OF THE HOUSE

LABOR AND EMPLOYMENT RELATIONS COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT THE USE OF
MONEY ACCRUED TO THE UNEMPLOYMENT INSURANCE TRUST FUND FROM
INTEREST AND PENALTIES ON PAST-DUE CONTRIBUTIONS; AMENDING
SECTIONS 39-51-406 AND 39-51-1301, MCA."

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

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

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

(2) All moneys received and deposited in said account
for administration expense from the United States or any

agency thereof pursuant to section 302, Title III of the
Social Security Act shall be expended solely for the purpose
and in the amounts found necessary by the secretary of labor
for the proper and efficient administration of this chapter.

(3) The account shall consist of:

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

(b) all moneys appropriated by the state from the
general fund for the purpose of administering this chapter;
~~(c) all interest and penalties collected on past-due
contributions as provided by 39-51-1301; and~~

~~(d) (1)~~ all moneys, trust funds, supplies, facilities,
or services furnished, deposited, paid, and received from:

(i) the United States or any agency thereof;

(ii) this state or any agency thereof;

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

(iv) political subdivisions of the state; or

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

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

1 through 39-51-405.

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

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

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

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

24 "39-51-1301. Penalty and interest on past-due
25 contributions ~~use~~. (1) Contributions unpaid on the date

1 on which they are due and payable, as provided by
2 subsections (1) and (2) of 39-51-1103 and 39-51-1125, shall
3 be subject to a penalty assessment of \$10 or 10% of the
4 contribution due, whichever is greater, and shall bear
5 interest at the rate of 1% per month.

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

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

12 ~~(4) All money accruing to the unemployment insurance~~
13 ~~trust fund from interest and penalties collected on past-due~~
14 ~~contributions must be used solely for the payment of~~
15 ~~unemployment insurance benefits and may not be used for any~~
16 ~~other purpose."~~

-End-

1 House BILL NO. 795
2 INTRODUCED BY Committee on Labor + Employment Relations

3 BY REQUEST OF THE HOUSE

4 LABOR AND EMPLOYMENT RELATIONS COMMITTEE

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT THE USE OF
7 MONEY ACCRUED TO THE UNEMPLOYMENT INSURANCE TRUST FUND FROM
8 INTEREST AND PENALTIES ON PAST-DUE CONTRIBUTIONS; AMENDING
9 SECTIONS 39-51-406 AND 39-51-1301, MCA."

10

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

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

24 (2) All moneys received and deposited in said account
25 for administration expense from the United States or any

1 agency thereof pursuant to section 302, Title III of the
2 Social Security Act shall be expended solely for the purpose
3 and in the amounts found necessary by the secretary of labor
4 for the proper and efficient administration of this chapter.

5 (3) The account shall consist of:

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

9 (b) all moneys appropriated by the state from the
10 general fund for the purpose of administering this chapter;
11 ~~(c) all interest and penalties collected on past-due~~
12 ~~contributions as provided by 39-51-1301; and~~

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

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

16 (ii) this state or any agency thereof;

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

18 (iv) political subdivisions of the state; or

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

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

1 through 39-51-405.

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

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

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

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

24 "39-51-1301. Penalty and interest on past-due
25 contributions --use. (1) Contributions unpaid on the date

1 on which they are due and payable, as provided by
2 subsections (1) and (2) of 39-51-1103 and 39-51-1125, shall
3 be subject to a penalty assessment of \$10 or 10% of the
4 contribution due, whichever is greater, and shall bear
5 interest at the rate of 1% per month.

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

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

12 ~~(4) All money accruing to the unemployment insurance~~
13 ~~trust fund from interest and penalties collected on past-due~~
14 ~~contributions must be used solely for the payment of~~
15 ~~unemployment insurance benefits and may not be used for any~~
16 ~~other purpose."~~

-End-

HOUSE BILL NO. 795
INTRODUCED BY COMMITTEE ON LABOR
AND EMPLOYMENT RELATIONS

BY REQUEST OF THE HOUSE
LABOR AND EMPLOYMENT RELATIONS COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT THE USE OF
MONEY ACCRUED TO THE UNEMPLOYMENT INSURANCE TRUST FUND FROM
INTEREST AND PENALTIES ON PAST-DUE CONTRIBUTIONS; AMENDING
SECTIONS 39-51-406 AND 39-51-1301, MCA."

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

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

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

(2) All moneys received and deposited in said account

for administration expense from the United States or any
agency thereof pursuant to section 302, Title III of the
Social Security Act shall be expended solely for the purpose
and in the amounts found necessary by the secretary of labor
for the proper and efficient administration of this chapter.

(3) The account shall consist of:

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

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

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

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

(i) the United States or any agency thereof;

(ii) this state or any agency thereof;

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

(iv) political subdivisions of the state; or

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

(4) Notwithstanding any provisions of this section,
all money requisitioned and deposited in this account
pursuant to 39-51-403 through 39-51-405 shall remain part of
the unemployment insurance account and shall be used only in

1 accordance with the conditions specified in 39-51-403
2 through 39-51-405.

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

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

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

23 Section 2. Section 39-51-1301, MCA, is amended to
24 read:

25 "39-51-1301. Penalty and interest on past-due

1 contributions ~~==use.~~ (1) Contributions unpaid on the date
2 on which they are due and payable, as provided by
3 subsections (1) and (2) of 39-51-1103 and 39-51-1125, shall
4 be subject to a penalty assessment of \$10 or 10% of the
5 contribution due, whichever is greater, and shall bear
6 interest at the rate of 1% per month.

7 (2) Interest and penalties collected pursuant to this
8 section shall be paid into the unemployment insurance trust
9 fund.

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

13 ~~(4) All money accruing to the unemployment insurance~~
14 ~~trust fund from interest and penalties collected on past-due~~
15 ~~contributions must be used solely for the payment of~~
16 ~~unemployment insurance benefits and may not be used for any~~
17 ~~other purpose."~~

-End-