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

February 19, 1983

February 22, 1983

Introduced and referred to Committee on Labor and Employment Relations.

Committee recommend bill do pass. Report adopted.

Bill printed and placed on members' desks.

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

March 25, 1983

Returned to House. Sent to enrolling. Reported correctly enrolled. 1

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INTRODUCED BY Committee on Labor + Employment Relations 2 3 BY REQUEST OF THE HOUSE 4 LABOR AND EMPLOYMENT RELATIONS COMMITTEE 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT THE USE OF 6 7 MONEY ' ACCRUED TO THE UNEMPLOYMENT INSURANCE TRUST FUND FROM а INTEREST AND PENALTIES ON PAST-DUE CONTRIBUTIONS; AMENDING 9 SECTIONS 39-51-406 AND 39-51-1301, MCA.* 10

House BILL NO. 795

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

12 Section 1. Section 39-51-406, HCA, is amended to read: 13 #39+51-406. Unemployment insurance administration account. (1) There is hereby created an account in the 14 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 nereby 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.

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

agency thereof pursuant to section 302, Title III of the 1 2 Social Security Act shall be expended solely for the purpose and in the amounts found necessary by the secretary of labor э. for the proper and efficient administration of this chapter. 4 (3) The account shall consist of: 5 6 (a) all moneys received from the United States or any agency thereof pursuant to section 302, Title III of the 7 Social Security Act, as amended; 8 (b) all moneys appropriated by the state from the 9 19 general fund for the purpose of administering this chapter; 11 toj--all--interest--and-penalties-collected-on-pest-due 12 contributions-as-provided-by-39-51-1381; and 13 fdf(c) all moneys, trust funds, supplies, facilities, 14 services furnished, deposited, paid, and received from: or (i) the United States or any agency thereof; 15 (ii) this state or any agency thereof; 16 17 (iii) any other state or any of its agencies; 18 (iv) political subdivisions of the state; or (v) any other source for administrative expense and 19 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 the unemployment insurance account and shall be used only in 24 25 accordance with the conditions specified in 39-51-403

-2- INTRODUCED BILL

1 through 39-51-405.

S (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 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 <u>==_use</u>. (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 <u>141_All_money_accruing_to_the_unemployment_insurance</u> 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 <u>other purposes</u>"

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Approved by Committee on Labor & Employment Relations

House BILL NO. 195 1 Labor + Employment Kelations committe. 2 INTRODUCED BY 3 BY REQUEST DE THE HOUSE 4 LABOR AND EMPLOYMENT RELATIONS COMMITTEE 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT THE USE OF 6 7 MONEY ACCRUED TO THE UNEMPLOYMENT INSURANCE TRUST FUND FROM INTEREST AND PENALTIES ON PAST-DUE CONTRIBUTIONS; AMENDING 8 SECTIONS 39-51-406 AND 39-51-1301. MCA.-9 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 administration insurance 14

account. (1) There is hereby created an account in the federal and private revenue fund to be known as the 15 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 administration of this chapter and costs of administration 21 22 of such other legislation as shall be specifically delegated 23 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

1 agency thereof pursuant to section 302, Title III of the Z Social Security Act shall be expended solely for the purpose and in the amounts found necessary by the secretary of labor 3 for the proper and efficient administration of this chapter. 5 (3) The account shall consist of: (a) all moneys received from the United States or any 6 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 tel--sli--interest--and-penalties-collected-on-past-due 12 contributions-as-provided-by-39-51-1381+ and 13 tdt(c) all moneys, trust funds, supplies, facilities, 14 or services furnished, deposited, paid, and received from: (i) the United States or any agency thereof; 15 16 (ii) this state or any agency thereof; 17 (iii) any other state or any of its agencles; 16 (iv) political subdivisions of the state; or (v) any other source for administrative expense and 19 20 our pose . 21 (4) Notwithstanding any provisions of this section, Z 2 all money requisitioned and deposited in this account 23 pursuant to 39+51-403 through 39-51-405 shall remain part of 24 the unamployment insurance account and shall be used only in

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-2-

accordance with the conditions specified in 39-51-403

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SECOND READING

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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 at any time, but shall be continuously available to the 6 7 department for the expenditure consistent with this chapter. 8 (6) The state treasurer shall give a separate and additional bond conditioned upon the faithful performance of 9 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 premiums for the bond given by the treasurer for the 14 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 administration fund in this code shall be taken to mean the unemployment insurance administration account in the federal 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 <u>--__use</u>. (1) Contributions unpaid on the date

on which they are due and payable, as provided by 1 2 subsections (1) and (2) of 39-51-1103 and 39-51-1125, shall be subject to a penalty assessment of \$10 or 10% of the 3 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 section shall be paid into the unemployment insurance trust 7 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 unewployment_insurance_benefits_and_may_not_be_used_for_any

16 other_purposes*

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1 2

House BILL NO. 795 1 INTRODUCED BY Committee on Labor + Employment Relations 2 3 BY REQUEST OF THE HOUSE 4 LABOR AND EMPLOYMENT RELATIONS CONMITTEE 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT THE USE OF 6 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 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 12 Section 1. Section 39-51-406, MCA, is amended to read: #39-51-406. Unemployment insurance administration 13 account. [1] There is hereby created an account in the 14 federal and private revenue fund to be known as the 15 16 unemployment insurance administration account. All moneys 17 which are deposited, appropriated, or paid into this account are hereby appropriated and made available to the 18 19 department. All moneys in the account shall be expended 20 solely for the purpose of defraving 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

agency thereof pursuant to section 302. Title III of the 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 agency thereof pursuant to section 302. Title III of the 7 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 tet--att+-interest--and-penatties-cottected-on-pest-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; (iii) any other state or any of its agencies; 17 (1v) political subdivisions of the state; or 18 19 (v) any other source for administrative expense and 20 DUFDOSe. 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

-2- THIRD READING HB 795

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 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 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 premiums for the bond given by the treasurer for the 14 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
administration fund in this code shall be taken to mean the
unemployment insurance administration account in the federal
and private revenue fund.^m

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

24#39-51-1301.Penalty and interest on past-due25contributions contributions science.(1)Contributions unpaid on the date

on which they are due and payable, as provided by
 subsections (1) and (2) of 39-51-1103 and 39+51+1125, shall
 be subject to a penalty assessment of \$10 or 10% of the
 contribution due, whichever is greater, and shall bear
 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 (11_All_modex_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_max_not_be_used_for_any 16 other_purposes"

+End-

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HB 0795/02

1	HOUSE PILL NO. 795	1	for
2	INTRODUCED BY COMMITTEE ON LABOR	2	ager
3	AND EMPLOYMENT RELATIONS	3	Soci
4	BY REQUEST OF THE HOUSE	4	and
5	LABOR AND EMPLOYMENT RELATIONS COMMITTEE	5	for
6		6	
7	A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT THE USE OF	7	
8	MONEY ACCRUED TO THE UNEMPLOYMENT INSURANCE TRUST FUND FROM	8	ager
9	INTEREST AND PENALTIES ON PAST-DUE CONTRIBUTIONS; AMENDING	9	Soc
10	SECTIONS 39-51-406 AND 39-51-1301, MCA."	10	
11		11	gene
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MUNTANA:	12	
13	Saction 1. Section 39-51-406, MCA, is amended to read:	13	cont
14	*39-51-406. Unemployment insurance administration	14	
15	account. (1) There is hereby created an account in the	15	or
16	federal and private revenue fund to be known as the	16	
17	unemployment insurance administration account. All moneys	17	
18	which are deposited, appropriated, or paid into this account	18	
19	are nereby appropriated and made available to the	19	
20	department. All moneys in the account shall be expended	20	
21	solely for the purpose of defraying the costs of	21	puri
22	administration of this chapter and costs of administration	22	

of such other legislation as shall be specifically delegated

(2) All moneys received and deposited in said account

to the department for administration by the legislature.

1	for administration expense from the United States or any
Z	agency thereof pursuant to section 302, Title III of the
3	Social Security Act shall be expended solely for the purpose
4	and in the amounts found necessary by the secretary of labor
5	for the proper and efficient administration of this chapter.
6	(3) The account shall consist of:
7	(a) all moneys received from the United States or any
8	agency thereof pursuant to section 302, Title III of the
9	Social Security Act, as amended;
10	()) all moneys appropriated by the state from the
11	general fund for the purpose of administering this chapter;
12	tc}allinterestand-penalties-collected-on-past-due
13	contributions-os-provided-by-39-51-13814 and
14	<pre>(d)(c) all moneys, trust funds, supplies, facilities,</pre>
15	or services furnished, deposited, paid, and received from:
16	(i) the United States or any agency thereof;
17	(ii) this state or any agency thereof;
18	(iii) any other state or any of its agencies;
19	(iv) political subdivisions of the state; or
20	(v) any other source for administrative expense and
21	purpose.
22	(+) Notwithstanding any provisions of this section,
23	all money requisitioned and deposited in this account
24	pursuant to 39-51-403 through 39-51-405 shall remain part of
25	the unemployment insurance account and shall be used only in

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accordance with the conditions specified in 39-51-403

2 through 39-51-405.

1

(5) All moneys in this account shall be deposited, 3 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 additional bond conditioned upon the faithful performance of 10 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 unemployment insurance account under 39-51-402 shall be paid 16 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 Saction 2. Section 39-51-1301, MCA; is amended to 24 read:

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

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contributions <u>==_use</u>. (1) Contributions unpaid on the date
 on which they are due and payable, as provided by
 subsections (1) and (2) of 39-51-1103 and 39-51-1125, shall
 be subject to a penalty assessment of \$10 or 10% of the
 contribution due, whichever is greater, and shall bear
 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.

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

13 (4)_All_money_accruing_to_the_unemployment_insurance 14 trust_fund_frog_interest_and_ngmalties_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 <u>otper_purpose</u>."

-End-

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