

House Bill 1331 (AS PASSED HOUSE AND SENATE)

By: Representatives Meeks of the 178<sup>th</sup>, Burns of the 159<sup>th</sup>, Dickey of the 140<sup>th</sup>, England of the 116<sup>th</sup>, Bentley of the 139<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial  
2 relations, so as to change certain provisions relating to the State Employment Service and the  
3 Employment Security Administration Fund; to provide for a definition; to provide for related  
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations,  
8 is amended by adding a new Code section to read as follows:

9 "34-8-52.

10 As used in this chapter, the term 'Governor's designee' means one or more departments,  
11 boards, commissions, or agencies or the elected or appointed heads of such departments,  
12 boards, commissions, or agencies of this state selected by the Governor."

13 **SECTION 2.**

14 Said title is amended by revising Code Section 34-8-77, relating to the creation and financing  
15 of the State Employment Service, cooperation with federal agencies, and the authority to  
16 establish and maintain free public employment offices, as follows:

17 "34-8-77.

18 (a) The State Employment Service is established as a program administered on behalf of  
19 the State of Georgia by the ~~department~~ Governor's designee. The ~~Commissioner~~  
20 Governor's designee shall establish and maintain free public employment offices in such  
21 number and in such places as may be necessary for the proper administration of this chapter  
22 and for the purposes of ~~performing the state fulfilling~~ such duties as are within the purview  
23 of the federal Wagner-Peyser Act, 29 U.S.C. Section 49, as amended. The ~~Commissioner~~  
24 Governor's designee is authorized to cooperate with or enter into agreements with any  
25 official or agency of the United States having powers or duties under the federal  
26 Wagner-Peyser Act and to do and perform all things necessary to secure to this state the  
27 benefits of that act in the promotion and maintenance of a system of public employment  
28 offices. The provisions of the federal Wagner-Peyser Act are accepted by this state, in  
29 conformity with Section 4 of that act, and this state will observe and comply with the  
30 requirements thereof. The ~~Department of Labor is~~ United States secretary of labor shall  
31 be notified as to the Governor's designee that shall serve as the designated and constituted  
32 ~~the~~ agency of this state for the purposes of ~~that act~~ the federal Wagner-Peyser Act.

33 (b) For the purpose of establishing and maintaining free public employment offices, the  
34 ~~Commissioner~~ Governor's designee is authorized to enter into agreements with the Railroad  
35 Retirement Board or any other agency of the United States charged with the administration  
36 of any unemployment compensation law, with the department or with any political  
37 subdivision of this state, or with any private, nonprofit organization; and, as a part of any  
38 such agreement, the ~~Commissioner~~ Governor's designee may accept moneys, services, or  
39 quarters as a contribution."

40

**SECTION 3.**

41 Said title is amended by revising Code Section 34-8-81, relating to creation of Employment  
42 Security Administration Fund, sources of money for fund, and management and control of  
43 moneys, as follows:

44 "34-8-81.

45 (a) There is created a trust fund, with the Commissioner as trustee, to be known as the  
46 Employment Security Administration Fund. All moneys which are deposited or paid into  
47 this fund shall be continuously available to the Commissioner for expenditure in  
48 accordance with this chapter and shall not lapse at any time or be transferred to any other  
49 fund except as provided in this Code section and shall not be subject to Article 4 of Chapter  
50 12 of Title 45. All moneys which are deposited or paid into this fund for the purposes  
51 described in Code Section 34-8-77 shall be continuously available to the Governor's  
52 designee for expenditure in accordance with the purposes described in such Code section  
53 and shall be transferred by the Commissioner at the discretion of such Governor's designee.

54 All moneys in this fund, except money received under Code Section 34-8-85 pursuant to  
55 Section 903 of the federal Social Security Act, as amended, which are received from the  
56 federal government or any agency thereof or which are appropriated by this state for the  
57 purposes described in Code Section 34-8-77 shall be expended solely for the purposes and  
58 in the amounts found necessary by the United States secretary of labor for the proper and  
59 efficient administration of this chapter.

60 (b) The fund shall consist of all moneys appropriated by this state for the purposes  
61 described in Code Section 34-8-77; all moneys received from the United States or any  
62 agency thereof, including the United States secretary of labor; all moneys, except funds  
63 appropriated pursuant to Code Section 34-8-92, received from any other source for such  
64 purpose; any moneys received from any agency of the United States or any other state as  
65 compensation for services or facilities supplied to such agency; any amounts received  
66 pursuant to any surety bond or insurance policy or from other sources for losses sustained

67 by the Employment Security Administration Fund or by reason of damage to equipment  
68 or supplies purchased from moneys in such fund; and any proceeds realized from the sale  
69 or disposition of any such equipment or supplies which may no longer be necessary for the  
70 proper administration of this chapter.

71 (c) All moneys in this fund shall be deposited, administered, and disbursed in the manner  
72 and under the conditions and requirements provided under this chapter, except that moneys  
73 in this fund shall not be commingled with other state funds but shall be maintained in a  
74 separate account on the books of a depository bank. Such moneys shall be secured by the  
75 depository in which they are held to the same extent and in the same manner as required  
76 by the general depository laws of this state, and collateral pledged shall be maintained in  
77 a separate custody account. The Commissioner shall be liable on the Commissioner's  
78 official bond for the faithful performance of duties in connection with the Employment  
79 Security Administration Fund provided for under this chapter. All sums recovered on any  
80 surety bond for losses sustained by the Employment Security Administration Fund shall  
81 be deposited in the fund.

82 (d) Notwithstanding any provision of this Code section, all money requisitioned and  
83 deposited in this fund under Code Section 34-8-85 pursuant to Section 903 of the federal  
84 Social Security Act, as amended, shall remain part of the Unemployment Trust Fund and  
85 shall be used only in accordance with conditions specified in Code Section 34-8-85."

86 **SECTION 4.**

87 Said title is amended by revising Code Section 34-8-82, relating to state reimbursement of  
88 Employment Security Administration Fund for moneys lost, wrongfully expended, or  
89 overexpended, as follows:

90 "34-8-82.

91 This state recognizes its obligation to replace and declares it to be the policy of this state  
92 that funds will be provided in the future and applied to the replacement of any moneys

93 received from the United States secretary of labor or the federal official responsible for the  
94 allocation of funds for the administration of this chapter and for making other  
95 administrative determinations within the federal province under Title III of the federal  
96 Social Security Act; any unencumbered balances in the Employment Security  
97 Administration Fund as of that date; any moneys thereafter granted to this state pursuant  
98 to the provisions of the federal Wagner-Peyser Act; and any moneys made available by the  
99 state or its political subdivisions and matched by such moneys granted to this state pursuant  
100 to the provisions of the federal Wagner-Peyser Act, which the United States secretary of  
101 labor or other responsible federal official finds, because of any action or contingency, have  
102 been lost or have been expended for purposes other than or in amounts in excess of those  
103 found necessary by the United States secretary of labor or other responsible federal official.  
104 Such moneys shall be promptly replaced by moneys appropriated for such purpose from  
105 the general funds of this state to the Employment Security Administration Fund for  
106 expenditure as provided in Code Section 34-8-81. The Commissioner or the Governor's  
107 designee, as may be applicable, shall promptly report to the Governor, and the Governor  
108 to the General Assembly, the amount required for such replacement."

109 **SECTION 5.**

110 All laws and parts of laws in conflict with this Act are repealed.