House Bill 1331 (AS PASSED HOUSE AND SENATE)

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

A BILL TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"34-8-52. As used in this chapter, the term 'Governor's designee' means one or more departments, boards, commissions, or agencies or the elected or appointed heads of such departments, boards, commissions, or agencies of this state selected by the Governor."

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SECTION 2.

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

"34-8-77.

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

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

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SECTION 3.

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

"34-8-81.

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

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

(b) The fund shall consist of all moneys appropriated by this state for the purposes described in Code Section 34-8-77; all moneys received from the United States or any agency thereof, including the United States secretary of labor; all moneys, except funds appropriated pursuant to Code Section 34-8-92, received from any other source for such purpose; any moneys received from any agency of the United States or any other state as compensation for services or facilities supplied to such agency; any amounts received pursuant to any surety bond or insurance policy or from other sources for losses sustained
by the Employment Security Administration Fund or by reason of damage to equipment
or supplies purchased from moneys in such fund; and any proceeds realized from the sale
or disposition of any such equipment or supplies which may no longer be necessary for the
proper administration of this chapter.

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

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

SECTION 4.

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

"34-8-82.

This state recognizes its obligation to replace and declares it to be the policy of this state
that funds will be provided in the future and applied to the replacement of any moneys
received from the United States secretary of labor or the federal official responsible for the allocation of funds for the administration of this chapter and for making other administrative determinations within the federal province under Title III of the federal Social Security Act; any unencumbered balances in the Employment Security Administration Fund as of that date; any moneys thereafter granted to this state pursuant to the provisions of the federal Wagner-Peyser Act; and any moneys made available by the state or its political subdivisions and matched by such moneys granted to this state pursuant to the provisions of the federal Wagner-Peyser Act, which the United States secretary of labor or other responsible federal official finds, because of any action or contingency, have been lost or have been expended for purposes other than or in amounts in excess of those found necessary by the United States secretary of labor or other responsible federal official. Such moneys shall be promptly replaced by moneys appropriated for such purpose from the general funds of this state to the Employment Security Administration Fund for expenditure as provided in Code Section 34-8-81. The Commissioner or the Governor's designee, as may be applicable, shall promptly report to the Governor, and the Governor to the General Assembly, the amount required for such replacement.”

SECTION 5.

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