

Senate Bill 475

By: Senators Hufstetler of the 52nd and Still of the 48th

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 disposition of fines, penalties, and
3 interest collected under Chapter 8, relating to employment security; to provide exceptions;
4 to require that the Commissioner of Labor maintain and make available certain records; to
5 provide for related matters; to provide for an effective date; to repeal conflicting laws; and
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations,
10 is amended by revising Code Section 34-8-92, relating to disposition of fines, penalties, and
11 interest collected and amounts collected pursuant to Code Section 34-8-255 to be returned
12 to Unemployment Compensation Fund, as follows:

13 "34-8-92.

14 (a) Except as otherwise provided in subsections (b) and (c) of this Code section, all ~~All~~
15 fines, penalties, and interest collected under the terms of this chapter shall be paid into the
16 state treasury. The General Assembly shall be authorized to appropriate to the
17 Commissioner all such funds so raised and deposited in the state treasury, which shall be

18 payable upon requisition of the Commissioner. Such funds are to be used for the
19 replacement of funds, as provided in Code Section 34-8-82, and for incidental expenses
20 incurred in the administration of this chapter for which funds are not granted by the federal
21 government through the United States secretary of labor or other agencies.

22 (b) ~~Notwithstanding subsection (a) of this Code section, any~~ Any amounts collected
23 pursuant to Code Section 34-8-255 shall be returned to the Unemployment Compensation
24 Fund to be used exclusively for the purposes of this chapter as required by federal law.

25 (c) For the period beginning on July 1, 2024, and ending on July 1, 2026, the
26 Commissioner shall be authorized to retain up to 20 percent of all fines, penalties, and
27 interest collected under any provision of this chapter other than those fines, penalties, and
28 interest collected pursuant to Code Section 34-8-255. Any amounts retained by the
29 Commissioner pursuant to this subsection shall be deposited into the clearing account of
30 the Unemployment Compensation Fund and, upon clearance, into a separate account on the
31 books of a depository bank in this state where they shall be maintained and not otherwise
32 commingled with any other funds. Any amounts retained by the Commissioner pursuant
33 to this subsection shall be expended solely for the purposes of strengthening the
34 Unemployment Compensation Fund, preventing fraud, and improving service delivery to
35 employers and claimants. The Commissioner shall make a record of all amounts retained
36 and of such expenditures, and such records shall be made available for review by the
37 General Assembly, the state accounting officer, and the state auditor upon request."

38 **SECTION 2.**

39 Said title is further amended by revising subparagraph (h)(1)(B) of Code Section 34-8-153,
40 relating to liability of succeeding employer, computation of rate of contributions, transfers
41 between employers with substantially common ownership, management, or control, transfers
42 made for the purpose of obtaining a lower rate of contribution, and penalties for violations,
43 as follows:

44 "(B) If the person is not an employer, such person shall be subject to a civil monetary
45 penalty of not more than \$5,000.00 per violation. Any such fine collected shall be
46 ~~deposited in the penalty and interest account established under~~ paid into the state
47 treasury as provided in subsection (a) of Code Section 34-8-92."

48 **SECTION 3.**

49 Said title is further amended by revising subsection (b) of Code Section 34-8-257, relating
50 to civil penalties and waiver of any penalty, fine, or assessment, as follows:

51 "(b) Except as otherwise provided in subsection (c) of Code Section 34-8-92, the ~~The~~
52 Commissioner shall be authorized to deposit all funds received pursuant to subsection (a)
53 of this Code section into the general fund of the state treasury in compliance with Part 1
54 of Article 4 of Chapter 12 of Title 45, the 'Budget Act.' It is the intention of the General
55 Assembly, subject to the appropriations process, that an amount equal to the amount
56 deposited into the general fund of the state treasury as provided in this subsection be
57 appropriated each year to the department for the purpose of enforcing subsection (f) of
58 Code Section 34-8-35."

59 **SECTION 4.**

60 This Act shall become effective upon its approval by the Governor or upon its becoming law
61 without such approval.

62 **SECTION 5.**

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