

Introduced: 5/25/77
Referred: Labor & Management
and Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 550

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to unemployment insurance; and
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 23.20.020 is repealed and re-enacted to read:

10 Sec. 23.20.020. MAINTENANCE AND PROTECTION OF THE FUND. There
11 shall be provided in the fund a reserve against the liability in
12 future years to pay benefits. Whenever the reserve multiple, as defined
13 in sec. 310(6) of this chapter, drops below 0.8 for two successive
14 quarters, the department shall prepare for presentation to the governor
15 and the legislature alternative legislative proposals to protect the
16 solvency of the fund. At the end of every five-year period in which
17 the reserve multiple does not drop below 0.8 for two successive quar-
18 ters the department shall present to the governor and the legislature
19 at least two legislative alternatives for maintaining benefit adequacy
20 and fund solvency under this chapter.

21 * Sec. 2. AS 23.20.100 is amended by adding a new subsection to read:

22 (b) The department may adopt regulations for the maintenance of
23 health, efficiency, safety, and order in the public employment offices.

24 * Sec. 3. AS 23.20.165(e) is amended to read:

25 (e) An employer shall maintain a record of the amount deducted
26 from the wages of each of his employees[,] and shall furnish a state-
27 ment of the deductions to each employee at the times and in the manner
28 the commissioner prescribes by regulation. No deduction may be made
29 from those wages paid to an employee during a calendar year which are

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1 in excess of the wages subject to contributions under sec. 175 of this
2 chapter. If an [EMPLOYEE IN THE EMPLOY OF TWO OR MORE EMPLOYERS EARNS
3 WAGES IN ONE CALENDAR YEAR TOTALING MORE THAN THE WAGES SUBJECT TO
4 CONTRIBUTIONS, OR IF ONE] employer through error makes a deduction and
5 erroneously pays contributions or interest on his employee [FROM HIS]
6 wages in excess of the wages subject to contributions during a calendar
7 year, the amount of deductions erroneously paid may be requested by
8 the employer as an adjustment or refund as prescribed by sec. 225(a)
9 of this chapter. Employee deductions in excess of the wage subject to
10 contribution shall be refunded to the employee by the employer [IN
11 EXCESS OF THOSE REQUIRED BY THIS CHAPTER SHALL BE REFUNDED TO THE
12 EMPLOYEE BY THE COMMISSIONER UPON APPLICATION FOR THEM] in accordance
13 with regulations prescribed by the department [HIM]. Application must
14 be made during the calendar year after the calendar year in which the
15 deductions are made.

16 * Sec. 4. AS 23.20.175(a) is amended to read:

17 (a) For the purposes of secs. 165 and 170 of this chapter, after
18 December 31, 1973 [1959] and through December 31, 1978 [1973], wages
19 do not include that part of remuneration which, after remuneration
20 equal to \$10,000 [\$7,200] has been paid in a calendar year to an indi-
21 vidual by an employer or his predecessor with respect to employment,
22 is paid to the individual by the employer during the calendar year
23 unless that part of the remuneration is subject to a tax under a
24 federal law imposing a tax against which credit may be taken for
25 contributions required to be paid into a state unemployment fund.

26 * Sec. 5. AS 23.20.175(c) is amended to read:

27 (c) For the purposes of secs. 165 and 170 of this chapter, after
28 December 31, 1978 [1973], wages do not include that part of remuner-
29 ation which, after remuneration equal to 75 per cent of the average

1 annual wage in Alaska as determined by the department [\$10,000] has
2 been paid in a calendar year to an individual by an employer or his
3 predecessor with respect to employment, is paid to the individual by
4 the employer during the calendar year unless that part of the remuner-
5 ation is subject to a tax under a federal law imposing a tax against
6 which a credit may be taken for contributions required to be paid into
7 a state unemployment fund.

8 * Sec. 6. AS 23.20.175 is amended by adding a new subsection to read:

9 (d) Beginning January 1, 1979 and for each succeeding calendar
10 year, the employer shall pay the rate of contributions determined
11 under sec. 290 of this chapter on his employees' earnings up to 50 per
12 cent of the average annual wage in Alaska as determined under (c) of
13 this section. The employee shall pay the rate of contributions on any
14 additional wages earned in the calendar year up to 75 per cent of the
15 average annual wage.

16 * Sec. 7. AS 23.20.180 is repealed and re-enacted to read:

17 Sec. 23.20.180. RECORDS AND ANALYSIS OF EXPERIENCE WITH UNEMPLOY-
18 MENT RISK. (a) The department shall use the payroll decline system
19 of experience rating until such time as the industrial growth rate in
20 Alaska, as determined by the department, is less than five per cent
21 annually for five successive years. At that time the department shall
22 review the experience rating systems to determine if another method
23 for determining employer tax rates would be more applicable to employers
24 in the state and shall submit at least two legislative alternatives to
25 the experience rating system to the governor and the legislature.

26 (b) For each calendar year the department shall maintain separate
27 accounts for each employer and claimant to obtain facts and studies
28 upon which the legislature may determine whether a new experience
29 rating system should be adopted.

1 * Sec. 8. AS 23.20.190 is amended by adding a new subsection to read:

2 (d) A person who fails to file a contribution report on the date
3 it is due may be required, at the discretion of the department, to
4 file a monthly contribution report, with payment, within 30 days of
5 the close of each month. This monthly contribution report is subject
6 to the same interest and penalty provisions as provided in secs. 195(a)
7 and 190(a) of this chapter, but may not be required for longer than
8 one year at a time.

9 * Sec. 9. AS 23.20.240 is amended by adding a new subsection to read:

10 (f) In this section, "employer" includes but is not limited to
11 an officer or employee of a corporation or a member or employee of a
12 partnership who, as an officer, employee, or member, is under a duty
13 to perform the act in respect to which the violation occurs.

14 * Sec. 10. AS 23.20.277(k) is amended to read:

15 (k) If a nonprofit organization is delinquent in making payments
16 in place of contributions as required under this section, the department
17 shall assess and collect the penalty provided in sec. 195 of this
18 chapter. Additionally, the department may terminate that organization's
19 election to make payments in place of contributions as of the beginning
20 of the next taxable year, and the termination is effective for that
21 and the following [NEXT] taxable year.

22 * Sec. 11. AS 23.20.285(b) is amended to read:

23 (b) For the purpose of computing quarterly decline quotients,
24 the department may, by regulation, prescribe (1) the manner in which
25 wages paid in the form of annual bonuses or other lump-sum payments
26 for service performed over a period of more than three months are
27 apportioned among the calendar quarters of the calendar year in which
28 the service was performed; and (2) the method for making adjustments
29 in quarterly payrolls to eliminate the effect upon quarterly decline

quotients resulting from unemployment which would not be compensable by reason of the labor dispute provision of sec. 383 [380(9)] of this chapter.

* Sec. 12. AS 23.20.290(c) is repealed and re-enacted to read:

(c) The rate of contributions payable by each eligible employer beginning January 1, 1981 and for each succeeding calendar year is the rate opposite the rate class in that column of the table in this subsection which is appropriate for the calendar year as determined by the reserve multiple of the fund on September 30 of the preceeding calendar year. However, the rate of contributions beginning January 1, 1979 and through December 31, 1980, shall be as set out in column G of the table.

A	B	C	D	E	F	G	H	I	J	K	L
Rate Class	Employer's Cumulative Payroll Limits (Per cent of State Total Ratable Payroll)	If the Reserve Multiple of the Fund is:									
		Equal to or									
		More Than									
			.33	.67	.85	1.0	1.15	1.35	1.5	2.0	3.0
		Less Than									
		.33	.67	.85	1.0	1.15	1.35	1.5	2.0	3.0	
		Equal to									
		More Than									
		or Less Than									
1	0 10	3.4	3.0	2.6	2.2	1.9	1.6	1.4	1.2	.9	.9
2	10 20	3.7	3.3	2.9	2.5	2.2	1.9	1.7	1.5	1.2	1.1
3	20 30	4.0	3.6	3.2	2.8	2.5	2.2	2.0	1.8	1.5	1.3
4	30 40	4.3	3.9	3.5	3.1	2.8	2.5	2.3	2.1	1.8	1.7

1	5	40	50	4.8	4.4	4.0	3.6	3.3	3.0	2.8	2.6	2.3	2.1
2	6	50	60	5.1	4.7	4.3	3.9	3.6	3.3	3.1	2.9	2.6	2.3
3	7	60	70	5.4	5.0	4.6	4.2	3.9	3.6	3.4	3.2	2.9	2.5
4	8	70	80	5.6	5.2	4.8	4.4	4.1	3.8	3.6	3.4	3.1	2.7
5	9	80	90	5.7	5.3	4.9	4.5	4.2	3.9	3.7	3.5	3.2	3.0
6	10	90	100	5.9	5.5	5.1	4.7	4.4	4.1	3.9	3.7	3.4	3.1

7 * Sec. 13. AS 23.20.290(d) is repealed.

8 * Sec. 14. AS 23.20.340(a) is amended to read:

9 (a) An examiner designated by the department shall take the
10 claim. An initial determination on the claim shall be made promptly
11 and shall include a determination with respect to whether benefits are
12 payable, the weekly benefit amount payable, and the maximum duration
13 of benefits. When the payment or denial of benefits is determined by
14 sec. 383 [380(9)] of this chapter, the examiner shall promptly trans-
15 mit all evidence with respect to that section to the department. The
16 department, or a representative designated by it for the purpose,
17 shall, on the basis of the evidence submitted and the additional
18 evidence it requires, make an initial determination as to the claim.

19 * Sec. 15. AS 23.20.340(e) is amended to read:

20 (e) The claimant or other party to the determination may file an
21 appeal from the initial determination within 10 days after notification
22 of the determination, or after the date the notice is mailed to his
23 last known address. If benefits are allowed by the initial determina-
24 tion, but the record of the case indicates a disqualification has been
25 alleged or may exist, benefits may [NOT] be paid before the expiration
26 of the period for appeal if the claimant agrees to pay back to the
27 department any benefits which are subsequently denied or upheld as
28 denied on appeal.

29 * Sec. 16. AS 23.20.350(a) is amended to read:

1 (a) To qualify for benefits an individual must [SHALL] have
 2 earned wages in his base period totaling not less than \$1,450 [\$750]
 3 of which \$400 [\$100] must have been earned in other than the calendar
 4 quarter of his base period in which he earned the highest amount of
 5 wages, and at least eight times the weekly benefit amount must [SHALL]
 6 have been earned in employment, whether or not covered by this chapter,
 7 subsequent to the beginning of a preceding benefit year.

8 * Sec. 17. AS 23.20.350(b) is repealed and re-enacted to read:

9 (b) Except as provided in (a) of this section, an individual's
 10 weekly benefit amount is determined in the following manner. Each
 11 claimant will be given a weekly benefit rate class (column A) based on
 12 his total base period wages (column B). This establishes his corre-
 13 sponding weekly benefit factor (column C) for his benefit year. An
 14 individual's benefit amount for a given week is determined by multi-
 15 plying his established weekly benefit factor times the average annual
 16 wage for fiscal year 1977 of the state in which the individual filed
 17 his claim for benefits for that week. If the benefit amount is not a
 18 multiple of \$1, it is computed to the next higher multiple of \$1. The
 19 average annual wage for each state shall be determined by the depart-
 20 ment in accordance with regulations adopted by it.

21 Column A	Column B	Column C
22 Weekly	Total Base	Weekly
23 Benefit	Period Wages	Benefit
24 Rate Class	(\$)	Factor
25 0	0 - 1,449.99	0
26 1	1,450 - 1,999.99	.00208
27 2	2,000 - 2,999.99	.00224
28 3	3,000 - 3,999.99	.00230
29 4	4,000 - 4,999.99	.00256

1	5	5,000 - 5,999.99	.00272
2	6	6,000 - 6,999.99	.00296
3	7	7,000 - 7,999.99	.00328
4	8	8,000 - 8,999.99	.00360
5	9	9,000 - 9,999.99	.00400
6	10	10,000 - 10,999.99	.00440
7	11	11,000 - 11,999.99	.00480
8	12	12,000 - 12,999.99	.00520
9	13	13,000 - 13,999.99	.00544
10	14	14,000 - 14,999.99	.00564
11	15	15,000 - 15,999.99	.00576
12	16	16,000 - 16,999.99	.00588
13	17	17,000 - 17,999.99	.00596
14	18	18,000 - 18,999.99	.00600

15 * Sec. 18. AS 23.20.350(c) is repealed and re-enacted to read:

16 (c) The maximum duration of benefits payable under this chapter
 17 is uniform for all claimants and is the equivalent of compensation for
 18 26 weeks of total unemployment.

19 * Sec. 19. AS 23.20.350(d) is repealed.

20 * Sec. 20. AS 23.20 is amended by adding a new section to read:

21 Sec. 23.20.356. DEDUCTIONS FROM WEEKLY BENEFIT AMOUNT. If an
 22 eligible individual is not available for work for a full week, he
 23 shall be paid his weekly benefit amount reduced by one-seventh of that
 24 amount for each day he was unavailable for work. However, if he was
 25 unavailable for work for more than three days in a benefit week,
 26 benefits shall be denied for the entire week.

27 * Sec. 21. AS 23.20.360 is amended to read:

28 Sec. 23.20.360. EARNINGS DEDUCTED FROM WEEKLY BENEFIT AMOUNT.
 29 An eligible individual who is unemployed in a week shall be paid with

1 respect to that week a benefit in an amount equal to his [BASIC OR
2 AUGMENTED] weekly benefit amount less that part of the remuneration,
3 whether or not covered by this chapter, payable to him with respect to
4 that week which is in excess of \$50 [\$10 OR ONE-HALF OF HIS BASIC
5 WEEKLY BENEFIT AMOUNT, WHICHEVER AMOUNT IS GREATER]. If the adjusted
6 benefit amount is not a multiple of \$1, it is computed to the next
7 higher multiple of \$1.

8 * Sec. 22. AS 23.20.370 is amended to read:

9 Sec. 23.20.370. BENEFITS OF DECEDENT OR INCOMPETENT. Benefits
10 due and payable to a deceased or judicially declared incompetent
11 person shall be paid, in accordance with regulations prescribed by the
12 department, to persons in the following order: spouse, child, [OR]
13 parent, sister or brother, or aunt or uncle, payment to whom the
14 department finds will best carry out the purposes of this chapter.
15 The regulations need not conform to the statutes applicable to the
16 descent and distribution of decedent's estates. A receipt from the
17 person to whom the department makes payment fully discharges the fund
18 and the department from liability for the benefits.

19 * Sec. 23. AS 23.20.375(a) is amended to read:

20 (a) An insured worker is eligible for and shall receive waiting-
21 week credit or benefits, as the case may be, for a week of his unemploy-
22 ment with respect to which he has not been determined to be disquali-
23 fied under secs. 378 - 389 [SEC. 380] of this chapter, if the worker
24 has, in accordance with regulations prescribed by the department with
25 respect to the week,

26 (1) filed a notice of his unemployment;

27 (2) registered for work; [AND]

28 (3) agreed to accept the prevailing wage in the area in
29 which he is filing; and

1 (4) certified for waiting-week credit or filed a claim for
2 benefits, as the case may be.

3 * Sec. 24. AS 23.20.375 is amended by adding a new subsection to read:

4 (d) An insured worker may register for work with a referral
5 agency other than the department if that agency has a referral agree-
6 ment with the department made in accordance with regulations prescribed
7 by the department.

8 * Sec. 25. AS 23.20 is amended by adding new sections to read:

9 Sec. 23.20.378. ABLE AND AVAILABLE. (a) An insured worker is
10 disqualified for waiting-week credit or benefits for a week of his
11 unemployment if, with respect to that week, the department finds that
12 he was not able to work, not available for suitable work, or not
13 actively seeking work. An insured worker may not be considered dis-
14 qualified for waiting-week credit or benefits for a week of his unemploy-
15 ment because of failure to comply with the provisions of this section
16 if:

17 (1) he is unable to work because he is ill or disabled or
18 he resides in the state and is not available for work because of his
19 noncommercial fishing and hunting necessary for the survival of himself
20 or his dependents; and

21 (2) the condition described in (1) of this subsection occurs
22 during an uninterrupted period of unemployment which follows a week
23 for which he filed a compensable claim and no suitable work was
24 offered him for any part of that week before the beginning of the fish-
25 ing, hunting, illness, or disability; however, a waiver of disqualifi-
26 cation on the basis of illness is only available for a maximum of four
27 consecutive weeks.

28 (b) An insured worker is not disqualified for waiting-week credit
29 or benefits for a week of unemployment if, with respect to that week

1 and at the discretion of the local employment security supervisor,
2 mandatory work search is waived due to a lack of work in the area.

3 Sec. 23.20.379. VOLUNTARY QUIT, DISCHARGE FOR MISCONDUCT, AND
4 REFUSAL OF WORK. (a) An insured worker is disqualified for waiting-
5 week credit or benefits for a week of his unemployment if he:

6 (1) left his last suitable work voluntarily without good
7 cause;

8 (2) was discharged or suspended for misconduct connected
9 with his last work;

10 (3) failed without good cause to apply for available suit-
11 able work to which he was referred by the employment office or other
12 referral agency which has an agreement with the department under sec.
13 375(d) of this chapter during a week claimed; or

14 (4) failed to accept suitable work when offered to him
15 during a week claimed.

16 (b) The disqualification provided in (a) of this section continues
17 until terminated by one of the following:

18 (1) the individual has filed claims for six otherwise com-
19 pensable weeks of unemployment subsequent to the date the disqualify-
20 ing act occurred; or

21 (2) the individual has returned to full time covered employ-
22 ment for at least two consecutive weeks.

23 * Sec. 26. AS 23.20.380 is repealed.

24 * Sec. 27. AS 23.20.381 is amended by adding new subsections to read:

25 (e) An insured worker is disqualified for benefits if the depart-
26 ment finds that after 39 weeks of continuous unemployment the individual
27 will not accept available training or any employment for which he is
28 fit by training or experience.

29 (f) An insured worker is disqualified for waiting-week credit or

1 benefits for a week of unemployment if, with respect to that week, the
2 department finds that for the week or any part of the week he has
3 received or is seeking unemployment benefits under another unemployment
4 security law in a manner other than in accordance with the reciprocal
5 arrangements between the department and other states or the federal
6 government. If the appropriate agency makes a final determination
7 that the worker is not entitled to benefits under the other law, this
8 subsection does not apply.

9 * Sec. 28. AS 23.20 is amended by adding a new section to read:

10 Sec. 23.20.383. LABOR DISPUTE DISQUALIFICATION. (a) An insured
11 worker is disqualified for waiting-week credit or benefits for a week
12 of his unemployment if, with respect to that week, the department
13 finds his unemployment is due to a stoppage of work because of a labor
14 dispute at the immediate factory, establishment, or other premises at
15 which he is or was last employed. For the purposes of this section,
16 each separate department of the same premises which is commonly con-
17 ducted as a separate business in separate premises is considered a
18 separate factory, establishment, or other premises.

19 (b) This section does not apply if the department finds that:

20 (1) the insured worker was not participating in or directly
21 interested in the labor dispute which caused the stoppage of work, and
22 he did not belong to a grade or class of workers of which, immediately
23 before the commencement of the stoppage, there were members employed
24 at the premises at which the stoppage occurred and of which one or
25 more members were participating in or directly interested in the
26 dispute; or

27 (2) the labor dispute was caused by the failure or refusal
28 of an employer to conform to the provisions of an agreement or con-
29 tract between the employer and employee, or a law of the state or of

1 the United States pertaining to hours, wages or other conditions of
2 work.

3 * Sec. 29. AS 23.20.385 is repealed and re-enacted to read:

4 Sec. 23.20.385. SUITABLE WORK. (a) For the purposes of this
5 chapter, "suitable work" means:

6 (1) for the first 13 compensable weeks of a claim, the
7 claimant's normal occupation in the labor force;

8 (2) for the period of 14 to 26 compensable weeks of a
9 claim, work in a field related to the claimant's normal occupation in
10 the labor force;

11 (3) after 26 weeks, any employment for which the claimant
12 is reasonably fit by training or experience.

13 (b) Work is not considered suitable and benefits may not be
14 denied under a provision of this chapter to an otherwise eligible
15 individual who refuses to accept new work under the following conditions

16 (1) if the position offered is vacant due directly to a
17 strike, lockout, or other labor dispute;

18 (2) if the wages, hours, or other conditions of the work
19 offered are substantially less favorable to the individual than those
20 prevailing for similar work in the locality; or

21 (3) if, as a condition of being employed, the individual
22 would be required to join a company union or to resign from or refrain
23 from joining a bona fide labor organization.

24 (c) In determining whether work is suitable for a claimant and
25 in determining the existence of good cause for leaving or refusing
26 work, the department shall, in addition to determining the existence
27 of any of the conditions specified in (b) of this section, consider
28 the degree of risk to the claimant's health, safety, and morals, his
29 physical fitness for the work, his prior training and experience, his

1 prior earnings, the length of his unemployment, his prospects for
2 obtaining work at his highest skill, the distance of the available
3 work from his residence, his prospects for obtaining local work, and
4 other factors which would influence a reasonably prudent person in the
5 claimant's circumstances.

6 (d) In applying this section, the department shall give it the
7 same meaning as that given to sec. 3304(a)(5) of the Internal Revenue
8 Code of 1954, as amended, by the United States Secretary of Labor.

9 * Sec. 30. AS 23.20 is amended by adding new sections to read:

10 Sec. 23.20.387. DISQUALIFICATION FOR MISREPRESENTATION. (a) An
11 individual is disqualified for benefits for a period not to exceed 26
12 weeks if the department finds that the individual has wilfully made a
13 false statement or misrepresentation or wilfully failed to report a
14 material fact in order to obtain any benefits under this chapter. The
15 length of this period of disqualification and the time when this
16 period begins shall be determined at the department's discretion,
17 according to the circumstances in each case. The department may waive
18 this disqualification wholly or in part as it considers proper and
19 equitable.

20 (b) No person may be disqualified from receiving benefits under
21 this provision unless there is clear evidence that he has made a false
22 statement or a misrepresentation of material fact or has failed to
23 disclose the material facts with the intent to defraud. There must be
24 evidenced intention to defraud and the act must be wilfull and knowing
25 and must involve material facts before a determination of fraudulent
26 misrepresentation or nondisclosure may be made.

27 Sec. 23.20.388. INELIGIBILITY FOR BENEFITS UPON CONVICTION OF
28 FRAUD IN OBTAINING BENEFITS. (a) Upon conviction of any person by a
29 court of competent jurisdiction of wilfully making a false statement

1 or misrepresentation or of wilfully failing to report a material fact
2 to obtain any benefits under this chapter, and in addition to any
3 penalties imposed by the court, that person is:

4 (1) ineligible for any further benefit payments in a cur-
5 rent benefit year starting with the week number in which the conviction
6 occurred;

7 (2) ineligible for benefits based upon wages paid to him in
8 the calendar quarter in which he was convicted and on all prior cal-
9 endar quarters of wages which have not been used in a benefit deter-
10 mination; and

11 (3) ineligible for benefits in any new benefit year after
12 the conviction until he has reimbursed the fund for the full amount he
13 received as a result of the false statement or misrepresentation or
14 failure to report a material fact.

15 (b) The provisions of this section are in addition and supple-
16 mental to all other provisions of this chapter pertaining to dis-
17 qualifications, ineligibility and recovery of improper payment.

18 Sec. 23.20.389. OCCUPATIONS ABOLISHED BY CHANGE. An insured
19 worker whose occupation has been abolished due to technological changes,
20 as certified by the employment service, must be willing to be placed
21 in any job for which he is fit by training or experience, or he must
22 be willing to be placed in a training program. Failure of such an
23 insured worker to comply with the requirements of this section dis-
24 qualifies him from benefits.

25 * Sec. 31. AS 23.20.390(b) is amended to read:

26 (b) As soon as the department has knowledge of payments of bene-
27 fits to an individual under the circumstances mentioned in this section,
28 it shall promptly prepare and deliver or mail to the individual at his
29 last known address a notice of determination of liability declaring

1 that the individual has been determined liable to refund the amount of
2 benefits paid under the circumstances mentioned in this section. The
3 amount, if not previously collected, shall be deducted from future
4 benefits payable to the individual. However, if the department deter-
5 mines that an individual has died, or has acted in good faith in
6 claiming and receiving benefits to which he was not entitled, or [AND]
7 that great hardship would result from charging the individual with
8 repayment of the benefits, the department may absolve the individual
9 from liability to the fund for repayment of the benefits.

10 * Sec. 32. AS 23.20.407(b) is amended to read:

11 (b) The total extended benefit amount payable to any eligible
12 individual with respect to his applicable benefit year is the least of
13 the following amounts:

14 (1) 50 per cent of the total amount of regular benefits [,
15 INCLUDING DEPENDENTS' ALLOWANCES,] which were payable to him under
16 this chapter in his applicable benefit year;

17 (2) 13 weeks of compensation for [TIMES HIS AVERAGE WEEKLY
18 BENEFIT AMOUNT, INCLUDING DEPENDENTS' ALLOWANCES, WHICH WAS PAYABLE TO
19 HIM UNDER THIS CHAPTER FOR A WEEK OF] total unemployment in the appli-
20 cable benefit year; or

21 (3) 39 weeks of compensation for [TIMES HIS AVERAGE WEEKLY
22 BENEFIT AMOUNT, INCLUDING DEPENDENTS' ALLOWANCES, WHICH WAS PAYABLE TO
23 HIM UNDER THIS CHAPTER FOR A WEEK OF] total unemployment in the appli-
24 cable benefit year, reduced by the compensation for total unemployment
25 for the number of weeks [TOTAL AMOUNT] of regular benefits which were
26 paid or considered paid to him under this chapter with respect to the
27 benefit year.

28 * Sec. 33. AS 23.20.415(a) is amended to read:

29 (a) A party entitled to notice of determination provided in sec.

1 340 of this chapter may file an appeal from the determination to an
2 appeal tribunal within the time specified in that section. However,
3 an appeal from a determination which involves sec. 383 [380(9)] of
4 this chapter shall be made to the department. The parties to an
5 appeal from a determination shall include all those entitled to notice
6 of the determination and a properly designated representative of the
7 department.

8 * Sec. 34. AS 23.20.420 is amended by adding a new subsection to read:

9 (e) Hearings under this section shall be held in population and
10 transportation centers which are reasonably accessible to the parties
11 as determined by the department. If a party does not wish to travel
12 to the designated hearing location, he may reply to a written inter-
13 rogatory form or submit a brief.

14 * Sec. 35. AS 23.20.435(a) is amended to read:

15 (a) An appeal to the department by a party is a matter of right
16 if the decision of the appeal tribunal reverses or modifies the deter-
17 mination of the department, or if a question arising under sec. 383
18 [380(9)] of this chapter is presented. In all other cases further
19 appeal to the department is permitted only at the discretion of the
20 department.

21 * Sec. 36. AS 23.20.520(12) is amended to read:

22 (12) "employing unit" means one or more departments or
23 other agencies of the state, a political subdivision of the state, an
24 individual, or a type of organization, partnership, association,
25 trust, estate, joint trust company, insurance company or domestic or
26 foreign corporation, or the receiver, referee in bankruptcy, trustee,
27 or successor of one of these, or the legal representative of a deceased
28 person, which has or subsequent to January 1, 1937, had one or more
29 individuals performing service for it within the state; if an employing

1 unit maintains two or more separate establishments inside the state
2 which fall into different major divisions, as defined in the Standard
3 Industrial Classification Manual, each such establishment is considered
4 as a separate employing unit for the purpose of this chapter; [AN
5 INDIVIDUAL PERFORMING SERVICES INSIDE THE STATE FOR AN EMPLOYING UNIT
6 WHICH MAINTAINS TWO OR MORE SEPARATE ESTABLISHMENTS INSIDE THE STATE
7 IS CONSIDERED AS EMPLOYED BY A SINGLE EMPLOYING UNIT FOR THE PURPOSES
8 OF THIS CHAPTER;] notwithstanding any provision in this chapter, any
9 employing unit which employs individuals whose services must be covered
10 by the unemployment insurance laws of this state after December 31,
11 1971 as a condition of approval of the unemployment insurance laws of
12 this state under sec. 3304(a) of the U.S. Internal Revenue Code of
13 1954, as amended, will be considered an employer as to those individuals
14 and is subject to contributions on all wages paid after December 31,
15 1971, or reimbursement payments to cover benefits paid based on services
16 performed after December 31, 1971, depending on the applicable law;

17 * Sec. 37. (a) Individuals first establishing a benefit year after
18 September 30, 1978, are entitled to receive a benefit amount as determined
19 under AS 23.20.350 as amended by this Act.

20 (b) Individuals having an established benefit year on October 1,
21 1978, and qualifying for benefits under AS 23.20.350 as amended by this Act
22 are eligible for the new benefit amount if it equals or exceeds their
23 original benefit determination. For these individuals the maximum number
24 of benefit payments receivable shall be reduced by the number of benefit
25 payments received in the individual's current benefit year before October
26 1, 1978. If an individual's weekly benefit amount would be reduced as a
27 result of the application of AS 23.20.350 as amended by this Act, the
28 individual is entitled to continue to receive the benefit amount and duration
29 of payments in effect at the start of his then current benefit year.

1 (c) Individuals who have an established benefit year on October 1,
2 1978, and who do not qualify for benefits under AS 23.20.350 as amended by
3 this Act are entitled to continue to receive the balance of any benefit
4 amount and duration of benefit payments still remaining in accordance with
5 the original determination issued at the start of their current benefit
6 year.

7 * Sec. 38. Secs. 1 - 10, 12, 13, and 36 take effect on January 1, 1979.

8 * Sec. 39. Secs. 11, 14, 15, 22 - 31, 33, and 35 take effect on July 1,
9 1978.

10 * Sec. 40. Secs. 16 - 21, 32, and 37 take effect on October 1, 1978.

11 * Sec. 41. Sec. 34 takes effect immediately in accordance with AS
12 01.10.070(c).

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