

Original sponsor: Rules Committee by  
request of the Governor

Offered: 5/12/78  
Referred: Finance

1 IN THE HOUSE

BY THE LABOR AND MANAGEMENT COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 550

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

9 \* Section 1. AS 23.20.115 is amended to read:

10 Sec. 23.20.115. UNAUTHORIZED DISCLOSURE OF INFORMATION. A member  
11 of the department, [OR] an employee of the department, or an agent of  
12 the department who, in violation of sec. 110 of this chapter, makes a  
13 disclosure of information obtained from an employing unit or from an  
14 individual in the administration of this chapter, or a person who has  
15 obtained a list of applicants for work or of claimants or recipients of  
16 benefits under this chapter and who uses or permits the use of the list  
17 for a purpose not authorized by sec. 110 of this chapter, upon convic-  
18 tion, is punishable by a fine of not more than \$200, or by imprisonment  
19 for not more than 90 days, or by both.

20 \* Sec. 2. AS 23.20.175(a) is repealed and re-enacted to read:

21 (a) For the purposes of secs. 165 and 170 of this chapter, after  
22 December 31, 1973 and through December 31, 1978, wages do not include  
23 that part of remuneration paid during any calendar year to an individual  
24 by an employer or by his predecessor which is in excess of \$10,000.

25 \* Sec. 3. AS 23.20.175(c) is repealed and re-enacted to read:

26 (c) For the purposes of secs. 165 and 170 of this chapter, after  
27 December 31, 1978 and through December 31, 1979, wages do not include  
28 that part of remuneration paid during any calendar year to an individual  
29 by an employer or by his predecessor which is in excess of 60 per cent

1 of the statewide average annual wage. For the purposes of secs. 165 and  
2 170 of this chapter, after December 31, 1979, wages do not include that  
3 part of remuneration paid during any calendar year to an individual by  
4 an employer or his predecessor which is in excess of 75 per cent of the  
5 average annual wage.

6 \* Sec. 4. AS 23.20.190 is amended by adding a new subsection to read:

7 (d) A person who fails to file a contribution report on the date  
8 it is due may be required, at the discretion of the department, to file  
9 a monthly contribution report, with payment, within 30 days of the close  
10 of each month. This monthly contribution report is subject to the same  
11 interest and penalty provisions as provided in secs. 185(a) and 190(a)  
12 of this chapter, but it may not be required for longer than one year at  
13 a time.

14 \* Sec. 5. AS 23.20.240 is amended by adding a new subsection to read:

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

19 \* Sec. 6. AS 23.20.285(b) is amended to read:

20 (b) For the purpose of computing quarterly decline quotients, the  
21 department may, by regulation, prescribe (1) the manner in which wages  
22 paid in the form of annual bonuses or other lump-sum payments for ser-  
23 vice performed over a period of more than three months are apportioned  
24 among the calendar quarters of the calendar year in which the service  
25 was performed; and (2) the method for making adjustments in quarterly  
26 payrolls to eliminate the effect upon quarterly decline quotients re-  
27 sulting from unemployment which would not be compensable by reason of  
28 the labor dispute provision of sec. 383 [380(9)] of this chapter.

29 \* Sec. 7. AS 23.20.290(c) is amended to read:

(c) The rate of contributions payable by each eligible employer beginning January 1, 1981 [1974] and for each succeeding calendar year [THEREAFTER] is the rate opposite the rate class in that column of the table in this subsection [SECTION] which is appropriate for the calendar year as determined by the reserve multiple of the fund on September 30 of the preceeding calendar year.

A	B	C	D	E	F	G	H	I	J	K	L	
Employer's												
Cumulative	If the Reserve Multiple of the Fund is:											
Payroll	Equal to or											
Limits												
(Per cent	More											
of State	Than	.33	.67	.85	1.0	1.15	1.35	1.5	2.0	3.0		
Total												
Rate	Ratable	Less										
Class	Payroll)	Than	.33	.67	.85	1.0	1.15	1.35	1.5	2.0	3.0	
		Equal to										
	More	or Less										
	Than	Than										
1	0	10	3.0	2.6	2.3	1.9	1.6	1.3	1.1	.9	.8	.6
2	10	20	3.3	2.9	2.6	2.2	1.9	1.6	1.4	1.2	1.1	.9
3	20	30	3.6	3.2	2.9	2.5	2.2	1.9	1.7	1.5	1.4	1.2
4	30	40	3.9	3.5	3.2	2.8	2.5	2.2	2.0	1.8	1.7	1.5
5	40	50	4.4	4.0	3.7	3.3	3.0	2.7	2.5	2.3	2.2	2.0
6	50	60	4.7	4.3	4.0	3.6	3.3	3.0	2.8	2.6	2.5	2.3
7	60	70	5.0	4.6	4.3	3.9	3.6	3.3	3.1	2.9	2.8	2.6
8	70	80	5.2	4.8	4.5	4.1	3.8	3.5	3.3	3.1	3.0	2.8
9	80	90	5.3	4.9	4.6	4.2	3.9	3.6	3.4	3.2	3.1	2.9
10	90	100	5.5	5.1	4.8	4.4	4.1	3.8	3.6	3.4	3.3	3.1

1 Employee Rate .8 .8 .7 .7 .6 .6 .5 .5 .4 .3

2 \* Sec. 8. AS 23.20.290(d) is amended to read:

3 (d) Beginning January 1, 1981 [1974] and for each succeeding  
4 calendar year the rate of contributions payable by each employee of a  
5 subject employer is the designated employee rate in that column of the  
6 table in (c) of this section which is appropriate for the year as deter-  
7 mined by the reserve multiple on September 30 of the preceding calendar  
8 year.

9 \* Sec. 9. AS 23.20.340(a) is amended to read:

10 (a) An examiner designated by the department shall take the claim.  
11 The examiner shall take all evidence pertaining to the monetary eligi-  
12 bility of the claimant and [AN INITIAL DETERMINATION ON THE CLAIM SHALL  
13 BE MADE PROMPTLY AND SHALL INCLUDE A DETERMINATION WITH RESPECT TO  
14 WHETHER BENEFITS ARE PAYABLE, THE WEEKLY BENEFIT AMOUNT PAYABLE, AND THE  
15 MAXIMUM DURATION OF BENEFITS. WHEN THE PAYMENT OR DENIAL OF BENEFITS IS  
16 DETERMINED BY SEC. 380(9) OF THIS CHAPTER, THE EXAMINER] shall promptly  
17 transmit all evidence [WITH RESPECT TO THAT SECTION] to the department.  
18 The department, or a representative designated by it for the purpose,  
19 shall, on the basis of the evidence submitted and any [THE] additional  
20 evidence it requires, make an initial monetary determination of [AS TO]  
21 the claim as to whether the claimant is eligible for benefits under sec.  
22 350 of this chapter and the weekly benefit rate class.

23 \* Sec. 10. AS 23.20.340(b) is amended to read:

24 (b) Within one year from the date of the initial monetary deter-  
25 mination, the department, on its own motion, may reconsider the monetary  
26 determination if it finds an error in computation or identity or finds  
27 that additional wages pertinent to the claimant's insured status have  
28 become available, or that the initial monetary determination is a result  
29 of a nondisclosure or misrepresentation of a material fact.

1 \* Sec. 11. AS 23.20.340(c) is amended to read:

2 (c) The claimant [AND OTHER PARTIES TO THE DETERMINATION] shall be  
3 promptly notified of the initial monetary determination (or of an  
4 amended initial monetary determination) and the reasons for it.

5 \* Sec. 12. AS 23.20.340(d) is amended to read:

6 (d) Unless the claimant is determined to be disqualified for  
7 benefits under secs. 375 - 388 of this chapter, benefits [BENEFITS]  
8 shall be promptly paid or denied in accordance with the initial monetary  
9 determination.

10 \* Sec. 13. AS 23.20.340(e) is amended to read:

11 (e) The claimant [OR OTHER PARTY TO THE DETERMINATION] may file an  
12 appeal from the initial monetary determination within 10 days after  
13 notification of the determination, or after the date the notice is  
14 mailed to his last [KNOWN] address of record. If the claimant is eli-  
15 gible for benefits under sec. 350 of this chapter [BENEFITS ARE ALLOWED  
16 BY THE INITIAL DETERMINATION], but the record of the case indicates that  
17 a disqualification under secs. 375 - 388 exists [HAS BEEN ALLEGED] or  
18 may exist, benefits may not be paid before a determination of the dis-  
19 qualification has been made [THE EXPIRATION OF THE PERIOD FOR APPEAL].

20 \* Sec. 14. AS 23.20.340(f) is repealed and re-enacted to read:

21 (f) If a determination of disqualification under secs. 375 - 388  
22 of this chapter is made, the claimant shall be promptly notified of the  
23 denial and the reasons for it and may appeal the determination in the  
24 same manner prescribed in this chapter for appeals of initial monetary  
25 determinations. Benefits may not be paid while a determination of  
26 disqualification is being appealed. If a final appeal decision allows  
27 benefits to the claimant, those benefits must be paid promptly.

28 \* Sec. 15. AS 23.20.350(a) is amended to read:

29 (a) To be eligible [QUALIFY] for benefits an individual must

[SHALL] have earned wages in his base period totaling not less than \$750 of which \$100 must have been earned in other than the calendar quarter of his base period in which he earned the highest amount of wages, and at least eight times the weekly benefit amount must [SHALL] have been earned in employment, whether or not covered by this chapter, subsequent to the beginning of a preceding benefit year.

\* Sec. 16. AS 23.20.350(b) is repealed and re-enacted to read:

(b) Except as provided in (a) and (e) of this section, an individual's total weekly benefit amount is the amount shown in the table set out in this subsection in the applicable column opposite the amount of his total base period wages as shown in column A. Each individual who establishes a benefit year is entitled to a total weekly benefit amount as shown in columns B, C, D, or E of the tables set out in this subsection according to the number of dependents he has as of the date he establishes his benefit year and shall be fixed for the duration of the benefit year. The amount payable to any insured worker during his benefit year shall be based on the table effective on the first day of the benefit year.

TOTAL BASE PERIOD WAGES		TOTAL WEEKLY BENEFIT AMOUNT WITH THE FOLLOWING NUMBER OF DEPENDENTS			
		None	One	Two	Three or More
Columns	(A)	(B)	(C)	(D)	(E)
\$ 0 -	749.99	\$ 00	\$ 00	\$ 00	\$ 00
750 -	1,839.99	55	62	69	76
1,840 -	2,759.99	60	67	74	81
2,760 -	3,219.99	65	72	79	86
3,220 -	4,139.99	70	77	84	91
4,140 -	4,599.99	75	82	89	96
4,600 -	5,059.99	80	87	94	101

1	5,060 - 5,519.99	85	92	99	106
2	5,520 - 5,979.99	90	97	104	111
3	5,980 - 6,439.99	95	102	109	116
4	6,440 - 6,899.99	100	107	114	121
5	6,900 - 7,359.99	105	112	119	126
6	7,360 - 7,819.99	110	117	124	131
7	7,820 - 8,739.99	115	122	129	136
8	8,740 - 9,659.99	118	125	132	139
9	9,660 - 11,039.99	121	128	135	142
10	11,040 - 12,419.99	124	131	138	145
11	12,420 - 13,799.99	127	134	141	148
12	13,800 and over	130	137	144	151

13 \* Sec. 17. AS 23.20.350(c) is repealed and re-enacted to read:

14 (c) The maximum duration of benefits payable under this chapter is  
15 21 weeks for claimants with total base period wages under \$13,800 and 28  
16 weeks for all other claimants.

17 \* Sec. 18. AS 23.20.350 is amended by adding new subsections to read:

18 (e) An individual's total weekly benefit amount may not exceed 50  
19 per cent of the average weekly wage. In this section "average weekly  
20 wage" means the average annual wage of the state in which the individual  
21 filed his claim for benefits for that week divided by 52. Benefits paid  
22 to an individual filing a claim in a state other than Alaska shall be  
23 equal to the percentage his Alaska benefit amount bears to the appli-  
24 cable Alaska average weekly wage multiplied by the applicable average  
25 weekly wage of the state in which he is filing a claim.

26 (f) The average annual wage for each state shall be computed after  
27 June 30 and before December 15 of each year based on the four consecu-  
28 tive calendar quarters ending June 30. This determination is the ap-  
29 plicable average annual wage for the period beginning with January 1 of

1 the next year and ending December 31.

2 \* Sec. 19. AS 23.20.360 is amended to read:

3 Sec. 23.20.360. EARNINGS DEDUCTED FROM WEEKLY BENEFIT AMOUNT. An  
4 eligible individual who is unemployed in a week shall be paid with  
5 respect to that week a benefit in an amount equal to his total [BASIC OR  
6 AUGMENTED] weekly benefit amount less that part of the remuneration,  
7 whether or not covered by this chapter, payable to him with respect to  
8 that week which is in excess of \$50 [\$10 OR ONE-HALF OF HIS BASIC WEEKLY  
9 BENEFIT AMOUNT, WHICHEVER AMOUNT IS GREATER]. If the adjusted benefit  
10 amount is not a multiple of \$1, it is computed to the next higher mul-  
11 tiple of \$1.

12 \* Sec. 20. AS 23.20.370 is amended to read:

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

23 \* Sec. 21. AS 23.20.375(a) is amended to read:

24 Sec. 23.20.375. QUALIFICATION [ELIGIBILITY] FOR BENEFITS. (a) An  
25 insured worker is qualified [ELIGIBLE] for and shall receive waiting-  
26 week credit or benefits, as the case may be, for a week of his unemploy-  
27 ment with respect to which he has not been determined to be disqualified  
28 under secs. 378 - 388 [SEC. 380] of this chapter, if [THE WORKER HAS],  
29 in accordance with regulations prescribed by the department, the worker

1 has, with respect to the week,

2 (1) filed a notice of his unemployment;

3 (2) registered for work; [AND]

4 (3) certified for waiting-week credit or filed a claim for  
5 benefits, as the case may be; and

6 (4) agreed to accept the prevailing wage for his work in the  
7 area in which he is filing.

8 \* Sec. 22. AS 23.20.375 is amended by adding a new subsection to read:

9 (d) An insured worker may register for work with a referral agency  
10 other than the department if that agency has a referral agreement with  
11 the department made in accordance with regulations prescribed by the  
12 department. A referral agency other than the department, before certi-  
13 fying and providing documentation to an individual as being available  
14 for work and as not having failed to accept offered suitable work, shall  
15 require that the individual produce proper identification, or be per-  
16 sonally known to agents or employees of the referral agency who are  
17 actually present at the referral agency at the time of certifying.

18 \* Sec. 23. AS 23.20 is amended by adding new sections to read:

19 Sec. 23.20.378. ABLE AND AVAILABLE. An insured worker is dis-  
20 qualified for waiting-week credit or benefits for a week of his unem-  
21 ployment if, with respect to that week, the department finds that he was  
22 not able to work, not available for suitable work, or not actively  
23 seeking work. An insured worker is not considered disqualified for  
24 waiting-week credit or benefits for a week of his unemployment because  
25 of failure to comply with the provisions of this section if

26 (1) he is unable to work because he is ill or disabled or he  
27 resides in the state and is not available for work because of his non-  
28 commercial fishing and hunting necessary for the survival of himself or  
29 his dependents; and

1 (2) the condition described in (1) of this section occurs  
2 during an uninterrupted period of unemployment which follows a week for  
3 which he filed a compensable claim and no suitable work was offered him  
4 for any part of that week before the beginning of the fishing, hunting,  
5 illness, or disability; however, a waiver of disqualification on the  
6 basis of illness is only available for a maximum of four consecutive  
7 weeks.

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

11 (1) left his last suitable work voluntarily without good  
12 cause;

13 (2) was discharged or suspended for misconduct connected with  
14 his last work;

15 (3) failed without good cause to apply for available suitable  
16 work to which he was referred by the employment office or other referral  
17 agency which has an agreement with the department under sec. 375(d) of  
18 this chapter during a week claimed; or

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

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

23 (1) the individual has filed claims for six otherwise com-  
24 pensable weeks of unemployment subsequent to the date the disqualifying  
25 act occurred; or

26 (2) the individual has returned to full time covered employ-  
27 ment and earned at least six times his weekly benefit amount.

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

29 (e) 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 it he has received or  
3 is seeking unemployment benefits under another unemployment security law  
4 in a manner other than in accordance with the reciprocal arrangements  
5 between the department and other states or the federal government. If  
6 the appropriate agency makes a final determination that the worker is  
7 not entitled to benefits under the other law, this subsection does not  
8 apply.

9 (f) An insured worker whose occupation has been abolished due to  
10 technological changes, as certified by the employment service office,  
11 must be willing to be placed in any job for which he is fit by training  
12 or experience, or he must be willing to be placed in a training program.  
13 Failure of such an insured worker to comply with the requirements of  
14 this section disqualifies him from benefits.

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

16 Sec. 23.20.383. LABOR DISPUTE DISQUALIFICATION. (a) An insured  
17 worker is disqualified for waiting-week credit or benefits for a week of  
18 his unemployment if, with respect to that week, the department finds his  
19 unemployment is due to a stoppage of work because of a labor dispute at  
20 the immediate factory, establishment, or other premises at which he is  
21 or was last employed. For the purposes of this section, each separate  
22 department of the same premises which is commonly conducted as a sepa-  
23 rate business in separate premises is considered a separate factory,  
24 establishment, or other premises.

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

26 (1) the insured worker was not participating in or directly  
27 interested in the labor dispute which caused the stoppage of work, and  
28 he did not belong to a grade or class of workers which, immediately  
29 before the commencement of the stoppage, had members employed at the

1 premises at which the stoppage occurred and which had one or more mem-  
2 bers participating in or directly interested in the dispute; or

3 (2) the labor dispute was caused by the failure or refusal of  
4 an employer to conform to the provisions of an agreement or contract  
5 between the employer and employee, or a law of the state or of the  
6 United States pertaining to hours, wages or other conditions of work.

7 Sec. 23.20.387. DISQUALIFICATION FOR MISREPRESENTATION. (a) An  
8 individual is disqualified for benefits for a period not to exceed 28  
9 weeks if the department finds that the individual has knowingly made a  
10 false statement or misrepresentation or knowingly failed to report a  
11 material fact with intent to obtain or increase any benefits under this  
12 chapter. The length of this period of disqualification and the time  
13 when this period begins shall be determined at the department's discre-  
14 tion, according to the circumstances in each case. The department may  
15 waive this disqualification wholly or in part as it considers proper and  
16 equitable.

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

24 Sec. 23.20.388. DISQUALIFICATION FOR BENEFITS UPON CONVICTION OF  
25 FRAUD IN OBTAINING BENEFITS. (a) A person who is guilty of making a  
26 false statement or misrepresentation knowing it is false or of knowingly  
27 failing to disclose a material fact to obtain any benefits or other  
28 payments under this chapter, in addition to any penalties imposed by the  
29 court, is

1 (1) disqualified for any further benefit payments in a cur-  
2 rent benefit year starting with the week number in which the conviction  
3 occurred;

4 (2) disqualified for benefits based upon wages paid to him in  
5 the calendar quarter in which he was convicted and on all prior calendar  
6 quarters of wages which have not been used in a benefit determination;  
7 and

8 (3) disqualified for benefits in any new benefit year after  
9 the conviction until he has reimbursed the fund for the full amount he  
10 received as a result of the false statement or misrepresentation or  
11 failure to report a material fact; however, if he is otherwise eligible  
12 for benefits under sec. 350 of this chapter, he may file for benefits  
13 and arrange to offset the full amount for which he is liable from his  
14 future benefits payable.

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

18 \* Sec. 26. AS 23.20.390(b) is amended to read:

19 (b) As soon as the department has knowledge of payments of bene-  
20 fits to an individual under the circumstances mentioned in this section,  
21 it shall promptly prepare and deliver or mail to the individual at his  
22 last [KNOWN] address of record a notice of determination of liability  
23 declaring that the individual has been determined liable to refund the  
24 amount of benefits paid under the circumstances mentioned in this sec-  
25 tion. The amount, if not previously collected, shall be deducted from  
26 future benefits payable to the individual. However, if the department  
27 determines that an individual has died, or has acted in good faith in  
28 claiming and receiving benefits to which he was not entitled, or [AND]  
29 that great hardship would result from charging the individual with

1 repayment of the benefits, the department may absolve the individual  
2 from liability to the fund for repayment of the benefits.

3 \* Sec. 27. AS 23.20.407(b) is amended to read:

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

7 (1) 50 per cent of the total amount of total [REGULAR] bene-  
8 fits [, INCLUDING DEPENDENTS' ALLOWANCES,] which were payable to him  
9 under this chapter in his applicable benefit year;

10 (2) 13 weeks of compensation for [TIMES HIS AVERAGE WEEKLY  
11 BENEFIT AMOUNT, INCLUDING DEPENDENTS' ALLOWANCES, WHICH WAS PAYABLE TO  
12 HIM UNDER THIS CHAPTER FOR A WEEK OF] total unemployment in the appli-  
13 cable benefit year; or

14 (3) 39 weeks of compensation for [TIMES HIS AVERAGE WEEKLY  
15 BENEFIT AMOUNT, INCLUDING DEPENDENTS' ALLOWANCES, WHICH WAS PAYABLE TO  
16 HIM UNDER THIS CHAPTER FOR A WEEK OF] total unemployment in the appli-  
17 cable benefit year, reduced by the compensation for total unemployment  
18 for the number of weeks [TOTAL AMOUNT] of total [REGULAR] benefits which  
19 were paid or considered paid to him under this chapter with respect to  
20 the benefit year.

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

22 (a) A party entitled to notice of determination provided in sec.  
23 340 of this chapter may file an appeal from the determination to an  
24 appeal tribunal within the time specified in that section. However, an  
25 appeal from a determination which involves sec. 383 [380(9)] of this  
26 chapter shall be made to the department. The parties to an appeal from  
27 a determination shall include all those entitled to notice of the deter-  
28 mination and a properly designated representative of the department.

29 \* Sec. 29. AS 23.20.420 is amended by adding a new subsection to read:

1 (e) Hearings under this section shall be held in population and  
2 transportation centers which are reasonably accessible to the parties as  
3 determined by the department. If a party does not wish to travel to the  
4 designated hearing location, he may reply to a written interrogatory  
5 form or submit a brief.

6 \* Sec. 30. AS 23.20.435(a) is amended to read:

7 (a) An appeal to the department by a party is a matter of right if  
8 the decision of the appeal tribunal reverses or modifies the deter-  
9 mination of the department, or if a question arising under sec. 383  
10 [380(9)] of this chapter is presented. In all other cases further  
11 appeal to the department is permitted only at the discretion of the  
12 department.

13 \* Sec. 31. AS 23.20.445 is amended to read:

14 Sec. 23.20.445. NOTICE OF DECISION OF DEPARTMENT AND JUDICIAL  
15 REVIEW. Within 60 days after initiation of an appeal under sec. 435 of  
16 this chapter, the department shall make its decision and each [EACH]  
17 party, including the properly designated representative of the depart-  
18 ment, shall be promptly given a copy of the decision and the supporting  
19 findings and conclusions of the department. The decision is final un-  
20 less a party initiates judicial review by filing an action in the  
21 superior court for review within 30 days after the department's decision  
22 has been mailed to each party at his last known address, or delivered to  
23 him. For the purpose of judicial review, an appeal tribunal's decision  
24 from which an application for appeal has been denied by the department  
25 is considered the decision of the department, except that the time for  
26 initiating judicial review runs from the date of the mailing or delivery  
27 of the notice of the denial of the application for appeal by the depart-  
28 ment.

29 \* Sec. 32. AS 23.20.485 is amended to read:

1           Sec. 23.20.485. FALSE STATEMENT TO SECURE BENEFITS. A person who  
2 makes a false statement or misrepresentation knowing it is false or who  
3 knowingly fails to disclose a material fact, with intent to obtain or  
4 increase a benefit or other payment under this chapter or under an  
5 employment security law of another state, of the federal government, or  
6 of a foreign government, either for himself or for another person, upon  
7 conviction, is punishable by a fine of [OR] not more than \$500 [\$200],  
8 or by imprisonment for not more than six months [60 DAYS], or by both.  
9 Each false statement or misrepresentation or failure to disclose a  
10 material fact is a separate offense.

11 \* Sec. 33. AS 23.20.490 is amended to read:

12           Sec. 23.20.490. ACTS OF EMPLOYER PROHIBITED. (a) An employing  
13 unit or referral agency or an officer or agent of an employing unit  
14 or referral agency may not (1) make a false statement or representation  
15 knowing it is false, (2) knowingly fail to disclose a material fact to  
16 prevent or reduce the payment of benefits to an individual entitled to  
17 them, or to avoid or reduce a contribution or other payment required  
18 from an employing unit under this chapter, or (3) knowingly [WILFULLY]  
19 fail or refuse to make a contribution or other payment, or to furnish a  
20 report required by this chapter or by authority granted under this  
21 chapter, or to produce or permit the inspection or copying of records as  
22 required by this chapter.

23           (b) An employing unit or referral agency or officer or agent of an  
24 employing unit or referral agency, upon conviction of violating (a) of  
25 this section, is punishable by a fine of not more than \$1,000 [\$200], or  
26 by imprisonment for not more than one year [60 DAYS], or by both.

27 \* Sec. 34. AS 23.20.520(2) is amended to read:

28           (2) "base period" means the first four of the last five com-  
29 pleted calendar quarters immediately preceding the first day of an

1 individual's benefit year; except that an individual who, immediately  
2 preceding the first day of his benefit year, was unable to work as a  
3 result of injuries compensable under the workmen's compensation Act has  
4 a base period consisting of the first four of the last five completed  
5 quarters immediately preceding his injuries;

6 \* Sec. 35. AS 23.20.520(12) is amended to read:

7 (12) "employing unit" means one or more departments or other  
8 agencies of the state, a political subdivision of the state, an indivi-  
9 dual or a type of organization, partnership, association, trust, estate,  
10 joint trust company, insurance company or domestic or foreign corpora-  
11 tion, or the receiver, referee in bankruptcy, trustee, or successor of  
12 one of these, or the legal representative of a deceased person, which  
13 has or subsequent to January 1, 1937, had one or more individuals per-  
14 forming service for it within the state; if an employing unit maintains  
15 two or more separate establishments inside the state which fall into  
16 different major divisions, as defined in the Standard Industrial Classi-  
17 fication Manual, each such establishment is considered as a separate  
18 employing unit for the purpose of this chapter [AN INDIVIDUAL PERFORMING  
19 SERVICES INSIDE THE STATE FOR AN EMPLOYING UNIT WHICH MAINTAINS TWO OR  
20 MORE SEPARATE ESTABLISHMENTS INSIDE THE STATE IS CONSIDERED AS EMPLOYED  
21 BY A SINGLE EMPLOYING UNIT FOR THE PURPOSES OF THIS CHAPTER]; notwith-  
22 standing any provision in this chapter, any employing unit which employs  
23 individuals whose services must be covered by the unemployment insurance  
24 laws of this state after December 31, 1971 as a condition of approval of  
25 the unemployment insurance laws of this state under sec. 3304(a) of the  
26 U.S. Internal Revenue Code of 1954, as amended, will be considered an  
27 employer as to those individuals and is subject to contributions on all  
28 wages paid after December 31, 1971, or reimbursement payments to cover  
29 benefits paid based on services performed after December 31, 1971,

1 depending on the applicable law;

2 \* Sec. 36. AS 23.20.520 is amended by adding new paragraphs to read:

3 (27) "prevailing wage" means the prevailing rate of wages  
4 issued by the department in accordance with AS 36.05.010; if no pre-  
5 vailing rate of wages has been determined for a particular type of work  
6 or for a particular area, the department shall make such a determination  
7 in accordance with regulations adopted by it;

8 (28) "average annual wage" equals  $\frac{TAW}{SEMP/12}$ ; where TAW is the  
9

10 total amount of wages paid to workers in the state during the computa-  
11 tion year as computed for purposes of reporting to the United States  
12 Department of Labor; and SEMP is the sum of the 12 monthly reports made  
13 during the computation year of the number of individuals employed as  
14 computed for purposes of reporting to the United States Department of  
15 Labor.

16 \* Sec. 37. AS 23.20.340(g) and 23.20.380 are repealed.

17 \* Sec. 38. Section 1 of this Act takes effect immediately in accordance  
18 with AS 01.10.070(c).

19 \* Sec. 39. Sections 9 - 14, 20 - 26, 28 - 34, and 36 take effect on  
20 July 1, 1978.

21 \* Sec. 40. Sections 2 - 8, 19, and 35 take effect on January 1, 1979.

22 \* Sec. 41. Sections 15 - 18 and 27 take effect on October 1, 1978 and are  
23 applicable to all individuals establishing a benefit year on or after that  
24 date.