

Original sponsor: Rules Committee by  
request of the Governor

Offered: 6/2/78  
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 550 (Finance)

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 AS 23.20.175(a) is repealed and re-enacted to read: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 AS 23.20.175(c) is repealed and re-enacted to read: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 75 per cent

1 of the statewide average annual wage computed to the nearest multiple of  
2 \$1,000. For the purposes of secs. 165 and 170 of this chapter, after  
3 December 31, 1979, wages do not include that part of remuneration paid  
4 during any calendar year to an individual by an employer or his prede-  
5 cessor which is in excess of 100 per cent of the average annual wage  
6 computed to the nearest multiple of \$1,000.

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

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

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

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

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

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

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

(c) The rate of contributions payable by each eligible employer beginning January 1, 1974 and for each succeeding calendar year [THERE-AFTER] 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 |

|   |               |    |     |     |     |     |     |     |     |     |     |     |     |
|---|---------------|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 1 | 10            | 90 | 100 | 5.5 | 5.1 | 4.8 | 4.4 | 4.1 | 3.8 | 3.6 | 3.4 | 3.3 | 3.1 |
| 2 | Employee Rate |    |     | .8  | .8  | .7  | .7  | .6  | .6  | .5  | .5  | .4  | .3  |

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

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

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

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

24 \* Sec. 10. AS 23.20.340(c) is amended to read:

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

28 \* Sec. 11. AS 23.20.340(d) is amended to read:

29 (d) Unless the claimant is determined to be disqualified for

1 benefits under secs. 375 - 388 of this chapter, benefits [BENEFITS]  
2 shall be promptly paid or denied in accordance with the initial monetary  
3 determination.

4 \* Sec. 12. AS 23.20.340(e) is amended to read:

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

17 \* Sec. 13. AS 23.20.340(f) is repealed and re-enacted to read:

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

26 \* Sec. 14. AS 23.20.350(a) is amended to read:

27 (a) To be eligible [QUALIFY] for benefits an individual must  
28 [SHALL] have earned wages in his base period totaling not less than \$750  
29 of which \$100 must have been earned in other than the calendar quarter

1 of his base period in which he earned the highest amount of wages, and  
 2 at least eight times the weekly benefit amount must [SHALL] have been  
 3 earned in employment, whether or not covered by this chapter, subsequent  
 4 to the beginning of a preceding benefit year.

5 \* Sec. 15. AS 23.20.350(b) is repealed and re-enacted to read:

6 (b) Except as provided in (a) and (e) of this section, an in-  
 7 dividual's total weekly benefit amount is the amount shown in the table  
 8 set out in this subsection in the applicable column opposite the amount  
 9 of his total base period wages as shown in column A. Each individual  
 10 who establishes a benefit year is entitled to a total weekly benefit  
 11 amount as shown in columns B, C, D, or E of the tables set out in this  
 12 subsection according to the number of dependents he has on the date he  
 13 establishes his benefit year and shall be fixed for the duration of the  
 14 benefit year, except that before benefits are paid for dependents the  
 15 department shall ascertain that no other insured worker is receiving  
 16 benefits for the same dependents and each individual seeking employment  
 17 benefits shall produce evidence satisfactory to the department that the  
 18 dependents claimed are dependents of that person. The amount payable to  
 19 any insured worker during his benefit year shall be based on the table  
 20 effective on the first day of the benefit year.

| TOTAL BASE PERIOD WAGES |                  | TOTAL WEEKLY BENEFIT AMOUNT WITH THE FOLLOWING NUMBER OF DEPENDENTS |       |       |       |
|-------------------------|------------------|---------------------------------------------------------------------|-------|-------|-------|
| Columns                 | (A)              | (B)                                                                 | (C)   | (D)   | (E)   |
| \$                      | 0 - 749.99       | \$ 00                                                               | \$ 00 | \$ 00 | \$ 00 |
|                         | 750 - 1,249.99   | 35                                                                  | 45    | 55    | 65    |
|                         | 1,250 - 1,499.99 | 40                                                                  | 50    | 60    | 70    |
|                         | 1,500 - 1,999.99 | 45                                                                  | 55    | 65    | 75    |
|                         | 2,000 - 2,499.99 | 50                                                                  | 60    | 70    | 80    |

|    |                    |     |     |     |     |
|----|--------------------|-----|-----|-----|-----|
| 1  | 2,500 - 2,999.99   | 60  | 70  | 80  | 90  |
| 2  | 3,000 - 3,499.99   | 70  | 80  | 90  | 100 |
| 3  | 3,500 - 3,999.99   | 75  | 85  | 95  | 105 |
| 4  | 4,000 - 4,499.99   | 85  | 95  | 105 | 115 |
| 5  | 4,500 - 5,249.99   | 95  | 105 | 115 | 125 |
| 6  | 5,250 - 5,999.99   | 105 | 115 | 125 | 135 |
| 7  | 6,000 - 7,499.99   | 115 | 125 | 135 | 145 |
| 8  | 7,500 - 8,499.99   | 125 | 135 | 145 | 150 |
| 9  | 8,500 - 9,999.99   | 135 | 145 | 155 | 165 |
| 10 | 10,000 - 10,999.99 | 140 | 150 | 160 | 170 |
| 11 | 11,000 - 11,999.99 | 145 | 155 | 165 | 175 |
| 12 | 12,000 and over    | 150 | 160 | 170 | 175 |

13 \* Sec. 16. 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 28 weeks for all claimants.

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

17 (e) Benefits may not be denied or reduced to an individual solely  
18 because he files a claim in another state or because he resides in  
19 another state at the time he files a claim for unemployment compensa-  
20 tion. However, benefits paid to an individual filing a claim in a state  
21 other than Alaska which has an average weekly wage which differs from  
22 Alaska's average weekly wage by 10 per cent or greater shall be equal to  
23 the percentage his Alaska benefit amount bears to the applicable Alaska  
24 average weekly wage multiplied by the applicable weekly wage of the  
25 state in which he is filing a claim. In this subsection "average weekly  
26 wage" of a state means the average annual wage of that state divided by  
27 52.

28 (f) The average annual wage for each state under (e) of this  
29 section will be computed after June 30 and before December 15 of each

1 year based on the four consecutive calendar quarters ending June 30.  
2 The average annual wage will be rounded to the next higher thousand  
3 before determining the average weekly wage to be used in (e) of this  
4 section. This determination is the applicable average annual wage for  
5 the period beginning January 1 of the next year and ending December 31.

6 \* Sec. 18. AS 23.20.360 is amended to read:

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

16 \* Sec. 19. AS 23.20.370 is amended to read:

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

27 \* Sec. 20. AS 23.20.375(a) is amended to read:

28 Sec. 23.20.375. QUALIFICATION [ELIGIBILITY] FOR BENEFITS. (a) An  
29 insured worker is qualified [ELIGIBLE] for and shall receive waiting-

1 week credit or benefits, as the case may be, for a week of his unemploy-  
2 ment with respect to which he has not been determined to be disqualified  
3 under secs. 378 - 388 [SEC. 380] of this chapter, if [THE WORKER HAS],  
4 in accordance with regulations prescribed by the department, the worker  
5 has, with respect to the week,

6 (1) filed a notice of his unemployment;

7 (2) registered for work; [AND]

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

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

12 \* Sec. 21. AS 23.20.375 is amended by adding a new subsection to read:

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

22 \* Sec. 22. AS 23.20 is amended by adding new sections to read:

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

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

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

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

15 (1) left his last suitable work voluntarily without good  
16 cause;

17 (2) was discharged or suspended for misconduct connected with  
18 his last work;

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

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

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

27 (1) the individual has filed claims for six otherwise com-  
28 pensable weeks of unemployment after the date the disqualifying act  
29 occurred; or

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

3 \* Sec. 23. AS 23.20.381 is amended by adding new subsections to read:

4 (e) An insured worker is disqualified for waiting-week credit or  
5 benefits for a week of unemployment if, with respect to that week, the  
6 department finds that for the week or any part of it he has received or  
7 is seeking unemployment benefits under another unemployment security law  
8 in a manner other than in accordance with the reciprocal arrangements  
9 between the department and other states or the federal government. If  
10 the appropriate agency makes a final determination that the worker is  
11 not entitled to benefits under the other law, this subsection does not  
12 apply.

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

19 \* Sec. 24. AS 23.20 is amended by adding new sections to read:

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

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

1 (1) the insured worker was not participating in or directly  
2 interested in the labor dispute which caused the stoppage of work, and  
3 he did not belong to a grade or class of workers which, immediately  
4 before the commencement of the stoppage, had members employed at the  
5 premises at which the stoppage occurred and which had one or more mem-  
6 bers participating in or directly interested in the dispute; or

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

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

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

26 Sec. 23.20.388. DISQUALIFICATION FOR BENEFITS UPON CONVICTION OF  
27 FRAUD IN OBTAINING BENEFITS. (a) A person who is guilty of making a  
28 false statement or misrepresentation knowing it is false or of knowingly  
29 failing to disclose a material fact to obtain any benefits or other

1 payments under this chapter, in addition to any penalties imposed by the  
2 court, is

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

6 (2) disqualified for benefits based upon wages paid to him in  
7 the calendar quarter in which he was convicted and on all earlier cal-  
8 endar quarters of wages which have not been used in a benefit determi-  
9 nation.

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

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

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

27 \* Sec. 26. AS 23.20.407(b) is amended to read:

28 (b) The total extended benefit amount payable to any eligible  
29 individual with respect to his applicable benefit year is the least of

1 the following amounts:

2 (1) 50 per cent of the total amount of total [REGULAR] bene-  
3 fits [, INCLUDING DEPENDENTS' ALLOWANCES,] which were payable to him  
4 under this chapter in his applicable benefit year;

5 (2) 13 weeks of compensation for [TIMES HIS AVERAGE WEEKLY  
6 BENEFIT AMOUNT, INCLUDING DEPENDENTS' ALLOWANCES, WHICH WAS PAYABLE TO  
7 HIM UNDER THIS CHAPTER FOR A WEEK OF] total unemployment in the appli-  
8 cable benefit year; or

9 (3) 39 weeks of compensation for [TIMES HIS AVERAGE WEEKLY  
10 BENEFIT AMOUNT, INCLUDING DEPENDENTS' ALLOWANCES, WHICH WAS PAYABLE TO  
11 HIM UNDER THIS CHAPTER FOR A WEEK OF] total unemployment in the appli-  
12 cable benefit year, reduced by the compensation for total unemployment  
13 for the number of weeks [TOTAL AMOUNT] of total [REGULAR] benefits which  
14 were paid or considered paid to him under this chapter with respect to  
15 the benefit year.

16 \* Sec. 27. AS 23.20.415(a) is amended to read:

17 (a) A party entitled to notice of determination provided in sec.  
18 340 of this chapter may file an appeal from the determination to an  
19 appeal tribunal within the time specified in that section. However, an  
20 appeal from a determination which involves sec. 383 [380(9)] of this  
21 chapter shall be made to the department. The parties to an appeal from  
22 a determination shall include all those entitled to notice of the deter-  
23 mination and a properly designated representative of the department.

24 \* Sec. 28. AS 23.20.420 is amended by adding a new subsection to read:

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

1 \* Sec. 29. AS 23.20.435(a) is amended to read:

2 (a) An appeal to the department by a party is a matter of right if  
3 the decision of the appeal tribunal reverses or modifies the deter-  
4 mination of the department, or if a question arising under sec. 383  
5 [380(9)] of this chapter is presented. In all other cases further  
6 appeal to the department is permitted only at the discretion of the  
7 department.

8 \* Sec. 30. AS 23.20.445 is amended to read:

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

24 \* Sec. 31. AS 23.20.485 is amended to read:

25 Sec. 23.20.485. FALSE STATEMENT TO SECURE BENEFITS. A person who  
26 makes a false statement or misrepresentation knowing it is false or who  
27 knowingly fails to disclose a material fact, with intent to obtain or  
28 increase a benefit or other payment under this chapter or under an  
29 employment security law of another state, of the federal government, or

1 of a foreign government, either for himself or for another person, upon  
2 conviction, is punishable by a fine of of [OR] not more than \$500 [\$200],  
3 or by imprisonment for not more than six months [60 DAYS], or by both.  
4 Each false statement or misrepresentation or failure to disclose a  
5 material fact is a separate offense.

6 \* Sec. 32. AS 23.20.490 is amended to read:

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

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

22 \* Sec. 33. AS 23.20.520(2) is amended to read:

23 (2) "base period" means the first four of the last five com-  
24 pleted calendar quarters immediately preceding the first day of an  
25 individual's benefit year; except that an individual who, immediately  
26 preceding the first day of his benefit year, was unable to work as a  
27 result of injuries compensable under the workmen's compensation Act has  
28 a base period consisting of the first four of the last five completed  
29 quarters immediately preceding his injuries if those quarters were

1 completed within the three years immediately before the individual  
2 claims benefits;

3 \* Sec. 34. AS 23.20.520(12) is amended to read:

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

28 \* Sec. 35. AS 23.20.520 is amended by adding new paragraphs to read:

29 (27) "prevailing wage" means the prevailing rate of wages

1 issued by the department in accordance with AS 36.05.010; if no pre-  
2 vailing rate of wages has been determined for a particular type of work  
3 or for a particular area, the department shall make such a determination  
4 in accordance with regulations adopted by it;

5 (28) "average annual wage" means the amount determined by the  
6 research and analysis section of the department by dividing the total  
7 wages paid by covered employers during a 12-month period by the average  
8 monthly employment reported by covered employers.

9 \* Sec. 36. AS 23.20.340(g) and 23.20.380 are repealed.

10 \* Sec. 37. Pending a final judicial determination as to the propriety of  
11 the United States Secretary of Labor's action, AS 23.20.350(e) and (f),  
12 enacted in sec. 18 of this Act, are suspended upon the condition and at the  
13 time that a withholding, withdrawal, or refusal of certification of the  
14 Alaska Employment Security Act by the United States Secretary of Labor under  
15 26 U.S.C. 3304(c) on the grounds that the Alaska Employment Security Act does  
16 not comply with the requirements of 26 U.S.C. 3304(a)(9)(A) takes effect.

17 \* Sec. 38. AS 23.20.350(e) and (f), enacted in sec. 18 of this Act, are  
18 repealed upon the condition and at the time that a final judicial determina-  
19 tion is made that the provisions of those subsections are not consistent with  
20 the requirements of 26 U.S.C. 3304(a)(9)(A) and that the United States  
21 Secretary of Labor may properly withhold, withdraw, or refuse certification  
22 of the Alaska Employment Security Act under 26 U.S.C. 3304(c) on the grounds  
23 that the Alaska Employment Security Act does not comply with the requirements  
24 of 26 U.S.C. 3304(a)(9)(A).

25 \* Sec. 39. In the event that any of the conditions for obtaining addi-  
26 tional benefits for dependents, enacted in the third sentence of AS 23.20.-  
27 350(b) contained in sec. 16 of this Act, are enjoined or are found to be void  
28 by a final judicial determination, columns C, D and E of the tables set out  
29 in AS 23.20.350(b), enacted in sec. 16 of this Act, are repealed.

1 \* Sec. 40. Section 1 of this Act takes effect immediately in accordance  
2 with AS 01.10.070(c).

3 \* Sec. 41. Sections 6, 8 - 13, 19 - 25, 27 - 33, 35, and 36 of this Act  
4 take effect on July 1, 1978.

5 \* Sec. 42. Sections 2 - 5, 7, 18, and 34 of this Act take effect on  
6 January 1, 1979.

7 \* Sec. 43. Sections 14 - 17 and 26 of this Act take effect on January 1,  
8 1978 and are applicable to all individuals establishing a benefit year on or  
9 after that date.

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