

Original sponsor: Rules Committee by
request of the Governor

Offered: 6/12/78
Referred: Finance

1 IN THE HOUSE

BY THE LABOR AND MANAGEMENT
COMMITTEE

2 SENATE CS FOR 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 AS 23.20.175(a) is repealed and re-enacted to read: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 AS 23.20.175(c) is repealed and re-enacted to read: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, wages do not include that part of remuneration paid
28 during any calendar year to an individual by an employer or his prede-
29 cessor which is in excess of 60 per cent of the average annual wage

1 computed to the nearest multiple of \$1,000.

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

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

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

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

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

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

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

26 (c) The rate of contributions payable by each eligible employer
27 beginning January 1, 1974 and for each succeeding calendar year [THERE-
28 AFTER] is the rate opposite the rate class in that column of the table
29 in this subsection [SECTION] which is appropriate for the calendar year

1 as determined by the reserve multiple of the fund on September 30 of the
 2 preceeding calendar year.

3	A	B	C	D	E	F	G	H	I	J	K	L	
4		Employer's											
5		Cumulative	If the Reserve Multiple of the Fund is:										
6		Payroll	Equal to or										
7		Limits											
8		(Per cent	More										
9		of State	Than	.33	.67	.85	1.0	1.15	1.35	1.5	2.0	3.0	
10		Total											
11	Rate	Ratable	Less										
12	Class	Payroll)	Than	.33	.67	.85	1.0	1.15	1.35	1.5	2.0	3.0	
13			Equal to										
14		More	or Less										
15		Than	Than										
16	1	0	10	3.0	2.6	2.3	1.9	1.6	1.3	1.1	.9	.8	.6
17	2	10	20	3.3	2.9	2.6	2.2	1.9	1.6	1.4	1.2	1.1	.9
18	3	20	30	3.6	3.2	2.9	2.5	2.2	1.9	1.7	1.5	1.4	1.2
19	4	30	40	3.9	3.5	3.2	2.8	2.5	2.2	2.0	1.8	1.7	1.5
20	5	40	50	4.4	4.0	3.7	3.3	3.0	2.7	2.5	2.3	2.2	2.0
21	6	50	60	4.7	4.3	4.0	3.6	3.3	3.0	2.8	2.6	2.5	2.3
22	7	60	70	5.0	4.6	4.3	3.9	3.6	3.3	3.1	2.9	2.8	2.6
23	8	70	80	5.2	4.8	4.5	4.1	3.8	3.5	3.3	3.1	3.0	2.8
24	9	80	90	5.3	4.9	4.6	4.2	3.9	3.6	3.4	3.2	3.1	2.9
25	10	90	100	5.5	5.1	4.8	4.4	4.1	3.8	3.6	3.4	3.3	3.1
26	Employee Rate			.8	.8	.7	.7	.6	.6	.5	.5	.4	.3

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

28 (a) An examiner designated by the department shall take the claim.

29 The examiner shall take all evidence pertaining to the monetary eligi-

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

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

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

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

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

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

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

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

29 (e) The claimant [OR OTHER PARTY TO THE DETERMINATION] may file an

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

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

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

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

22 (a) To be eligible [QUALIFY] for benefits an individual must
23 [SHALL] have earned wages in his base period totaling not less than \$750
24 of which \$100 must have been earned in other than the calendar quarter
25 of his base period in which he earned the highest amount of wages, and
26 at least eight times the weekly benefit amount must [SHALL] have been
27 earned in employment, whether or not covered by this chapter, subsequent
28 to the beginning of a preceding benefit year.

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

1 (b) Except as provided in (a) and (e) of this section, an in-
2 dividual's total weekly benefit amount is \$100 if the individual is
3 without dependents; \$125 if the individual has one dependent; \$150 if
4 the individual has two dependents; and \$175 if the individual has three
5 or more dependents. Each individual who establishes a benefit year is
6 entitled to a total weekly benefit amount as set out in this subsection
7 according to the number of dependents he has on the date he establishes
8 his benefit year and shall be fixed for the duration of the benefit
9 year, except that before benefits are paid for dependents the department
10 shall ascertain that no other insured worker is receiving benefits for
11 the same dependents and each individual seeking employment benefits
12 shall produce evidence satisfactory to the department that the depen-
13 dents claimed are dependents of that person. The amount payable to any
14 insured worker during his benefit year shall be based on the total
15 weekly benefit amount effective on the first day of the benefit year.

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

17 (c) The maximum duration of benefits payable under this chapter is
18 the equivalent of compensation for 28 weeks of total unemployment.

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

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

1 52.

2 (f) The average annual wage for each state under (e) of this
3 section will be computed after June 30 and before December 15 of each
4 year based on the four consecutive calendar quarters ending June 30.
5 The average annual wage will be rounded to the next higher thousand
6 before determining the average weekly wage to be used in (e) of this
7 section. This determination is the applicable average annual wage for
8 the period beginning January 1 of the next year and ending December 31.

9 * Sec. 18. AS 23.20.360 is amended to read:

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

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

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

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

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

9 (1) filed a notice of his unemployment;

10 (2) registered for work; [AND]

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

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

15 * Sec. 21. AS 23.20.375(c) is amended to read:

16 (c) Benefits based on service in employment defined in sec. 525(a)
17 (4), (5), (6) and (14) of this chapter are payable in the same amount,
18 on the same terms and subject to the same conditions as compensation
19 payable on the basis of other service subject to this chapter, except
20 that, effective January 1, 1978, benefits based on service in an in-
21 structional, research or principal administrative capacity for an
22 educational institution, and any benefits based on service in any other
23 capacity for an educational institution other than an institution of
24 higher education, may not be paid to an individual for any week of
25 unemployment which begins during the period between two successive
26 academic years, or during a similar period between two regular terms,
27 whether or not successive, or during a period of paid sabbatical leave
28 provided for in the individual's contract, if the individual performs
29 services in the first of those academic years or terms and if there is a

1 contract or reasonable assurance that the individual will perform ser-
2 vices in the same or a similar capacity for any educational institution
3 in the second of those academic years or terms.

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

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

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

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

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

26 (2) the condition described in (1) of this section occurs
27 during an uninterrupted period of unemployment which follows a week for
28 which he filed a compensable claim and no suitable work was offered him
29 for any part of that week before the beginning of the fishing, hunting,

1 illness, or disability; however, a waiver of disqualification on the
2 basis of illness is only available for a maximum of four consecutive
3 weeks.

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

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

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

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

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

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

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

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

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

25 (e) An insured worker is disqualified for waiting-week credit or
26 benefits for a week of unemployment if, with respect to that week, the
27 department finds that for the week or any part of it he has received or
28 is seeking unemployment benefits under another unemployment security law
29 in a manner other than in accordance with the reciprocal arrangements

1 between the department and other states or the federal government. If
2 the appropriate agency makes a final determination that the worker is
3 not entitled to benefits under the other law, this subsection does not
4 apply.

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

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

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

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

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

28 (2) the labor dispute was caused by the failure or refusal of
29 an employer to conform to the provisions of an agreement or contract

1 between the employer and employee, or a law of the state or of the
2 United States pertaining to hours, wages or other conditions of work.

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

11 (b) No person may be disqualified from receiving benefits under
12 this section unless there is clear evidence that he has made a false
13 statement or a misrepresentation of material fact or has failed to
14 disclose the material facts with the intent to defraud. There must be
15 evidence of an intention to defraud and the act must be knowing and must
16 involve material facts before a determination of fraudulent misrepre-
17 sentation or nondisclosure may be made.

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

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

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

1 nation.

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

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

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

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

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

23 (1) 50 per cent of the total amount of total [REGULAR] bene-
24 fits [, INCLUDING DEPENDENTS' ALLOWANCES,] which were payable to him
25 under this chapter in his applicable benefit year;

26 (2) 13 weeks of compensation for [TIMES HIS AVERAGE WEEKLY
27 BENEFIT AMOUNT, INCLUDING DEPENDENTS' ALLOWANCES, WHICH WAS PAYABLE TO
28 HIM UNDER THIS CHAPTER FOR A WEEK OF] total unemployment in the appli-
29 cable benefit year; or

1 (3) 39 weeks of compensation for [TIMES HIS AVERAGE WEEKLY
2 BENEFIT AMOUNT, INCLUDING DEPENDENTS' ALLOWANCES, WHICH WAS PAYABLE TO
3 HIM UNDER THIS CHAPTER FOR A WEEK OF] total unemployment in the appli-
4 cable benefit year, reduced by the compensation for total unemployment
5 for the number of weeks [TOTAL AMOUNT] of total [REGULAR] benefits which
6 were paid or considered paid to him under this chapter with respect to
7 the benefit year.

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

9 (a) A party entitled to notice of determination provided in sec.
10 340 of this chapter may file an appeal from the determination to an
11 appeal tribunal within the time specified in that section. However, an
12 appeal from a determination which involves sec. 383 [380(9)] of this
13 chapter shall be made to the department. The parties to an appeal from
14 a determination shall include all those entitled to notice of the deter-
15 mination and a properly designated representative of the department.

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

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

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

23 (a) An appeal to the department by a party is a matter of right if
24 the decision of the appeal tribunal reverses or modifies the deter-
25 mination of the department, or if a question arising under sec. 383
26 [380(9)] of this chapter is presented. In all other cases further
27 appeal to the department is permitted only at the discretion of the
28 department.

29 * Sec. 31. AS 23.20.445 is amended to read:

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

16 * Sec. 32. AS 23.20.485 is amended to read:

17 Sec. 23.20.485. FALSE STATEMENT TO SECURE BENEFITS. A person who
18 makes a false statement or misrepresentation knowing it is false or who
19 knowingly fails to disclose a material fact, with intent to obtain or
20 increase a benefit or other payment under this chapter or under an
21 employment security law of another state, of the federal government, or
22 of a foreign government, either for himself or for another person, upon
23 conviction, is punishable by a fine of [OR] not more than \$500 [\$200],
24 or by imprisonment for not more than six months [60 DAYS], or by both.
25 Each false statement or misrepresentation or failure to disclose a
26 material fact is a separate offense.

27 * Sec. 33. AS 23.20.490 is amended to read:

28 Sec. 23.20.490. ACTS OF EMPLOYER PROHIBITED. (a) An employing
29 unit or referral agency or an officer or agent of an employing unit

1 or referral agency may not (1) make a false statement or representation
2 knowing it is false, (2) knowingly fail to disclose a material fact to
3 prevent or reduce the payment of benefits to an individual entitled to
4 them, or to avoid or reduce a contribution or other payment required
5 from an employing unit under this chapter, or (3) knowingly [WILFULLY]
6 fail or refuse to make a contribution or other payment, or to furnish a
7 report required by this chapter or by authority granted under this
8 chapter, or to produce or permit the inspection or copying of records as
9 required by this chapter.

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

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

15 (2) "base period" means the first four of the last five com-
16 pleted calendar quarters immediately preceding the first day of an
17 individual's benefit year; except that an individual who, immediately
18 preceding the first day of his benefit year, was unable to work as a
19 result of injuries compensable under the workmen's compensation Act has
20 a base period consisting of the first four of the last five completed
21 quarters immediately preceding his injuries if those quarters were
22 completed within the three years immediately before the individual
23 claims benefits;

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

25 (12) "employing unit" means one or more departments or other
26 agencies of the state, a political subdivision of the state, an indivi-
27 dual, or a type of organization, partnership, association, trust, estate,
28 joint trust company, insurance company or domestic or foreign corpora-
29 tion, or the receiver, referee in bankruptcy, trustee, or successor of

1 one of these, or the legal representative of a deceased person, which
2 has or, after January 1, 1937, had one or more individuals performing
3 service for it in the state; if an employing unit maintains two or more
4 separate establishments inside the state which fall into different major
5 divisions, as defined in the Standard Industrial Classification Manual,
6 each such establishment is considered as a separate employing unit for
7 the purpose of this chapter [AN INDIVIDUAL PERFORMING SERVICES IN THE
8 STATE FOR AN EMPLOYING UNIT WHICH MAINTAINS TWO OR MORE SEPARATE ESTAB-
9 LISHMENTS IN THE STATE IS CONSIDERED AS EMPLOYED BY A SINGLE EMPLOYING
10 UNIT FOR THE PURPOSES OF THIS CHAPTER]; notwithstanding any provision in
11 this chapter, any employing unit which employs individuals whose ser-
12 vices must be covered by the unemployment insurance laws of this state
13 after December 31, 1971 as a condition of approval of the unemployment
14 insurance laws of this state under sec. 3304(a) of the U.S. Internal
15 Revenue Code of 1954, as amended, will be considered an employer as to
16 those individuals and is subject to contributions on all wages paid
17 after December 31, 1971, or reimbursement payments to cover benefits
18 paid based on services performed after December 31, 1971, depending on
19 the applicable law;

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

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

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

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

2 * Sec. 38. Pending a final judicial determination as to the propriety of
3 the United States Secretary of Labor's action, AS 23.20.350(e) and (f),
4 enacted in sec. 17 of this Act, are suspended upon the condition and at the
5 time that a withholding, withdrawal, or refusal of certification of the
6 Alaska Employment Security Act by the United States Secretary of Labor under
7 26 U.S.C. 3304(c) on the grounds that the Alaska Employment Security Act does
8 not comply with the requirements of 26 U.S.C. 3304(a)(9)(A) takes effect.

9 * Sec. 39. AS 23.20.350(e) and (f), enacted in sec. 17 of this Act, are
10 repealed upon the condition and at the time that a final judicial determina-
11 tion is made that the provisions of those subsections are not consistent with
12 the requirements of 26 U.S.C. 3304(a)(9)(A) and that the United States
13 Secretary of Labor may properly withhold, withdraw, or refuse certification
14 of the Alaska Employment Security Act under 26 U.S.C. 3304(c) on the grounds
15 that the Alaska Employment Security Act does not comply with the requirements
16 of 26 U.S.C. 3304(a)(9)(A).

17 * Sec. 40. In the event that any of the conditions for obtaining addi-
18 tional benefits for dependents, enacted in the third sentence of AS 23.20.-
19 350(b) contained in sec. 15 of this Act, are enjoined or are found to be void
20 by a final judicial determination, benefits based on dependency set out in
21 the first sentence of AS 23.20.350(b), enacted in sec. 15 of this Act, are
22 repealed.

23 * Sec. 41. Section 1 of this Act takes effect immediately in accordance
24 with AS 01.10.070(c).

25 * Sec. 42. Sections 6, 8 - 13, 19 - 26, 28 - 34, 36, and 37 of this Act
26 take effect on July 1, 1978.

27 * Sec. 43. Sections 2 - 5, 7, 18, and 35 of this Act take effect on
28 January 1, 1979.

29 * Sec. 44. Sections 14 - 17 and 27 of this Act take effect on January 1,

1 1979 and are applicable to all individuals establishing a benefit year on or
2 after that date.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

#