

Original sponsor: Judiciary Committee
by request

Offered: 5/12/77
Referred: Rules

1 IN THE SENATE

BY THE LABOR AND
MANAGEMENT COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 116

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

9 * Section 1. AS 23.20.085(c) is amended to read:

10 (c) For the purpose of this section, the terms "other state" and
11 "another state" are considered as including any state or territory of
12 the United States, the District of Columbia, the Commonwealth of Puerto
13 Rico, the Virgin Islands, and Canada, and where applicable are con-
14 sidered as including the federal government.

15 * Sec. 2. AS 23.20.110 is amended by adding new subsections to read:

16 (c) Upon request of an agency of this or another state or of the
17 federal government which administers or operates one or more programs
18 of public assistance under either federal law or the law of this state,
19 or which is charged with any duty or responsibility under any such pro-
20 gram, and if that agency is required by law to impose safeguards for
21 the confidentiality of information at least as effective as required
22 under this section, the department shall provide, with respect to any
23 named individual specified by the requesting agency, the following in-
24 formation:

25 (1) whether the individual is receiving, has received, or has
26 made application for unemployment compensation under this chapter;

27 (2) the period, if any, for which unemployment compensation
28 was payable and the weekly rate of compensation paid;

29 (3) the individual's most recent address; and

1 (4) whether the individual has refused an offer of employ-
2 ment, and, if so, the date of the refusal and a description of the
3 employment refused, including duties, conditions of employment, and rate
4 of pay.

5 (d) The department may require that an agency to which it provides
6 information under this section reimburse the department for its costs of
7 furnishing that information.

8 * Sec. 3. AS 23.20.277(b) and (e) are amended to read:

9 (b) At the end of each calendar quarter, or at the end of any
10 other period as determined by the department, the department shall bill
11 each nonprofit organization, or group of nonprofit organizations, which
12 has elected to make payments in place of contributions for an amount
13 equal to the full amount of regular benefits plus one-half of the amount
14 of extended benefits and in the case of a government entity which has
15 elected to make payments under this section an amount equal to the full
16 amount of the regular benefits plus the full amount of the extended
17 benefits paid during the quarter or other prescribed period that is
18 attributable to service in the employ of the nonprofit organization.

19 (e) At the end of each taxable year, the department shall deter-
20 mine whether the total of payments for the year made by a nonprofit
21 organization is less than, or in excess of, the total amount of regular
22 benefits plus one-half of the amount of extended benefits paid to indi-
23 viduals during the taxable year based on wages attributable to service
24 in the employ of the nonprofit organization; and in the case of a
25 government entity who has elected to make payments under this section,
26 whether the total of payments for the year is less than, or in excess of
27 the total amount of regular benefits plus the total amount of extended
28 benefits as determined in this subsection. Each [NONPROFIT] organization
29 whose total payments for the taxable year are less than the amount so

1 determined is liable for payment of the unpaid balance to the fund in
2 accordance with (f) of this section. If the total payments exceed the
3 amount so determined for the taxable year, all or part of the excess
4 may, at the discretion of the department, be refunded from the fund or
5 retained in the fund as part of the payments which may be required for
6 the next taxable year.

7 * Sec. 4. AS 23.20.278 is amended to read:

8 Sec. 23.20.278. FINANCING BENEFITS PAID TO EMPLOYEES OF THE STATE
9 AND ITS POLITICAL SUBDIVISIONS [STATE HOSPITALS AND INSTITUTIONS OF
10 HIGHER EDUCATION]. A political subdivision or a department, division,
11 or other agency of the [THE] state [OR AN INSTRUMENTALITY OF THE STATE]
12 subject to this chapter, under sec. 525(a)(4) and (14) of this chapter,
13 shall pay contributions under the provisions of sec. 165 of this chapter
14 unless it elects to reimburse the department for the unemployment com-
15 pensation fund according to the provisions applicable to nonprofit
16 organizations under secs. 276 and [SEC.] 277 of this chapter.

17 * Sec. 5. AS 23.20.325(a) is amended to read:

18 (a) A service performed for an employing unit [, INCLUDING STATE
19 DEPARTMENTS AND AGENCIES, MUNICIPALITIES, OR OTHER POLITICAL SUBDIVI-
20 SIONS OF THE STATE,] which is excluded under the definition of employ-
21 ment, and with respect to which no payments are required under the
22 employment security law of another state or of the federal government,
23 is considered employment for all purposes of this chapter if the depart-
24 ment approves a written election to that effect filed by the employing
25 unit for which the service is performed, as of the date stated in the
26 approval. The department may not approve an election unless it (1)
27 includes all the service of the type specified in each establishment or
28 place of business for which the election is made, and (2) is made for
29 not less than two calendar years.

1 * Sec. 6. AS 23.20.375(c) is amended to read:

2 (c) Benefits based on service in employment defined in sec.
3 525(a)(4), (5), [AND] (6) and (14) of this chapter are payable in the
4 same amount, on the same terms and subject to the same conditions as
5 compensation payable on the basis of other service subject to this
6 chapter; except that, effective January 1, 1978, benefits based on
7 service in an instructional, research or principal administrative
8 capacity for an educational institution [IN AN INSTITUTION OF HIGHER
9 EDUCATION AS DEFINED IN SEC. 520 OF THIS CHAPTER] may not be paid to an
10 individual for any week of unemployment which begins during the period
11 between two successive academic years, or during a similar period
12 between two regular terms, whether or not successive, or during a period
13 of paid sabbatical leave provided for in the individual's contract, if
14 the individual performs services in the first of those academic years or
15 terms and if there is a contract or reasonable assurance that the in-
16 dividual will perform services in the same or a similar capacity for any
17 educational institution in the second of those academic years or terms
18 [HAS A CONTRACT OR CONTRACTS TO PERFORM SERVICES IN ANY SUCH CAPACITY
19 FOR ANY INSTITUTION OR INSTITUTIONS OF HIGHER EDUCATION FOR BOTH THE
20 ACADEMIC YEARS OR BOTH TERMS].

21 * Sec. 7. AS 23.20 is amended by adding a new section to read:

22 Sec. 23.20.381. OTHER DISQUALIFICATIONS. (a) Benefits are not
23 payable to any individual on the basis of any services, substantially
24 all of which consist of participation in sports or athletic events or
25 training or preparing to so participate, for any week which commences
26 during the period between two successive seasons or similar periods of
27 that sport or athletic event if that individual performed the services
28 in the first of those seasons or similar periods and there is a reason-
29 able assurance that the individual will perform the same or similar

1 services in the second of those seasons or similar periods.

2 (b) Benefits are not payable on the basis of services performed by
3 an alien unless that alien is an individual who has been lawfully ad-
4 mitted for permanent residence or otherwise is permanently residing in
5 the United States under color of law, including an alien who is lawfully
6 present in the United States as a result of the application of the
7 provisions of sec. 203(a)(7) or sec. 212(d)(5) of the Immigration and
8 Nationality Act, 8 U.S.C. 1153, 8 U.S.C. 1182.

9 (c) Benefits may not be refused under (b) of this section unless
10 any data or information required of individuals to determine whether
11 benefits are not payable to them because of their alien status is
12 uniformly required of all applicants for benefits and, in the case of
13 individuals whose applications for benefits would otherwise be approved,
14 determinations that benefits to those individuals are not payable
15 because of their alien status are made only upon a preponderance of the
16 evidence in the record.

17 (d) Notwithstanding the provisions of (b) or (c) of this section,
18 any other conditions which may be required under any amendments to 26
19 U.S.C. 3304(a)(14) for allowing or denying benefits to aliens as a
20 condition of approval of the unemployment insurance laws of this state
21 under 26 U.S.C. 3304 shall be applied in determining eligibility for
22 benefits under this chapter, commencing on the date on which those
23 conditions are required by federal law to be in effect.

24 * Sec. 8. AS 23.20.408(d) is repealed and re-enacted to read:

25 (d) There is a national "on" indicator for a week if, for the
26 period consisting of that week and the immediately preceding 12 weeks,
27 the rate of insured unemployment, seasonally adjusted for all states, as
28 determined by the United States Secretary of Labor by reference to the
29 average monthly covered employment for the first four of the most

1 recent six calendar quarters ending before the close of the period,
2 equaled or exceeded 4.5 per cent.

3 * Sec. 9. AS 23.20.408(e) is repealed and re-enacted to read:

4 (e) There is a national "off" indicator for a week if, for the
5 period consisting of that week and the immediately preceding 12 weeks,
6 the rate of insured unemployment, seasonally adjusted for all states, as
7 determined by the United States Secretary of Labor by reference to the
8 average monthly covered employment for the first four of the most
9 recent six calendar quarters ending before the close of the period, was
10 less than 4.5 per cent.

11 * Sec. 10. AS 23.20.408(f) is repealed and re-enacted to read:

12 (f) There is a state "on" indicator for a week if the rate of
13 insured unemployment under this chapter for the period consisting of
14 that week and the immediately preceding 12 weeks either:

15 (1) equaled or exceeded 120 per cent of the average rate of
16 insured unemployment for the corresponding 13-week period in each of the
17 preceding two calendar years and equaled or exceeded four per cent; or

18 (2) equaled or exceeded five per cent.

19 * Sec. 11. AS 23.20.408(g) is repealed and re-enacted to read:

20 (g) There is a state "off" indicator for a week if neither (f)(1)
21 nor (f)(2) of this section is satisfied.

22 * Sec. 12. AS 23.20.409(5)(A) is amended to read:

23 (A) has no right to unemployment benefits or allowances,
24 as the case may be, under the Railroad Unemployment Insurance Act
25 [, THE TRADE EXPANSION ACT OF 1962, THE AUTOMOTIVE PRODUCTS TRADE
26 ACT OF 1965,] or under other federal laws which are specified in
27 regulations issued by the United States Secretary of Labor and has
28 not received and is not seeking unemployment benefits under the
29 unemployment compensation law [OF THE VIRGIN ISLANDS OR] of Canada,

1 but if he is seeking these benefits and the appropriate agency
2 finally determines that he is not entitled to benefits under that
3 law he is considered an exhaustee; and either

4 * Sec. 13. AS 23.20.520(12) is amended to read:

5 (12) "employing unit" means one or more departments or other
6 agencies of the state, a political subdivision of the state, an indi-
7 vidual, or a type of organization, partnership, association, trust,
8 estate, joint trust company, insurance company, or domestic or foreign
9 corporation, or the receiver, referee in bankruptcy, trustee, or suc-
10 cessor of one of these, or the legal representative of a deceased
11 person, which has or subsequent to January 1, 1937, had one or more
12 individuals performing service for it within the state; an individual
13 performing services inside the state for an employing unit which main-
14 tains two or more separate establishments inside the state is considered
15 as employed by a single employing unit for the purposes of this chapter;
16 notwithstanding any provision in this chapter, any employing unit which
17 employs individuals whose services must be covered by the unemployment
18 insurance laws of this state after December 31, 1971 as a condition of
19 approval of the unemployment insurance laws of this state under sec.
20 3304(a) of the U.S. Internal Revenue Code of 1954, as amended, will be
21 considered an employer as to those individuals and is subject to con-
22 tributions on all wages paid after December 31, 1971, or reimbursement
23 payments to cover benefits paid based on services performed after
24 December 31, 1971, depending on the applicable law;

25 * Sec. 14. AS 23.20.520(19) is amended to read:

26 (19) "state" includes the states of the United States of
27 America, the District of Columbia, [AND] the Commonwealth of Puerto
28 Rico, and the Virgin Islands;

29 * Sec. 15. AS 23.20.525(a)(4) is amended to read:

1 (4) service performed after December 31, 1971 and through
2 December 31, 1977 by an individual in the employ of this state or any
3 instrumentality of this state, or in the employ of this state and one
4 or more states or their instrumentalities, for a hospital or institution
5 of higher education in this state (except service described in sec.
6 526(d) of this chapter) if the service is excluded from the term "employ-
7 ment" solely by reason of sec. 3306(c)(7) of the Federal Unemployment
8 Tax Act;

9 * Sec. 16. AS 23.20.525(a)(5) is amended to read:

10 (5) service performed before January 1, 1978 in the employ of
11 a political subdivision of this state or a wholly owned instrumentality
12 of a political subdivision of this state, if coverage was [IS] elected
13 under sec. 325 or sec. 326 of this chapter;

14 * Sec. 17. AS 23.20.525(a)(7) is amended to read:

15 (7) service of an individual who is a citizen of the United
16 States, performed outside the United States (except in Canada [OR THE
17 VIRGIN ISLANDS]), after December 31, 1971 in the employ of an American
18 employer, or of this state or of any of its instrumentalities or any of
19 its political subdivisions, (other than service which is considered
20 "employment" under the provisions of (11) or (12) of this subsection or
21 the parallel provisions of the law of another state), if

22 (A) the employer's principal place of business in the
23 United States is located in this state; or

24 (B) the employer has no place of business in the United
25 States, but

26 (i) the employer is an individual who is a resident
27 of this state; or

28 (ii) the employer is a corporation which is organ-
29 ized under the laws of this state; or

1 (iii) the employer is a partnership or a trust and
2 the number of the partners or trustees who are residents of
3 this state is greater than the number who are residents of any
4 one other state; or

5 (C) none of the criteria in (A) and (B) of this para-
6 graph is met but the employer has elected coverage in this state
7 or, the employer having failed to elect coverage in any state, the
8 individual has filed a claim for benefits, based on service de-
9 scribed in this paragraph, under the law of this state;

10 * Sec. 18. AS 23.20.525(a) is amended by adding new paragraphs to read:

11 (14) service performed after December 31, 1977 in the employ
12 of this state or any of its instrumentalities or any political sub-
13 division of this state or any of its instrumentalities or any instru-
14 mentality of any of the foregoing and one or more other states or
15 political subdivisions, if that service is excluded from "employment" as
16 defined in section 3306(c)(7) of the Federal Unemployment Tax Act and is
17 not excluded from "employment" under sec. 526(d)(8) of this chapter;

18 (15) domestic services performed after December 31, 1977 for
19 an employer who paid wages of \$1,000 or more in any calendar quarter in
20 the current or preceding calendar year for those services;

21 (16) service performed after December 31, 1977 by an indivi-
22 dual in agricultural labor when that service is performed for a person
23 who:

24 (A) during any calendar quarter in either the current or
25 the preceding year paid remuneration in cash of \$20,000 or more to
26 individuals employed in agricultural labor; or

27 (B) employed in agricultural labor 10 or more indivi-
28 duals for some portion of the day in each of at least 20 different
29 calendar weeks in either the current or the preceding calendar

1 year, whether or not the weeks were consecutive, and regardless of
2 whether the individuals were employed at the same moment of time;

3 (C) for the purposes of this paragraph any individual
4 who is a member of a crew furnished by a crew leader to perform
5 service in agricultural labor for any other person shall be treated
6 as an employee of that crew leader

7 (i) if that crew leader holds a valid certificate
8 of registration under the Farm Labor Contractor Registration
9 Act of 1963, or substantially all the members of that crew
10 operate or maintain tractors, mechanized harvesting or crop-
11 dusting equipment, or any other mechanized equipment, which is
12 provided by that crew leader; and

13 (ii) if that individual is not an employee of that
14 other person within the meaning of (A) of this paragraph;

15 (D) for the purposes of this paragraph, in the case of
16 an individual who is furnished by a crew leader to perform service
17 in agricultural labor for any other person and who is not treated
18 as an employee of that crew leader under (C) of this paragraph,

19 (i) that other person and not the crew leader shall
20 be treated as the employer of that individual; and

21 (ii) that other person shall be treated as having
22 paid cash remuneration to that individual in an amount equal
23 to the amount of cash remuneration paid to that individual by
24 the crew leader (either on his own behalf or on behalf of that
25 other person) for the service in agricultural labor performed
26 for that other person;

27 (E) for the purposes of this paragraph, the term "crew
28 leader" means an individual who

29 (i) furnishes individuals to perform service in

1 agricultural labor for any other person;

2 (ii) pays (either on his own behalf or on behalf of
3 that other person) the individuals so furnished by him for the
4 service in agricultural labor performed by them; and

5 (iii) has not entered into a written agreement with
6 that farm operator under which the agricultural worker is
7 designated as an employee of that farm operator.

8 * Sec. 19. AS 23.20.526(a)(1) is amended to read:

9 (1) domestic service in a private home, except as provided in
10 sec. 525(a)(15) of this chapter;

11 * Sec. 20. AS 23.20.526(a)(15) is amended to read:

12 (15) service performed by an individual in agricultural
13 labor, except as provided in sec. 525(a)(16) of this chapter; the term
14 "agricultural labor" means remunerated service

15 (A) on a farm, in the employ of any person in connection
16 with cultivating the soil, or in connection with raising or har-
17 vesting any agricultural or horticultural commodity, including the
18 raising, shearing, feeding, caring for, training, and management of
19 livestock, bees, poultry, and fur-bearing animals and wildlife;

20 (B) in the employ of the owner or tenant or other oper-
21 ator of a farm, in connection with the operation, management,
22 conservation, improvement, or maintenance of the farm and its tools
23 and equipment, or in salvaging timber or clearing land of brush and
24 other debris left by a hurricane, if the major part of the service
25 is performed on a farm;

26 (C) in connection with the production or harvesting of
27 any commodity defined as an agricultural commodity in sec. 15(g) of
28 the Agricultural Marketing Act, as amended (46 Stat. 1550, sec. 3;
29 12 U.S.C. 1141j), or in connection with the operation or

1 maintenance of ditches, canals, reservoirs, or waterways, not owned
2 or operated for profit, used exclusively for supplying and storing
3 water for farming purposes;

4 (D) in the employ of the operator of a farm in handling,
5 planting, drying, packing, packaging, processing, freezing, grad-
6 ing, storing or delivering to storage or to market or to a carrier
7 for transportation to market, in its unmanufactured state, any
8 agricultural or horticultural commodity; but only if the operator
9 produced more than one-half of the commodity with respect to which
10 the service is performed except as stated in (b) of this section;

11 (E) in the employ of a group of operators of farms (or
12 a cooperative organization of which the operators are members) in
13 the performance of service described in (D) of this paragraph, but
14 only if the operators produced more than one-half of the commodity
15 ;with respect to which the service is performed;

16 (F) on a farm operated for profit if the service is not
17 in the course of the employer's trade or business [OR IS DOMESTIC
18 SERVICE IN A PRIVATE HOME OF THE EMPLOYER].

19 * Sec. 21. AS 23.20.526(d) is amended to read:

20 (d) For the purposes of sec. 525(a)(4), (5), [AND] (6) and (14)
21 of this chapter, the term "employment" does not apply to service per-
22 formed

23 (1) by a duly ordained, commissioned, or licensed minister of
24 a church in the exercise of his ministry or by a member of a religious
25 order in the exercise of duties required by the order;

26 (2) in a facility conducted for the purpose of carrying out
27 a program of rehabilitation for individuals whose earning capacity is
28 impaired by age or physical or mental deficiency or injury or providing
29 remunerative work for individuals who, because of their impaired physi-

1 cal or mental capacity, cannot be readily absorbed in the competitive
2 labor market by an individual receiving the rehabilitation or remuner-
3 ative work;

4 (3) as part of an unemployment work-relief or work-training
5 program assisted or financed in whole or in part by any federal agency
6 or any agency of a state or political subdivision thereof, by an indivi-
7 dual receiving work relief or work training;

8 (4) for a state hospital by an inmate of a prison or correc-
9 tional institution;

10 (5) in the employ of a school, college, or university, if the
11 service is performed by a student who is enrolled and is regularly
12 attending classes at the school, college or university;

13 (6) by an individual under the age of 22 who is enrolled at
14 a nonprofit or public educational institution which normally maintains
15 a regular faculty and curriculum and normally has a regularly organized
16 body of students in attendance at the place where its educational
17 activities are carried on as a student in a full-time program, taken for
18 credit at the institution, which combines academic instruction with work
19 experience, if the service is an integral part of the program, and the
20 institution has so certified to the employer, except that this paragraph
21 does not apply to service performed in a program established for or on
22 behalf of an employer or group of employers;

23 (7) in the employ of a hospital, if the service is performed
24 by a patient of a hospital, as defined in sec. 520 of this chapter.

25 * Sec. 22. AS 23.20.526(d) is amended by adding a new paragraph to read:

26 (8) in the employ of the state or a political subdivision of
27 the state if the service is performed by an individual in the exercise
28 of duties:

29 (A) as a "public official" as defined in AS 39.50.200(1)

1 or any other elected official;

2 (B) as a member of the Alaska Army National Guard or
3 Alaska Air National Guard or Alaska Naval Militia; or

4 (C) as an employee serving on only a temporary basis in
5 case of fire, storm, snow, earthquake, flood, or similar emergency.

6 * Sec. 23. AS 23.20.526(a) is amended by adding a new paragraph to read:

7 (20) service performed by an individual on a boat engaged in
8 catching fish or other forms of aquatic animal life under an arrangement
9 with the owner or operator of that boat under which

10 (A) that individual does not receive any cash remunera-
11 tion except as provided in (B) of this paragraph;

12 (B) that individual receives a share of the boat's (or
13 the boats' in the case of a fishing operation involving more than
14 one boat) catch of fish or other forms of aquatic animal life or a
15 share of the proceeds from the sale of that catch; and

16 (C) the amount of that individual's share depends on the
17 amount of the boat's (or the boats' in the case of a fishing opera-
18 tion involving more than one boat) catch of fish or other forms of
19 aquatic animal life; but only if the operating crew of that boat
20 (or each boat from which the individual receives a share in the
21 case of a fishing operation involving more than one boat) is nor-
22 mally made up of fewer than 10 individuals.

23 * Sec. 24. AS 23.20.530(b) is amended by adding a new paragraph to read:

24 (11) the amount of payment made to an individual for services
25 performed on a boat engaged in catching fish or other forms of aquatic
26 animal life under an arrangement with the owner or operator of that boat
27 under which

28 (A) that individual does not receive any cash remunera-
29 tion except as provided in (B) of this paragraph;

1 (B) that individual receives a share of the boat's (or
2 the boats' in the case of a fishing operation involving more than
3 one boat) catch of fish or other forms of aquatic animal life or a
4 share of the proceeds from the sale of that catch; and

5 (C) the amount of that individual's share depends on the
6 amount of the boat's (or the boats' in the case of a fishing
7 operation involving more than one boat) catch of fish or other
8 forms of aquatic animal life; but only if the operating crew of
9 that boat (or each boat from which the individual receives a share
10 in the case of a fishing operation involving more than one boat) is
11 normally made up of fewer than 10 individuals.

12 * Sec. 25. The following laws are repealed: AS 23.20.012, 23.20.015,
13 23.20.326, 23.20.408(c), and 23.20.526(a)(16) and (18).

14 * Sec. 26. AS 23.20.515 is repealed.

15 * Sec. 27. (a) Notwithstanding the provisions of AS 23.20.350, benefits
16 may be paid to an individual after December 31, 1977 on wages earned by that
17 individual in a category of employment which was not covered under AS 23.20
18 at any time during calendar year 1975 and which was service which is covered
19 under AS 23.20, effective January 1, 1978, as the result of enactment of sec.
20 19 of this Act.

21 (b) An employing unit which elects to make payments in place of contri-
22 butions as provided in AS 23.20.278, as enacted by sec. 3 of this Act, is not
23 liable to make those payments with respect to benefits paid to an individual
24 as a result of the operation of (a) of this section to the extent that the
25 unemployment compensation fund is reimbursed for those benefits under sec.
26 121 of P. L. 94-566.

27 * Sec. 28. Sections 8 and 9 of this Act take effect immediately in accor-
28 dance with AS 01.10.070(c) and are retroactive to December 31, 1976.

29 * Sec. 29. Sections 10 and 11 of this Act take effect immediately in

1 accordance with AS 01.10.070(c) and are retroactive to March 30, 1977.

2 * Sec. 30. Sections 1, 12, 14 and 17 of this Act take effect on the day
3 after the day on which the United States Secretary of Labor approves for the
4 first time under 26 U.S.C. 3304(a) an unemployment compensation law submitted
5 to him by the Virgin Islands.

6 * Sec. 31. Sections 2 - 7, 13, 18 - 22, and 25 of this Act take effect
7 on January 1, 1978.

8 * Sec. 32. Sections 4, 5, 13, 15, 16, 21 and 22 of this Act, AS 23.20.-
9 525(a)(14) as enacted by sec. 18 of this Act and the repeal of AS 23.20.526-
10 (a)(16) and (18) enacted in sec. 25 of this Act are suspended for the period
11 in which an injunction issued by a federal court of competent jurisdiction
12 prohibiting the enforcement of 26 U.S.C. 3304(a)(6) remains in effect.

13 * Sec. 33. Sections 4, 5, 13, 15, 16, 21 and 22 of this Act, AS 23.20.525-
14 (a)(14) as enacted in sec. 18 of this Act, and the repeal of AS 23.20.526(a)-
15 (16) and (18) enacted in sec. 25 of this Act are repealed and the language
16 of AS 23.20.278, 23.20.325(a), 23.20.520(12), 23.20.525(a)(4), (5), and (14),
17 23.20.526(a)(16) and (18) and 23.20.526(d), as it existed before January 1,
18 1978, is revived.

19 * Sec. 34. Section 33 of this Act takes effect upon the condition and at
20 the time that:

21 (1) a decision of a federal court of competent jurisdiction, which
22 decision is not subject to appeal or for which the time in which to appeal
23 has run without an appeal having been taken, that the requirement of 26
24 U.S.C. 3304(a)(6) is unconstitutional becomes final; or

25 (2) Congressional repeal of 26 U.S.C. 3304(a)(6) takes effect in
26 accordance with law.

27 * Sec. 35. Sections 23, 24, and 26 of this Act take effect immediately in
28 accordance with AS 01.10.070(c) and are retroactive to April 1, 1977, except
29 that secs. 23, 24 and 26 of this Act shall become inoperative and void if the

1 United States Secretary of Labor, within 30 days after the effective date of
2 this Act, finds that the provisions of this Act do not meet the requirements
3 of section 1207(e) of the Tax Reform Act of 1976 (P.L. 94-455) and section
4 3306(c) of the Federal Unemployment Tax Act (26 U.S.C. 3306(c)).

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