

**SB**

**170**

<target><bill>SB 170</bill><subject>SB  
170</subject><comm>SF26</comm></target>

# ALASKA STATE LEGISLATURE

Finance Committee  
•  
Health & Social Services Committee  
•  
Legislative Council  
•  
Committee on Committees



*While in Session*  
State Capitol, Rm. 103  
Juneau, AK 99801  
(907) 465-3704  
Fax: (907) 465-2529

*While in Anchorage*  
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Anchorage, AK 99501  
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SENATE MAJORITY LEADER  
JOHNNY ELLIS

## SPONSOR STATEMENT – SENATE BILL 170

**SB 170 – An Act modifying the Alaska unemployment insurance statutes to comply with the requirements of the federal economic stimulus bill by redefining the base period for determining eligibility for unemployment benefits; and providing for an effective date.**

Senate Bill 170 updates Alaska's unemployment insurance statutes to conform to the federal unemployment insurance modernization provisions included in the American Recovery and Reinvestment Act of 2009, commonly known as the federal stimulus bill. ARRA provides over \$16 million in funding to support these changes, which includes just over \$1 million in administrative assistance. This funding is conditional on making the changes included in SB 170. Of the three provisions necessary to receive this funding, Alaska is already in compliance with the two more difficult requirements. The bill meets the final requirement by creating an alternative base period to determine an unemployed person's eligibility for unemployment insurance.

Thirteen Governors (including seven Republicans) from across the country have expressed their intention to make these changes, and four states already comply. Iowa and South Dakota have already passed legislation to modernize their UI systems and accept their share of the federal money, and Georgia is in the process, with the support of each of their Governors. Any funding sources Alaska chooses not to take advantage of will be re-allocated to the federal UI program that will put it to use rather than being used to reduce federal deficit spending.

The Alaska Department of Labor estimated that the alternative base period would make approximately 1,300 more Alaskans eligible for unemployment insurance compensation each year. This change will help low-income Alaskans weather the national economic downturn without placing an undue hardship on employers and small businesses that support the UI trust fund. The estimated impact on the UI trust fund in calendar year 2008 had this change been in place would have been approximately \$1.9 million in additional payments (on top of the \$121 million paid out already). This amount is small enough in comparison to the overall size of the fund's corpus - \$351 million at the end of 2008 – the annual investment returns, and the additional federal funds which would become available, that the impact on business taxes would be negligible.

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SENATE MAJORITY LEADER  
JOHNNY ELLIS

## FREQUENTLY ASKED QUESTIONS

### ABOUT UNEMPLOYMENT INSURANCE MODERNIZATION FUNDING IN THE FEDERAL STIMULUS

The American Recovery and Reinvestment Act of 2009, better known as the federal stimulus, has been the subject of intense scrutiny here in Alaska and around the country. Because of the amount of interest and complexity of the stimulus bill, there has been significant confusion about a number of specific points. In the interest of ensuring accuracy in the conversation around Senate Bill 170 and the unemployment insurance funds in the federal stimulus, this sheet attempts to address some of those common misconceptions around the specific changes proposed in this bill.

*Q: What changes Alaska must make to our unemployment insurance program to be eligible for the modernization incentive? Many states are concerned that changes to the UI statutes will require significant expansions of eligibility requirements.*

**A:** The US Department of Labor has certified that **Alaska already meets two of the three qualifications** for the unemployment insurance modernization incentive funds. The first third of the money is contingent on a state including an alternative base period to determine eligibility, which is the change SB170 proposes. The second two-thirds are based on a state allowing UI payments to be made to unemployed workers who fit at least two of the following four conditions: part-time workers, workers enrolled in training programs, workers who leave their jobs for compelling family reasons, and additional benefits for workers with dependents. Alaska already meets the final two categories, making further change unnecessary. Many other states need to make all three changes.

*Q: Won't those changes mean increased numbers of people receiving UI benefits and increase business taxes over the long term?*

**A:** The Alaska Department of Labor has determined that had the changes in SB170 been in effect in calendar year 2008, 1,300 additional people would have been eligible for \$1.9 million in payments. The amount necessary to keep the UI trust fund solvent, given the current balance of over \$350 million, is significantly less than the amount offered by the federal government. After seeing these calculations, the **National Federation of Independent Business – Alaska endorsed SB170** as “a relatively simple administrative change the cost of which will be born by stimulus funding. . . This is good for individual Alaskans, employers, and Alaska’s economy.”

*Q: What is the effect on state government of accepting short-term federal money? Will we be forced to close down the existing programs or replace the federal dollars with state funds?*

**A:** While the stimulus does not mandate that any federal funds be replaced, the unemployment insurance modernization funds provided are **more than enough to cover the costs of the expansion indefinitely**. The state Department of Labor is determining exactly how much of the

\$15.6 million Alaska would be eligible for if SB170 is adopted would need to be deposited in the UI trust fund to maintain solvency, but it is expected to be significantly less than the available total, freeing up the rest of the money to support job training and workforce development programs.

*Q: If all the money is not necessary to shore up the UI trust fund, what will be done with it, and how can we be assured that it will not create a long-term growth in government?*

A: The UI modernization incentive funds are eligible to be used for three purposes: paying UI benefits, administering the UI program, or job training programs. It is our intent that funding in excess of the amount required to pay benefits without increasing taxes would be appropriated to support job training. Alaska is currently facing the highest unemployment rates in a generation, and we are facing a massive shortage of qualified workers as we approach construction on a natural gas pipeline. The confluence of these two events makes the timing perfect for a **highly targeted short term expansion of workforce development programs**, the need for which will decline as the federal money runs out.

*Q: Are these stimulus funds a backdoor approach to increasing state spending through the requirement of a state match?*

A: There are some stimulus programs that require a state match component to participate, but the UI modernization is not one of them. It is also worth noting that other stimulus programs serve to reduce state spending, either by increasing federal reimbursement levels or eliminating state match components altogether.

*Q: Some are concerned about the impact of the federal stimulus package on the overall federal debt. Many of these criticisms portray the stimulus package as burdening the future and passing debt on to future generations.*

A: The federal debt is a very serious issue, and significant action must be taken to undo the fiscal impacts of the last eight years and return to the surpluses left by the Clinton Administration. Unfortunately, **state action on the stimulus cannot have any impact**. All funds have already been appropriated by the federal government, and any moneys not accepted by Alaska will be re-routed to other states that are willing to take advantage of them – many of which have already stated their willingness to do so due to the hardships caused by the current economic downturn.

*Q: A major consideration for some has been potential strings attached to federal funds, and what a change in statute now means for the future.*

A: Any changes to state statute that are made to maximize federal funding are done freely, after a detailed examination of the positive and negative attributes of the package. While the unemployment insurance section of the stimulus explicitly prohibits sunset clauses or temporary provisions, there is **no prohibition on future legislatures re-examining the program** and making whatever changes they see fit.

*Q: Doesn't increasing our reliance on federal funding create a potential loss of state sovereignty? Many are concerned that the stimulus funds represent a marked increase in moneys contingent on compliance with federal mandates.*

A: The fiscal year 2010 operating budget contains approximately \$2.8 billion in federal funds, almost all attached to highly specific instructions on how it may be spent. Since its inception, the state of Alaska has received tens of billions of dollars from the federal government, and our delegation to Congress, most notably Sen. Ted Stevens, has made careers out of maximizing the number of federal dollars that flow into our state.

# NFIB

The Voice of Small Business®

ALASKA

March 25, 2009

The Honorable Johnny Ellis  
State Capitol Building  
Juneau Alaska 99801-1182

RE: Senate Bill 170

Dear

On behalf of the National Federation of Independent Business/Alaska, I wish to express our appreciation and understanding of your introduction of Senate Bill 170. The National Federation of Independent Business is the largest small-business advocacy group in Alaska.

As you know, NFIB/AK had strong reservations about the state taking stimulus money for the Unemployment Insurance Program. We worked with you over the last two years to update our program and we had no desire to have the federal government dictate revisions to our program that were nor in the best interest of Alaskan businesses and their employees.

I am pleased to tell you that the Alaska Department of Labor and Workforce Development has done a great service to Alaska by fighting the US Department of Labor and winning! As a result of their efforts, Alaska will not need to change any of its statutes relative to eligibility or determinations of able and available for work. Because of this great victory for Alaska, NFIB/AK withdraws our opposition to accepting federal stimulus funds for the Unemployment Insurance Program.

NFIB/AK understands that we will need to amend our statutes relative to the base period for the calculation of eligibility. This is a relatively simple administrative change the cost of which will be born by stimulus funding. The larger benefit to Alaska will be the availability of funding that can be used for additional vocational training to assist unemployed Alaskans get back into the workforce more quickly. This is good for individual Alaskans, employers and Alaska's economy.

NFIB/AK is pleased to have been able to work with Governor Palin, the Alaska Department of Labor and Workforce Development and you, Senator Ellis, to find this

Senator Johnny Ellis  
March 25, 2009  
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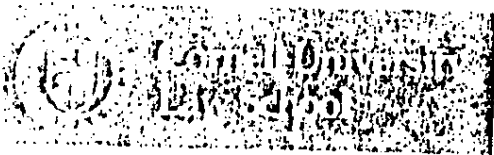
solution that allows Alaska to accept a portion of the stimulus funding without making any significant or inappropriate changes to our Unemployment Insurance Program.

Sincerely yours,



Dennis L. DeWitt  
Alaska State Lobbyist

Cc: Senate Labor & Commerce Committee  
Governor Sarah Palin  
Karen Rehfeld, Office of Management & Budget  
Commissioner Clark Bishop  
✓ Senator Bert Stedman  
Senator Lyman Hoffman  
Representative Mike Hawker  
Representative Bill Stoltze



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## U.S. Code collection

TITLE 26 > Subtitle C > CHAPTER 23 > § 3309

### § 3309. State law coverage of services performed for nonprofit organizations or governmental entities

#### (a) State law requirements

For purposes of section 3304 (a) (6)—

(1) except as otherwise provided in subsections (b) and (c), the services to which this paragraph applies are—

(A) service excluded from the term “employment” solely by reason of paragraph (8) of section 3306 (c), and

(B) service excluded from the term “employment” solely by reason of paragraph (7) of section 3306 (c); and

(2) the State law shall provide that a governmental entity, including an Indian tribe, or any other organization (or group of governmental entities or other organizations) which, but for the requirements of this paragraph, would be liable for contributions with respect to service to which paragraph (1) applies may elect, for such minimum period and at such time as may be provided by State law, to pay (in lieu of such contributions) into the State unemployment fund amounts equal to the amounts of compensation attributable under the State law to such service. The State law may provide safeguards to ensure that governmental entities or other organizations so electing will make the payments required under such elections.

**(b) Section not to apply to certain service**

This section shall not apply to service performed—

**(1)** in the employ of

**(A)** a church or convention or association of churches,

**(B)** an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches, or

**(C)** an elementary or secondary school which is operated primarily for religious purposes, which is described in section 501 (c)(3), and which is exempt from tax under section 501 (a);

**(2)** by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order;

**(3)** in the employ of a governmental entity referred to in paragraph (7) of section 3306 (c), if such service is performed by an individual in the exercise of his duties—

**(A)** as an elected official;

**(B)** as a member of a legislative body, or a member of the judiciary, of a State or political subdivision thereof, or of an Indian tribe;

**(C)** as a member of the State National Guard or Air National Guard;

**(D)** as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;

**(E)** in a position which, under or pursuant to the State or tribal law, is designated as

**(i)** a major nontenured policymaking or advisory position, or

**(ii)** a policymaking or advisory position the performance of the duties of which ordinarily does

not require more than 8 hours per week; or

(F) as an election official or election worker if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than \$1,000;

(4) in a facility conducted for the purpose of carrying out a program of—

(A) rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or

(B) providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market,

by an individual receiving such rehabilitation or remunerative work;

(5) as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any Federal agency or an agency of a State or political subdivision thereof or of an Indian tribe, by an individual receiving such work relief or work training; and

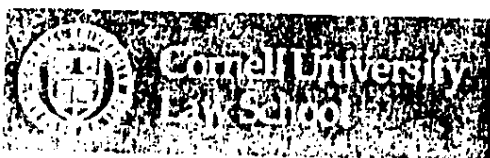
(6) by an inmate of a custodial or penal institution.

**(c) Nonprofit organizations must employ 4 or more**

This section shall not apply to service performed during any calendar year in the employ of any organization unless on each of some 20 days during such calendar year or the preceding calendar year, each day being in a different calendar week, the total number of individuals who were employed by such organization in employment (determined without regard to section 3306 (c)(8) and by excluding service to which this section does not apply by reason of subsection (b)) for some portion of the day (whether or not at the same moment of time) was 4 or more.

**(d) Election by Indian tribe**

The State law shall provide that an Indian tribe may make contributions for employment as if the employment is within the meaning of section 3306 or make payments in lieu of contributions under this section, and shall provide that an Indian tribe may make separate elections for itself and each subdivision, subsidiary, or business enterprise wholly owned by such Indian tribe. State law may require a tribe to post a payment bond or take other reasonable measures to assure the making of payments in lieu of contributions under this section. Notwithstanding the requirements of section 3306 (a)(6), if, within 90 days of having received a notice of delinquency, a tribe fails to make contributions, payments in lieu of contributions, or payment of penalties or interest (at amounts or rates comparable to those applied to all other employers covered under the State law) assessed with respect to such failure, or if the tribe fails to post a required payment bond, then service for the tribe shall not be excepted from employment under section 3306 (c)(7) until any such failure is corrected. This subsection shall apply to an Indian tribe within the meaning of section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b (e)).



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## U.S. Code collection

TITLE 26 > Subtitle C > CHAPTER 23 > § 3306

### § 3306. Definitions

#### (a) Employer

this chapter—

For purposes of

#### (1) In general

The term “employer” means, with respect to any calendar year, any person who—

(A) during any calendar quarter in the calendar year or the preceding calendar year paid wages of \$1,500 or more, or

(B) on each of some 20 days during the calendar year or during the preceding calendar year, each day being in a different calendar week, employed at least one individual in employment for some portion of the day.

For purposes of this paragraph, there shall not be taken into account any wages paid to, or employment of, an employee performing domestic services referred to in paragraph (3).

#### (2) Agricultural labor

In the case of agricultural labor, the term “employer” means, with respect to any calendar year, any person who—

(A) during any calendar quarter in the calendar year or the preceding calendar year paid wages of \$20,000 or more for agricultural labor, or

(B) on each of some 20 days during the calendar year

or during the preceding calendar year, each day being in a different calendar week, employed at least 10 individuals in employment in agricultural labor for some portion of the day.

### **(3) Domestic service**

In the case of domestic service in a private home, local college club, or local chapter of a college fraternity or sorority, the term "employer" means, with respect to any calendar year, any person who during any calendar quarter in the calendar year or the preceding calendar year paid wages in cash of \$1,000 or more for such service.

### **(4) Special rule**

A person treated as an employer under paragraph (3) shall not be treated as an employer with respect to wages paid for any service other than domestic service referred to in paragraph (3) unless such person is treated as an employer under paragraph (1) or (2) with respect to such other service.

## **(b) Wages**

For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration (including benefits) paid in any medium other than cash; except that such term shall not include—

**(1)** that part of the remuneration which, after remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) equal to \$7,000 with respect to employment has been paid to an individual by an employer during any calendar year, is paid to such individual by such employer during such calendar year. If an employer (hereinafter referred to as successor employer) during any calendar year acquires substantially all the property used in a trade or business of another employer (hereinafter referred to as a predecessor), or used in a separate unit of a trade or business of a predecessor, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessor, then, for the purpose

of determining whether the successor employer has paid remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) with respect to employment equal to \$7,000 to such individual during such calendar year, any remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) with respect to employment paid (or considered under this paragraph as having been paid) to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as having been paid by such successor employer;

**(2)** the amount of any payment (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) made to, or on behalf of, an employee or any of his dependents under a plan or system established by an employer which makes provision for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents), on account of—

**(A)** sickness or accident disability (but, in the case of payments made to an employee or any of his dependents, this subparagraph shall exclude from the term "wages" only payments which are received under a workmen's compensation law), or

**(B)** medical or hospitalization expenses in connection with sickness or accident disability, or

**(C)** death;

**[(3)** Repealed. Pub. L. 98-21, title III, § 324(b)(3)(B), Apr. 20, 1983, 97 Stat. 124]

**(4)** any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employer to, or on behalf of, an employee after the expiration of 6 calendar months following the last calendar month in which the employee worked for such employer;

**(5)** any payment made to, or on behalf of, an employee or his beneficiary—

- (A) from or to a trust described in section 401 (a) which is exempt from tax under section 501 (a) at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust, or
- (B) under or to an annuity plan which, at the time of such payment, is a plan described in section 403 (a),
- (C) under a simplified employee pension (as defined in section 408 (k)(1)), other than any contributions described in section 408 (k)(6),
- (D) under or to an annuity contract described in section 403 (b), other than a payment for the purchase of such contract which is made by reason of a salary reduction agreement (whether evidenced by a written instrument or otherwise),
- (E) under or to an exempt governmental deferred compensation plan (as defined in section 3121 (v)(3)),
- (F) to supplement pension benefits under a plan or trust described in any of the foregoing provisions of this paragraph to take into account some portion or all of the increase in the cost of living (as determined by the Secretary of Labor) since retirement but only if such supplemental payments are under a plan which is treated as a welfare plan under section 3(2)(B)(ii) of the Employee Retirement Income Security Act of 1974; [1]
- (G) under a cafeteria plan (within the meaning of section 125) if such payment would not be treated as wages without regard to such plan and it is reasonable to believe that (if section 125 applied for purposes of this section) section 125 would not treat any wages as constructively received, or
- (H) under an arrangement to which section 408 (p) applies, other than any elective contributions under paragraph (2)(A)(i) thereof, [2]
- (6) the payment by an employer (without deduction from the remuneration of the employee)—

**(A)** of the tax imposed upon an employee under section 3101, or

**(B)** of any payment required from an employee under a State unemployment compensation law,

with respect to remuneration paid to an employee for domestic service in a private home of the employer or for agricultural labor;

**(7)** remuneration paid in any medium other than cash to an employee for service not in the course of the employer's trade or business;

**[(8)** Repealed. Pub. L. 98-21, title III, § 324(b)(3)(B), Apr. 20, 1983, 97 Stat. 124]

**(9)** remuneration paid to or on behalf of an employee if (and to the extent that) at the time of the payment of such remuneration it is reasonable to believe that a corresponding deduction is allowable under section 217 (determined without regard to section 274 (n));

**(10)** any payment or series of payments by an employer to an employee or any of his dependents which is paid—

**(A)** upon or after the termination of an employee's employment relationship because of

**(i)** death, or

**(ii)** retirement for disability, and

**(B)** under a plan established by the employer which makes provision for his employees generally or a class or classes of his employees (or for such employees or class or classes of employees and their dependents),

other than any such payment or series of payments which would have been paid if the employee's employment relationship had not been so terminated;

**(11)** remuneration for agricultural labor paid in any medium other than cash;

**(12)** any contribution, payment, or service, provided by an employer which may be excluded from the gross income of

an employee, his spouse, or his dependents, under the provisions of section 120 (relating to amounts received under qualified group legal services plans);

**(13)** any payment made, or benefit furnished, to or for the benefit of an employee if at the time of such payment or such furnishing it is reasonable to believe that the employee will be able to exclude such payment or benefit from income under section 127, 129, 134 (b)(4), or 134 (b)(5);

**(14)** the value of any meals or lodging furnished by or on behalf of the employer if at the time of such furnishing it is reasonable to believe that the employee will be able to exclude such items from income under section 119;

**(15)** any payment made by an employer to a survivor or the estate of a former employee after the calendar year in which such employee died;

**(16)** any benefit provided to or on behalf of an employee if at the time such benefit is provided it is reasonable to believe that the employee will be able to exclude such benefit from income under section 74 (c), 108 (f)(4), 117, or 132;

**(17)** any payment made to or for the benefit of an employee if at the time of such payment it is reasonable to believe that the employee will be able to exclude such payment from income under section 106 (b);

**(18)** any payment made to or for the benefit of an employee if at the time of such payment it is reasonable to believe that the employee will be able to exclude such payment from income under section 106 (d); or

**(19)** remuneration on account of—

**(A)** a transfer of a share of stock to any individual pursuant to an exercise of an incentive stock option (as defined in section 422 (b)) or under an employee stock purchase plan (as defined in section 423 (b)), or

**(B)** any disposition by the individual of such stock.

Except as otherwise provided in regulations prescribed by the Secretary, any third party which makes a payment included in wages solely by reason of the parenthetical matter contained in subparagraph (A) of paragraph (2) shall be

treated for purposes of this chapter and chapter 22 as the employer with respect to such wages. Nothing in the regulations prescribed for purposes of chapter 24 (relating to income tax withholding) which provides an exclusion from "wages" as used in such chapter shall be construed to require a similar exclusion from "wages" in the regulations prescribed for purposes of this chapter.

### **(c) Employment**

For purposes of this chapter, the term "employment" means any service performed prior to 1955, which was employment for purposes of subchapter C of chapter 9 of the Internal Revenue Code of 1939 under the law applicable to the period in which such service was performed, and

**(A)** any service, of whatever nature, performed after 1954 by an employee for the person employing him, irrespective of the citizenship or residence of either,

**(i)** within the United States, or

**(ii)** on or in connection with an American vessel or American aircraft under a contract of service which is entered into within the United States or during the performance of which and while the employee is employed on the vessel or aircraft it touches at a port in the United States, if the employee is employed on and in connection with such vessel or aircraft when outside the United States, and

**(B)** any service, of whatever nature, performed after 1971 outside the United States (except in a contiguous country with which the United States has an agreement relating to unemployment compensation) by a citizen of the United States as an employee of an American employer (as defined in subsection (j)(3)), except—

**(1)** agricultural labor (as defined in subsection (k)) unless—

**(A)** such labor is performed for a person who—

**(i)** during any calendar quarter in the calendar year or the preceding calendar year paid remuneration in cash of \$20,000 or more to individuals employed in agricultural labor (including labor performed by an

alien referred to in subparagraph (B)), or

**(ii)** on each of some 20 days during the calendar year or the preceding calendar year, each day being in a different calendar week, employed in agricultural labor (including labor performed by an alien referred to in subparagraph (B)) for some portion of the day (whether or not at the same moment of time) 10 or more individuals; and

**(B)** such labor is not agricultural labor performed by an individual who is an alien admitted to the United States to perform agricultural labor pursuant to sections 214(c) and 101(a)(15)(H) of the Immigration and Nationality Act;

**(2)** domestic service in a private home, local college club, or local chapter of a college fraternity or sorority unless performed for a person who paid cash remuneration of \$1,000 or more to individuals employed in such domestic service in any calendar quarter in the calendar year or the preceding calendar year;

**(3)** service not in the course of the employer's trade or business performed in any calendar quarter by an employee, unless the cash remuneration paid for such service is \$50 or more and such service is performed by an individual who is regularly employed by such employer to perform such service. For purposes of this paragraph, an individual shall be deemed to be regularly employed by an employer during a calendar quarter only if—

**(A)** on each of some 24 days during such quarter such individual performs for such employer for some portion of the day service not in the course of the employer's trade or business, or

**(B)** such individual was regularly employed (as determined under subparagraph (A)) by such employer in the performance of such service during the preceding calendar quarter;

**(4)** service performed on or in connection with a vessel or aircraft not an American vessel or American aircraft, if the

employee is employed on and in connection with such vessel or aircraft when outside the United States;

**(5)** service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of 21 in the employ of his father or mother;

**(6)** service performed in the employ of the United States Government or of an instrumentality of the United States which is—

**(A)** wholly or partially owned by the United States, or

**(B)** exempt from the tax imposed by section 3301 by virtue of any provision of law which specifically refers to such section (or the corresponding section of prior law) in granting such exemption;

**(7)** service performed in the employ of a State, or any political subdivision thereof, or in the employ of an Indian tribe, or any instrumentality of any one or more of the foregoing which is wholly owned by one or more States or political subdivisions or Indian tribes; and any service performed in the employ of any instrumentality of one or more States or political subdivisions to the extent that the instrumentality is, with respect to such service, immune under the Constitution of the United States from the tax imposed by section 3301;

**(8)** service performed in the employ of a religious, charitable, educational, or other organization described in section 501 (c)(3) which is exempt from income tax under section 501 (a);

**(9)** service performed by an individual as an employee or employee representative as defined in section 1 of the Railroad Unemployment Insurance Act (45 U.S.C. 351);

**(10)**

**(A)** service performed in any calendar quarter in the employ of any organization exempt from income tax under section 501 (a) (other than an organization described in section 401 (a)) or under section 521, if the remuneration for such service is less than \$50, or

**(B)** service performed in the employ of a school,

college, or university, if such service is performed

**(i)** by a student who is enrolled and is regularly attending classes at such school, college, or university, or

**(ii)** by the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that

**(I)** the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and

**(II)** such employment will not be covered by any program of unemployment insurance, or

**(C)** service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program; taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subparagraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers, or

**(D)** service performed in the employ of a hospital, if such service is performed by a patient of such hospital;

**(11)** service performed in the employ of a foreign government (including service as a consular or other officer or employee or a nondiplomatic representative);

**(12)** service performed in the employ of an instrumentality wholly owned by a foreign government—

**(A)** if the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality

thereof; and

**(B)** if the Secretary of State shall certify to the Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States Government and of instrumentalities thereof;

**(13)** service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to State law; and service performed as an intern in the employ of a hospital by an individual who has completed a 4 years' course in a medical school chartered or approved pursuant to State law;

**(14)** service performed by an individual for a person as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commission;

**(15)**

**(A)** service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

**(B)** service performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back;

**(16)** service performed in the employ of an international organization;

**(17)** service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life (including service performed by any such individual as an ordinary incident to any such activity), except—

**(A)** service performed in connection with the catching or taking of salmon or halibut, for commercial purposes, and

**(B)** service performed on or in connection with a vessel of more than 10 net tons (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States);

**(18)** service described in section 3121 (b)(20);

**(19)** Service <sup>[3]</sup> which is performed by a nonresident alien individual for the period he is temporarily present in the United States as a nonimmigrant under subparagraph (F), (J), (M), or (Q) of section 101(a)(15) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 (a)(15)(F), (J), (M), or (Q)), and which is performed to carry out the purpose specified in subparagraph (F), (J), (M), or (Q), as the case may be;

**(20)** service performed by a full time student (as defined in subsection (q)) in the employ of an organized camp—

**(A)** if such camp—

**(i)** did not operate for more than 7 months in the calendar year and did not operate for more than 7 months in the preceding calendar year, or

**(ii)** had average gross receipts for any 6 months in the preceding calendar year which were not more than 33 1/3 percent of its average gross receipts for the other 6 months in the preceding calendar year; and

**(B)** if such full time student performed services in the employ of such camp for less than 13 calendar weeks in such calendar year; or

**(21)** service performed by a person committed to a penal institution.

**(d) Included and excluded service**

For purposes of this chapter, if the services performed during one-half or more of any pay period by an employee for the person employing him constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one-half of any such pay period by an employee for the person employing him do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in this subsection, the term "pay period" means a period (of not more than 31 consecutive days) for which a payment of remuneration is ordinarily made to the employee by the person employing him. This subsection shall not be applicable with respect to services performed in a pay period by an employee for the person employing him, where any of such service is excepted by subsection (c)(9).

**(e) State agency**

For purposes of this chapter, the term "State agency" means any State officer, board, or other authority, designated under a State law to administer the unemployment fund in such State.

**(f) Unemployment fund**

For purposes of this chapter, the term "unemployment fund" means a special fund, established under a State law and administered by a State agency, for the payment of compensation. Any sums standing to the account of the State agency in the Unemployment Trust Fund established by section 904 of the Social Security Act, as amended (42 U.S.C. 1104), shall be deemed to be a part of the unemployment fund of the State, and no sums paid out of the Unemployment Trust Fund to such State agency shall cease to be a part of the unemployment fund of the State until expended by such State agency. An unemployment fund shall be deemed to be maintained during a taxable year only if throughout such year, or such portion of the year as the unemployment fund was in

existence, no part of the moneys of such fund was expended for any purpose other than the payment of compensation (exclusive of expenses of administration) and for refunds of sums erroneously paid into such fund and refunds paid in accordance with the provisions of section 3305 (b); except that—

- (1) an amount equal to the amount of employee payments into the unemployment fund of a State may be used in the payment of cash benefits to individuals with respect to their disability, exclusive of expenses of administration;
- (2) the amounts specified by section 903(c)(2) or 903(d)(4) of the Social Security Act may, subject to the conditions prescribed in such section, be used for expenses incurred by the State for administration of its unemployment compensation law and public employment offices,<sup>[4]</sup>
- (3) nothing in this subsection shall be construed to prohibit deducting any amount from unemployment compensation otherwise payable to an individual and using the amount so deducted to pay for health insurance, or the withholding of Federal, State, or local individual income tax, if the individual elected to have such deduction made and such deduction was made under a program approved by the Secretary of Labor;
- (4) amounts may be deducted from unemployment benefits and used to repay overpayments as provided in section 303 (g) of the Social Security Act;
- (5) <sup>[5]</sup> amounts may be withdrawn for the payment of short-time compensation under a plan approved by the Secretary of Labor; and
- (5) <sup>[5]</sup> amounts may be withdrawn for the payment of allowances under a self-employment assistance program (as defined in subsection (t)).

#### **(g) Contributions**

For purposes of this chapter, the term "contributions" means payments required by a State law to be made into an unemployment fund by any person on account of having individuals in his employ, to the extent that such payments are made by him without being deducted or deductible from the

remuneration of individuals in his employ.

**(h) Compensation**

For purposes of this chapter, the term "compensation" means cash benefits payable to individuals with respect to their unemployment.

**(i) Employee**

For purposes of this chapter, the term "employee" has the meaning assigned to such term by section 3121 (d), except that paragraph (4) and subparagraphs (B) and (C) of paragraph (3) shall not apply.

**(j) State, United States, and American employer**

For purposes of this chapter—

**(1) State**

The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

**(2) United States**

The term "United States" when used in a geographical sense includes the States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

**(3) American employer**

The term "American employer" means a person who is—

- (A)** an individual who is a resident of the United States,
- (B)** a partnership, if two-thirds or more of the partners are residents of the United States,
- (C)** a trust, if all of the trustees are residents of the United States, or
- (D)** a corporation organized under the laws of the United States or of any State.

An individual who is a citizen of the Commonwealth of Puerto Rico or the Virgin Islands (but not otherwise a citizen of the United States) shall be considered, for purposes of this

section, as a citizen of the United States.

**(k) Agricultural labor**

For purposes of this chapter, the term "agricultural labor" has the meaning assigned to such term by subsection (g) of section 3121, except that for purposes of this chapter subparagraph (B) of paragraph (4) of such subsection (g) shall be treated as reading:

"(B) in the employ of a group of operators of farms (or a cooperative organization of which such operators are members) in the performance of service described in subparagraph (A), but only if such operators produced more than one-half of the commodity with respect to which such service is performed;"

**[(I) Repealed. Sept. 1, 1954, ch. 1212, § 4(c), 68 Stat. 1135]**

**(m) American vessel and aircraft**

For purposes of this chapter, the term "American vessel" means any vessel documented or numbered under the laws of the United States; and includes any vessel which is neither documented or numbered under the laws of the United States nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any State; and the term "American aircraft" means an aircraft registered under the laws of the United States.

**(n) Vessels operated by general agents of United States**

Notwithstanding the provisions of subsection (c)(6), service performed by officers and members of the crew of a vessel which would otherwise be included as employment under subsection (c) shall not be excluded by reason of the fact that it is performed on or in connection with an American vessel—

- (1)** owned by or bareboat chartered to the United States and
- (2)** whose business is conducted by a general agent of the Secretary of Commerce.

For purposes of this chapter, each such general agent shall be considered a legal entity in his capacity as such general agent, separate and distinct from his identity as a person employing individuals on his own account, and the officers and members of the crew of such an American vessel whose business is conducted by a general agent of the Secretary of Commerce shall be deemed to be performing services for such general agent rather than the United States. Each such general agent who in his capacity as such is an employer within the meaning of subsection (a) shall be subject to all the requirements imposed upon an employer under this chapter with respect to service which constitutes employment by reason of this subsection.

**(o) Special rule in case of certain agricultural workers**

**(1) Crew leaders who are registered or provide specialized agricultural labor**

For purposes of this chapter, any individual who is a member of a crew furnished by a crew leader to perform agricultural labor for any other person shall be treated as an employee of such crew leader—

**(A) if—**

**(i)** such crew leader holds a valid certificate of registration under the Migrant and Seasonal Agricultural Worker Protection Act; or

**(ii)** substantially all the members of such crew operate or maintain tractors, mechanized harvesting or crop-dusting equipment, or any other mechanized equipment, which is provided by such crew leader; and

**(B)** if such individual is not an employee of such other person within the meaning of subsection (i).

**(2) Other crew leaders**

For purposes of this chapter, in the case of any individual who is furnished by a crew leader to perform agricultural labor for any other person and who is not treated as an employee of such crew leader under paragraph (1)—

**(A)** such other person and not the crew leader shall be

treated as the employer of such individual; and

**(B)** such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader (either on his behalf or on behalf of such other person) for the agricultural labor performed for such other person.

**(3) Crew leader**

For purposes of this subsection, the term "crew leader" means an individual who—

**(A)** furnishes individuals to perform agricultural labor for any other person,

**(B)** pays (either on his behalf or on behalf of such other person) the individuals so furnished by him for the agricultural labor performed by them, and

**(C)** has not entered into a written agreement with such other person under which such individual is designated as an employee of such other person.

**(p) Concurrent employment by two or more employers**

For purposes of sections 3301, 3302, and 3306 (b)(1), if two or more related corporations concurrently employ the same individual and compensate such individual through a common paymaster which is one of such corporations, each such corporation shall be considered to have paid as remuneration to such individual only the amounts actually disbursed by it to such individual and shall not be considered to have paid as remuneration to such individual amounts actually disbursed to such individual by another of such corporations.

**(q) Full time student**

For purposes of subsection (c)(20), an individual shall be treated as a full time student for any period—

**(1)** during which the individual is enrolled as a full time student at an educational institution, or

**(2)** which is between academic years or terms if—

this chapter.

**(C) Nonqualified deferred compensation plan**

For purposes of this paragraph, the term "nonqualified deferred compensation plan" means any plan or other arrangement for deferral of compensation other than a plan described in subsection (b)(5).

**(s) Tips treated as wages**

For purposes of this chapter, the term "wages" includes tips which are—

- (1) received while performing services which constitute employment, and
- (2) included in a written statement furnished to the employer pursuant to section 6053 (a).

**(t) Self-employment assistance program**

For the purposes of this chapter, the term "self-employment assistance program" means a program under which—

- (1) individuals who meet the requirements described in paragraph (3) are eligible to receive an allowance in lieu of regular unemployment compensation under the State law for the purpose of assisting such individuals in establishing a business and becoming self-employed;
- (2) the allowance payable to individuals pursuant to paragraph (1) is payable in the same amount, at the same interval, on the same terms, and subject to the same conditions, as regular unemployment compensation under the State law, except that—
  - (A) State requirements relating to availability for work, active search for work, and refusal to accept work are not applicable to such individuals;
  - (B) State requirements relating to disqualifying income are not applicable to income earned from self-employment by such individuals; and
  - (C) such individuals are considered to be unemployed for the purposes of Federal and State laws applicable to

unemployment compensation,

as long as such individuals meet the requirements applicable under this subsection;

**(3)** individuals may receive the allowance described in paragraph (1) if such individuals—

**(A)** are eligible to receive regular unemployment compensation under the State law, or would be eligible to receive such compensation except for the requirements described in subparagraph (A) or (B) of paragraph (2);

**(B)** are identified pursuant to a State worker profiling system as individuals likely to exhaust regular unemployment compensation; and

**(C)** are participating in self-employment assistance activities which—

**(i)** include entrepreneurial training, business counseling, and technical assistance; and

**(ii)** are approved by the State agency; and

**(D)** are actively engaged on a full-time basis in activities (which may include training) relating to the establishment of a business and becoming self-employed;

**(4)** the aggregate number of individuals receiving the allowance under the program does not at any time exceed 5 percent of the number of individuals receiving regular unemployment compensation under the State law at such time;

**(5)** the program does not result in any cost to the Unemployment Trust Fund (established by section 904(a) of the Social Security Act) in excess of the cost that would be incurred by such State and charged to such Fund if the State had not participated in such program; and

**(6)** the program meets such other requirements as the Secretary of Labor determines to be appropriate.

**(u) Indian tribe**

For purposes of this chapter, the term "Indian tribe" has the meaning given to such term by section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b (e)), and includes any subdivision, subsidiary, or business enterprise wholly owned by such an Indian tribe.

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- [1] So in original. The semicolon probably should be a comma.
- [2] So in original. The comma probably should be a semicolon.
- [3] So in original. Probably should not be capitalized.
- [4] So in original. The comma probably should be a semicolon.
- [5] So in original. Two pars. (5) have been enacted.

U.S. Department of Labor



Employment and Training Administration

*Region 6 San Francisco*

90 7<sup>th</sup> Street, Suite 17300  
San Francisco, CA 94103

FEB 03 2009

Mr. Clark Bishop  
Commissioner  
Alaska Department of Labor & Workforce Development  
P.O. Box 21149  
Juneau, AK 99802-1149

Dear Commissioner Bishop:

By letter dated February 12, 2008, Atkinson to Bishop, we advised you of the need for the State of Alaska to enact conforming legislation arising from the passage of the Consolidated Appropriations Act, 2001. This legislation amended the Federal Unemployment Tax Act (FUTA) to change the treatment of services performed for federally recognized "Indian tribes." We have enclosed a copy of this letter which provides a complete discussion of the issues and remedy.

On February 26, 2008, you wrote to inform us of your agency's desire to be in full compliance with Federal law and regulation, and that you would work diligently to resolve the issue. Now that Alaska's state legislature is in session, we are writing to advise this continues to be an issue and to encourage you to pursue conforming legislation.

As our earlier letter informed, failure to enact the necessary legislation could, after an opportunity for a hearing and appeal, result in the loss of the full FUTA credit (5.4%) for all employers in the state, as well as the loss of Federal UC administrative grants. Therefore it is extremely important to pass this conforming legislation as soon as possible.

Please inform us of your specific plans to obtain legislation to ensure that Alaska's law conforms to the requirements of Federal UC law. If you have any questions concerning this issue, please contact your Regional Office's UI legislation specialist, Pat O'Neal, at 415-625-7926 or [oneal.pat@dol.gov](mailto:oneal.pat@dol.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Richard C. Tibgg", written over a circular stamp or seal.

Richard C. Tibgg  
Regional Administrator

cc: Bill Kramer, Chief of Unemployment Insurance, via e-mail a [bill.kramer@alaska.gov](mailto:bill.kramer@alaska.gov)

Enclosure

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT  
OFFICE OF THE COMMISSIONER

*Sarah Palin, Governor*

P. O. Box 111149  
Juneau, AK 99811-1149

PHONE: (907) 465-2700  
FAX: (907) 465-2784

February 26, 2008

Ms. Cheryl Atkinson, Administrator  
Office of Workforce Security  
Employment and Training Administration  
200 Constitution Avenue N.W.  
Washington, D.C. 20210

Dear Ms. Atkinson:

I am in receipt of your letter dated February 12, 2008 and would like to take this opportunity to thank you for bringing to my attention the matter regarding unemployment compensation services for Alaska's Native entities.

Alaska's legislative session is limited to 90 days, January 15 through April 13, 2008. Since the deadline for personal legislation for the current session has passed, the Department will be pursuing the required statutory changes during the 2009 legislative session.

I would like to point out that Alaska is currently meeting some of the federal requirements.

- Alaska has always required that services performed for tribal entities be covered for unemployment insurance purposes
- Alaska Department of Labor and Workforce Development currently reports tribal delinquencies to the Internal Revenue Service on a quarterly basis.
- Alaska has not paid any extended benefits since 2005, and will work to ensure tribal entities are billed 100 percent of any future extended benefits.

Alaska law currently does not give tribes the option of choosing the reimbursable method of payment as our law limits the option to specific non-profit and government entities. The Department suspects, as was the case in 2002, tribal entities currently reporting may actually pay less in contributions than would be billed for reimbursement. The economic incentives will likely argue powerfully for tribes to remain as taxable employers.

Ms. Cheryl Atkinson, Administrator

February 26, 2008

Page 2

It is the State of Alaska's desire to be in full compliance with Federal law and regulation, and we will work diligently to resolve this issue. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

*Dail H. Stone* for:

Clark Bishop  
Commissioner

cc: Pat O'Neil, Office of Systems Performance, Workforce Security  
Region 6, Legislation and Appeals

U.S. Department of Labor

Employment and Training Administration  
Unemployment Compensation Administration  
Washington, D.C. 20310



FEB 12 2008

Mr. Click Bishop  
Commissioner  
Alaska Department of Labor & Workforce Development  
P.O. Box 21149  
Juneau, AK 99802-1149

Unit	Actu
RA	
EA	
DFMAS	
OSID	
SSS	
Date:	
cc:	

Dear Commissioner Bishop:

I am writing to remind you of the need for Alaska to amend its state unemployment compensation (UC) law to provide that services for Alaska's Native entities are covered under your state law and that these entities are offered the reimbursement option. A more detailed description of the issue follows.

The Consolidated Appropriations Act, 2001 (CAA, Public Law 106-544) amended the Federal Unemployment Tax Act (FUTA) to change the treatment of services performed for federally recognized "Indian tribes." For purposes of these amendments, "any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act . . ." is included in the definition of "Indian Tribe." (See Section 3306(u), FUTA, as amended, which refers to the definition of "Indian tribe" in Section 4(e) of the Indian Self-Determination and Education Assistance Act.)

For purposes of your state's UC laws, these amendments mean that:

- Services performed in the employ of Alaska Native entities are, with specified exceptions, required to be covered under state UC laws; and
- Alaska Native entities must be offered the opportunity to reimburse the state unemployment fund for UC attributable under state law to such services in lieu of making contributions.

I also note that, although no change was required to state law, these amendments also resulted in states no longer being eligible for the Federal share of extended benefit payments based on services performed in the employ of Alaskan Native entities.

A complete explanation of these Federal law amendments is found in Unemployment Insurance Program Letter No. 14-01. (69 Fed. Reg. 16965, March 31, 2004.) In brief, Section 3304(a)(6)(A), FUTA, requires, as a condition for employers in a state to receive credit against the Federal unemployment tax, that state law provide that UC be payable on the basis of certain services. These services are described in Section 3309(a)(1), FUTA, which in turn references Section 3306(e)(7), FUTA, which now includes services

performed for federally recognized Indian tribes, including Alaska Native entities. Thus, UC must be payable based on these services.

Regarding reimbursements, Section 3304(a)(6)(B), FUTA, requires that state law provide for funding the benefit costs of UC based on these services through "payments (in lieu of contributions)," commonly called "reimbursements." As a result of the CAA amendments, Alaska Native entities must now be offered the reimbursement option. Please note that the reimbursement option may only be offered for services performed "in the employ of" an Alaskan Native entity. It does not apply to services performed for a private entity in native villages or for individuals or for private businesses owned by members of an Alaskan Native entity.

We had been holding these issues in abeyance as a result of Section 805 of Public Law 107-206 enacted in 2002. That section prohibited the Department from using appropriated funds to pursue the CAA amendments as they related to Alaska Native entities. Since that prohibition has expired, there is no longer a basis for holding this matter in abeyance. Failure to enact the necessary legislation could, after an opportunity for a hearing and appeal, result in the loss of the full FUTA credit (5.4%) for all employers in the state, as well as the loss of Federal UC administrative grants.

Please inform me of your plans to obtain legislation to ensure that Alaska's law conforms to the requirements of Federal UC law. Please provide a written response within thirty days of your receipt of this letter and provide a copy to your Regional Office. If you have any questions concerning this issue, please contact your Regional Office's legislative liaison, Pat O'Neal, at 415-625-7926 or [oneal.pat@dol.gov](mailto:oneal.pat@dol.gov).

Sincerely,



Cheryl Atkinson  
Administrator,  
Office of Workforce Security

cc: Richard C. Trigg  
Regional Administrator  
San Francisco

# NELP

National Employment Law Project

Updated March 13, 2009

## GOVERNORS IN SUPPORT OF THE UNEMPLOYMENT INSURANCE MODERNIZATION ACT STIMULUS PROVISIONS

### Arkansas

- Governor Mike Beebe (D)
- Arkansas Democrat-Gazette, March 4, 2009
- Editorial: "Beebe should accept help," Arkansas Leader, March 2, 2009

### California

- Governor Arnold Schwarzenegger (R)
- Los Angeles Times, February 25, 2009; New York Times, February 22, 2009
- Editorial: "As We See It: Shoring up jobless benefits," San Jose Mercury News, March 6, 2009

### Connecticut

- Governor Jodi Rell (R)
- Governor's Press Release, March 6, 2009

### Florida

- Governor Charlie Crist (R)
- Miami Herald, March 5, 2009

### Georgia

- Governor Sonny Perdue (R)
- Atlanta Journal-Constitution, March 4, 2009; 11Alive, Atlanta, March 4, 2009
- Oped: "Too few Georgia workers qualify for unemployment," Atlanta Journal-Constitution, March 9, 2009

### Iowa

- Governor Chet Culver (D)
- Governor's Press Release, February 18, 2009

### Oklahoma

- Governor Brad Henry (D)
- Tulsa World, March 4, 2009

### Oregon

- Governor Ted Kulongoski (D)
- Statesmen Journal, February 24, 2009

### Pennsylvania

- Governor Ed Rendell (D)
- Allentown Morning Call, February 28, 2009
- Editorial: "Funds for state's unemployed are getting precariously low," Patriot News, March 5, 2009

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National Employment Law Project

75 Maiden Lane, Suite 601, New York, NY 10038

(212) 285-3025 • [www.nelp.org](http://www.nelp.org) • [nelp@nelp.org](mailto:nelp@nelp.org) • (212) 285-3044 (fax)

**Rhode Island**

- Governor Donald Carcieri (R)
- Governor's Press Release, February 26, 2009

**South Dakota**

- Governor Michael Rounds (R)
- "Opinion: Stimulus cash means more unemployment benefits in S. Dakota," The Daily Republic, March 07, 2009

**Tennessee**

- Governor Phil Bredesen (D)
- Chattanooga Times Free Press, March 7, 2009; WSMV Nashville, March 6, 2009

**Utah**

- Governor Jon Huntsman (R)
- New York Times, February 26, 2009

# Gov. Bobby Jindal may accept refused stimulus money for expanded unemployment benefits



by Robert Travis Scott, The Times-Picayune

Thursday March 19, 2009, 10:03 PM

BATON ROUGE -- Gov. Bobby Jindal's workforce commissioner said Thursday that the U.S. Labor Department's latest clarification of the federal stimulus act has opened the possibility that the administration could consider accepting a previously rejected \$98.4 million package of extra jobless benefits, although important questions remain in what has become a high-profile issue.

Tim Barfield, the governor's appointee as head of the Louisiana Workforce Commission, said the federal agency has made "real progress" in allaying concerns about strings attached to the program.

State agency officials are seeking more answers and continuing to examine the consequences of accepting the money, Barfield said. He said it was not out of the question that he could recommend that the governor accept the package "if we can show it does not increase taxes on business and industry."

Jindal helped turn the stimulus act's jobless benefits program into a national debate last month when he announced his refusal to take the money just before his appearance at a national governors' conference and his nationally televised Republican Party response to the Democratic president's address to Congress.

Although he has accepted nearly all the state's share of the federal stimulus money, he has resisted a \$98.4 million portion of the jobless benefits package, which would require a change in state law to expand the number of people eligible for unemployment compensation. One of the concerns is that businesses, which pay for jobless benefits, could end up with a larger financial burden even with the nearly \$100 million in assistance.

## Defining 'permanent'

A key sticking point for Jindal was that the federal stimulus act requires states to adopt "permanent" changes to accommodate the expanded system. Jindal's team and Sen. Mary Landrieu, D-La., have been asking what would happen if the state changed its law and repealed it later. Would the federal government try to get the money back?

The U.S. Department of Labor sent a letter to Landrieu on Wednesday stating that the stimulus act "does not prohibit the state's legislature from repealing these provisions in the future."

"As a result, if a state eventually decides to repeal or modify any of these provisions, it may do so, and it will not be required to return any incentive payment," according to the letter, signed by Deputy Assistant Secretary Douglas Small.

The letter also stated that Congress "clearly intended" to encourage states to adopt the expanded eligibility requirements for jobless claims on a permanent basis and that Congress and the Labor Department "rely on states' good faith in adopting the eligibility criteria."

Landrieu said the department had "weighed in clearly" and put the issue to rest.

"I hope the Jindal administration and the Legislature can come to a consensus, as families struggle during this difficult economic time," Landrieu said.

### **Risk reduced**

Barfield said the letter, while not providing a 100 percent legal guarantee, "carries a tremendous amount of weight and significantly reduces the risk we have of them coming back to get the money."

The state still wants to know more details, Barfield said. For example, would the stimulus money be sufficient to cover the added costs of the program until such time as the expanded system could be repealed?

Also, because businesses are assessed payments for unemployment insurance based on their history of layoffs, would the new expanded system put a long-lasting stain on their records?

Barfield said he hopes to get answers to these questions within 30 days, or before the legislative session begins April 27.

If the answers are that employers would not get an increase in their rates, then the governor and the Legislature could work together and seriously consider the program, he said.

### **Partisan debate**

With veto power and control of the agency that would apply for the jobless benefits program, Jindal holds the keys to adopting the expanded benefits program. In the Legislature, the issue so far has been divided largely along party lines.

State Sen. Eric LaFleur, D-Ville Platte, a leader in the movement to adopt the stimulus package, said there is a good chance the state would not use all the federal jobless benefits money during a period of two years or so. With that in mind, the Legislature could change the law and revisit the program when the economy improves, he said.

In the meantime, the Labor Department letter proves that "permanency is not an issue. You can change the law, period," LaFleur said.

If Jindal keeps opposing the program at this point, "then it becomes something he's doing purely for political reasons . . . and not for the taxpayers of Louisiana," LeFleur said.

Business lobbyists have argued against adopting the expanded program because laws, once put in place, are difficult to repeal.

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*Robert Travis Scott can be reached at [rscott@timespicayune.com](mailto:rscott@timespicayune.com) or 225.342.4197.*

# NFIB

The Voice of Small Business®

ALASKA

March 25, 2009

The Honorable Johnny Ellis  
State Capitol Building  
Juneau Alaska 99801-1182

RE: Senate Bill 170

Dear

On behalf of the National Federation of Independent Business/Alaska, I wish to express our appreciation and understanding of your introduction of Senate Bill 170. The National Federation of Independent Business is the largest small-business advocacy group in Alaska.

As you know, NFIB/AK had strong reservations about the state taking stimulus money for the Unemployment Insurance Program. We worked with you over the last two years to update our program and we had no desire to have the federal government dictate revisions to our program that were nor in the best interest of Alaskan businesses and their employees.

I am pleased to tell you that the Alaska Department of Labor and Workforce Development has done a great service to Alaska by fighting the US Department of Labor and winning! As a result of their efforts, Alaska will not need to change any of its statutes relative to eligibility or determinations of able and available for work. Because of this great victory for Alaska, NFIB/AK withdraws our opposition to accepting federal stimulus funds for the Unemployment Insurance Program.

NFIB/AK understands that we will need to amend our statutes relative to the base period for the calculation of eligibility. This is a relatively simple administrative change the cost of which will be born by stimulus funding. The larger benefit to Alaska will be the availability of funding that can be used for additional vocational training to assist unemployed Alaskans get back into the workforce more quickly. This is good for individual Alaskans, employers and Alaska's economy.

NFIB/AK is pleased to have been able to work with Governor Palin, the Alaska Department of Labor and Workforce Development and you, Senator Ellis, to find this

Senator Johnny Ellis  
March 25, 2009  
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solution that allows Alaska to accept a portion of the stimulus funding without making any significant or inappropriate changes to our Unemployment Insurance Program.

Sincerely yours,



Dennis L. DeWitt  
Alaska State Lobbyist

Cc: Senate Labor & Commerce Committee  
Governor Sarah Palin  
Karen Rehfeld, Office of Management & Budget  
Commissioner Clark Bishop  
Senator Bert Stedman  
Senator Lyman Hoffman  
Representative Mike Hawker  
Representative Bill Stoltze

[Federal Register: April 4, 2008 (Volume 73, Number 66)]  
[Notices]  
[Page 18553-18557]  
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## DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

Indian Entities Recognized and Eligible To Receive Services From  
the United States Bureau of Indian Affairs

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

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SUMMARY: This notice publishes the current list of 562 tribal entities recognized and eligible for funding and services from the Bureau of Indian Affairs by virtue of their status as Indian tribes. The list is updated from the notice published on March 22, 2007 (72 FR 13648).

FOR FURTHER INFORMATION CONTACT: Daisy West, Bureau of Indian Affairs, Division of Tribal Government Services, Mail Stop 4513-MIB, 1849 C Street, NW., Washington, DC 20240. Telephone number: (202) 513-7641.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to Section 104 of the Act of November 2, 1994 (Pub. L. 103-454; 108 Stat. 4791, 4792), and in exercise of authority delegated to the Assistant Secretary--Indian Affairs under 25 U.S.C. 2 and 9 and 209 DM 8.

Published below is a list of federally acknowledged tribes in the contiguous 48 states and in Alaska.

One tribe became recognized since the last publication. The Mashpee Wampanoag Tribe was acknowledged under 25 CFR part 83. The final determination for Federal acknowledgment became effective on May 23, 2007. The list also contains several tribal name changes and corrections. To aid in identifying tribal name changes, the tribe's former name is included with the new tribal name. To aid in identifying corrections, the tribe's previously listed name is included with the tribal name. We will continue to list the tribe's former or previously listed name for several years before dropping the former or previously listed name from the list.

The listed entities are acknowledged to have the immunities and privileges available to other federally acknowledged Indian tribes by virtue of their government-to-government relationship with the United States as well as the responsibilities, powers, limitations, and obligations of such tribes. We have continued the practice of listing the Alaska Native entities separately solely for the purpose of facilitating identification of them and reference to them given the large number of complex Native names.

Dated: March 25, 2008.

Carl J. Artman,  
Assistant Secretary--Indian Affairs.

Indian Tribal Entities Within the Contiguous 48 States Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs

Absentee-Shawnee Tribe of Indians of Oklahoma  
Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California  
Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona  
Alabama-Coushatta Tribes of Texas  
Alabama-Quassarte Tribal Town, Oklahoma  
Alturas Indian Rancheria, California  
Apache Tribe of Oklahoma  
Arapahoe Tribe of the Wind River Reservation, Wyoming  
Aroostook Band of Micmac Indians of Maine  
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana  
Augustine Band of Cahuilla Indians, California (formerly the Augustine Band of Cahuilla Mission Indians of the Augustine Reservation)  
Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin  
Bay Mills Indian Community, Michigan  
Bear River Band of the Rohnerville Rancheria, California  
Berry Creek Rancheria of Maidu Indians of California  
Big Lagoon Rancheria, California  
Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California  
Big Sandy Rancheria of Mono Indians of California  
Big Valley Band of Pomo Indians of the Big Valley Rancheria, California  
Blackfeet Tribe of the Blackfeet Indian Reservation of Montana  
Blue Lake Rancheria, California  
Bridgeport Paiute Indian Colony of California  
Buena Vista Rancheria of Me-Wuk Indians of California  
Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon  
Cabazon Band of Mission Indians, California  
Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California  
Caddo Nation of Oklahoma  
Cahuilla Band of Mission Indians of the Cahuilla Reservation, California  
Cahto Indian Tribe of the Laytonville Rancheria, California  
California Valley Miwok Tribe, California (formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)  
Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California  
Capitan Grande Band of Diegueno Mission Indians of California:  
    Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California  
    Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California  
Catawba Indian Nation (aka Catawba Tribe of South Carolina)  
Cayuga Nation of New York  
Cedarville Rancheria, California  
Chemehuevi Indian Tribe of the Chemehuevi Reservation, California  
Cher-Ae Heights Indian Community of the Trinidad Rancheria, California  
Cherokee Nation, Oklahoma  
Cheyenne and Arapaho Tribes, Oklahoma (formerly the Cheyenne-Arapaho Tribes of Oklahoma)  
Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota

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Chickasaw Nation, Oklahoma  
Chicken Ranch Rancheria of Me-Wuk Indians of California  
Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana  
Chitimacha Tribe of Louisiana  
Choctaw Nation of Oklahoma  
Citizen Potawatomi Nation, Oklahoma  
Cloverdale Rancheria of Pomo Indians of California  
Cocopah Tribe of Arizona  
Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho  
Cold Springs Rancheria of Mono Indians of California  
Colorado River Indian Tribes of the Colorado River Indian Reservation,  
Arizona and California  
Comanche Nation, Oklahoma  
Confederated Salish & Kootenai Tribes of the Flathead Reservation,  
Montana  
Confederated Tribes of the Chehalis Reservation, Washington  
Confederated Tribes of the Colville Reservation, Washington  
Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians of  
Oregon  
Confederated Tribes of the Goshute Reservation, Nevada and Utah  
Confederated Tribes of the Grand Ronde Community of Oregon  
Confederated Tribes of the Siletz Reservation, Oregon  
Confederated Tribes of the Umatilla Reservation, Oregon  
Confederated Tribes of the Warm Springs Reservation of Oregon  
Confederated Tribes and Bands of the Yakama Nation, Washington  
Coquille Tribe of Oregon  
Cortina Indian Rancheria of Wintun Indians of California  
Coushatta Tribe of Louisiana  
Cow Creek Band of Umpqua Indians of Oregon  
Cowlitz Indian Tribe, Washington  
Coyote Valley Band of Pomo Indians of California  
Crow Tribe of Montana  
Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota  
Death Valley Timbi-Sha Shoshone Band of California  
Delaware Nation, Oklahoma  
Dry Creek Rancheria of Pomo Indians of California  
Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada  
Eastern Band of Cherokee Indians of North Carolina  
Eastern Shawnee Tribe of Oklahoma  
Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria,  
California  
Elk Valley Rancheria, California  
Ely Shoshone Tribe of Nevada  
Enterprise Rancheria of Maidu Indians of California  
Ewilaapaayp Band of Kumeyaay Indians, California  
Federated Indians of Graton Rancheria, California  
Flandreau Santee Sioux Tribe of South Dakota  
Forest County Potawatomi Community, Wisconsin  
Fort Belknap Indian Community of the Fort Belknap Reservation of  
Montana  
Fort Bidwell Indian Community of the Fort Bidwell Reservation of  
California  
Fort Independence Indian Community of Paiute Indians of the Fort  
Independence Reservation, California  
Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian  
Reservation, Nevada and Oregon  
Fort McDowell Yavapai Nation, Arizona

Fort Mojave Indian Tribe of Arizona, California & Nevada  
Fort Sill Apache Tribe of Oklahoma  
Gila River Indian Community of the Gila River Indian Reservation,  
Arizona  
Grand Traverse Band of Ottawa and Chippewa Indians, Michigan  
Greenville Rancheria of Maidu Indians of California  
Grindstone Indian Rancheria of Wintun-Wailaki Indians of California  
Guidiville Rancheria of California  
Habematolel Pomo of Upper Lake, California (formerly the Upper Lake  
Band of Pomo Indians of Upper Lake Rancheria of California)  
Hannahville Indian Community, Michigan  
Havasupai Tribe of the Havasupai Reservation, Arizona  
Ho-Chunk Nation of Wisconsin  
Hoh Indian Tribe of the Hoh Indian Reservation, Washington  
Hoopa Valley Tribe, California  
Hopi Tribe of Arizona  
Hopland Band of Pomo Indians of the Hopland Rancheria, California  
Houlton Band of Maliseet Indians of Maine  
Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona  
Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit  
Reservation, California  
Ione Band of Miwok Indians of California  
Iowa Tribe of Kansas and Nebraska  
Iowa Tribe of Oklahoma  
Jackson Rancheria of Me-Wuk Indians of California  
Jamestown S'Klallam Tribe of Washington  
Jamul Indian Village of California  
Jena Band of Choctaw Indians, Louisiana  
Jicarilla Apache Nation, New Mexico  
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona  
Kalispel Indian Community of the Kalispel Reservation, Washington  
Karuk Tribe of California  
Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California  
Kaw Nation, Oklahoma  
Keweenaw Bay Indian Community, Michigan  
Kialegee Tribal Town, Oklahoma  
Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas  
Kickapoo Tribe of Oklahoma  
Kickapoo Traditional Tribe of Texas  
Kiowa Indian Tribe of Oklahoma  
Klamath Tribes, Oregon (formerly the Klamath Indian Tribe of Oregon)  
Kootenai Tribe of Idaho  
La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation,  
California  
La Posta Band of Diegueno Mission Indians of the La Posta Indian  
Reservation, California  
Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin  
Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du  
Flambeau Reservation of Wisconsin  
Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan  
Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony,  
Nevada  
Little River Band of Ottawa Indians, Michigan  
Little Traverse Bay Bands of Odawa Indians, Michigan  
Lower Lake Rancheria, California  
Los Coyotes Band of Cahuilla & Cupeno Indians of the Los Coyotes  
Reservation, California  
Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada  
Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota  
Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington

Lower Sioux Indian Community in the State of Minnesota  
Lummi Tribe of the Lummi Reservation, Washington  
Lytton Rancheria of California  
Makah Indian Tribe of the Makah Indian Reservation, Washington  
Manchester Band of Pomo Indians of the Manchester-Point Arena  
Rancheria, California  
Manzanita Band of Diegueno Mission Indians of the Manzanita  
Reservation, California  
Mashantucket Pequot Tribe of Connecticut  
Mashpee Wampanoag Tribe, Massachusetts  
Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan  
Mechoopda Indian Tribe of Chico Rancheria, California

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Menominee Indian Tribe of Wisconsin  
Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande  
Reservation, California  
Mescalero Apache Tribe of the Mescalero Reservation, New Mexico  
Miami Tribe of Oklahoma  
Miccosukee Tribe of Indians of Florida  
Middletown Rancheria of Pomo Indians of California  
Minnesota Chippewa Tribe, Minnesota (Six component reservations:  
Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band;  
Leech Lake Band; Mille Lacs Band; White Earth Band)  
Mississippi Band of Choctaw Indians, Mississippi  
Moapa Band of Paiute Indians of the Moapa River Indian Reservation,  
Nevada  
Modoc Tribe of Oklahoma  
Mohegan Indian Tribe of Connecticut  
Mooretown Rancheria of Maidu Indians of California  
Morongo Band of Cahuilla Mission Indians of the Morongo Reservation,  
California  
Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington  
Muscogee (Creek) Nation, Oklahoma  
Narragansett Indian Tribe of Rhode Island  
Navajo Nation, Arizona, New Mexico & Utah  
Nez Perce Tribe, Idaho (previously listed as Nez Perce Tribe of Idaho)  
Nisqually Indian Tribe of the Nisqually Reservation, Washington  
Nooksack Indian Tribe of Washington  
Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation,  
Montana  
Northfork Rancheria of Mono Indians of California  
Northwestern Band of Shoshoni Nation of Utah (Washakie)  
Nottawaseppi Huron Band of the Potawatomi, Michigan (formerly the Huron  
Potawatomi, Inc.)  
Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota  
Ohkay Owingeh, New Mexico (formerly the Pueblo of San Juan)  
Omaha Tribe of Nebraska  
Oneida Nation of New York  
Oneida Tribe of Indians of Wisconsin  
Onondaga Nation of New York  
Osage Nation, Oklahoma (formerly the Osage Tribe)  
Ottawa Tribe of Oklahoma  
Otoe-Missouria Tribe of Indians, Oklahoma  
Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of  
Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and  
Shivwits Band of Paiutes)  
Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony,  
California

Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada  
Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine  
Reservation, California  
Pala Band of Luiseno Mission Indians of the Pala Reservation,  
California  
Pascua Yaqui Tribe of Arizona  
Paskenta Band of Nomlaki Indians of California  
Passamaquoddy Tribe of Maine  
Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation,  
California  
Pawnee Nation of Oklahoma  
Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation,  
California  
Penobscot Tribe of Maine  
Peoria Tribe of Indians of Oklahoma  
Picayune Rancheria of Chukchansi Indians of California  
Pinoleville Pomo Nation, California (formerly the Pinoleville Rancheria  
of Pomo Indians of California)  
Pit River Tribe, California (includes XL Ranch, Big Bend, Likely,  
Lookout, Montgomery Creek and Roaring Creek Rancherias)  
Poarch Band of Creek Indians of Alabama  
Pokagon Band of Potawatomi Indians, Michigan and Indiana  
Ponca Tribe of Indians of Oklahoma  
Ponca Tribe of Nebraska  
Port Gamble Indian Community of the Port Gamble Reservation, Washington  
Potter Valley Tribe, California (formerly the Potter Valley Rancheria  
of Pomo Indians of California)  
Prairie Band of Potawatomi Nation, Kansas  
Prairie Island Indian Community in the State of Minnesota  
Pueblo of Acoma, New Mexico  
Pueblo of Cochiti, New Mexico  
Pueblo of Jemez, New Mexico  
Pueblo of Isleta, New Mexico  
Pueblo of Laguna, New Mexico  
Pueblo of Nambe, New Mexico  
Pueblo of Picuris, New Mexico  
Pueblo of Pojoaque, New Mexico  
Pueblo of San Felipe, New Mexico  
Pueblo of San Ildefonso, New Mexico  
Pueblo of Sandia, New Mexico  
Pueblo of Santa Ana, New Mexico  
Pueblo of Santa Clara, New Mexico  
Pueblo of Santo Domingo, New Mexico  
Pueblo of Taos, New Mexico  
Pueblo of Tesuque, New Mexico  
Pueblo of Zia, New Mexico  
Puyallup Tribe of the Puyallup Reservation, Washington  
Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada  
Quapaw Tribe of Indians, Oklahoma  
Quartz Valley Indian Community of the Quartz Valley Reservation of  
California  
Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona  
Quileute Tribe of the Quileute Reservation, Washington  
Quinault Tribe of the Quinault Reservation, Washington  
Ramona Band or Village of Cahuilla Mission Indians of California  
Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin  
Red Lake Band of Chippewa Indians, Minnesota  
Redding Rancheria, California  
Redwood Valley Rancheria of Pomo Indians of California  
Reno-Sparks Indian Colony, Nevada

Resighini Rancheria, California  
 Rincon Band of Luiseno Mission Indians of the Rincon Reservation,  
 California  
 Robinson Rancheria of Pomo Indians of California  
 Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota  
 Round Valley Indian Tribes of the Round Valley Reservation, California  
 Rumsey Indian Rancheria of Wintun Indians of California  
 Sac & Fox Tribe of the Mississippi in Iowa  
 Sac & Fox Nation of Missouri in Kansas and Nebraska  
 Sac & Fox Nation, Oklahoma  
 Saginaw Chippewa Indian Tribe of Michigan  
 St. Croix Chippewa Indians of Wisconsin  
 Saint Regis Mohawk Tribe, New York (formerly the St. Regis Band of  
 Mohawk Indians of New York)  
 Salt River Pima-Maricopa Indian Community of the Salt River  
 Reservation, Arizona  
 Samish Indian Tribe, Washington  
 San Carlos Apache Tribe of the San Carlos Reservation, Arizona  
 San Juan Southern Paiute Tribe of Arizona  
 San Manual Band of Serrano Mission Indians of the San Manual  
 Reservation, California  
 San Pasqual Band of Diegueno Mission Indians of California  
 Santa Rosa Indian Community of the Santa Rosa Rancheria, California  
 Santa Rosa Band of Cahuilla Indians, California (formerly the Santa  
 Rosa Band of Cahuilla Mission Indians of the Santa Rosa Reservation)  
 Santa Ynez Band of Chumash Mission Indians of the Santa Ynez  
 Reservation, California  
 Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel  
 Reservation, California

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Santee Sioux Nation, Nebraska  
 Sauk-Suiattle Indian Tribe of Washington  
 Sault Ste. Marie Tribe of Chippewa Indians of Michigan  
 Scotts Valley Band of Pomo Indians of California  
 Seminole Nation of Oklahoma  
 Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood &  
 Tampa Reservations)  
 Seneca Nation of New York  
 Seneca-Cayuga Tribe of Oklahoma  
 Shakopee Mdewakanton Sioux Community of Minnesota  
 Shawnee Tribe, Oklahoma  
 Sherwood Valley Rancheria of Pomo Indians of California  
 Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria  
 (Verona Tract), California  
 Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation,  
 Washington  
 Shoshone Tribe of the Wind River Reservation, Wyoming  
 Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho  
 Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada  
 Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota  
 Skokomish Indian Tribe of the Skokomish Reservation, Washington  
 Skull Valley Band of Goshute Indians of Utah  
 Smith River Rancheria, California  
 Snoqualmie Tribe, Washington  
 Soboba Band of Luiseno Indians, California  
 Sokaogon Chippewa Community, Wisconsin  
 Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado  
 Spirit Lake Tribe, North Dakota

Spokane Tribe of the Spokane Reservation, Washington  
 Squaxin Island Tribe of the Squaxin Island Reservation, Washington  
 Standing Rock Sioux Tribe of North & South Dakota  
 Stockbridge Munsee Community, Wisconsin  
 Stillaguamish Tribe of Washington  
 Summit Lake Paiute Tribe of Nevada  
 Suquamish Indian Tribe of the Port Madison Reservation, Washington  
 Susanville Indian Rancheria, California  
 Swinomish Indians of the Swinomish Reservation, Washington  
 Sycuan Band of the Kumeyaay Nation (formerly the Sycuan Band of Diegueno Mission Indians of California)  
 Table Mountain Rancheria of California  
 Te-Moak Tribe of Western Shoshone Indians of Nevada (Four constituent bands: Battle Mountain Band; Elko Band; South Fork Band and Wells Band)  
 Thlopthlocco Tribal Town, Oklahoma  
 Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota  
 Tohono O'odham Nation of Arizona  
 Tonawanda Band of Seneca Indians of New York  
 Tonkawa Tribe of Indians of Oklahoma  
 Tonto Apache Tribe of Arizona  
 Torres Martinez Desert Cahuilla Indians, California (formerly the Torres-Martinez Band of Cahuilla Mission Indians of California)  
 Tule River Indian Tribe of the Tule River Reservation, California  
 Tulalip Tribes of the Tulalip Reservation, Washington  
 Tunica-Biloxi Indian Tribe of Louisiana  
 Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California  
 Turtle Mountain Band of Chippewa Indians of North Dakota  
 Tuscarora Nation of New York  
 Twenty-Nine Palms Band of Mission Indians of California  
 United Auburn Indian Community of the Auburn Rancheria of California  
 United Keetoowah Band of Cherokee Indians in Oklahoma  
 Upper Sioux Community, Minnesota  
 Upper Skagit Indian Tribe of Washington  
 Ute Indian Tribe of the Uintah & Ouray Reservation, Utah  
 Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah  
 Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, California  
 Walker River Paiute Tribe of the Walker River Reservation, Nevada  
 Wampanoag Tribe of Gay Head (Aquinnah) of Massachusetts  
 Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches)  
 White Mountain Apache Tribe of the Fort Apache Reservation, Arizona  
 Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma  
 Winnebago Tribe of Nebraska  
 Winnemucca Indian Colony of Nevada  
 Wiyot Tribe, California (formerly the Table Bluff Reservation--Wiyot Tribe)  
 Wyandotte Nation, Oklahoma  
 Yankton Sioux Tribe of South Dakota  
 Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona  
 Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona  
 Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada  
 Yomba Shoshone Tribe of the Yomba Reservation, Nevada  
 Ysleta Del Sur Pueblo of Texas  
 Yurok Tribe of the Yurok Reservation, California  
 Zuni Tribe of the Zuni Reservation, New Mexico

Native Entities Within the State of Alaska Recognized and Eligible To

## Receive Services From the United States Bureau of Indian Affairs

Native Village of Afognak (formerly the Village of Afognak)  
Agdaagux Tribe of King Cove  
Native Village of Akhiok  
Akiachak Native Community  
Akiak Native Community  
Native Village of Akutan  
Village of Alakanuk  
Alatna Village  
Native Village of Aleknagik  
Algaaciq Native Village (St. Mary's)  
Allakaket Village  
Native Village of Ambler  
Village of Anaktuvuk Pass  
Yupiit of Andreafski  
Angoon Community Association  
Village of Aniak  
Anvik Village  
Arctic Village (See Native Village of Venetie Tribal Government)  
Asa'carsarmiut Tribe  
Native Village of Atka  
Village of Atmautluak  
Atqasuk Village (Atkasook)  
Native Village of Barrow Inupiat Traditional Government  
Beaver Village  
Native Village of Belkofski  
Village of Bill Moore's Slough  
Birch Creek Tribe  
Native Village of Brevig Mission  
Native Village of Buckland  
Native Village of Cantwell  
Native Village of Chenega (aka Chanega)  
Chalkyitsik Village  
Cheesh-Na Tribe (formerly the Native Village of Chistochina)  
Village of Chefornak  
Chevak Native Village  
Chickaloon Native Village  
Chignik Bay Tribal Council (formerly the Native Village of Chignik)  
Native Village of Chignik Lagoon  
Chignik Lake Village  
Chilkat Indian Village (Klukwan)  
Chilkoot Indian Association (Haines)  
Chinik Eskimo Community (Golovin)  
Native Village of Chitina  
Native Village of Chuathbaluk (Russian Mission, Kuskokwim)  
Chuloonawick Native Village  
Circle Native Community  
Village of Clarks Point  
Native Village of Council  
Craig Community Association  
Village of Crooked Creek  
Curyung Tribal Council

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Native Village of Deering  
Native Village of Diomedea (aka Inalik)  
Village of Dot Lake  
Douglas Indian Association

Native Village of Eagle  
Native Village of Eek  
Egegik Village  
Eklutna Native Village  
Native Village of Ekuk  
Ekwok Village  
Native Village of Elim  
Emmonak Village  
Evansville Village (aka Bettles Field)  
Native Village of Eyak (Cordova)  
Native Village of False Pass  
Native Village of Fort Yukon  
Native Village of Gakona  
Galena Village (aka Louden Village)  
Native Village of Gambell  
Native Village of Georgetown  
Native Village of Goodnews Bay  
Organized Village of Grayling (aka Holikachuk)  
Gulkana Village  
Native Village of Hamilton  
Healy Lake Village  
Holy Cross Village  
Hoonah Indian Association  
Native Village of Hooper Bay  
Hughes Village  
Huslia Village  
Hydaburg Cooperative Association  
Igiugig Village  
Village of Iliamna  
Inupiat Community of the Arctic Slope  
Iqurmit Traditional Council (formerly the Native Village of Russian Mission)  
Ivanoff Bay Village  
Kaguyak Village  
Organized Village of Kake  
Kaktovik Village (aka Barter Island)  
Village of Kalskag  
Village of Kaltag  
Native Village of Kanatak  
Native Village of Karluk  
Organized Village of Kasaan  
Kasigluk Traditional Elders Council (formerly the Native Village of Kasigluk)  
Kenaitze Indian Tribe  
Ketchikan Indian Corporation  
Native Village of Kiana  
King Island Native Community  
King Salmon Tribe  
Native Village of Kipnuk  
Native Village of Kivalina  
Klawock Cooperative Association  
Native Village of Kluti Kaah (aka Copper Center)  
Knik Tribe  
Native Village of Kobuk  
Kokhanok Village  
Native Village of Kongiganak  
Village of Kotlik  
Native Village of Kotzebue  
Native Village of Koyuk  
Koyukuk Native Village

Organized Village of Kwethluk  
Native Village of Kwigillingok  
Native Village of Kwinhagak (aka Quinhagak)  
Native Village of Larsen Bay  
Levelock Village  
Lesnoi Village (aka Woody Island)  
Lime Village  
Village of Lower Kalskag  
Manley Hot Springs Village  
Manokotak Village  
Native Village of Marshall (aka Fortuna Ledge)  
Native Village of Mary's Igloo  
McGrath Native Village  
Native Village of Mekoryuk  
Mentasta Traditional Council  
Metlakatla Indian Community, Annette Island Reserve  
Native Village of Minto  
Naknek Native Village  
Native Village of Nanwalek (aka English Bay)  
Native Village of Napaimute  
Native Village of Napakiak  
Native Village of Napaskiak  
Native Village of Nelson Lagoon  
Nenana Native Association  
New Koliganek Village Council  
New Stuyahok Village  
Newhalen Village  
Newtok Village  
Native Village of Nightmute  
Nikolai Village  
Native Village of Nikolski  
Ninilchik Village  
Native Village of Noatak  
Nome Eskimo Community  
Nondalton Village  
Noorvik Native Community  
Northway Village  
Native Village of Nuiqsut (aka Nooiksut)  
Nulato Village  
Nunakauyarmiut Tribe (formerly the Native Village of Toksook Bay)  
Native Village of Nunam Iqua (formerly the Native Village of Sheldon's Point)  
Native Village of Nunapitchuk  
Village of Ohogamiut  
Village of Old Harbor  
Orutsararmuit Native Village (aka Bethel)  
Oscarville Traditional Village  
Native Village of Ouzinkie  
Native Village of Paimiut  
Pauloff Harbor Village  
Pedro Bay Village  
Native Village of Perryville  
Petersburg Indian Association  
Native Village of Pilot Point  
Pilot Station Traditional Village  
Native Village of Pitka's Point  
Platinum Traditional Village  
Native Village of Point Hope  
Native Village of Point Lay  
Native Village of Port Graham

Native Village of Port Heiden  
Native Village of Port Lions  
Portage Creek Village (aka Ohgsenakale)  
Pribilof Islands Aleut Communities of St. Paul & St. George Islands  
Qagan Tayagungin Tribe of Sand Point Village  
Qawalangin Tribe of Unalaska  
Rampart Village  
Village of Red Devil  
Native Village of Ruby  
Saint George Island (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)  
Native Village of Saint Michael  
Saint Paul Island (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)  
Village of Salamatoff  
Native Village of Savoonga  
Organized Village of Saxman  
Native Village of Scammon Bay  
Native Village of Selawik  
Seldovia Village Tribe  
Shageluk Native Village  
Native Village of Shaktoolik  
Native Village of Shishmaref  
Native Village of Shungnak  
Sitka Tribe of Alaska  
Skagway Village  
Village of Sleetmute  
Village of Solomon  
South Naknek Village  
Stebbins Community Association  
Native Village of Stevens  
Village of Stony River  
Sun'aq Tribe of Kodiak (formerly the Shoonaq' Tribe of Kodiak)  
Takotna Village  
Native Village of Tanacross  
Native Village of Tanana  
Native Village of Tatitlek  
Native Village of Tazlina  
Telida Village  
Native Village of Teller  
Native Village of Tetlin  
Central Council of the Tlingit & Haida Indian Tribes  
Traditional Village of Togiak  
Tuluksak Native Community  
Native Village of Tuntutuliak  
Native Village of Tununak  
Twin Hills Village  
Native Village of Tyonek  
Ugashik Village  
Umkumiute Native Village  
Native Village of Unalakleet  
Native Village of Unga  
Village of Venetie (See Native Village of Venetie Tribal Government)  
Native Village of Venetie Tribal Government (Arctic Village and Village of Venetie)  
Village of Wainwright  
Native Village of Wales  
Native Village of White Mountain  
Wrangell Cooperative Association  
Yakutat Tlingit Tribe

[FR Doc. E8-6968 Filed 4-3-08; 8:45 am]

BILLING CODE 4310-4J-P

# SENATE FINANCE COMMITTEE REPORT

DATE: 4/1/09

FURTHER:

DATE TURNED  
IN TO OFFICE: 4-11-09

Finance Committee considered SENATE BILL NO. 170

## SB 170 UNEMPLOYMENT AMENDMENTS: FED STIMULUS

"An Act modifying the Alaska unemployment insurance statutes to comply with the requirements of the federal economic stimulus bill by redefining the base period for determining eligibility for unemployment benefits; and providing for an effective date."

and recommends:

- be replaced with  SCS or  CS SB170 (FIN)
- adopt previous  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

<b>SENATE BILL:</b>	
<input type="checkbox"/> Same Title	
<input checked="" type="checkbox"/> New Title	
<b>HOUSE BILL:</b>	
<input type="checkbox"/> Same Title	
<input type="checkbox"/> Technical Title Change	
<input type="checkbox"/> New Title w/ SCR # _____	

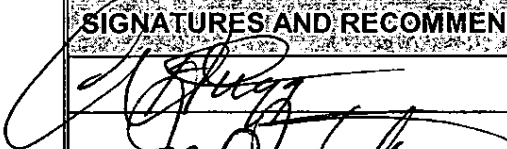
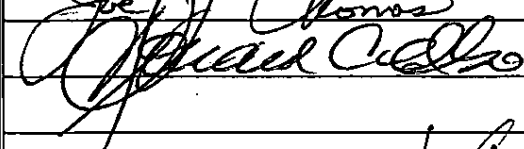
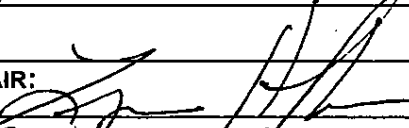

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
LWF	3/27/09			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	William Thomas	<del> </del>			
	Orson	✓			
	Hoffman	✓			
	Stearns	✓			

# FISCAL NOTE

**STATE OF ALASKA**  
**2009 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: SB 170  
 (S) Publish Date: 4/1/09

Identifier (file name): SB170-DOLWD-UI-03-27-09 Dept. Affected: Labor and Workforce Development  
 Title: Unemployment Amendments: Fed Stimulus RDU: Employment Security  
 Component: Unemployment Insurance  
 Sponsor: Senator Ellis  
 Requester: Senate L&C Component Number: 2276

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES ( )</b>								
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**FUND SOURCE** (Thousands of Dollars)

	FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2009) cost: None

**POSITIONS**

	FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Full-time							
Part-time							
Temporary							

**ANALYSIS:** (Attach a separate page if necessary)

There is no anticipated fiscal impact to the department as a result of this legislation.

This legislation makes changes to the Unemployment Insurance base period used to determine eligibility for benefits by allowing use of the most recent completed quarter if an individual would not be eligible using the prior four quarters. Based on a review of 2008 unemployment insurance benefit applications, 1,293 additional unemployed workers would have been eligible for unemployment insurance benefits if the alternate base period were in place in 2008, resulting in \$1.95 million in unemployment insurance benefits paid from the Unemployment Insurance Trust Fund.

Prepared by: Thomas Nelson, Director  
 Division: Division of Employment Security  
 Approved by: Click Bishop, Commissioner  
 Agency: Department of Labor and Workforce Development

Phone 465-5933  
 Date/Time 3/27/09 3:48 PM  
 Date 3/27/09

# SENATE FINANCE COMMITTEE REPORT

DATE: 4/1/09

FURTHER:

DATE TURNED  
IN TO OFFICE: 4-11-09

Finance Committee considered SENATE BILL NO. 170

## SB 170 UNEMPLOYMENT AMENDMENTS: FED STIMULUS

"An Act modifying the Alaska unemployment insurance statutes to comply with the requirements of the federal economic stimulus bill by redefining the base period for determining eligibility for unemployment benefits; and providing for an effective date."

and recommends:

- be replaced with  SCS or  CS SB170 (FIN)
- adopt previous  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

<b>SENATE BILL:</b>	
<input type="checkbox"/> Same Title	
<input checked="" type="checkbox"/> New Title	
<hr/>	
<b>HOUSE BILL:</b>	
<input type="checkbox"/> Same Title	
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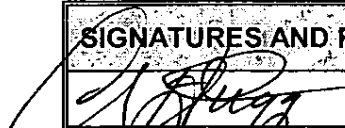


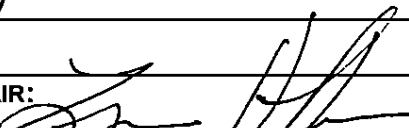

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
LWF	3/27/09			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS	PRINTED LASTNAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Wiggins	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
	Thomas	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
	Orson	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
CO-CHAIR: 	Hoffman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
CO-CHAIR: 	Stegman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		

Adopted 4.7.09

26-LS0762\S.1  
Cook/Wayne  
4/7/09

AMENDMENT 1

OFFERED IN THE SENATE

BY SENATOR ELLIS

TO: CSSB 170(FIN), Draft Version "S"

- 1 Page 1, lines 1 - 2:
- 2 Delete "to comply with the requirements of the federal economic stimulus bill"

# FISCAL NOTE

**STATE OF ALASKA**  
**2009 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: SB 170  
 (S) Publish Date: 4/1/09

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 Requester: Senate L&C Component Number: 2276

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Travel							
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Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>							
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<b>CHANGE IN REVENUES ( )</b>							
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**FUND SOURCE** (Thousands of Dollars)

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Estimate of any current year (FY2009) cost: None

**POSITIONS**

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
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Part-time						
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Prepared by: Thomas Nelson, Director Phone 465-5933  
 Division: Division of Employment Security Date/Time 3/27/09 3:48 PM  
 Approved by: Click Bishop, Commissioner Date 3/27/09  
 Agency: Department of Labor and Workforce Development