

LEG. FINANCE - BILLS 1977 5 - 1978 6 737

C SHB 548 cont., thru ~~HB/548~~ S SHB 550



KAREN A. FLOWERS
7000 Cranberry Street
Anchorage, Alaska 99502
January 16, 1978

Dear Lisa Rudd,

I received a telephone call from your secretary telling me of your plans for HB 548 to go before the legislature for passage. Since I have a daughter who is Down's Syndrome and been given the benefits of early training and education, I understand that my story may be of help. I am an earnest supporter of early intervention because I have seen first hand the great difference it can make in development.

I really don't know where to start telling you of my daughter, Melanie. I'll start at the beginning and bring you up to date on the progress she has made.

Melanie was born on March 13, 1972 at the Boston Lying-in Hospital in Boston, Massachusetts. She was my second child, I had a perfectly normal son, Todd, seven and a half years earlier. I had a perfectly healthy, normal pregnancy. I saw my beautiful baby in the delivery room and all seemed well. While in the recovery room, my pediatrician came in to discuss my daughter. Within a few minutes my world and dreams fell apart. He was blunt and honest---told me he believed my baby was Mongoloid. Shock, horror and fear filled both my husband and me. For the six days while I was in the hospital, my husband and I tried desperately to pull our lives together and to find a path for the unknown future.

It was during this time that we were contacted by a man who probably made the biggest impact on our lives and the future of Melanie. This was Dr. Siegfried Pueschel of the Children's Hospital Medical Center in Boston. He was involved in a program at the hospital for Down's Syndrome children through age three. This program was under federal funding for the study of a F.D.A. approved drug to improve the muscle development of these children along with extensive methods of stimulation. The drug was a "blind study" so that no one knew just who was getting the medication. So it turned out, the medication made no significant difference and, yes, Melanie got "THE" drug---but the extensive therapy and work with these children did make a remarkable difference.

Melanie started the program at three weeks of age and was actively involved until her third birthday. Each visit to Children's Hospital would involve a full day of testing and instruction of at least a half dozen specialists. The average visit would start off with a meeting with the

nurse. Melanie would be weighed and measured (all information carefully recorded on various charts). Then the nurse would discuss with me various feeding problems and solutions as well as proper diet importance. I would then see the physcologist who would discuss with me any of my personal problems and help me organize myself to better help my child. The physical therapist would then meet with me after carefully checking Melanie's muscle development. She would instruct me on various methods of therapy to use with Melanie to improve her weak areas. I would then meet with another phsycologist who would put Melanie through various tests to evaluate her development. There were always special tests, such as hearing, x-rays and blood tests. My day would end with a meeting with Dr. Pueschel who would carefully examine Melanie and plot a course of action for the nest three months, when I would go back again.

There was a lot of work involved, but Melanie literally became a family project. We would all exercise her and try the different methods of stimulation. At six months of age Melanie started swimming lessons and learned to love the water and manage herself quite well. Before she was a year old, she was up on her feet and was walking by 16 months. By the time Melanie was 2½, it was decided whe was ready for a special education school. She went to the Charles River workshop in Needham, Mass. for one school year and developed even more skills under their special care.

We moved to Alaska in June of 1975. That fall Melanie started school at the Whaley Center, where she spent two years. She learned to really love school and had a true desire to learn. After two years she could write her name, knew her numbers to 15, and had a sight vocabulary of more than 50 words. It was then decided that she knew enough and was ready to enter a regular kindergarten class.

On August 30th, Melanie entered kindergarten at the Gladys Wood School with all the other five year olds in our neighborhood. Needless to say, this was a giant step for Melanie and proved to us as well as the professionals that it can be done. Thus far, kindergarten has been a great and rewarding experience for Melanie. Because she knew her alphabet, both upper and lower cases, her numbers and could read a bit she started out a bit ahead of the majoricy of the children. There is a special education teacher there to work with Melanie on a one-to-one basis in her weak areas and to continue her Edmark Reading Program. She also gets speech therapy to aid her in the area she at present is the weakest. Between the therapy and the association of her "normal" classmates, her speech is greatly improving. Her classmates have

totally accepted her and tend to be a bit too helpful when they see Melanie needs a little extra help. She has formed the normal school friendships, both having children at her home and being invited to their homes.

Well, I guess that brings you up to date on Melanie's progress. It's been a long and sometimes difficult road but the rewards have far outweighed the work. I don't pretend to have all the answers for the future, but because of all the help and support we've received thus far, I don't fear the tomorrows. I'm sure that if it had not been for the early intervention Melanie received between birth and three years, she would not be where she is today.

Anyone who has worked with handicapped children knows that the earlier a program is started the better. These first three years are so important and form the foundation for the future of the child. Someday maybe science will insure that only "perfect" children will be born, but until then no one asks to give birth to a handicapped child. Once the birth occurs, the parents have a responsibility to this child --- to give this child every advantage to become a productive member of society. But to do this, society must provide the means of education and instruction for both the child and his parents. The type of early education and stimulation Melanie received is all too rare, but something that is all too needed. These children deserve every chance and it's up to all of us to try to insure them the brightest possible future.

I want to thank you for your time and your interest in helping our children receive the type of help and education they deserve. I don't know how much my story will help you, but my prayers for a speedy passage of House Bill #548 are with you. I can only hope and pray that other children will receive the advantages my daughter has been so fortunate in receiving.

Yours truly,

Karen A. Flowers

Typed from HANDWRITTEN ORIGINAL.



ALASKA FOSTER PARENTS ASSOCIATION

Box 8651

Anchorage, Alaska 99508



Dear Lisa,

Feb. 21, 1978

We understand you are sponsoring a bill to require education for handicapped children from 0 to 3 years. We think this is really important. Can we have a copy and who else can we write to give our support? We feel many parents wait too long to get started with their children because they just don't have the money and when a child is handicapped they need help as early as possible. This will also help foster children who get no services until are three unless they have a really pushy foster mother who is willing to fight the system for them.

Thank you,

Bonnie J. Darnell

Mrs.
Clifford Darnell
S. R. Box 5520
Eagle River, Ak 99577

C O P Y

17 January 1978

Lisa Rudd
Pouch V
Juneau, AK

Speaking as an individual teacher of the multiple handicapped and a student of the literature pertaining to this population I am in strong support of the bill proposing mandatory early childhood intervention for the state of Alaska.

There exists a great deal of supportive research concerning the beneficial effects of early stimulation. The federal government has certainly realized an appreciation for the plasticity of the central nervous system during infancy and has consequently initiated its drive to ensure that individual states begin their drive to provide services for these children. I believe Alaska will be instrumental in fostering exceptional gain with our children by passing this legislation and contributing to a progressive national trend for educational opportunities for all.

Sincerely,

Wayne L. Leslie

Wayne L. Leslie
827 Price St., #4
Anchorage, AK 99504

Typed from handwritten original

TO: Lisa
FROM: Judith
RE: Comparison of Present law with Proposed CSHB 548.

Sec. 47.20.005. Purpose.

New section which moves Purpose to beginning of the chapter whereas it appears at the end of the chapter in present law. New language in this section:

To the maximum extent possible, the department shall (/may/ from present law) establish a learning program which emphasizes individual needs and is home based.

Sec. 47.20.010. Assistance Authorized.

Under (a) of this section: (a) proposed draft mandates the program: shall /may/; (b) extends assistance to non-profit corporation, school districts, and regional attendance areas and (c) deletes modifying language /who are educable or trainable but physically or mentally retarded/. New language reiterates that the program emphasize individual needs and be home based.

Sec. 47.20.020. Standards for assistance.

Draft proposal broadens current law. There is no longer a requirement /for five or more/ in order to receive assistance. Furthermore, the department is not restricted in its assistance to evaluation, professional guidance and recruitment and payment of specialized teachers.

Sec. 47.20.050 Definitions

(1) Exceptional children is defined according to Department of Education statutes for uniformity and include the phrase children who have not reached the age of three.

(2) Professional guidance defined allows the department latitude in what types of services they shall provide, including any medical and educational specialists necessary for the education and training of exceptional children.

Original sponsors: Rudd, Bradley,
Buchholdt, et al

Offered: 5/8/78
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 548 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the education of exceptional child-
7 ren; and providing for an effective date."

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

9 * Section 1. AS 47.20 is amended by adding a new section to read:

10 Sec. 47.20.005. PURPOSE. It is the purpose of secs. 5 - 50 of
11 this chapter to provide appropriate public education and training for
12 the exceptional children in this state who have not reached the age of
13 three. To the maximum extent possible, the department shall establish a
14 learning program which emphasizes individual needs, is home based, and
15 involves parents in the education and training of their children.

16 * Sec. 2. AS 47.20.010 is amended to read:

17 Sec. 47.20.010. ASSISTANCE AUTHORIZED. (a) The Department of
18 Health and Social Services shall [MAY] provide professional guidance and
19 financial assistance to organized groups of parents, nonprofit corpora-
20 tions, school districts, and regional educational attendance areas ac-
21 cording to standards and regulations adopted [DEvised] by the department
22 for providing special services, evaluation and special training required
23 by exceptional children [WHO ARE EDUCABLE OR TRAINABLE BUT PHYSICALLY OR
24 MENTALLY RETARDED].

25 (b) The program established under (a) of this section shall em-
26 phasize individual needs and, where possible, be home based and involve
27 parents in the education and training of their children.

28 * Sec. 3. AS 47.20.020 is amended to read:

29 Sec. 47.20.020. STANDARDS FOR ASSISTANCE. The department shall

1 assist organized parental groups, school districts, regional educational
2 attendance areas, and nonprofit corporations which have requested
3 assistance and have arranged for the necessary facilities and equipment
4 for training centers for [FIVE OR MORE] exceptional children. [THE
5 DEPARTMENT SHALL RESTRICT ITS ASSISTANCE TO EVALUATION, PROFESSIONAL
6 GUIDANCE AND RECRUITMENT AND PAYMENT OF SPECIALIZED TEACHERS.]

7 * Sec. 4. AS 47.20.050(1) is amended to read:

8 (1) "exceptional children" includes those children who have
9 not reached the age of three whose development is significantly delayed
10 due to mental retardation, physical, neurological, or emotional handi-
11 caps [PHYSICALLY HANDICAPPED CHILDREN AND MENTALLY RETARDED EDUCABLE AND
12 TRAINABLE CHILDREN];

13 * Sec. 5. AS 47.20.050 is amended by adding new paragraphs to read:

14 (7) "professional guidance" means the consultative services
15 or other medical and educational specialists developed by the department
16 for the education and training of exceptional children;

17 (8) "department" means the Department of Health and Social
18 Services.

19 * Sec. 6. AS 47.20.030, 47.20.040 and 47.20.050(3) and (6) are repealed.

20 * Sec. 7. This Act takes effect July 1, 1978.

Original sponsors: Rudd, Bradley,
Buchholdt, et al

Offered: 4/4/78
Referred: Finance

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 548

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

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16 Services.

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18 * Sec. 7. This Act takes effect July 1, 1978.
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Introduced: 5/21/77
Referred: Health, Education &
Social Services and Finance

BY RUDD, BRADLEY, BUCHHOLDT,
CHATTERTON, COTTEN, DUNCAN,
GARDINER, GRUENING, LETHIN,
MALONE, MEEKINS, PARR, PHILLIPS,
SMITH AND SNIDER

1 IN THE HOUSE

2 HOUSE BILL NO. 548

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the education of exceptional
7 children."

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

9 * Section 1. AS 14.30.180 is amended to read:

10 Sec. 14.30.180. PURPOSE. It is the purpose of secs. 180 - 350 of
11 this chapter to provide competent education services for the exceptional
12 children in this state [WHO ARE AT LEAST THREE YEARS OF AGE AND FOR WHOM
13 THE REGULAR SCHOOL FACILITIES ARE INADEQUATE OR NOT AVAILABLE].
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RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James A. Smith
Signature of Camera Operator

2/14/90
Date

*HB 548
Revised*

QUEST
Bill/Resolution No. CSHA 548
Title _____
Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Department of Health & Social Services
Program Category Affected Health
Budget Request Unit(s) Affected Section of Family Health

EXPENDITURES (Thousands of Dollars) *reduction per agency testimony that figure*

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES	0	35.8	35.8	38.0	39.0	42.0
200 TRAVEL	0	3.2	3.4	3.6	3.8	4.0
300 CONTRACTUAL	110.0					
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.	110.0	285.0	322.8	362.4	381.5	390.0
TOTAL		<u>155.7</u>	362.0	404.0	425.0	426.0

FUNDING (Thousands of Dollars)

GENERAL FUND	75.0	285.0	285.0	285.0	285.0	225.0
FEDERAL FUNDS	35.0	40.0	77.0	119.0	140.0	161.0
OTHER (Specify)						

POSITIONS

FULL TIME	0	1	1	1	1	1
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

A. Assumption: The FY 79 and 80 increase in funds would permit expansion of Infant Stimulation programs into 6 additional communities per year in response to the mandatory language of this bill for communities which have identified the infants needing the program and have requested this assistance to serve them. The FY 81 and 82 increases reflect 3 additional communities per year. FY 83 and beyond will most likely be maintenance funding as this program will be serving approximately 250 infants statewide. The federal funding available for this program is a per capita allotment based on the number of students served the previous year.

This expansion of Infant Learning Programs will require employment of an individual with special education expertise for preschool age children and with administrative skills sufficient to manage this grant program under general direction. The Education Specialist I (Range 19) class specification would offer these capabilities and is budgeted from FY 79 onward. (Continued on attached sheet)

IV. DATE March 29, 1978 PREPARED BY David A. Spence, J.D.
AGENCY Department of Health & Social Services
Original: Legislative Finance PHONE 465-3100
cc: Budget and Management
Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HB 548
 Title Education of Exceptional Children
 Requested by Representative Kudd, et.al. Date May 21, 1977

II. FISCAL DETAIL
 Agency Affected Department of Education
 Program Category Affected Education - Elementary and Secondary Education
 Budget Request Unit(s) Affected Financial Support Programs

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		377.0	399.6	423.5	449.0	475.9
TOTAL		377.0	399.6	423.5	449.0	475.9

FUNDING (Thousands of Dollars)

GENERAL FUND		377.0	399.6	423.5	449.0	475.9
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME		0	0	0	0	0
PART TIME		0	0	0	0	0
TEMPORARY		0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Projected Number of Children 0-2 Years of Age: The 1977 projected population of children 0-2 years of age, based on the 1970 census and growth rate in Alaska is 20,435. Between one and four percent of this population may be handicapped. The best estimates from professionals in this area is that realistically about one percent or 204 children may be handicapped and in need of special education services in Alaska.

Projected Costs:

Total projected 0-2 years handicapped population 204
 Number of districts with increase in instructional units 10
 Increase statewide in instructional units 13
 Total cost to state (average) \$377,000

IV. DATE January 13, 1978 PREPARED BY Nathaniel Cole, Deputy Commissioner
 AGENCY Department of Education
 PHONE 465-2800
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

1/6/78

COMMITTEE REPORT

HOUSE

4/4/77

FURTHER: _____

Date: _____

Mr. Speaker:

The Committee on FINANCE has had HB 548

"An Act relating to the education of exceptional children."

under consideration and (a majority of the committee) (the committee reports it back as follows)

() recommends it do pass () recommends it do not pass

() recommends it do pass with attached amendment(s)

(x) recommends it be replaced with CS for HP 548 (Finance)

and that it do pass () new title (x) same title

() AND attaches a Letter of Intent (x) New Fiscal Note

() reports it back without recommendation

() and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Buckholt

Freeman
Chairman

Original sponsors: Rudd, Bradley,
Buchholdt, et al

Offered: 4/4/78
Referred: Finance

Finance

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE HOUSE

2

CS FOR HOUSE BILL NO. 548

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the education of exceptional child-
7 ren; and providing for an effective date."

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

9 * Section 1. AS 47.20 is amended by adding a new section to read:

10 Sec. 47.20.005. PURPOSE. It is the purpose of secs. 5 - 50 of
11 this chapter to provide appropriate public education and training for
12 the exceptional children in this state who have not reached the age of
13 three. To the maximum extent possible, the department shall establish a
14 learning program which emphasizes individual needs, ~~and~~ is home based, and in-
15 volves parents in the education and training of their children.

16 * Sec. 2. AS 47.20.010 is amended to read:

17 Sec. 47.20.010. ASSISTANCE AUTHORIZED. (a) The Department of
18 Health and Social Services shall [MAY] provide professional guidance and
19 financial assistance to organized groups of parents, nonprofit corpora-
20 tions, school districts, and regional educational attendance areas ac-
21 cording to standards and regulations adopted [DEvised] by the department
22 for providing special services, evaluation and special training required
23 by exceptional children [WHO ARE EDUCABLE OR TRAINABLE BUT PHYSICALLY OR
24 MENTALLY RETARDED].

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16 Services.

17 * Sec. 6. AS 47.20.030, 47.20.040 and 47.20.050(3) and (6) are repealed.

18 * Sec. 7. This Act takes effect July 1, 1978.

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CSHB 548
 Title _____
 Requested by _____ Date _____

II. FISCAL DETAIL
 Agency Affected Department of Health & Social Services
 Program Category Affected Health
 Budget Request Unit(s) Affected Section of Family Health

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES	0	33.8	35.8	38.0	39.9	42.0
200 TRAVEL	0	3.2	3.4	3.6	3.8	4.0
300 CONTRACTUAL	110.0					
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.	110.0	288.0	322.8	362.4	381.3	390.0
TOTAL		325.0	362.0	404.0	425.0	426.0

FUNDING (Thousands of Dollars)

GENERAL FUND	75.0	285.0	285.0	285.0	285.0	285.0
FEDERAL FUNDS	35.0	40.0	77.0	119.0	140.0	161.0
OTHER (Specify)						

POSITIONS

FULL TIME	0	1	1	1	1	1
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

A. Assumption: The FY 79 and 80 increase in funds would permit expansion of Infant Stimulation programs into 6 additional communities per year in response to the mandatory language of this bill for communities which have identified the infants needing the program and have requested this assistance to serve them. The FY 81 and 82 increases reflect 3 additional communities per year. FY 83 and beyond will most likely be maintenance funding as this program will be serving approximately 250 infants statewide. The federal funding available for this program is a per capita allotment based on the number of students served the previous year.

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IV. DATE March 29, 1978 PREPARED BY David A. Spence, A.D.
 AGENCY Department of Health & Social Services
 PHONE 465-3100

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

III. ANALYSIS (Continued)

B. Program Summary:

1. Personal Services:

Education Specialist I, Range 19A	
12 months @ \$2,236	\$ 26,916
Benefits @ 25.5%	<u>6,864</u>
Total Personal Services	\$ 33,780

2. Travel: Statewide travel to each grantee at least once annually to provide administrative and technical assistance to participating groups. Travel to Juneau to confer with central office personnel in the Departments of Education and Health & Social Services. \$ 3,200

3. Grants: Provide funding for teachers salaries, benefits and travel for an estimated 11 teacher units in FY 79. \$288,000

Original sponsors: Rudd, Bradley,
Buchholdt, et al

Offered: 4/4/78
Referred: Finance

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 548

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

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14 learning program which emphasizes individual needs, and is home based

15 * Sec. 2. AS 47.20.010 is amended to read: + includes parents in education
+ training of children

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22 by exceptional children [WHO ARE EDUCABLE OR TRAINABLE BUT PHYSICALLY OR
23 MENTALLY RETARDED].

24 (b) The program established under (a) of this section shall em-
25 phasize individual needs and, where possible, be home based. + includes

26 * Sec. 3. AS 47.20.020 is amended to read:

27 Sec. 47.20.020. STANDARDS FOR ASSISTANCE. The department shall
28 assist organized parental groups, school districts, regional educational
29 attendance areas, and nonprofit corporations which have requested

1 assistance and have arranged for the necessary facilities and equipment
2 for training centers for [FIVE OR MORE] exceptional children. [THE
3 DEPARTMENT SHALL RESTRICT ITS ASSISTANCE TO EVALUATION, PROFESSIONAL
4 GUIDANCE AND RECRUITMENT AND PAYMENT OF SPECIALIZED TEACHERS.]

5 * Sec. 4. AS 47.20.050(1) is amended to read:

6 (1) "exceptional children" includes those children who have
7 not reached the age of three whose development is significantly delayed
8 due to mental retardation, physical, neurological, or emotional handi-
9 caps [PHYSICALLY HANDICAPPED CHILDREN AND MENTALLY RETARDED EDUCABLE AND
10 TRAINABLE CHILDREN];

11 * Sec. 5. AS 47.20.050 is amended by adding new paragraphs to read:

12 (7) "professional guidance" means the consultative services
13 or other medical and educational specialists developed by the department
14 for the education and training of exceptional children;

15 (8) "department" means the Department of Health and Social
16 Services.

17 * Sec. 6. AS 47.20.030, 47.20.040 and 47.20.050(3) and (6) are repealed.

18 * Sec. 7. This Act takes effect July 1, 1978.
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Introduced: 5/21/77
Referred: Health, Education &
Social Services and Finance

BY RUDD, BRADLEY, BUCHHOLDT,
CHATTERTON, COTTEN, DUNCAN,
GARDINER, GRUENING, LETHIN,
MALONE, MEEKINS, PARR, PHILLIPS,
SMITH AND SNIDER

1 IN THE HOUSE

2 HOUSE BILL NO. 548

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the education of exceptional
7 children."

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

9 * Section 1. AS 14.30.180 is amended to read:

10 Sec. 14.30.180. PURPOSE. It is the purpose of secs. 180 - 350 of
11 this chapter to provide competent education services for the exceptional
12 children in this state [WHO ARE AT LEAST THREE YEARS OF AGE AND FOR WHOM
13 THE REGULAR SCHOOL FACILITIES ARE INADEQUATE OR NOT AVAILABLE].
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Original sponsors: Rudd, Bradley,
Buchholdt, et al

Offered: 4/4/78
Referred: Finance

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 548

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the education of exceptional child-
7 ren; and providing for an effective date."

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

9 * Section 1. AS 47.20 is amended by adding a new section to read:

10 Sec. 47.20.005. PURPOSE. It is the purpose of secs. 5 - 50 of
11 this chapter to provide appropriate public education and training for
12 the exceptional children in this state who have not reached the age of
13 three. To the maximum extent possible, the department shall establish a
14 learning program which emphasizes individual needs and is home based.

15 * Sec. 2. AS 47.20.010 is amended to read:

16 Sec. 47.20.010. ASSISTANCE AUTHORIZED. (a) The Department of
17 Health and Social Services shall [MAY] provide professional guidance and
18 financial assistance to organized groups of parents, nonprofit corpora-
19 tions, school districts, and regional educational attendance areas ac-
20 cording to standards and regulations adopted [DEvised] by the department
21 for providing special services, evaluation and special training required
22 by exceptional children [WHO ARE EDUCABLE OR TRAINABLE BUT PHYSICALLY OR
23 MENTALLY RETARDED].

24 (b) The program established under (a) of this section shall em-
25 phasize individual needs and, where possible, be home based.

26 * Sec. 3. AS 47.20.020 is amended to read:

27 Sec. 47.20.020. STANDARDS FOR ASSISTANCE. The department shall
28 assist organized parental groups, school districts, regional educational
29 attendance areas, and nonprofit corporations which have requested

1 assistance and have arranged for the necessary facilities and equipment
2 for training centers for [FIVE OR MORE] exceptional children. [THE
3 DEPARTMENT SHALL RESTRICT ITS ASSISTANCE TO EVALUATION, PROFESSIONAL
4 GUIDANCE AND RECRUITMENT AND PAYMENT OF SPECIALIZED TEACHERS.]

5 * Sec. 4. AS 47.20.050(1) is amended to read:

6 (1) "exceptional children" includes those children who have
7 not reached the age of three whose development is significantly delayed
8 due to mental retardation, physical, neurological, or emotional handi-
9 caps [PHYSICALLY HANDICAPPED CHILDREN AND MENTALLY RETARDED EDUCABLE AND
10 TRAINABLE CHILDREN];

11 * Sec. 5. AS 47.20.050 is amended by adding new paragraphs to read:

12 (7) "professional guidance" means the consultative services
13 or other medical and educational specialists developed by the department
14 for the education and training of exceptional children;

15 (8) "department" means the Department of Health and Social
16 Services.

17 * Sec. 6. AS 47.20.030, 47.20.040 and 47.20.050(3) and (6) are repealed.

18 * Sec. 7. This Act takes effect July 1, 1978.

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CSHB 548 (Proposed)
 Title An Act relating to Special Education
 Requested by Rudd Date March 7, 1978

II. FISCAL DETAIL
 Agency Affected Education
 Program Category Affected Education
 Budget Request Unit(s) Affected Financial Support

CSHB 548

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES			279.0	296.0	313.0	332.0
700 GRANTS, CLAIMS, ETC.						
TOTAL			279.0	296.0	313.0	332.0

FUNDING (Thousands of Dollars)

GENERAL FUND			279.0	296.0	313.0	332.0
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Projection based upon 210 students estimated to be identified in target group. Analysis was based upon extrapolated numbers of children as a function of children ages 3-5 who are already identified and in a program. It was postulated that the 0-2 year old group would equal 2/3 of the 3-5 year old group. Fiscal impact was estimated by projecting enrollments into FY-78 and noting probable unit charges (14 in all) over 8 districts. The amount thus derived was reduced by the amount budgeted by Health and Social Services for AS 47.20 (125,000 + 6% yearly) and increased annually for inflation (6%).

IV. DATE March 8, 1978 PREPARED BY Nathaniel Cole, Deputy Commissioner
 AGENCY Department of Education
 PHONE 465-2800

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Original sponsors: Rudd, Bradley,
Buchholdt, et al

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 548

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the education of exceptional
7 children; and providing for an effective date."

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

9 * Section 1. AS 14.30.180 is amended to read:

10 Sec. 14.30.180. PURPOSE. It is the purpose of secs. 180 - 350 of
11 this chapter to provide competent education services for the exceptiona
12 children in this state who are at least three years of age and for whom
13 the regular school facilities are inadequate or not available. It is
14 also the purpose of secs. 180 - 350 of this chapter to provide compet
15 education services for those children under the age of three who quali
16 as mentally retarded, physically handicapped, or emotionally handicapp

17 * Sec. 2. AS 14.30.250 is amended by adding a new subsection to read:

18 (b) The education of children under the age of three may, in the
19 discretion of the school district or rural educational attendance area,
20 take place in the home or in special facilities staffed by therapists
21 who are not certificated teachers but who are supervised by certified
22 special education teachers.

23 * Sec. 3. This Act takes effect July 1, 1979.

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THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 548 (Proposed)
 Title Education of Exceptional Children
 Requested by Parr Date 5-21-77

CSHB 548

II. FISCAL DETAIL

Agency Affected Department of Education
 Program Category Affected Education - Elementary and Secondary Education
 Budget Request Unit(s) Affected Financial Support Programs

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.			1998	2117.5	2245	2379.5
TOTAL			1998	2117.5	2245	2379.5

FUNDING (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
GENERAL FUND			1998	2117.5	2245	2379.5
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
FULL TIME			0	0	0	0
PART TIME			0	0	0	0
TEMPORARY			0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Projected Number of Children 0-2 Years of Age: The 1977 projected population of children 0-2 years of age, based on the 1970 census and growth rate in Alaska is 20,435. Between one and nine percent of this population may be identified as handicapped or high risk. The best estimates from professionals in this area is that realistically about six percent or 1,020 children may be identified and referred for special education services under this program.

Projected Costs:

Total projected 0-2 years handicapped population	1,020
Number of districts with increase in instructional units	31
Increase statewide in instructional units	65
Total cost to state (average)	\$1,998,000

IV. DATE 2-14-78 PREPARED BY Nathaniel Cole, Deputy Commissioner
 AGENCY Education
 Original: Legislative Finance PHONE 465-2800
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

TENTH LEGISLATURE

FISCAL NOTE

QUEST
 Bill/Resolution No. CSHR 548
 Title _____
 Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Department of Health & Social Services
 Program Category Affected Health
 Budget Request Unit(s) Affected Section of Family Health

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES	0	33.8	35.8	38.0	39.9	42.0
200 TRAVEL	0	3.2	3.4	3.6	3.8	4.0
300 CONTRACTUAL	110.0					
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.	110.0	288.0	322.8	362.4	381.5	390.0
TOTAL		325.0	362.0	404.0	425.0	426.0

FUNDING (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
GENERAL FUND	75.0	285.0	285.0	285.0	285.0	285.0
FEDERAL FUNDS	35.0	40.0	77.0	119.0	140.0	161.0
OTHER (Specify)						

POSITIONS

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
FULL TIME	0	1	1	1	1	1
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

A. Assumption: The FY 79 and 80 increase in funds would permit expansion of Infant Stimulation programs into 6 additional communities per year in response to the mandatory language of this bill for communities which have identified the infants needing the program and have requested this assistance to serve them. The FY 81 and 82 increases reflect 3 additional communities per year. FY 83 and beyond will most likely be maintenance funding as this program will be serving approximately 250 infants statewide. The federal funding available for this program is a per capita allotment based on the number of students served the previous year.

This expansion of Infant Learning Programs will require employment of an individual with special education expertise for preschool age children and with administrative skills sufficient to manage this grant program under general direction. The Education Specialist I (Range 19) class specification would offer these capabilities and is budgeted from FY 79 onward. (Continued on attached sheet)

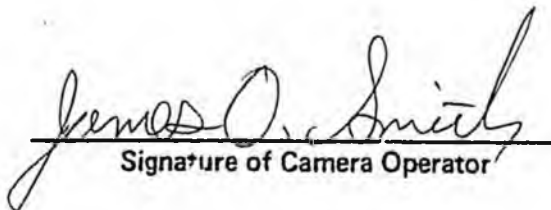
IV. DATE March 29, 1978 PREPARED BY David A. Spence, A.D.
 AGENCY Department of Health & Social Services
 PHONE 465-3100
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

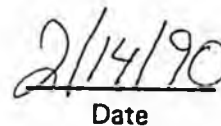


RECORDS CERTIFICATION



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Signature of Camera Operator


Date

COMMITTEE REPORT
SENATE

6/12/78

FURTHER: NONE

Date: June 13, 1978

Mr. President:

The Committee on FINANCE has had CSSSHB 550 (Fin) am
unemployment insurance

under consideration and (a majority of the committee) (the committee reports it back as follows)

() recommends it do pass () recommends it do not pass

(X) recommends it do pass with attached amendment(s)

(X) recommends it be replaced with CS for CS 550

and _____ () new title () same title

() AND attaches a Letter of Intent () New Fiscal Note

(X) reports it back without recommendation

() and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

[Signature]

[Signature]

OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]
Chairman

A M E N D M E N T

OFFERED IN THE SENATE:

By: Finance Committee

To: _____ SENATE BILL No. _____

SCS for CS for SS HOUSE BILL No. 550

PAGE: _____

LINE: _____

Page 6, Lines 20 through 29

Page 7, Line 1

Delete all of paragraph (e).

Original sponsor: Rules Committee by
request of the Governor

Offered: 6/12/78
Referred: Finance

1 IN THE HOUSE

BY THE LABOR AND MANAGEMENT
COMMITTEE

2 SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 550

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Should be deleted across the board is added

delete

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

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

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

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

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

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

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

9 (1) filed a notice of his unemployment;

10 (2) registered for work; [AND]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 nation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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6/7/78

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

2 "An Act relating to unemployment insurance."

3 Engrossment has been waived by the Speaker of the House
4 in conformity with Rule 42(b) of the Uniform Rules.

5 The amendments are attached.
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AMENDMENTS TO CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 550 (Finance)

1 Page 6, Lines 26 & 27: Delete all material

2 Page 6, Line 28: Amend to read: \$750 - 1,999,99 45 55 65 75

3 Page 9, Between lines 11 & 12, insert the following:

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

5 (c) Benefits based on service in employment defined in
6 sec. 525(a)(4), (5), (6) and (14) of this chapter are payable in
7 the same amount, on the same terms and subject to the same con-
8 ditions as compensation payable on the basis of other service
9 subject to this chapter, except that, effective January 1, 1978,
10 benefits based on service in any [AN INSTRUCTIONAL, RESEARCH OR
11 PRINCIPAL ADMINISTRATIVE] capacity for an educational institution
12 may not be paid to an individual for any week of unemployment
13 which begins during the period between two successive academic
14 years, or during a similar period between two regular terms, whether
15 or not successive, or during a period of paid sabbatical leave
16 provided for in the individual's contract, if the individual performs
17 services in the first of those academic years or terms and if there
18 is a contract or reasonable assurance that the individual will
19 perform services in the same or a similar capacity for any educational
20 institution in the second of those academic years or terms, provided
21 that the individual's salary and fringe benefits are fixed in a
22 negotiated agreement arrived at through collective bargaining.

23 Renumber remaining sections accordingly.

24
25 Page 19, line 3: Delete "25, 27 - 33, 35, and 36" and substitute in its place:

26 "26, 28 -34, 36, and 37"

27 Page 19, line 5: Change "34" to "35"

28 Page 19, line 7: Change "26" to "27"

29 Page 19, line 8: Delete "1978" insert "1979"

AMENDMENTS: Cont'd.

- 1 Page 18, line 12: Delete "sec. 18" insert "sec. 17"
- 2 Page 18, line 17: Delete "sec. 18" insert "sec. 17"
- 3 Page 18, line 27: Delete "sec. 16" insert "sec. 15"
- 4 Page 18, line 29: Delete "sec. 16" insert "sec. 15"

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THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST *Senate CS for*
 Bill/Resolution No. CSSS HB 550 (as amended, House Finance) 1
 Title An Act Relating to UI, and Providing for an Effective Date
 Requested by Senator Ferguson Date June 12, 1978

II. FISCAL DETAIL
 Agency Affected State Department of Labor
 Program Category Affected Social Security
 Budget Request Unit(s) Affected Employment Security

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES	0	105.8	89.4	93.9	98.6	103.5
200 TRAVEL	0	1.8	1.9	2.0	2.1	2.2
300 CONTRACTUAL	0	41.9	25.6	26.9	28.2	29.6
400 COMMODITIES	0	1.6	1.1	1.2	1.2	1.3
500 EQUIPMENT	0	3.0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
800 U.I. BENEFITS **	0	500	1100	1100	1200	1100

TOTAL 654.1 1218.0 1224.0 1330.1 1236.6

** Should be appropriated to Office of the Governor; Pay & Benefits Allocation

FUNDING (Thousands of Dollars)

1. U.I. BENEFITS

GENERAL FUND	0	409.5	900.9	900.9	982.8	900.9
FEDERAL FUNDS	0	23.0	50.6	50.6	55.2	50.6
OTHER (Specify)	0	67.5	148.5	148.5	162.0	148.5

2. ADMINISTRATION

GENERAL FUNDS	0	81.7	45.1	47.5	49.7	52.2
FEDERAL FUNDS	0	69.4	72.9	76.5	80.4	84.4

POSITIONS

FULL TIME	0	3	3	3	3	3
PART TIME	0	0	0	0	0	0
TEMPORARY	0	1	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

A. Assumptions:

1. State coverage is on a reimbursible basis.
2. No other changes to AS 23.20
3. State government costs are 1/2 those experienced in private business.
4. Includes full costs of Extended Benefits. Extended Benefits are estimated at 10% of the regular UI costs.
5. Growth in state employment is 4%. Growth in average weekly wage is 5%
6. Cost of administration will increase by a 5% inflation rate, annually.

FUNDING: for UI benefits (line 800)

General Funds.....	81.9%	Federal Funds.....	4.6%
Veterans Revolving Loan Fund.....	.2%	Fish & Game Fund.....	.6%
Highway Working Capitol Fund....	1.3%	International Airport Revenue	
Capital Improvement Projects		Fund....	2.9%
Funds... 8.5%			

IV. DATE June 12, 1978 PREPARED BY Jim Souby
 AGENCY Department of Labor
 PHONE 465-2793

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

B. Program Summary:

The amended version of CSSSHB 550 includes appeal time constraints (60 day resolution of Commissioner appeals) from HB 602 and a later effective date (January 1, 1979 vs. October 1, 1978). Agency analysis of these provisions has led to the following summary (Note: June 9, 1978 fiscal note requested positions for employee refunds. These have been deleted and will be addressed in FY 80 Budget).

1. Four additional positions; three permanent and one 9 month temporary will be required as follows:

<u>No.</u>	<u>Position Title</u>	<u>Step/Range</u>	<u>Location</u>	<u>Mo. Salary</u>
1	EDP Programmer (temp)	18A G.F.	Juneau	1983
1	Appeals Referee II	19A G.F.	Anchorage	2136
1	Appeals Referee II	19A F.F.	Juneau	2136
1	Clerk Typist III	8B F.F.	Juneau	2136

G.F. = General Funds

F.F. = Federal Funds

Total Base Salaries	42,711	38,064	
PSB @ 25, 5% perm (9.4%temp)	8,019	9,076	
FICA @ .0605XSALS 17,700	2,466	1,823	
Health Ins. 1X 12X82.18	54,180	51,565	(2X 12X82.18)
Total		\$105,745	

Other expenditures are identified as follows:

Travel

1. Appeals (General Funds)

<u>No. Trips</u>	<u>Origin</u>	<u>Destination</u>	<u>Airfare</u>	<u>Duration</u>	<u>Per Diem Rate</u>	<u>Total</u>
5	Anchorage	Fairbanks	\$ 97.26	.5	58	\$631.30
1	Anchorage	Nome	191.12	1.5	82	314.12
						\$945.42

2. Appeals (Federal Funds)

2	Juneau	Anchorage	\$163.00	1.5	50	\$476.00
3	Juneau	Ketchikan	90.88	.5	50	347.64
						\$823.64

Contractual

	1.	Data Processing (General Fund)	
Pro rata:		\$ 1,783.00	(portion of space rental, office equipment rental)
Indirect:		4,247.00	(24.4% of base salary for approved indirect cost plan)
Computer Operation:		11,520.00	(Computer operations charged at \$120 per CPU hour and includes all computer testing and debugging as well as associated costs for operator staff, documentation of programming and computer hardware costs)
	2.	Appeals (Federal Fund)	
Equipment:		\$ 1,670.00	(office equipment rental & ½ cost of mag card typewriter)
Space rental:		1,728.00	(pro-rated office rental)
Indirect:		12,599.00	(33.1% of Federally funded base salaries for approved indirect cost plan)
	3.	Appeals (General Fund)	
Equipment rental:		\$ 1,440.00	(pro-rated share of office equipment mag card rental)
Space rental:		1,728.00	(80 ft. @ .90/ft.)
Indirect:		5,885.00	(24.4% of state base salary)

Commodities

	1.	Data Processing (General Fund)	
Office and Computer Consumable Supplies		\$ 670.00	(pro-rated share of FY 78 cost per position for 9 months)
	2.	Appeals (Federal Fund)	
Office Supplies and recording tape		\$ 464.00	(pro-rata share of office supplies based on \$85.00 per year per position and \$294.00 for 600 cassette tapes)
	3.	Appeals (General Fund)	
Office Supplies and recording tape		\$ 379.00	(\$85.00 plus \$294.00)

Equipment

	1.	Appeals (General Fund)
1 desk		\$ 267.88
1 chair		125.00
1 portable recorder		<u>590.70</u>
		\$ 983.58

	2.	Appeals (Federal Fund)
1 desk		\$ 267.88
1 clerical desk		376.88
2 chairs		375.00
1 recorder		590.70
1 transcriber		<u>429.00</u>
		\$2,039.46

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LABOR

DIVISION OF EMPLOYMENT SECURITY

Affiliated with U.S. Employment Service

P.O. BOX 3-7000

JUNEAU 99811

June 9, 1978

The Honorable John Sackett
Chairman, Senate Finance Committee
Room 423, Capitol Building
Juneau, Alaska

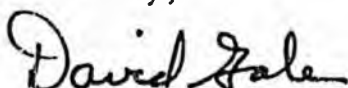
Dear Senator Sackett:

In response to the telephone request from your office this morning, I am enclosing a copy of that section of Public Law 94-566 relevant to unemployment insurance coverage of employees of educational institutions.

It is our interpretation of this law that instructional, research or principal administrative staff shall not, by Federal law, be covered employees while other employees may be if not specifically prohibited by State law.

Mr. Ron Lorenson of the Attorney General's office is not immediately available for a formal opinion and you may therefore wish to contact him for confirmation.

Sincerely,



David L. Gale
Director

DLG:DAS/11s

ices with respect to which the person is not such an employer for the preceding calendar year (as so determined)—

“(A) for the period beginning with the first day of the calendar year and ending with the last day of the calendar quarter (excluding the last calendar quarter) in which such person becomes such an employer with respect to such services, and

“(B) for the third calendar quarter of such year, if the period specified in subparagraph (A) includes only the first two calendar quarters of the calendar year.

Regulations.

The tax for any calendar quarter or other period shall be computed as provided in subsection (b) and the tax as so computed shall, except as otherwise provided in subsections (c) and (d), be paid in such manner and at such time as may be provided in regulations prescribed by the Secretary.”

26 USC 3306
note.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to remuneration paid after December 31, 1977, for services performed after such date.

SEC. 115. COVERAGE OF CERTAIN SERVICE PERFORMED FOR NON-PROFIT ORGANIZATIONS AND FOR STATE AND LOCAL GOVERNMENTS.

26 USC 3309.

(a) **GENERAL RULE.**—Subparagraph (B) of section 3309(a) (1) of the Internal Revenue Code of 1954 (relating to State law requirements) is amended to read as follows:

26 USC 3306.

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

(b) **EXCLUSION OF CERTAIN GOVERNMENT EMPLOYEES.**—

(1) **CERTAIN EMPLOYEES.**—Paragraph (3) of section 3309(i) of such Code (relating to certain services to which section 3309 does not apply) is amended to read as follows:

“(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;

“(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; or

“(E) in a position which, under or pursuant to the State 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;”.

(2) **INMATES.**—Paragraph (6) of such section 3309(i) is amended to read as follows:

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

26 USC 3304.

(c) **TECHNICAL ADJUSTMENTS.**—

(1) Subparagraph (A) of section 3304(a) (6) of such Code is amended by striking out “except that” and all that follows down through “, and” at the end thereof and inserting in lieu thereof the following: “except that—

“(i) with respect to services in an instructional research, or principal administrative capacity for an educational insti-

tution to which section 3309(a)(1) applies, compensation shall not be payable based on such services for any week commencing during the period between two successive academic years (or, when an agreement provides instead for a similar period between two regular but not successive terms, during such period) to any individual if such individual performs such services in the first of such academic years (or terms) and if there is a contract or reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms, and

“(ii) with respect to services in any other capacity for an educational institution (other than an institution of higher education) to which section 3309(a)(1) applies, compensation payable on the basis of such services may be denied to any individual for any week which commences during a period between two successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms, and”.

(2) Subsection (d) of section 3309 of such Code is hereby repealed. Repeal. 26 USC 3309.

(3) The section heading of section 3309 of such Code is amended to read as follows:

“SEC. 3309. STATE LAW COVERAGE OF SERVICES PERFORMED FOR NONPROFIT ORGANIZATIONS OR GOVERNMENTAL ENTITIES.”.

(4) The table of sections for chapter 23 of such Code is amended by striking out the item relating to section 3309 and inserting in lieu thereof the following:

“Sec. 3309. State law coverage of services performed for nonprofit organizations or governmental entities.”.

(5) Section 3304 of such Code is amended by adding at the end thereof the following new subsection: 26 USC 3304.

“(f) DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—For purposes of subsection (a) (6), the term ‘institution of higher education’ means an educational institution in any State which—

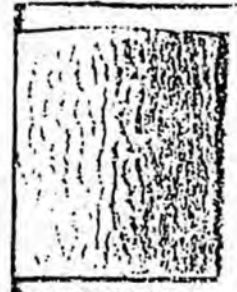
“(1) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

“(2) is legally authorized within such State to provide a program of education beyond high school;

“(3) provides an educational program for it which awards a bachelor’s or higher degree, or provides a program which is acceptable for full credit toward such a degree, or offers a program of training to prepare students for gainful employment in a recognized occupation; and

“(4) is a public or other nonprofit institution.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to certifications of States for 1978 and subsequent years, but only with respect to services performed after December 31, 1977. 26 USC 3304 note.



Open - When this
week arrives, look out
for paying teachers
unemployment for
3 mos.

23,20,375 (c) ch 122/SLA77
prohibits (based on PL 94-566)

~~Done~~
Hale
2714



ASSOCIATION OF ALASKA SCHOOL BOARDS

SUITE 3, 204 NORTH FRANKLIN STREET • JUNEAU, ALASKA 99801 • PHONE 586-1083

June 8, 1978

Senator John Sackett
Pouch V
Juneau, Alaska 99801

*Just told I
had 90 some
back.*

Dear Senator Sackett,

On Tuesday, June 6, the House passed CSHB 550 regarding unemployment compensation.

Representative Freeman introduced an amendment exempting school district employees during the summer.

Representative Parr was successful in getting that amendment amended providing that the exemption would only occur in districts bargaining collectively with their classified employees.

While Representative Parr's clause seems unimportant to many areas because they are already bargaining, it is a major step backward in areas where they are not.

The REAA's, for instance, are currently in the Supreme Court in a case to determine if unions have carry-over collective bargaining rights, provided for in an agreement from the S.O.S. days.

Mr. Parr's amendment is contrary to the statute currently giving the districts the right to determine if collective bargaining shall take place with classified employees.

There are some districts so small that there realistically is no need nor rationale for collective bargaining. Certainly these districts should not be penalized merely for their size.

REAA's have demonstrated their commitment to classified employees by having a higher classified/certified ratio than the cities and boroughs do. Pay scales are competitive with other areas. Collective bargaining in these areas would seem counter productive, resulting in more monetary gain for fewer people.

In a time when fiscal accountability is increasingly important and being called for via initiatives in a number of states, I would suggest that Alaska move toward slowing down activities in the labor/management sector. Increasing these activities could cause another

round of increased expenditures only to be followed by another request to the legislature for higher levels of support for schools.

Alaska school districts are not proud of asking for large increases such as this year's foundation support request. They are forced into that position, though, because of action primarily taken by federal agencies.

In summation, it seems inappropriate to pressure the small school districts into collective bargaining in order to exempt themselves from provisions of an unemployment law.

Your support is urged to include the Freeman amendment and delete the Parr amendment from CSHB 550, as it was passed in the House.

Sincerely,

A handwritten signature in black ink that reads "BOB GREENE". The signature is written in a cursive style with a long horizontal line extending to the right from the end of the name.

Robert C. Greene
Assistant Executive
Secretary

RCG/mlc

Original sponsor: Rules Committee by
request of the Governor

Offered: 6/2/78
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

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

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

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

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

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

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

26 (c) For the purposes of secs. 165 and 170 of this chapter, after
27 December 31, 1978 and through December 31, 1979, wages do not include
28 that part of remuneration paid during any calendar year to an individual
29 by an employer or by his predecessor which is in excess of 75 per cent

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TOTAL BASE PERIOD WAGES	TOTAL WEEKLY BENEFIT AMOUNT WITH THE FOLLOWING NUMBER OF DEPENDENTS			
	None	One	Two	Three or More
Columns (A)	(B)	(C)	(D)	(E)
\$ 0 - 749.99	\$ 00	\$ 00	\$ 00	\$ 00
750 - 1,999.99	45	55	65	75
2,000 - 2,499.99	50	60	70	80
2,500 - 2,999.99	60	70	80	90
3,000 - 3,499.99	70	80	90	100

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

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

12 (c) The maximum duration of benefits payable under this chapter is
 13 28 weeks for all claimants.

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

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

26 (f) The average annual wage for each state under (e) of this
 27 section will be computed after June 30 and before December 15 of each
 28 year based on the four consecutive calendar quarters ending June 30.
 29 The average annual wage will be rounded to the next higher thousand

1 before determining the average weekly wage to be used in (e) of this
2 section. This determination is the applicable average annual wage for
3 the period beginning January 1 of the next year and ending December 31.

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

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

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

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

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

26 Sec. 23.20.375. QUALIFICATION [ELIGIBILITY] FOR BENEFITS. (a) An
27 insured worker is qualified [ELIGIBLE] for and shall receive waiting-
28 week credit or benefits, as the case may be, for a week of his unemploy-
29 ment with respect to which he has not been determined to be disqualified

1 under secs. 378 - 388 [SEC. 380] of this chapter, if [THE WORKER HAS],
2 in accordance with regulations prescribed by the department, the worker
3 has, with respect to the week,

4 (1) filed a notice of his unemployment;

5 (2) registered for work; [AND]

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

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

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

11 (c) Benefits based on service in employment defined in sec. 525(a)
12 (4), (5), (6) and (14) of this chapter are payable in the same amount,
13 on the same terms and subject to the same conditions as compensation
14 payable on the basis of other service subject to this chapter, except
15 that, effective January 1, 1978, benefits based on service in any
16 [AN INSTRUCTIONAL, RESEARCH OR PRINCIPAL ADMINISTRATIVE] capacity
17 for an educational institution may not be paid to an individual for
18 any week of unemployment which begins during the period between two
19 successive academic years, or during a similar period between two
20 regular terms, whether or not successive, or during a period of paid
21 sabbatical leave provided for in the individual's contract, if the
22 individual performs services in the first of those academic years or
23 terms and if there is a contract or reasonable assurance that the
24 individual will perform services in the same or a similar capacity
25 for any educational institution in the second of those academic years
26 or terms provided that the individual's salary and fringe benefits
27 are fixed in a negotiated agreement arrived at through collective
28 bargaining.

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

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

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

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

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

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

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

3 (1) left his last suitable work voluntarily without good
4 cause;

5 (2) was discharged or suspended for misconduct connected with
6 his last work;

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

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

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

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

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

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

21 (e) An insured worker is disqualified for waiting-week credit or
22 benefits for a week of unemployment if, with respect to that week, the
23 department finds that for the week or any part of it he has received or
24 is seeking unemployment benefits under another unemployment security law
25 in a manner other than in accordance with the reciprocal arrangements
26 between the department and other states or the federal government. If
27 the appropriate agency makes a final determination that the worker is
28 not entitled to benefits under the other law, this subsection does not
29 apply.

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

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

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

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

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

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

28 Sec. 23.20.387. DISQUALIFICATION FOR MISREPRESENTATION. (a) An
29 individual is disqualified for benefits for a period not to exceed 28

1 weeks if the department finds that the individual has knowingly made a
2 false statement or misrepresentation or knowingly failed to report a
3 material fact with intent to obtain or increase any benefits under this
4 chapter. The length of this period of disqualification and the time
5 when this period begins shall be determined at the department's discre-
6 tion, according to the circumstances in each case.

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

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

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

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

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

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

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

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

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

19 (1) 50 per cent of the total amount of total [REGULAR] bene-
20 fits [, INCLUDING DEPENDENTS' ALLOWANCES,] which were payable to him
21 under this chapter in his applicable benefit year;

22 (2) 13 weeks of compensation for [TIMES HIS AVERAGE WEEKLY
23 BENEFIT AMOUNT, INCLUDING DEPENDENTS' ALLOWANCES, WHICH WAS PAYABLE TO
24 HIM UNDER THIS CHAPTER FOR A WEEK OF] total unemployment in the appli-
25 cable benefit year; or

26 (3) 39 weeks of compensation for [TIMES HIS AVERAGE WEEKLY
27 BENEFIT AMOUNT, INCLUDING DEPENDENTS' ALLOWANCES, WHICH WAS PAYABLE TO
28 HIM UNDER THIS CHAPTER FOR A WEEK OF] total unemployment in the appli-
29 cable benefit year, reduced by the compensation for total unemployment

1 for the number of weeks [TOTAL AMOUNT] of total [REGULAR] benefits which
2 were paid or considered paid to him under this chapter with respect to
3 the benefit year.

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

5 (a) A party entitled to notice of determination provided in sec.
6 340 of this chapter may file an appeal from the determination to an
7 appeal tribunal within the time specified in that section. However, an
8 appeal from a determination which involves sec. 383 [380(9)] of this
9 chapter shall be made to the department. The parties to an appeal from
10 a determination shall include all those entitled to notice of the deter-
11 mination and a properly designated representative of the department.

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

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

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

19 (a) An appeal to the department by a party is a matter of right if
20 the decision of the appeal tribunal reverses or modifies the deter-
21 mination of the department, or if a question arising under sec. 383
22 [380(9)] of this chapter is presented. In all other cases further
23 appeal to the department is permitted only at the discretion of the
24 department.

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

26 Sec. 23.20.445. NOTICE OF DECISION OF DEPARTMENT AND JUDICIAL
27 REVIEW. Within 60 days after initiation of an appeal under sec. 435 of
28 this chapter, the department shall make its decision and each [EACH]
29 party, including the properly designated representative of the depart-

1 ment, shall be promptly given a copy of the decision and the supporting
2 findings and conclusions of the department. The decision is final un-
3 less a party initiates judicial review by filing an action in the su-
4 perior court for review within 30 days after the department's decision
5 has been mailed to each party at his last known address, or delivered to
6 him. For the purpose of judicial review, an appeal tribunal's decision
7 from which an application for appeal has been denied by the department
8 is considered the decision of the department, except that the time for
9 initiating judicial review runs from the date of the mailing or delivery
10 of the notice of the denial of the application for appeal by the depart-
11 ment.

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

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

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

24 Sec. 23.20.490. ACTS OF EMPLOYER PROHIBITED. (a) An employing
25 unit or referral agency or an officer or agent of an employing unit
26 or referral agency may not (1) make a false statement or representation
27 knowing it is false, (2) knowingly fail to disclose a material fact to
28 prevent or reduce the payment of benefits to an individual entitled to
29 them, or to avoid or reduce a contribution or other payment required

1 from an employing unit under this chapter, or (3) knowingly [WILFULLY]
2 fail or refuse to make a contribution or other payment, or to furnish a
3 report required by this chapter or by authority granted under this
4 chapter, or to produce or permit the inspection or copying of records as
5 required by this chapter.

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

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

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

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

21 (12) "employing unit" means one or more departments or other
22 agencies of the state, a political subdivision of the state, an indivi-
23 dual, or a type of organization, partnership, association, trust,
24 estate, joint trust company, insurance company or domestic or foreign
25 corporation, or the receiver, referee in bankruptcy, trustee, or succes-
26 sor of one of these, or the legal representative of a deceased person,
27 which has or, after January 1, 1937, had one or more individuals per-
28 forming service for it in the state; if an employing unit maintains two
29 or more separate establishments inside the state which fall into