

LEG. FINANCE - BILLS 1979 - 1980 1070

HB 213 thru HB 214



# 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 O. Smith  
Signature of Camera Operator

3/20/90  
Date



COMMITTEE REPORT  
SENATE

*Fin?*  
None

3/27/79

FURTHER:

Date: 4/24/80

Mr. President:

The Committee on JUDICIARY has had HB 213  
~~relating to the~~ Alaska Police Standards Council

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments effective date *and*
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the FINANCE *further* Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

*John Meland*  
*1 Donkworth*  
*1 Eric Ray*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*1 Ziegler - Do Pass*  
 CHAIRMAN  
*w. further referral to Finance*

SENATE AMENDMENT

By Senate Judiciary Committee

To: \_\_\_\_\_ SENATE BILL No. \_\_\_\_\_

To: Amend HOUSE BILL No. H3213

PAGE:

2

LINE:

25

Change effective date to  
July 1, 1980

Introduced: 2/14/79  
Referred: State Affairs

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 213

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska Police Standards  
7 Council; and providing for an effective date."

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

9 \* Section 1. AS 18.65.150 is amended by adding new paragraphs to read:

10 (4) the special agent in charge of the Federal Bureau of  
11 Investigation in Alaska or his designee, if approved by the appropriate  
12 official of the bureau;

13 (5) the director of the Criminal Justice Center, University  
14 of Alaska, or his designee.

15 \* Sec. 2. AS 18.65.220 is amended by adding a new paragraph to read:

16 (5) employ an administrator and other employees necessary  
17 to implement the provisions of AS 18.65.130 - 18.65.290.

18 \* Sec. 3. AS 18.65.240 is amended by adding a new subsection to read:

19 (c) The council may revoke the certificate of a police officer  
20 who does not meet the standards adopted under (a)(2) of this section.

21 \* Sec. 4. AS 18.65.280 is amended to read:

22 Sec. 18.65.280. EXEMPTIONS. (a) The commissioner and deputy  
23 commissioner of public safety and the chief administrative officer of  
24 participating local police agencies are exempt from the requirements  
25 of AS 18.65.240 [SEC. 240 OF THIS CHAPTER]. However, a chief of police  
26 of a participating local police agency, except a person serving as  
27 chief of police on the effective date of this chapter, who performs  
28 operational duties in addition to administrative duties, must meet the  
29 requirements of AS 18.65.240(a)(1).

1 (b) Any municipality with an established police training program  
2 which meets the requirements of AS 18.65.220(2) and (3) may exclude  
3 itself from the provisions of this Act by ordinance. The exclusion  
4 has [SHALL HAVE] no effect on eligibility to receive or expend federal  
5 or state grants.

6 \* Sec. 5. AS 18.65.290(2) is amended to read:

7 (2) "police officer" means a full-time employee of the  
8 state or a municipal [A] police department with authority to arrest  
9 and issue citations; detain a person taken into custody until that  
10 person can be arraigned before a judge or magistrate; conduct investi-  
11 gations of violations of and enforce criminal laws, regulations, and  
12 traffic laws; search with or without a warrant persons, dwellings, and  
13 other forms of property for evidence of a crime; carry a concealed  
14 weapon; and take other action which is consistent with and necessary  
15 for the exercise of these enumerated powers when necessary to maintain  
16 the public peace; [WHICH IS A PART OF OR ADMINISTERED BY THE STATE OR  
17 A POLITICAL SUBDIVISION OF THE STATE PARTICIPATING IN A PROGRAM ESTAB-  
18 LISHED UNDER SECS. 130-290 OF THIS CHAPTER, WHO IS RESPONSIBLE FOR THE  
19 PREVENTION AND DETECTION OF CRIME AND THE ENFORCEMENT OF THE PENAL,  
20 TRAFFIC OR HIGHWAY LAWS OF THIS STATE.]

21 \* Sec. 6. AS 18.65.290 is amended by adding a new paragraph to read:

22 (3) "chief administrative officer" means the chief of  
23 police or other official who is head of a police department in a  
24 participating political subdivision.

25 \* Sec. 7. This Act takes effect July 1, 1979.  
26  
27  
28  
29



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on State Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### STATE AFFAIRS COMMITTEE LETTER OF INTENT

HB 213

The State Affairs Committee heard testimony on HB 213 ("An Act relating to the Alaska Police Standards Council; and providing for an effective date") March 1 and although the committee was unanimous in its recommendation that the bill pass and that the Alaska Police Standards Council be expanded, there was not unanimity in the view that additional state dollars need be spent to fund the bill. The feeling of the committee (on a 4 to 2 vote) was that the representative on the council from the FBI and the representative from the Criminal Justice Center should be able to fund their own travel from federal or other funds already under their control. Therefore, the committee voted that the fiscal note on this legislation should be zero and that no additional funding be provided.

A handwritten signature in black ink, appearing to read "Mike Miller".

Mike Miller, Chairman

AA 213

February 13, 1979

The Honorable Terry Gardiner  
Speaker of the House  
Alaska State Legislature  
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18 of the Alaska Constitution, I am transmitting a bill relating to the Alaska Police Standards Council.

In making several housekeeping amendments, the bill defines "chief administrative officer" of a police department; narrowly defines "police officer" so as to differentiate a police officer from a peace officer;" and authorizes the council to hire an administrator and staff as necessary to implement its statutory duties. The bill also adds, as members to the council, the special agent in charge of the Federal Bureau of Investigation in Alaska or his designee, and the Director of the Criminal Justice Center of the University of Alaska or his designee, at an estimated cost of \$3,600 per year. In addition, the bill requires chiefs of police who have operational duties in addition to administrative duties to meet minimum training standards required of police officers in Alaska. Further, the bill precludes exclusion from the provisions of the Police Standards Act of any municipality with a police training program unless that program meets the standards required by the Police Standards Act.

Sincerely,

*JSH*

Jay S. Hammond  
Governor

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 213  
Title An Act relating to the Police Standards Council  
Requested by State Affairs Date March 1, 1979

II. FISCAL DETAIL

Office of the Governor  
Agency Affected  
Program Category Affected Administration of Justice  
BRU, Program, or Subprogram(s) Affected Alaska Police Standards Council  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

The recommendation of the State Affairs Committee was that the F.B.I. and the Criminal Justice Center should provide their own funds for per diem and travel.

IV. DATE 3-1-79 PREPARED BY *W. R. Will*  
AGENCY State Affairs Committee  
PHONE 465-4964  
Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. HOUSE BILL NO. 213  
 Title An Act Relating to the Police-Standards Council  
 Requested by Governor Date 2-13-79

II. FISCAL DETAIL  
 Agency Affected Office of the Governor  
 Program Category Affected Administration of Justice  
 Budget Request Unit(s) Affected Alaska Police Standards Council

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL	0	3.6	3.8	4.0	4.2	4.4
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>						

FUNDING (Thousands of Dollars)

GENERAL FUND		3.6	3.8	4.0	4.2	4.4
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

Will provide travel and per diem expenses for two additional members for the Alaska Police Standards Council to attend four in-state Council meetings per year. Yearly increment provides for 6% inflation rate.

IV. DATE 2-13-79 PREPARED BY James F. Mayer  
 AGENCY Alaska Police Standards Council  
 PHONE 465-4378  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

71. Supplement # 12 & 20

2/14/79 page 19

3/2/79 page 1

serial note

ALASKA STATE LEGISLATURE

ELEVENTH Legislature FIRST Session

HOUSE .....BILL..... NO. 213...

By ..THE..RULES..COMMITTEE..BY...  
REQUEST OF THE GOVERNOR

"An Act relating to the Alaska Police Standards Council; and providing for an effective date."

Alaska Police Standards Council

Introduced in the House ...214..., 19. 79

HISTORY IN THE HOUSE

19 79	Feb. 14	Read first time and referred to Committee on <b>State Affairs</b>																				
Mar 2		Reported back with recommendation that <i>State Affairs Report to Rules</i>																				
Mar 23		Read second time and <i>ado</i>																				
Mar 23		Read third time and																				
Mar 23		<table border="0"> <tr> <td><b>PASS</b></td> <td><b>Effective Date</b></td> </tr> <tr> <td>Yeas 31</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent 9</td> <td>Absent <i>same</i></td> </tr> <tr> <td>Excused <i>not voting</i></td> <td>Excused</td> </tr> </table> <p>Reconsideration</p> <table border="0"> <tr> <td><b>PASS</b></td> <td><b>Effective Date</b></td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table> <p>Reported correctly engrossed Signed by Speaker Sent to Senate <i>Herb Plaster</i></p>	<b>PASS</b>	<b>Effective Date</b>	Yeas 31	Yeas	Nays	Nays	Absent 9	Absent <i>same</i>	Excused <i>not voting</i>	Excused	<b>PASS</b>	<b>Effective Date</b>	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
<b>PASS</b>	<b>Effective Date</b>																					
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Excused <i>not voting</i>	Excused																					
<b>PASS</b>	<b>Effective Date</b>																					
Yeas	Yeas																					
Nays	Nays																					
Absent	Absent																					
Excused	Excused																					
		CHIEF CLERK OF THE HOUSE																				

HISTORY IN THE SENATE

19 79	3 27	Read first time and referred to Committee on <i>Judiciary</i>																				
4 25		Reported back with recommendation that <i>not passed w/ further referral to Feb. 10 fin</i>																				
		Read second time and																				
		Read third time and																				
		<table border="0"> <tr> <td><b>PASS</b></td> <td><b>Effective Date</b></td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table> <p>Reconsideration</p> <table border="0"> <tr> <td><b>PASS</b></td> <td><b>Effective Date</b></td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table> <p>Reported correctly engrossed Signed by President Returned to House</p>	<b>PASS</b>	<b>Effective Date</b>	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused	<b>PASS</b>	<b>Effective Date</b>	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
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Yeas	Yeas																					
Nays	Nays																					
Absent	Absent																					
Excused	Excused																					
		SECRETARY OF THE SENATE																				

HISTORY IN THE HOUSE

19	Received from Senate
	Concurred in Senate amendment thus adopting: VOTE
	Failed to concur in Senate amendment; asked Senate to recede VOTE
	Senate receded from amendment VOTE
	Senate failed to recede from amendment VOTE
	CC appointed by House
	CC appointed by Senate
	CC adopted by House VOTE
	CC adopted by Senate VOTE
	To enrolling Reported correctly enrolled Sent to Governor ..... by Governor
	Filed with Lt. Governor
	Chapter No. ....

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

HB 213  
HB 213

213

FISCAL NOTE

I. REQUEST

Bill/Resolution No. \_\_\_\_\_  
Title An Act Relating to the Police-Standards Council  
Requested by Governor Date 2-13-79

II. FISCAL DETAIL

Agency Affected Office of the Governor  
Program Category Affected Administration of Justice  
Budget Request Unit(s) Affected Alaska Police Standards Council

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL	0	3.6	3.8	4.0	4.2	4.4
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND		3.6	3.8	4.0	4.2	4.4
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

Will provide travel and per diem expenses for two additional members for the Alaska Police Standards Council to attend four in-state Council meetings per year. Yearly increment provides for 6% inflation rate.

IV. DATE 2-13-79 PREPARED BY James F. Mavey  
AGENCY Alaska Police Standards Council  
PHONE 465-4378  
Original:  Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

HB 213

**CATEGORY:** ADMINISTRATION OF JUSTICE  
**PROGRAM:** CRIMINAL JUSTICE SUPPORT FUNCTIONS

**AGENCY:** PUBLIC SAFETY  
**BRU (s):** ALASKA POLICE STANDARDS COUNCIL

The Governor's nine-member council adopts regulations which establish uniform standards of employment, training and education to qualify for employment as a state or municipal police officer in order to provide effective, professional quality law enforcement services. The council provides and certifies required basic police training programs, provides and certifies specialized training programs, and coordinates and certifies all other police training programs in Alaska. The council also certifies qualified police training instructors as well as police officers who have acquired the qualifications necessary to become professional police officers. The Police Standards Council staff also provides specialized police training; provides administrative assistance to police agencies; maintains a lending library of training materials and enforces its regulations through compliance inspections and the Administrative Procedure Act.

An Executive Order will be prepared moving the Alaska Police Standards Council from the Office of the Governor to the Department of Public Safety.

This year due to federal (LEAA) funding restraints, general funds were included in the Governor's budget for continuing municipal police training programs.

STATE OF ALASKA -- BUDGET UNIT SUMMARY

23:57

1/03/80

CATEGORY: ADMINISTRATION OF JUSTICE  
 AGENCY: DEPARTMENT OF PUBLIC SAFETY

PROGRAM: CRIMINAL JUSTICE SUPPORT

COMPONENT DESCRIPTION	79 AUTH	79 FINAL	79 ACT	80 AUTH	80 SUPL	80 RP	GOVERNOR
POLICE STANDARDS COUNCIL	98.4	102.5	100.3	96.9			253.8
** TOTAL	98.4	102.5	100.3	96.9			253.8
** CHANGE VERSUS 80 AUTH							161.9%
OBJECT DESCRIPTION							
PERS. SERV.	63.4	70.9	71.0	69.2			105.4
TRAVEL	21.2	19.0	17.9	15.9			46.6
CONTRACTUAL	12.8	11.2	10.1	10.9			100.3
COMMODITIES	1.0	1.4	1.3	.9			1.5
FUNDING SOURCE							
GENERAL FUND	98.4	102.5	100.3	96.9			253.8
** GENERAL FUND CHANGE VS. 80 AUTH							161.9%
POSITIONS							
FULL-TIME	2.0	2.0	2.0	2.0			3.0
STAFF MONTHS	24.0	24.0	24.0	24.0			36.0



Official Business

# Alaska State Legislature

## House of Representatives

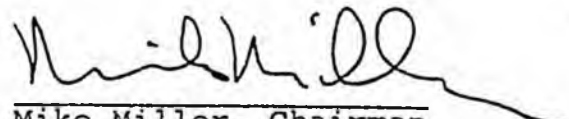
### Committee on State Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### STATE AFFAIRS COMMITTEE LETTER OF INTENT

HB 213

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Mike Miller, Chairman

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Speaker of the House  
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Dear Mr. Speaker:

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Sincerely,

*JSH*

Jay S. Hammond  
Governor

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 213  
 Title An Act relating to the Police Standards Council  
 Requested by State Affairs Date March 1, 1979

II. FISCAL DETAIL

Office of the Governor  
 Agency Affected  
 Program Category Affected Administration of Justice  
 BRU, Program, or Subprogram(s) Affected Alaska Police Standards Council  
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EXPENDITURES (Thousands of Dollars)

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<b>TOTAL</b>						

FUNDING (Thousands of Dollars)

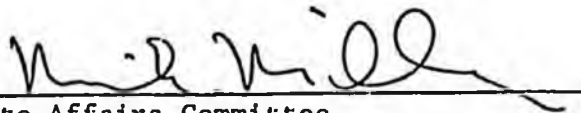
GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

The recommendation of the State Affairs Committee was that the F.B.I. and the Criminal Justice Center should provide their own funds for per diem and travel.

IV. DATE 3-1-79 PREPARED BY   
 AGENCY State Affairs Committee  
 PHONE 465-4964  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

I. REQUEST  
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	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
FULL TIME						
PART TIME						
TEMPORARY						

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

Will provide travel and per diem expenses for two additional members for the Alaska Police Standards Council to attend four in-state Council meetings per year. Yearly increment provides for 6% inflation rate.

IV. DATE 2-13-79 PREPARED BY James F. Mayer  
 AGENCY Alaska Police Standards Council  
 PHONE 465-4378  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

NB 213  
213

FISCAL NOTE

I. REQUEST

Bill/Resolution No. \_\_\_\_\_  
Title An Act Relating to the Police Standards Council  
Requested by Governor Date 2-13-79

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EXPENDITURES (Thousands of Dollars)

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PHONE 465-4378  
Original:  Legislative Finance  
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Prime Sponsor (First Legislator Named)

HB 213

**CATEGORY:** ADMINISTRATION OF JUSTICE  
**PROGRAM:** CRIMINAL JUSTICE SUPPORT FUNCTIONS

**AGENCY:** PUBLIC SAFETY  
**BRU (s):** ALASKA POLICE STANDARDS COUNCIL

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 AGENCY: DEPARTMENT OF PUBLIC SAFETY

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COMPONENT DESCRIPTION	79 AUTH	79 FINAL	79 ACT	80 AUTH	80 SUPL	80 RP	GOVERNOR
POLICE STANDARDS COUNCIL	98.4	102.5	100.3	96.9			253.8
* TOTAL	98.4	102.5	100.3	96.9			253.8
* CHANGE VERSUS 80 AUTH							161.9%
OBJECT DESCRIPTION							
PERS. SERV.	63.4	70.9	71.0	69.2			105.4
TRAVEL	21.2	19.0	17.9	15.9			46.6
CONTRACTUAL	12.8	11.2	10.1	10.9			100.3
COMMODITIES	1.0	1.4	1.3	.9			1.5
FUNDING SOURCE							
GENERAL FUND	98.4	102.5	100.3	96.9			253.8
* GENERAL FUND CHANGE VS. 80 AUTH							161.9%
POSITIONS							
FULL-TIME	2.0	2.0	2.0	2.0			3.0
STAFF MONTHS	24.0	24.0	24.0	24.0			36.0

Introduced: 2/14/79  
Referred: State Affairs

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 213

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska Police Standards  
7 Council; and providing for an effective date."

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

9 \* Section 1. AS 18.65.150 is amended by adding new paragraphs to read:

10 (4) the special agent in charge of the Federal Bureau of  
11 Investigation in Alaska or his designee, if approved by the appropriate  
12 official of the bureau;

13 (5) the director of the Criminal Justice Center, University  
14 of Alaska, or his designee.

15 \* Sec. 2. AS 18.65.220 is amended by adding a new paragraph to read:

16 (5) employ an administrator and other employees necessary  
17 to implement the provisions of AS 18.65.130 - 18.65.290.

18 \* Sec. 3. AS 18.65.240 is amended by adding a new subsection to read:

19 (c) The council may revoke the certificate of a police officer  
20 who does not meet the standards adopted under (a)(2) of this section.

21 \* Sec. 4. AS 18.65.280 is amended to read:

22 Sec. 18.65.280. EXEMPTIONS. (a) The commissioner and deputy  
23 commissioner of public safety and the chief administrative officer of  
24 participating local police agencies are exempt from the requirements  
25 of AS 18.65.240 [SEC. 240 OF THIS CHAPTER]. However, a chief of police  
26 of a participating local police agency, except a person serving as  
27 chief of police on the effective date of this chapter, who performs  
28 operational duties in addition to administrative duties, must meet the  
29 requirements of AS 18.65.240(a)(1).

1 (b) Any municipality with an established police training program  
2 which meets the requirements of AS 18.65.220(4) and (3) may exclude  
3 itself from the provisions of this Act by ordinance. The exclusion  
4 has [SHALL HAVE] no effect on eligibility to receive or expend federal  
5 or state grants.

6 \* Sec. 5. AS 18.65.290(2) is amended to read:

7 (2) "police officer" means a full-time employee of the  
8 state or a municipal [A] police department with authority to arrest  
9 and issue citations; detain a person taken into custody until that  
10 person can be arraigned before a judge or magistrate; conduct investi-  
11 gations of violations of and enforce criminal laws, regulations, and  
12 traffic laws; search with or without a warrant persons, dwellings, and  
13 other forms of property for evidence of a crime; carry a concealed  
14 weapon; and take other action which is consistent with and necessary  
15 for the exercise of these enumerated powers when necessary to maintain  
16 the public peace; [WHICH IS A PART OF OR ADMINISTERED BY THE STATE OR  
17 A POLITICAL SUBDIVISION OF THE STATE PARTICIPATING IN A PROGRAM ESTAB-  
18 LISHED UNDER SECS. 130-290 OF THIS CHAPTER, WHO IS RESPONSIBLE FOR THE  
19 PREVENTION AND DETECTION OF CRIME AND THE ENFORCEMENT OF THE PENAL,  
20 TRAFFIC OR HIGHWAY LAWS OF THIS STATE.]

21 \* Sec. 6. AS 18.65.290 is amended by adding a new paragraph to read:

22 (3) "chief administrative officer" means the chief of  
23 police or other official who is head of a police department in a  
24 participating political subdivision.

25 \* Sec. 7. This Act takes effect July 1, 1979.  
26  
27  
28  
29



# 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 O Smith  
Signature of Camera Operator

3/20/90  
Date

Introduced: 2/14/79  
Referred: Labor & Management  
and Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 214

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

9 \* Section 1. AS 23.20.165(e) is amended to read:

10 (e) An employer shall maintain a record of the amount deducted  
11 from the wages of each employee [OF HIS EMPLOYEES,] and shall furnish  
12 a statement of the deductions to each employee at the times and in the  
13 manner the department [COMMISSIONER] prescribes by regulation. No  
14 deduction may be made from those wages paid to an employee during a  
15 calendar year which are in excess of the wages subject to contributions  
16 under AS 23.20.175 [SEC. 175 OF THIS CHAPTER]. If an [EMPLOYEE IN THE  
17 EMPLOY OF TWO OR MORE EMPLOYERS EARNS WAGES IN ONE CALENDAR YEAR  
18 TOTALING MORE THAN THE WAGES SUBJECT TO CONTRIBUTIONS, OR IF ONE]  
19 employer through error makes a deduction and erroneously pays contribu-  
20 tions or interest on employee [FROM HIS] wages in excess of the wages  
21 subject to contributions during a calendar year, the amount of deduc-  
22 tions erroneously paid may be requested by the employer as an adjust-  
23 ment or refund as prescribed by AS 23.20.225(a). Employee deductions  
24 in excess of the wages subject to contributions must be refunded to  
25 the employee by the employer [IN EXCESS OF THOSE REQUIRED BY THIS  
26 CHAPTER SHALL BE REFUNDED TO THE EMPLOYEE BY THE COMMISSIONER UPON  
27 APPLICATION FOR THEM] in accordance with regulations adopted [PRE-  
28 SCRIBED] by the department [HIM]. [APPLICATION MUST BE MADE DURING  
29 THE CALENDAR YEAR AFTER THE CALENDAR YEAR IN WHICH THE DEDUCTIONS ARE

1 MADE.]

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

3 (a) For the purposes of AS 23.20.165 and 23.20.170, after  
4 December 31, 1973 and through December 31, 1979, wages do not include  
5 that part of remuneration paid during any calendar year to an indivi-  
6 dual by an employer or by his predecessor which is in excess of  
7 \$10,000.

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

9 (c) For the purposes of AS 23.20.165 and 23.20.170:

10 (1) after December 31, 1979 and through December 31, 1980,  
11 wages do not include that part of remuneration paid during any calendar  
12 year to an individual by an employer or by his predecessor which is in  
13 excess of an amount obtained by multiplying the average annual wage,  
14 as defined in AS 23.20.520(27), in Alaska for the preceding 12 month  
15 period ending June 30th by 60 per cent and rounding the result to the  
16 nearest multiple of \$1,000;

17 (2) after December 31, 1980 wages do not include that part  
18 of remuneration paid during any calendar year to an individual by an  
19 employer or by his predecessor which is in excess of an amount ob-  
20 tained by multiplying the average annual wage, as defined in AS 23.20.-  
21 520(27), in Alaska for the preceding 12 month period ending June 30th  
22 by 75 per cent and rounding the result to the nearest multiple of  
23 \$1,000.

24 \* Sec. 4. AS 23.20.190(a) is amended to read:

25 (a) An employer required to pay contributions under the provi-  
26 sions of AS 23.20.165 and [A PERSON] who fails to file a contribution  
27 report and wage schedule on the date it is due is subject to a penalty,  
28 to be assessed and collected in the same manner as contributions. If  
29 the report is filed within 30 days of the date it is due, the penalty

1 is five per cent of the contributions due. For each additional 30-day  
2 period or its fraction, the penalty is an additional five per cent of  
3 the contributions due. However, the penalty may not exceed 25 per  
4 cent of the contributions due in the aggregate and may not be less  
5 than \$10 [\$2.50] for each reporting period.

6 \* Sec. 5. AS 23.20.190 is amended by adding new subsections to read:

7 (d) An employer who has elected to make reimbursement payments  
8 under the provisions of AS 23.20.277 and who fails to file a contribu-  
9 tion report and wage schedule on the date it is due is subject to a  
10 penalty, to be assessed and collected in the same manner provided for  
11 contributions under this section. If the report is filed within 30  
12 days of the date it is due, the penalty is one-tenth of one per cent  
13 of the total wages paid for the quarter. For each additional 30-day  
14 period or its fraction, the penalty is an additional one-tenth of one  
15 per cent of the total wages paid for the quarter. However, the penalty  
16 may not exceed one-half of one per cent of the total wages paid for  
17 the quarter in the aggregate and may not be less than \$10 for each  
18 reporting period.

19 (e) An employer who fails to file a contribution report and wage  
20 schedule on the date it is due may be required, at the discretion of  
21 the department, to file a monthly contribution report and wage schedule,  
22 with payment, within 30 days of the close of each month. This decision  
23 shall be reviewed annually pursuant to regulations adopted by the  
24 department. The monthly contribution report and wage schedule is  
25 subject to the same interest and penalty provisions as provided in  
26 this section and AS 23.20.185.

27 \* Sec. 6. AS 23.20.220(a) is amended to read:

28 (a) When a notice of assessment is delivered or mailed to a  
29 delinquent employer, the employer may within 30 days file a petition

1 in writing with the department, stating that the assessment is unjust  
2 or incorrect and requesting a hearing on it. The petition shall set  
3 out the reasons the assessment is objected to and the amount of contri-  
4 butions which the employer admits is due and must be accompanied by a  
5 bond or deposit of other security in the amount of the assessment to  
6 insure collection. The department may waive the security requirement  
7 if the employer submits proof of solvency or reasonable assurance, as  
8 prescribed by regulations, that the contributions, interest and penal-  
9 ties due are not in jeopardy. If no petition is filed within the time  
10 prescribed, or if the employer fails to provide the required security,  
11 the assessment is prima facie correct. However, the department may  
12 entertain a subsequent application for refund, and, if denied a refund,  
13 a hearing on the application in accordance with AS 23.20.225 [SEC. 225  
14 OF THIS CHAPTER].

15 \* Sec. 7. 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  
19 to perform the act in respect to which the violation occurs.

20 \* Sec. 8. AS 23.20.285(b) is amended to read:

21 (b) For the purpose of computing quarterly decline quotients,  
22 the department may, by regulation, prescribe (1) the manner in which  
23 wages paid in the form of annual bonuses or other lump-sum payments  
24 for service performed over a period of more than three months are  
25 apportioned among the calendar quarters of the calendar year in which  
26 the service was performed; and (2) the method for making adjustments  
27 in quarterly payrolls to eliminate the effect upon quarterly decline  
28 quotients resulting from unemployment which would not be compensable  
29 by reason of the labor dispute provision of AS 23.20.383 [SEC. 380(9)

1 OF THIS CHAPTER].

2 \* Sec. 9. AS 23.20.350 is repealed and re-enacted to read:

3 Sec. 23.20.350. AMOUNT OF BENEFITS. (a) To be eligible for  
4 benefits an individual must have been paid wages in his base period  
5 totaling not less than \$1,100 of which \$200 must have been paid in  
6 other than the calendar quarter of his base period in which he was  
7 paid the highest amount of wages, and at least eight times the current  
8 weekly benefit amount must have been paid for employment, whether or  
9 not covered by this chapter, since the beginning of a preceding bene-  
10 fit year.

11 (b) Subject to (a) of this section, an individual's weekly  
12 benefit amount is the amount shown in the applicable column (B-D)  
13 opposite the amount of his total base period wages as shown in column  
14 A of the following table:

		Ratio of Total Base Period Wages to			
		High Quarter Wages Times 100			
Total Base	At Least -	100	200	300	
Period Wages	But Less Than -	200	300	401	
Columns (A)		(B)	(C)	(D)	
\$ 0 - 1,099.99		\$ 00	00	00	
1,100 - 1,149.99		42	42	42	
1,250 - 1,499.99		47	47	47	
1,500 - 1,749.99		50	50	50	
1,750 - 1,999.99		53	53	53	
2,000 - 2,249.99		56	56	56	
2,250 - 2,499.99		59	59	59	
2,500 - 2,749.99		62	62	62	
2,750 - 2,999.99		65	65	65	
3,000 - 3,249.99		68	68	68	

1	3,250 - 3,499.99	71	71	71
2	3,500 - 3,749.99	74	74	74
3	3,750 - 3,999.99	77	77	77
4	4,000 - 4,249.99	80	80	80
5	4,250 - 4,499.99	83	83	83
6	4,500 - 4,749.99	86	86	86
7	4,750 - 4,999.99	89	89	89
8	5,000 - 5,249.99	92	92	92
9	5,250 - 5,499.99	95	95	95
10	5,500 - 5,749.99	98	98	98
11	5,750 - 5,999.99	100	100	100
12	6,000 - 6,249.99	102	102	102
13	6,250 - 6,499.99	104	104	104
14	6,500 - 6,749.99	106	106	106
15	6,750 - 6,999.99	108	108	108
16	7,000 - 7,249.99	110	110	110
17	7,250 - 7,499.99	112	112	112
18	7,500 - 7,749.99	114	114	114
19	7,750 - 7,999.99	116	116	116
20	8,000 - 8,249.99	118	118	118
21	8,250 - 8,499.99	120	120	120
22	8,500 - 8,999.99	120	121	121
23	9,000 - 9,499.99	120	122	122
24	9,500 - 9,999.99	120	123	123
25	10,000 - 10,499.99	120	124	124
26	10,500 - 10,999.99	120	125	125
27	11,000 - 11,499.99	120	126	126
28	11,500 - 11,999.99	120	127	127
29	12,000 - 12,499.99	120	128	128

1	12,500 - 12,999.99	120	129	129
2	13,000 - 13,499.99	120	130	130
3	13,500 - 13,999.99	120	130	131
4	14,000 - 14,499.99	120	130	132
5	14,500 - 14,999.99	120	130	133
6	15,000 - 15,499.99	120	130	134
7	15,500 - 15,999.99	120	130	135
8	16,000 - 16,499.99	120	130	136
9	16,500 - 16,999.99	120	130	137
10	17,000 - 17,499.99	120	130	138
11	17,500 - 17,999.99	120	130	139
12	18,000 or more	120	130	140

13 (c) The maximum potential benefits of an individual in a benefit  
14 year is 26 times his weekly benefit amount.

15 (d) Notwithstanding the provisions of (b) of this section, the  
16 weekly benefit amount of an individual who has earnings in all four  
17 quarters of his base period and whose high quarter wages are less than  
18 four times his lowest quarter wages is the amount shown in column D  
19 opposite the amount of his total base period wages as shown in column  
20 A.

21 \* Sec. 10. AS 23.20.360 is repealed and re-enacted to read:

22 Sec. 23.20.360. EARNINGS DEDUCTED FROM WEEKLY BENEFIT AMOUNT. An  
23 eligible individual who is unemployed in a week as defined in AS 23.20.-  
24 505 may earn wages for that week equal to the lesser of \$50 or his  
25 weekly benefit amount without any reduction in his benefit for that  
26 week. However, the weekly benefit amount will be reduced dollar for  
27 dollar for any additional earnings. If the reduced benefit amount is  
28 not a multiple of \$1, it will be computed to the next higher multiple  
29 of \$1.

1 \* Sec. 11. AS 23.20.370 is amended to read:

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

12 \* Sec. 12. AS 23.20.375(a) is amended to read:

13       Sec. 23.20.375. QUALIFICATION [ELIGIBILITY] FOR BENEFITS. (a)  
14 An insured worker is qualified [ELIGIBLE] for and shall receive waiting-  
15 week credit or benefits, as the case may be, for a week of his unemploy-  
16 ment with respect to which he has not been determined to be disquali-  
17 fied under AS 23.20.378 - 23.20.388 [SEC. 380 OF THIS CHAPTER], if  
18 [THE WORKER HAS], in accordance with regulations adopted [PRESCRIBED]  
19 by the department, the worker has, with respect to the week,

20             (1) filed a notice of his unemployment;

21             (2) registered for work; and

22             (3) certified for waiting-week credit or filed a claim for  
23 benefits, as the case may be.

24 \* Sec. 13. AS 23.20.375(c) is amended to read:

25       (c) Benefits based on service in employment defined in AS  
26 23.20.525(a)(4) [SEC. 525(a)(4)] (5), (6) and (14) [OF THIS CHAPTER]  
27 are payable in the same amount, on the same terms and subject to the  
28 same conditions as compensation payable on the basis of other service  
29 subject to this chapter; except that, effective January 1, 1979 [1978],

1 benefits based on service in an instructional, research or principal  
2 administrative capacity for an educational institution and benefits  
3 based on service in any other capacity for an educational institution  
4 other than one of higher education may not be paid to an individual  
5 for any week of unemployment which begins during the period between  
6 two successive academic years, or during a similar period between two  
7 regular terms, whether or not successive, or during a period of paid  
8 sabbatical leave provided for in the individual's contract, if the  
9 individual performs services in the first of those academic years or  
10 terms and if there is a contract or reasonable assurance that the  
11 individual will perform services in the same or a similar capacity for  
12 any educational institution in the second of those academic years or  
13 terms.

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

15 Sec. 23.20.378. ABLE AND AVAILABLE. (a) An insured worker is  
16 disqualified for waiting-week credit or benefits for a week of his  
17 unemployment if, with respect to that week, the department finds that  
18 he was not able to work, or not available for suitable work, or not  
19 seeking work. However, an insured worker is not 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  
23 if he resides in the state and is not available for work because of  
24 his noncommercial fishing and hunting necessary for the survival of  
25 himself or his dependents; and

26 (2) that condition occurs during an uninterrupted period of  
27 unemployment which follows a week for which he filed a compensable  
28 claim and no work which would have been suitable before the period of  
29 fishing, hunting, illness, or disability was offered him for any part

1 of the week for which he is filing.

2 (b) A waiver of disqualification on the basis of illness or  
3 disability under (a) of this section may not exceed six consecutive  
4 weeks.

5 (c) An insured worker is not disqualified for waiting-week  
6 credit or benefits for a week of unemployment if, with respect to that  
7 week and at the discretion of the director or his designee, work  
8 search is waived due to lack of work in the area.

9 (d) An insured worker is disqualified for waiting-week credit or  
10 benefits for a week of unemployment while attending an established  
11 school in a course of study providing academic instruction of nine or  
12 more hours per week, or the equivalent. A disqualification under this  
13 subsection commences with the first week of academic instruction and  
14 ends with the week immediately before the first full week in which the  
15 individual is no longer attending classes if the period of nonattend-  
16 ance is anticipated to last at least 60 days. The term "school"  
17 includes primary schools, secondary schools, and institutions of  
18 higher education.

19 Sec. 23.20.379. VOLUNTARY QUIT, DISCHARGE FOR MISCONDUCT, AND  
20 REFUSAL OF WORK. (a) An insured worker is disqualified for waiting-  
21 week credit or benefits for the week in which he first files or re-  
22 opens his claim for benefits and for the next five weeks of continuous  
23 unemployment immediately following that week if he:

24 (1) left his last suitable work voluntarily without good  
25 cause; or

26 (2) was discharged for misconduct connected with his work.

27 (b) An insured worker is disqualified for waiting-week credit or  
28 benefits for a week and the next five weeks of continuous unemployment  
29 immediately following that week if with respect to that week he has

1 failed without good cause:

2 (1) to apply for available suitable work to which he was  
3 referred by the employment center; or

4 (2) to accept suitable work when offered to him.

5 (c) The maximum potential duration of benefits for unemployment  
6 to which an insured worker would otherwise have been entitled is  
7 reduced by the number of weeks the insured worker is disqualified for  
8 waiting-week credit or benefits under (a) or (b) of this section.

9 (d) The disqualification and reduction of benefits provided in  
10 this section continue until the individual terminates them by returning  
11 to bona fide employment and earning at least six times his weekly  
12 benefit amount.

13 \* Sec. 15. AS 23.20.381 is amended by adding a new subsection to read:

14 (e) An insured worker is disqualified for waiting-week credit or  
15 benefits for a week of employment if, with respect to that week, the  
16 department finds that for the week or any part of it he has received  
17 or is seeking unemployment benefits under another employment security  
18 law in a manner other than in accordance with the reciprocal arrange-  
19 ments between the department and other states or the federal govern-  
20 ment. If an appropriate agency makes a final determination that the  
21 worker is not entitled to benefits under the other law, this subsection  
22 does not apply.

23 \* Sec. 16. AS 23.20 is amended by adding new sections to read:

24 Sec. 23.20.383. LABOR DISPUTE DISQUALIFICATION. (a) An insured  
25 worker is disqualified for waiting-week credit or benefits for a week  
26 of his unemployment if, with respect to that week, the department  
27 finds his unemployment is due to a labor dispute at the immediate  
28 establishment or other premises at which he is or was last employed.  
29 For the purposes of this section, each separate department of the same

1 premises which is commonly conducted as a separate business in separate  
2 premises is considered a separate establishment or other premises.

3 (b) This section does not apply if the department finds that (1)  
4 an insured worker was not participating in or directly interested in  
5 the labor dispute which caused his unemployment, and (2) he did not  
6 belong to a grade or class of workers which, immediately before the  
7 commencement of the dispute, had any members employed at the premises  
8 at which the dispute occurred who were participating in or directly  
9 interested in the dispute.

10 Sec. 23.20.387. DISQUALIFICATION FOR MISREPRESENTATION. (a) An  
11 individual is disqualified for benefits for a period not to exceed 52  
12 weeks if the department finds that the individual has knowingly made a  
13 false statement or misrepresentation as to a material fact or knowing-  
14 ly failed to report a material fact with intent to obtain or increase  
15 any benefits under this chapter. The length of this period of dis-  
16 qualification and the time when this period begins shall be determined  
17 by the department according to the circumstances in each case. How-  
18 ever, in no case may it be less than six weeks.

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

26 \* Sec. 17. AS 23.20.390(b) is amended to read:

27 (b) The [AS SOON AS THE] department [HAS KNOWLEDGE OF PAYMENTS  
28 OF BENEFITS TO AN INDIVIDUAL UNDER THE CIRCUMSTANCES MENTIONED IN THIS  
29 SECTION, IT] shall promptly prepare and deliver or mail to the indivi-

1 dual at his last [KNOWN] address of record a notice of determination  
2 of liability declaring that the individual has been determined liable  
3 to refund the amount of benefits to which he is not entitled [PAID  
4 UNDER THE CIRCUMSTANCES MENTIONED IN THIS SECTION]. The amount, if  
5 not previously collected, shall be deducted from future benefits  
6 payable to the individual. However, if the department determines that  
7 an individual has died, or has acted in good faith in claiming and  
8 receiving benefits to which he was not entitled, or [AND] that great  
9 hardship would result from charging the individual with repayment of  
10 the benefits, the department may absolve the individual from liability  
11 to the fund for repayment of all or a portion of those benefits.

12 \* Sec. 18. AS 23.20.407 is amended to read:

13 Sec. 23.20.407. WEEKLY EXTENDED BENEFIT AMOUNT; TOTAL PAYABLE.

14 (a) The weekly extended benefit amount payable to an individual for  
15 a week of total unemployment in his eligibility period is an amount  
16 equal to the weekly [BASIC OR AUGMENTED] benefit amount [AMOUNTS]  
17 payable to him during his applicable benefit year.

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

21 (1) 50 per cent of the total amount of regular benefits [,   
22 INCLUDING DEPENDENTS' ALLOWANCES,] which were payable to him under  
23 this chapter in his applicable benefit year;

24 (2) 13 times his [AVERAGE] weekly benefit amount [, INCLUD-  
25 ING DEPENDENTS' ALLOWANCES,] which was payable to him under this  
26 chapter for a week of total unemployment in the applicable benefit  
27 year; or

28 (3) 39 times his [AVERAGE] weekly benefit amount [, INCLUD-  
29 ING DEPENDENTS' ALLOWANCES,] which was payable to him under this

1 chapter for a week of total unemployment in the applicable benefit  
2 year, reduced by the total amount of regular benefits which were paid  
3 or considered paid to him under this chapter with respect to the  
4 benefit year.

5 \* Sec. 19. AS 23.20.415(a) is amended to read:

6 (a) A party entitled to notice of determination provided in  
7 AS 23.20.340 [SEC. 340 OF THIS CHAPTER] may file an appeal from the  
8 determination to an appeal tribunal within the time specified in that  
9 section. However, an appeal from a determination which involves  
10 AS 23.20.383 [SEC. 380(9) OF THIS CHAPTER] shall be made to the depart-  
11 ment. The parties to an appeal from a determination shall include all  
12 those entitled to notice of the determination and a properly designated  
13 representative of the department.

14 \* Sec. 20. AS 23.20.435(a) is amended to read:

15 (a) An appeal to the department by a party is a matter of right  
16 if the decision of the appeal tribunal reverses or modifies the  
17 determination of the department, or if a question arising under  
18 AS 23.20.383 [SEC. 380(9) OF THIS CHAPTER] is presented. In all other  
19 cases further appeal to the department is permitted only at the dis-  
20 cretion of the department.

21 \* Sec. 21. AS 23.20.485 is amended to read:

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

1 [60 DAYS], or by both. Each false statement or misrepresentation or  
2 failure to disclose a material fact is a separate offense.

3 \* Sec. 22. AS 23.20.490 is amended to read:

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

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

18 \* Sec. 23. AS 23.20.505 is amended to read:

19 Sec. 23.20.505. UNEMPLOYED INDIVIDUAL. An individual is con-  
20 sidered "unemployed" in a week during which he performs no services  
21 and for [WITH RESPECT TO] which no remuneration is payable to him, or  
22 in a week of less than full-time work if the remuneration payable to  
23 him for the week is less than his [BASIC] weekly benefit amount or \$50  
24 [PLUS \$10 OR ONE AND ONE-HALF TIMES HIS BASIC WEEKLY BENEFIT AMOUNT,]  
25 whichever amount is less [GREATER].

26 \* Sec. 24. AS 23.20.520(26) is amended to read:

27 (26) "vocational training" means vocational or technical  
28 training in schools or classes, including but not limited to, field or  
29 laboratory work and remedial or related academic instruction, which is

1 conducted as a program designed to prepare individuals for gainful  
2 employment in trades, skills or crafts; the term "vocational training"  
3 does not include programs of instruction for an individual, including  
4 transfer credit programs of instruction given at community colleges,  
5 which are intended primarily to lead toward a degree from institutions  
6 of higher education; [ACADEMIC EDUCATION WHOSE PURPOSE IS TO PREPARE  
7 INDIVIDUALS FOR EMPLOYMENT IN OCCUPATIONS GENERALLY CLASSIFIED AS  
8 PROFESSIONAL OR WHICH REQUIRE A BACCALAUREATE OR HIGHER DEGREE FROM  
9 INSTITUTIONS OF HIGHER LEARNING.]

10 \* Sec. 25. AS 23.20.520 is amended by adding a new paragraph to read:

11 (27) "average annual wage" means the amount determined by  
12 dividing the total wages paid by covered employers during a 12-month  
13 period by the average monthly employment reported by covered employers  
14 for the same period.

15 \* Sec. 26. AS 23.20.380 is repealed.

16 \* Sec. 27. Section 13 of this Act takes effect immediately in accordance  
17 with AS 01.10.070(c) and is retroactive to January 1, 1979.

18 \* Sec. 28. Sections 8, 11, 12, 14 - 17, 19 - 22, 24 and 26 of this Act  
19 take effect on July 1, 1979.

20 \* Sec. 29. Sections 1 - 7, 10, 23, and 25 of this Act take effect on  
21 January 1, 1980.

22 \* Sec. 30. Sections 9 and 18 of this Act take effect on January 1, 1980  
23 but apply only to those individuals who establish a benefit year on or  
24 after that date.  
25  
26  
27  
28  
29

# COMMITTEE REPORT

## HOUSE

FURTHER:

April 2, 1979

Date: \_\_\_\_\_

Mr. Speaker: Re-referred

The Committee on FINANCE has had HB 214

"An Act relating to unemployment insurance; eff. date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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\_\_\_\_\_  
CHAIRMAN

# COMMITTEE REPORT HOUSE

*re-referred  
Furman  
4-2-79*

FURTHER:

March 29, 1979

Date: 3-30-79

Mr. Speaker: Re-referred

The Committee on Labor and Management has had HB 214

"An Act relating to unemployment insurance; eff. date."

under consideration and (a majority of the committee) (~~the committee~~) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendment<sup>#2</sup>(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

**MEMBERS SIGNING  
DO PASS**

*Dean Furber*  
*Robert B. Bennett*  
*Carl L. Hays*  
*Margaret Brown*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

*Do Mr. Miller DO PASS IF AMEND (Other)*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*Dean Furber*  
 CHAIRMAN

A M E N D M E N T #2

Offered in the HOUSE

By LABOR & MANAGEMENT

To: \_\_\_\_\_ HOUSE BILL NO. 214

\_\_\_\_\_ SENATE BILL NO. \_\_\_\_\_

AMENDMENT: Page 7 Line between 12 & 13

Page 7, between lines 12 & 13:

ADD: "Add \$10 for each dependent to a maximum of three dependents."

# COMMITTEE REPORT HOUSE

*Reels*

3/15/79

FURTHER:

Date: 3/15/79

Mr. Speaker:

The Committee on FINANCE has had HB 214

*p608*

"An Act relating to unemployment insurance; eff. date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s) (*labor + management amend.*)
- replace with CS for *[page 3/15 govern.]*  same title  new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back *without* recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

*Malin*

*Freeman*

*Rogers*

*McKinney*

*Duncan*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

*Montgomery - No Rec*

*Haugen No Rec*

*Helgeson No Rec*

*Witt No Rec*

*Smith No Rec*

\_\_\_\_\_

\_\_\_\_\_

*Meekins*

CHAIRMAN

# COMMITTEE REPORT

## HOUSE

FURTHER: FINANCE

February 14, 1979

Date: 3-15-79

p596

Mr. Speaker:

The Committee on LABOR AND MANAGEMENT has had HB 214

"An Act relating to unemployment insurance; eff. date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title
- and recommends \_\_\_\_\_  new title
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Vernon Hulbert

Carl L. Hayes

Ernie Rogers

Margaret Ferguson

Joe McKinnon

R. B. Whitworth

N. N. De

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vernon Hulbert  
CHAIRMAN

AMENDMENT # 1

OFFERED IN THE HOUSE:

By: LABOR & MANAGEMENT

To: \_\_\_\_\_ HOUSE BILL No. 214

SENATE BILL No. \_\_\_\_\_

PAGE: \_\_\_\_\_

LINE: \_\_\_\_\_

Page 2, line 2: Delete all sections through Page 16, line 24

Add \*Sec. 2. This Act takes effect January 1, 1980.

Introduced: 2/14/79  
Referred: Labor & Management  
and Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 214

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

9 \* Section 1. AS 23.20.165(e) is amended to read:

10 (e) An employer shall maintain a record of the amount deducted  
11 from the wages of each employee [OF HIS EMPLOYEES,] and shall furnish  
12 a statement of the deductions to each employee at the times and in the  
13 manner the department [COMMISSIONER] prescribes by regulation. No  
14 deduction may be made from those wages paid to an employee during a  
15 calendar year which are in excess of the wages subject to contributions  
16 under AS 23.20.175 [SEC. 175 OF THIS CHAPTER]. If an [EMPLOYEE IN THE  
17 EMPLOY OF TWO OR MORE EMPLOYERS EARNS WAGES IN ONE CALENDAR YEAR  
18 TOTALING MORE THAN THE WAGES SUBJECT TO CONTRIBUTIONS, OR IF ONE]  
19 employer through error makes a deduction and erroneously pays contribu-  
20 tions or interest on employee [FROM HIS] wages in excess of the wages  
21 subject to contributions during a calendar year, the amount of deduc-  
22 tions erroneously paid may be requested by the employer as an adjust-  
23 ment or refund as prescribed by AS 23.20.225(a). Employee deductions  
24 in excess of the wages subject to contributions must be refunded to  
25 the employee by the employer [IN EXCESS OF THOSE REQUIRED BY THIS  
26 CHAPTER SHALL BE REFUNDED TO THE EMPLOYEE BY THE COMMISSIONER UPON  
27 APPLICATION FOR THEM] in accordance with regulations adopted [PRE-  
28 SCRIBED] by the department [HIM]. [APPLICATION MUST BE MADE DURING  
29 THE CALENDAR YEAR AFTER THE CALENDAR YEAR IN WHICH THE DEDUCTIONS ARE

1 MADE.]

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

3 (a) For the purposes of AS 23.20.165 and 23.20.170, after  
4 December 31, 1973 and through December 31, 1979, wages do not include  
5 that part of remuneration paid during any calendar year to an indivi-  
6 dual by an employer or by his predecessor which is in excess of  
7 \$10,000.

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

9 (c) For the purposes of AS 23.20.165 and 23.20.170:

10 (1) after December 31, 1979 and through December 31, 1980,  
11 wages do not include that part of remuneration paid during any calendar  
12 year to an individual by an employer or by his predecessor which is in  
13 excess of an amount obtained by multiplying the average annual wage,  
14 as defined in AS 23.20.520(27), in Alaska for the preceding 12 month  
15 period ending June 30th by 60 per cent and rounding the result to the  
16 nearest multiple of \$1,000;

17 (2) after December 31, 1980 wages do not include that part  
18 of remuneration paid during any calendar year to an individual by an  
19 employer or by his predecessor which is in excess of an amount ob-  
20 tained by multiplying the average annual wage, as defined in AS 23.20.-  
21 520(27), in Alaska for the preceding 12 month period ending June 30th  
22 by 75 per cent and rounding the result to the nearest multiple of  
23 \$1,000.

24 \* Sec. 4. AS 23.20.190(a) is amended to read:

25 (a) An employer required to pay contributions under the provi-  
26 sions of AS 23.20.165 and [A PERSON] who fails to file a contribution  
27 report and wage schedule on the date it is due is subject to a penalty,  
28 to be assessed and collected in the same manner as contributions. If  
29 the report is filed within 30 days of the date it is due, the penalty

1 is five per cent of the contributions due. For each additional 30-day  
2 period or its fraction, the penalty is an additional five per cent of  
3 the contributions due. However, the penalty may not exceed 25 per  
4 cent of the contributions due in the aggregate and may not be less  
5 than \$10 [\$2.50] for each reporting period.

6 \* Sec. 5. AS 23.20.190 is amended by adding new subsections to read:

7 (d) An employer who has elected to make reimbursement payments  
8 under the provisions of AS 23.20.277 and who fails to file a contribu-  
9 tion report and wage schedule on the date it is due is subject to a  
10 penalty, to be assessed and collected in the same manner provided for  
11 contributions under this section. If the report is filed within 30  
12 days of the date it is due, the penalty is one-tenth of one per cent  
13 of the total wages paid for the quarter. For each additional 30-day  
14 period or its fraction, the penalty is an additional one-tenth of one  
15 per cent of the total wages paid for the quarter. However, the penalty  
16 may not exceed one-half of one per cent of the total wages paid for  
17 the quarter in the aggregate and may not be less than \$10 for each  
18 reporting period.

19 (e) An employer who fails to file a contribution report and wage  
20 schedule on the date it is due may be required, at the discretion of  
21 the department, to file a monthly contribution report and wage schedule,  
22 with payment, within 30 days of the close of each month. This decision  
23 shall be reviewed annually pursuant to regulations adopted by the  
24 department. The monthly contribution report and wage schedule is  
25 subject to the same interest and penalty provisions as provided in  
26 this section and AS 23.20.185.

27 \* Sec. 6. AS 23.20.220(a) is amended to read:

28 (a) When a notice of assessment is delivered or mailed to a  
29 delinquent employer, the employer may within 30 days file a petition

1 in writing with the department, stating that the assessment is unjust  
2 or incorrect and requesting a hearing on it. The petition shall set  
3 out the reasons the assessment is objected to and the amount of contri-  
4 butions which the employer admits is due and must be accompanied by a  
5 bond or deposit of other security in the amount of the assessment to  
6 insure collection. The department may waive the security requirement  
7 if the employer submits proof of solvency or reasonable assurance, as  
8 prescribed by regulations, that the contributions, interest and penal-  
9 ties due are not in jeopardy. If no petition is filed within the time  
10 prescribed, or if the employer fails to provide the required security,  
11 the assessment is prima facie correct. However, the department may  
12 entertain a subsequent application for refund, and, if denied a refund,  
13 a hearing on the application in accordance with AS 23.20.225 [SEC. 225  
14 OF THIS CHAPTER].

15 \* Sec. 7. 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  
19 to perform the act in respect to which the violation occurs.

20 \* Sec. 8. AS 23.20.285(b) is amended to read:

21 (b) For the purpose of computing quarterly decline quotients,  
22 the department may, by regulation, prescribe (1) the manner in which  
23 wages paid in the form of annual bonuses or other lump-sum payments  
24 for service performed over a period of more than three months are  
25 apportioned among the calendar quarters of the calendar year in which  
26 the service was performed; and (2) the method for making adjustments  
27 in quarterly payrolls to eliminate the effect upon quarterly decline  
28 quotients resulting from unemployment which would not be compensable  
29 by reason of the labor dispute provision of AS 23.20.383 [SEC. 380(9)]

1 OF THIS CHAPTER].

2 \* Sec. 9. AS 23.20.350 is repealed and re-enacted to read:

3 Sec. 23.20.350. AMOUNT OF BENEFITS. (a) To be eligible for  
4 benefits an individual must have been paid wages in his base period  
5 totaling not less than \$1,100 of which \$200 must have been paid in  
6 other than the calendar quarter of his base period in which he was  
7 paid the highest amount of wages, and at least eight times the current  
8 weekly benefit amount must have been paid for employment, whether or  
9 not covered by this chapter, since the beginning of a preceding bene-  
10 fit year.

11 (b) Subject to (a) of this section, an individual's weekly  
12 benefit amount is the amount shown in the applicable column (B-D)  
13 opposite the amount of his total base period wages as shown in column  
14 A of the following table:

15 Ratio of Total Base Period Wages to  
16 High Quarter Wages Times 100

17 Total Base	18 At Least -	19 (B)	20 (C)	21 (D)
22 Period Wages	23 But Less Than -	24	25	26
27 Columns (A)				
28 \$ 0 - 1,099.99		29 \$ 00	00	00
1,100 - 1,149.99		42	42	42
1,250 - 1,499.99		47	47	47
1,500 - 1,749.99		50	50	50
1,750 - 1,999.99		53	53	53
2,000 - 2,249.99		56	56	56
2,250 - 2,499.99		59	59	59
2,500 - 2,749.99		62	62	62
2,750 - 2,999.99		65	65	65
3,000 - 3,249.99		68	68	68

1	3,250 - 3,499.99	71	71	71
2	3,500 - 3,749.99	74	74	74
3	3,750 - 3,999.99	77	77	77
4	4,000 - 4,249.99	80	80	80
5	4,250 - 4,499.99	83	83	83
6	4,500 - 4,749.99	86	86	86
7	4,750 - 4,999.99	89	89	89
8	5,000 - 5,249.99	92	92	92
9	5,250 - 5,499.99	95	95	95
10	5,500 - 5,749.99	98	98	98
11	5,750 - 5,999.99	100	100	100
12	6,000 - 6,249.99	102	102	102
13	6,250 - 6,499.99	104	104	104
14	6,500 - 6,749.99	106	106	106
15	6,750 - 6,999.99	108	108	108
16	7,000 - 7,249.99	110	110	110
17	7,250 - 7,499.99	112	112	112
18	7,500 - 7,749.99	114	114	114
19	7,750 - 7,999.99	116	116	116
20	8,000 - 8,249.99	118	118	118
21	8,250 - 8,499.99	120	120	120
22	8,500 - 8,999.99	120	121	121
23	9,000 - 9,499.99	120	122	122
24	9,500 - 9,999.99	120	123	123
25	10,000 - 10,499.99	120	124	124
26	10,500 - 10,999.99	120	125	125
27	11,000 - 11,499.99	120	126	126
28	11,500 - 11,999.99	120	127	127
29	12,000 - 12,499.99	120	128	128

1	12,500 - 12,999.99	120	129	129
2	13,000 - 13,499.99	120	130	130
3	13,500 - 13,999.99	120	130	131
4	14,000 - 14,499.99	120	130	132
5	14,500 - 14,999.99	120	130	133
6	15,000 - 15,499.99	120	130	134
7	15,500 - 15,999.99	120	130	135
8	16,000 - 16,499.99	120	130	136
9	16,500 - 16,999.99	120	130	137
10	17,000 - 17,499.99	120	130	138
11	17,500 - 17,999.99	120	130	139
12	18,000 or more	120	130	140

13 (c) The maximum potential benefits of an individual in a benefit  
14 year is 26 times his weekly benefit amount.

15 (d) Notwithstanding the provisions of (b) of this section, the  
16 weekly benefit amount of an individual who has earnings in all four  
17 quarters of his base period and whose high quarter wages are less than  
18 four times his lowest quarter wages is the amount shown in column D  
19 opposite the amount of his total base period wages as shown in column  
20 A.

21 \* Sec. 10. AS 23.20.360 is repealed and re-enacted to read:

22 Sec. 23.20.360. EARNINGS DEDUCTED FROM WEEKLY BENEFIT AMOUNT. An  
23 eligible individual who is unemployed in a week as defined in AS 23.20.-  
24 505 may earn wages for that week equal to the lesser of \$50 or his  
25 weekly benefit amount without any reduction in his benefit for that  
26 week. However, the weekly benefit amount will be reduced dollar for  
27 dollar for any additional earnings. If the reduced benefit amount is  
28 not a multiple of \$1, it will be computed to the next higher multiple  
29 of \$1.

1 \* Sec. 11. AS 23.20.370 is amended to read:

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

12 \* Sec. 12. AS 23.20.375(a) is amended to read:

13       Sec. 23.20.375. QUALIFICATION [ELIGIBILITY] FOR BENEFITS. (a)  
14 An insured worker is qualified [ELIGIBLE] for and shall receive waiting-  
15 week credit or benefits, as the case may be, for a week of his unemploy-  
16 ment with respect to which he has not been determined to be disquali-  
17 fied under AS 23.20.378 - 23.20.388 [SEC. 380 OF THIS CHAPTER], if  
18 [THE WORKER HAS], in accordance with regulations adopted [PRESCRIBED]  
19 by the department, the worker has, with respect to the week,

20           (1) filed a notice of his unemployment;

21           (2) registered for work; and

22           (3) certified for waiting-week credit or filed a claim for  
23 benefits, as the case may be.

24 \* Sec. 13. AS 23.20.375(c) is amended to read:

25       (c) Benefits based on service in employment defined in AS  
26 23.20.525(a)(4) [SEC. 525(a)(4)] (5), (6) and (14) [OF THIS CHAPTER]  
27 are payable in the same amount, on the same terms and subject to the  
28 same conditions as compensation payable on the basis of other service  
29 subject to this chapter; except that, effective January 1, 1979 [1978].

1 benefits based on service in an instructional, research or principal  
2 administrative capacity for an educational institution and benefits  
3 based on service in any other capacity for an educational institution  
4 other than one of higher education may not be paid to an individual  
5 for any week of unemployment which begins during the period between  
6 two successive academic years, or during a similar period between two  
7 regular terms, whether or not successive, or during a period of paid  
8 sabbatical leave provided for in the individual's contract, if the  
9 individual performs services in the first of those academic years or  
10 terms and if there is a contract or reasonable assurance that the  
11 individual will perform services in the same or a similar capacity for  
12 any educational institution in the second of those academic years or  
13 terms.

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

15 Sec. 23.20.378. ABLE AND AVAILABLE. (a) An insured worker is  
16 disqualified for waiting-week credit or benefits for a week of his  
17 unemployment if, with respect to that week, the department finds that  
18 he was not able to work, or not available for suitable work, or not  
19 seeking work. However, an insured worker is not 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  
23 if he resides in the state and is not available for work because of  
24 his noncommercial fishing and hunting necessary for the survival of  
25 himself or his dependents; and

26 (2) that condition occurs during an uninterrupted period of  
27 unemployment which follows a week for which he filed a compensable  
28 claim and no work which would have been suitable before the period of  
29 fishing, hunting, illness, or disability was offered him for any part

1 of the week for which he is filing.

2 (b) A waiver of disqualification on the basis of illness or  
3 disability under (a) of this section may not exceed six consecutive  
4 weeks.

5 (c) An insured worker is not disqualified for waiting-week  
6 credit or benefits for a week of unemployment if, with respect to that  
7 week and at the discretion of the director or his designee, work  
8 search is waived due to lack of work in the area.

9 (d) An insured worker is disqualified for waiting-week credit or  
10 benefits for a week of unemployment while attending an established  
11 school in a course of study providing academic instruction of nine or  
12 more hours per week, or the equivalent. A disqualification under this  
13 subsection commences with the first week of academic instruction and  
14 ends with the week immediately before the first full week in which the  
15 individual is no longer attending classes if the period of nonattend-  
16 ance is anticipated to last at least 60 days. The term "school"  
17 includes primary schools, secondary schools, and institutions of  
18 higher education.

19 Sec. 23.20.379. VOLUNTARY QUIT, DISCHARGE FOR MISCONDUCT, AND  
20 REFUSAL OF WORK. (a) An insured worker is disqualified for waiting-  
21 week credit or benefits for the week in which he first files or re-  
22 opens his claim for benefits and for the next five weeks of continuous  
23 unemployment immediately following that week if he:

24 (1) left his last suitable work voluntarily without good  
25 cause; or

26 (2) was discharged for misconduct connected with his work.

27 (b) An insured worker is disqualified for waiting-week credit or  
28 benefits for a week and the next five weeks of continuous unemployment  
29 immediately following that week if with respect to that week he has

1 failed without good cause:

2 (1) to apply for available suitable work to which he was  
3 referred by the employment center; or

4 (2) to accept suitable work when offered to him.

5 (c) The maximum potential duration of benefits for unemployment  
6 to which an insured worker would otherwise have been entitled is  
7 reduced by the number of weeks the insured worker is disqualified for  
8 waiting-week credit or benefits under (a) or (b) of this section.

9 (d) The disqualification and reduction of benefits provided in  
10 this section continue until the individual terminates them by returning  
11 to bona fide employment and earning at least six times his weekly  
12 benefit amount.

13 \* Sec. 15. AS 23.20.381 is amended by adding a new subsection to read:

14 (e) An insured worker is disqualified for waiting-week credit or  
15 benefits for a week of employment if, with respect to that week, the  
16 department finds that for the week or any part of it he has received  
17 or is seeking unemployment benefits under another employment security  
18 law in a manner other than in accordance with the reciprocal arrange-  
19 ments between the department and other states or the federal govern-  
20 ment. If an appropriate agency makes a final determination that the  
21 worker is not entitled to benefits under the other law, this subsection  
22 does not apply.

23 \* Sec. 16. AS 23.20 is amended by adding new sections to read:

24 Sec. 23.20.383. LABOR DISPUTE DISQUALIFICATION. (a) An insured  
25 worker is disqualified for waiting-week credit or benefits for a week  
26 of his unemployment if, with respect to that week, the department  
27 finds his unemployment is due to a labor dispute at the immediate  
28 establishment or other premises at which he is or was last employed.  
29 For the purposes of this section, each separate department of the same

1 premises which is commonly conducted as a separate business in separate  
2 premises is considered a separate establishment or other premises.

3 (b) This section does not apply if the department finds that (1)  
4 an insured worker was not participating in or directly interested in  
5 the labor dispute which caused his unemployment, and (2) he did not  
6 belong to a grade or class of workers which, immediately before the  
7 commencement of the dispute, had any members employed at the premises  
8 at which the dispute occurred who were participating in or directly  
9 interested in the dispute.

10 Sec. 23.20.387. DISQUALIFICATION FOR MISREPRESENTATION. (a) An  
11 individual is disqualified for benefits for a period not to exceed 52  
12 weeks if the department finds that the individual has knowingly made a  
13 false statement or misrepresentation as to a material fact or knowing-  
14 ly failed to report a material fact with intent to obtain or increase  
15 any benefits under this chapter. The length of this period of dis-  
16 qualification and the time when this period begins shall be determined  
17 by the department according to the circumstances in each case. How-  
18 ever, in no case may it be less than six weeks.

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

26 \* Sec. 17. AS 23.20.390(b) is amended to read:

27 (b) The [AS SOON AS THE] department [HAS KNOWLEDGE OF PAYMENTS  
28 OF BENEFITS TO AN INDIVIDUAL UNDER THE CIRCUMSTANCES MENTIONED IN THIS  
29 SECTION, IT] shall promptly prepare and deliver or mail to the indivi-

1 dual at his last [KNOWN] address of record a notice of determination  
2 of liability declaring that the individual has been determined liable  
3 to refund the amount of benefits to which he is not entitled [PAID  
4 UNDER THE CIRCUMSTANCES MENTIONED IN THIS SECTION]. The amount, if  
5 not previously collected, shall be deducted from future benefits  
6 payable to the individual. However, if the department determines that  
7 an individual has died, or has acted in good faith in claiming and  
8 receiving benefits to which he was not entitled, or [AND] that great  
9 hardship would result from charging the individual with repayment of  
10 the benefits, the department may absolve the individual from liability  
11 to the fund for repayment of all or a portion of those benefits.

12 \* Sec. 18. AS 23.20.407 is amended to read:

13 Sec. 23.20.407. WEEKLY EXTENDED BENEFIT AMOUNT; TOTAL PAYABLE.

14 (a) The weekly extended benefit amount payable to an individual for  
15 a week of total unemployment in his eligibility period is an amount  
16 equal to the weekly [BASIC OR AUGMENTED] benefit amount [AMOUNTS]  
17 payable to him during his applicable benefit year.

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

21 (1) 50 per cent of the total amount of regular benefits [,   
22 INCLUDING DEPENDENTS' ALLOWANCES,] which were payable to him under  
23 this chapter in his applicable benefit year;

24 (2) 13 times his [AVERAGE] weekly benefit amount [, INCLUD-  
25 ING DEPENDENTS' ALLOWANCES,] which was payable to him under this  
26 chapter for a week of total unemployment in the applicable benefit  
27 year; or

28 (3) 39 times his [AVERAGE] weekly benefit amount [, INCLUD-  
29 ING DEPENDENTS' ALLOWANCES,] which was payable to him under this

1 chapter for a week of total unemployment in the applicable benefit  
2 year, reduced by the total amount of regular benefits which were paid  
3 or considered paid to him under this chapter with respect to the  
4 benefit year.

5 \* Sec. 19. AS 23.20.415(a) is amended to read:

6 (a) A party entitled to notice of determination provided in  
7 AS 23.20.340 [SEC. 340 OF THIS CHAPTER] may file an appeal from the  
8 determination to an appeal tribunal within the time specified in that  
9 section. However, an appeal from a determination which involves  
10 AS 23.20.383 [SEC. 380(9) OF THIS CHAPTER] shall be made to the depart-  
11 ment. The parties to an appeal from a determination shall include all  
12 those entitled to notice of the determination and a properly designated  
13 representative of the department.

14 \* Sec. 20. AS 23.20.435(a) is amended to read:

15 (a) An appeal to the department by a party is a matter of right  
16 if the decision of the appeal tribunal reverses or modifies the  
17 determination of the department, or if a question arising under  
18 AS 23.20.383 [SEC. 380(9) OF THIS CHAPTER] is presented. In all other  
19 cases further appeal to the department is permitted only at the dis-  
20 cretion of the department.

21 \* Sec. 21. AS 23.20.485 is amended to read:

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

1 [60 DAYS], or by both. Each false statement or misrepresentation or  
2 failure to disclose a material fact is a separate offense.

3 \* Sec. 22. AS 23.20.490 is amended to read:

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

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

18 \* Sec. 23. AS 23.20.505 is amended to read:

19 Sec. 23.20.505. UNEMPLOYED INDIVIDUAL. An individual is con-  
20 sidered "unemployed" in a week during which he performs no services  
21 and for [WITH RESPECT TO] which no remuneration is payable to him, or  
22 in a week of less than full-time work if the remuneration payable to  
23 him for the week is less than his [BASIC] weekly benefit amount or \$50  
24 [PLUS \$10 OR ONE AND ONE-HALF TIMES HIS BASIC WEEKLY BENEFIT AMOUNT,]  
25 whichever amount is less [GREATER].

26 \* Sec. 24. AS 23.20.520(26) is amended to read:

27 (26) "vocational training" means vocational or technical  
28 training in schools or classes, including but not limited to, field or  
29 laboratory work and remedial or related academic instruction, which is

1 conducted as a program designed to prepare individuals for gainful  
2 employment in trades, skills or crafts; the term "vocational training"  
3 does not include programs of instruction for an individual, including  
4 transfer credit programs of instruction given at community colleges,  
5 which are intended primarily to lead toward a degree from institutions  
6 of higher education: [ACADEMIC EDUCATION WHOSE PURPOSE IS TO PREPARE  
7 INDIVIDUALS FOR EMPLOYMENT IN OCCUPATIONS GENERALLY CLASSIFIED AS  
8 PROFESSIONAL OR WHICH REQUIRE A BACCALAUREATE OR HIGHER DEGREE FROM  
9 INSTITUTIONS OF HIGHER LEARNING.]

10 \* Sec. 25. AS 23.20.520 is amended by adding a new paragraph to read:

11 (27) "average annual wage" means the amount determined by  
12 dividing the total wages paid by covered employers during a 12-month  
13 period by the average monthly employment reported by covered employers  
14 for the same period.

15 \* Sec. 26. AS 23.20.380 is repealed.

16 \* Sec. 27. Section 13 of this Act takes effect immediately in accordance  
17 with AS 01.10.070(c) and is retroactive to January 1, 1979.

18 \* Sec. 28. Sections 8, 11, 12, 14 - 17, 19 - 22, 24 and 26 of this Act  
19 take effect on July 1, 1979.

20 \* Sec. 29. Sections 1 - 7, 10, 23, and 25 of this Act take effect on  
21 January 1, 1980.

22 \* Sec. 30. Sections 9 and 18 of this Act take effect on January 1, 1980  
23 but apply only to those individuals who establish a benefit year on or  
24 after that date.  
25  
26  
27  
28  
29

HH-214

February 13, 1979

The Honorable Terry Gardiner  
Speaker of the House  
Alaska State Legislature  
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18 of the Alaska Constitution, I am transmitting to you a bill relating to unemployment compensation. The bill proposes a number of important changes to the current provisions of AS 23.20, which sets out the state's employment security program. Among others, the changes address adequacy of unemployment benefits, maintenance of a solvent trust fund and strengthening of qualifications for benefits. A section-by-section description of the bill, prepared by the Department of Labor, is attached.

Sincerely,

*JSH*

Jay S. Hammond  
Governor

214

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST HOUSE BILL NO. 214  
 Bill/Resolution No. \_\_\_\_\_  
 Title An Act relating to U.I.; and providing for an effective date  
 Requested by Office of the Governor Date 2-7-79

costs.

II. FISCAL DETAIL  
 Agency Affected Budget & Management directly & all agencies, indirectly  
 Program Category Affected All State programs  
 BRU, Program, or Subprogram(s) affected B & M directly & all agencies indirectly  
 (Note: If more than one budget component is affected, separate line item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
Benefits - UI	0	467.3	1008.0	1087.1	1172.2	1264.0
TOTAL	0	467.3	1008.0	1087.1	1172.2	1264.0

FUNDING (Thousands of Dollars)

GENERAL FUND	81.9%	0	382.7	825.6	890.3	960.0	1035.2
FEDERAL FUNDS	4.6%	0	21.5	46.4	50.0	53.9	58.1
OTHER (Specify Fund Source)		0	63.1	136.0	146.8	158.3	170.7
OTHER (SEE BELOW)							

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

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

A. Assumptions:

State Av. Emp. - LABMOD assumptions. compound growth rate is 0.86% per year, based on (1) trend from 1972 to 1978, (2) tighter fiscal policy than in the past and (3) a shift of some functions from state to local government Note - this is controlled growth and may be somewhat understated. (LABMOD is Department of Labor's econometric model).

Av. Wage - for 1978, equals Tot. Wage ÷ Av Emp. then grows by 7% per year

Current Cost - 0.9% of payroll is put into reserve fund, this is considered to be current cost (conservative - may be about .7 when experience can be analyzed).

CONTINUED

IV. DATE 2/9/79 PREPARED BY James M. Souby  
 AGENCY Labor  
 Original: Legislative Finance PHONE 465-2720  
 cc: Budget and Management  
 Print Sponsor (First Legislator Named)

Pr 214

New Cost - benefit amount will increase an average of 35%, therefore state costs will increase by 35%

B. Funding: for UI Benefits (line 800)

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

743 214

SECTION-BY-SECTION ANALYSIS

SECTION 1: AS 23.20.165(e) (EMPLOYEE REFUNDS)

Under the present law an employee pays a maximum of \$80 to the fund (0.8% times the tax base of \$10,000). If he moves from one employer to another and earns over \$10,000, any amount over \$80 which has been withheld is refunded to the employee.

Employees who move from job to job have a greater risk of being unemployed and, therefore, of drawing on the fund. It is proposed that these employees pay taxes on base wages with all employers. Refunds are still allowed for calculation errors.

The method of making refunds for calculation errors has been changed to reflect the actual method: money is credited to the employer's account to be refunded to the employee.

SECTION 2: AS 23.20.175(a) BASE OF CONTRIBUTIONS

This section provides for a termination date for the current \$10,000 tax base.

SECTION 3: AS 23.20.175(c) BASE OF CONTRIBUTIONS

This section provides for a two-step increase in the tax base. The first year (CY 80) the tax base will be 60% of the average annual wage in Alaska, and for each succeeding year the tax base will be 75% of the average annual wage.

SECTION 4: AS 23.20.190(a) PENALTY FOR FAILURE TO FILE REPORTS

Housekeeping changes: increases the minimum penalty from \$2.50 to \$10.00.

SECTION 5: AS 23.20.190(d) NEW PROVISION

This section establishes a penalty against reimbursible employers who fail to file their quarterly reports. The penalty is one-tenth of one percent of total wages for the calendar quarter.

AS 23.20.190(e) NEW PROVISION

Each quarter approximately 10% of all employers do not file their reports or pay their taxes on time. This section would give the department the option to require monthly contribution reports from employers who are delinquent in filing their quarterly contribution reports.

SECTION 6: AS 23.20.220(a) PETITION FOR HEARING

The amendment to this section adds the requirement of a bond or deposit of security to accompany a petition for hearing. This is to ensure payment in cases where a company may go out of business before the petition has been decided.

SECTION 7: AS 23.20.240 COLLECTION OF DELINQUENT CONTRIBUTIONS

Under the existing law the department cannot hold individual corporate officers liable for contributions due. Almost \$1,000,000 was declared uncollectible last year because the department was unable to hold individual corporate officers liable. The proposal comes from the statutes of the Department of Revenue and will allow the unemployment insurance program to protect its tax revenues to the same extent as the Department of Revenue by expanding the definition of "employer" in determining liability in cases of default in payments.

SECTION 8: AS 23.20.285(b)

Housekeeping - AS 23.20.380(9) is repealed in this bill and the substance may be found in the new AS 23.20.383.

SECTION 9: AS 23.20.350(a) AMOUNT OF BENEFITS

Under the existing law the minimum qualifying wage for unemployment insurance benefits is \$750 of which \$100 must be earned outside the quarter with the highest wages. The proposal would amend this section to require a minimum qualifying wage of \$1,100 of which \$200 must be paid outside the quarter with the highest wages.

The change in the minimum qualifying wage covers the inflation for the period July, 1973, through 1977.

Language changes are being made for "wages paid" rather than "wages earned" to conform with the method of how wages are reported by employers.

AS 23.20.350(b)

The benefit schedule proposes a minimum weekly benefit amount of \$42 (at earnings of \$1,100) and a maximum weekly benefit amount of \$140 (at earnings of \$18,000). It also introduces a new concept of rewarding higher wage individuals who show a longer attachment to the work force with an increased weekly benefit amount.

There is no allowance for dependents in the proposal.

AS 23.20.350(c)

Under the existing law the duration of benefits ranges from 14-28 weeks depending on the earnings of the individual. The proposal calls for a uniform duration of 26 weeks for all individuals regardless of earnings.

AS 23.20.350(d)

Provides a stipulation whereby claimants with wages in four quarters will not have their weekly benefit amount reduced by having worked large amounts of overtime in one quarter.

SECTION 10: AS 23.20.360 EARNINGS DEDUCTED FROM WEEKLY BENEFIT AMOUNT

Under the current law a claimant may earn up to 50% of his basic weekly benefit amount or \$10, whichever is greater, before any money is deducted from his benefit amount. The proposal would allow claimants to earn up to \$50 or their weekly benefit amount, whichever is lesser, before there is a reduction in their weekly benefit amount.

SECTION 11: AS 23.20.370 BENEFITS OF DECEDENT OR INCOMPETENT

This additional language expands the list of who can receive the benefits which are owed to a deceased or incompetent claimant.

SECTION 12: AS 23.20.375(a)

Housekeeping - language and section number changes only.

SECTION 13: AS 23.20.375(c) BENEFITS TO NON-PROFESSIONAL SCHOOL EMPLOYEES)

This section extends the denial of benefits between school terms to non-professional school employees in educational institutions other than institutions of higher education.

SECTION 14: AS 23.20.378 ABLE AND AVAILABLE

Subsection (a) comes from the former AS 23.20.380(1) with one change: a work search will be required in addition to the existing qualifications of being "able and available."

Subsection (b) would limit the waiver of "able and available" for illness or disability to six consecutive weeks.

Subsection (c) allows for waiver of the work search at the discretion of the director. The majority of claimants file in large cities, such as Anchorage, Fairbanks, Juneau, or from out-of-state where work can be found. These claimants will be required to look for work. However, recognizing the conditions existing in rural areas, the requirement of a work search will be based on the condition of the labor market.

Subsection (d) excludes students in academic courses totaling nine or more hours from unemployment insurance benefits.

AS 23.20.379 VOLUNTARY QUIT, DISCHARGE FOR MISCONDUCT, AND  
REFUSAL OF WORK

Under the existing law when claimants quit voluntarily, are fired for misconduct, or refuse suitable work, they are disqualified for six weeks from the day of the occurrence. The proposal would amend the provisions to disqualify a claimant for six weeks from the time he files and reduce his potential duration by six weeks.

This disqualification and reduction of duration would be terminated if the individual returns to work and earns six times his weekly benefit amount.

SECTION 15: AS 23.20.381(c)

The former AS 23.20.380(5) - no changes made.

SECTION 16: AS 23.20.383 LABOR DISPUTE DISQUALIFICATION

An amended version of former AS 23.20.380(9). This section deletes the words "stoppage of work" from the existing provisions and also deletes the provision that allows benefits to be paid if the labor dispute is caused by an employer failing to honor either federal or state labor laws.

AS 23.20.387 DISQUALIFICATION FOR MISREPRESENTATION

The present law allows no latitude for disqualifications for misrepresentation: the penalty is 26 weeks regardless of the circumstances. The proposed change is similar in wording to the present law, but allows the department to vary the length of disqualification from 6-52 weeks depending on the circumstances.

SECTION 17: AS 23.20.390

Makes language changes and allows the department to waive overpayments in instances where a claimant has acted in good faith OR if repayment would result in great hardship. The current law states both conditions must be met to waive an overpayment.

SECTION 18: AS 23.20.407 WEEKLY EXTENDED BENEFIT AMOUNT

Language changes - to conform with changes made in AS 23.20.350.

SECTIONS 19 & 20: AS 23.20.415(a) & AS 23.20.435(a)

Housekeeping - section number changes only.

SECTION 21: AS 23.20.485 FALSE STATEMENT TO SECURE BENEFITS

This section increases the penalties for false statements to secure benefits from \$200 and/or 60 days imprisonment to \$500 and/or six months imprisonment.

SECTION 22: AS 23.20.490 ACTS OF EMPLOYER PROHIBITED

This section increases the penalties for prohibited acts by employers from \$200 and/or 60 days imprisonment to \$1,000 and/or one year imprisonment.

SECTION 23: AS 23.20.505 UNEMPLOYED INDIVIDUAL

Housekeeping - to conform with changes made in AS 23.20.360

SECTION 24: AS 23.20.520(26) DEFINITIONS

Amends the definition of vocational training.

SECTION 25: AS 23.20.520(27) DEFINITIONS

Adds a definition of average annual wage.

SECTION 26:

Repeals AS 23.20.380 which is rewritten in sections 378-388 of this bill.

ALASKA STATE LEGISLATURE

ELEVENTH Legislature FIRST... Session

HOUSE ... BILL ..... NO. 214...

By THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

"An Act relating to unemployment insurance; and providing for an effective date."

Unemployment insurance

Introduced in the House 2-14, 19.79

HISTORY IN THE HOUSE

19 79	Read first time and referred to Committee on
Feb. 14	Labor & Management and Finance
Mar 15	Reported back with recommendation that
Mar 15	<i>Labour Mgt. Disputes/om. to Fin</i>
Mar 29	<i>Fin. w/ L'main / 50 days... to Recd</i>
	<i>to Rules</i>
	<i>from Rules. Ret'd to L'main</i>
	Read second time and
	Read third time and
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reconsideration
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reported correctly engrossed
	Signed by Speaker
	Sent to Senate
	CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19	Read first time and referred to Committee on
	Reported back with recommendation that
	Read second time and
	Read third time and
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reconsideration
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reported correctly engrossed
	Signed by President
	Returned to House
	SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19	Received from Senate
	Concurred in Senate amendment thus adopting: VOTE
	Failed to concur in Senate amendment; asked Senate to recede VOTE
	Senate receded from amendment VOTE
	Senate failed to recede from amendment VOTE
	CC appointed by House
	CC appointed by Senate
	CC adopted by House VOTE
	CC adopted by Senate VOTE
	To enrolling Reported correctly enrolled Sent to Governor
	..... by Governor
	Filed with Lt. Governor
	Chapter No. ....

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. \_\_\_\_\_  
Title An Act relating to U.I.; and providing for an effective date  
Requested by Office of the Governor Date 2-7-79

costs.

II. FISCAL DETAIL

Agency Affected Budget & Management directly & all agencies, indirectly  
Program Category Affected All State programs  
BRU, Program, or Subprogram(s) affected B & M directly & all agencies indirectly  
(Note: If more than one budget component is affected, separate line item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
Benefits - UI	0	467.3	1008.0	1087.1	1172.2	1264.0
TOTAL	0	467.3	1008.0	1087.1	1172.2	1264.0

FUNDING (Thousands of Dollars)

GENERAL FUND	81.9%	0	382.7	825.6	890.3	960.0	1035.2
FEDERAL FUNDS	4.6%	0	21.5	46.4	50.0	53.9	58.1
OTHER (Specify Fund Source)		0	63.1*	136.0	146.8	158.3	170.7
OTHER (SEE BELOW) <i>(page 2)</i>							

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

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

A. Assumptions:

State Av. Emp. - LABMOD assumptions. compound growth rate is 0.86% per year, based on (1) trend from 1972 to 1978, (2) tighter fiscal policy than in the past and (3) a shift of some functions from state to local government Note - this is controlled growth and may be somewhat understated. (LABMOD is Department of Labor's econometric model).

Av. Wage - for 1978, equals Tot. Wage ÷ Av Emp. then grows by 7% per year

Current Cost - 0.9% of payroll is put into reserve fund, this is considered to be current cost (conservative - may be about .7 when experience can be analyzed).

CONTINUED

IV. DATE 2/9/79 PREPARED BY James M. Souby  
AGENCY Labor  
PHONE 465-2720

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

New Cost - benefit amount will increase an average of 35%, therefore state costs will increase by 35%

Local Av. Emp - grows along current trend line (4.6% per year)

B. Funding: for UI Benefits (line 800)

General Funds	81.9%	382.7
Veterans Revolving Loan Refund	.2%	.9
Highway Working Capitol Fund	1.3%	6.1
Capital Improvement Project Fund	3.5%	39.7
Federal Funds	4.6%	21.5
Fish & Game	.6%	2.8
International Airport Revenue Fund	2.9%	13.6
		<hr/>
		<u>467.3</u>

HB 214

February 13, 1979

The Honorable Terry Gardiner  
Speaker of the House  
Alaska State Legislature  
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18 of the Alaska Constitution, I am transmitting to you a bill relating to unemployment compensation. The bill proposes a number of important changes to the current provisions of AS 23.20, which sets out the state's employment security program. Among others, the changes address adequacy of unemployment benefits, maintenance of a solvent trust fund and strengthening of qualifications for benefits. A section-by-section description of the bill, prepared by the Department of Labor, is attached.

Sincerely,

*JSH*

Jay S. Hammond  
Governor

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST HOUSE BILL NO. 214  
Bill/Resolution No. \_\_\_\_\_  
Title An Act relating to U.I.; and providing for an effective date  
Requested by Office of the Governor Date 2-7-79

costs.

II. FISCAL DETAIL  
Agency Affected Budget & Management directly & all agencies, indirectly  
Program Category Affected All State programs  
BRU, Program, or Subprogram(s) Affected B & M directly & all agencies indirectly  
(Note: If more than one budget component is affected, separate line item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
Benefits - UI	0	467.3	1008.0	1087.1	1172.2	1264.0
TOTAL	0	467.3	1008.0	1087.1	1172.2	1264.0

FUNDING (Thousands of Dollars)

GENERAL FUND	81.9%	0	382.7	825.6	890.3	960.0	1035.2
FEDERAL FUNDS	4.6%	0	21.5	46.4	50.0	53.9	58.1
OTHER (Specify Fund Source)		0	63.1	136.0	146.8	158.3	170.7
OTHER (SEE BELOW)							

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

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

A. Assumptions:

State Av. Emp. - LABMOD assumptions. compound growth rate is 0.86% per year, based on (1) trend from 1972 to 1978, (2) tighter fiscal policy than in the past and (3) a shift of some functions from state to local government Note - this is controlled growth and may be somewhat understated. (LABMOD is Department of Labor's econometric model).

Av. Wage - for 1978, equals Tot. Wage ÷ Av Emp. then grows by 7% per year

Current Cost - 0.9% of payroll is put into reserve fund, this is considered to be current cost (conservative - may be about .7 when experience can be analyzed).

CONTINUED

IV. DATE 2/9/79 PREPARED BY James M. Souby  
AGENCY Labor

Original: Legislative Finance PHONE 665-2720

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

PL-214

New Cost - benefit amount will increase an average of 35%, therefore state costs will increase by 35%

B. Funding: for UI Benefits (line 800)

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

743.214

SECTION-BY-SECTION ANALYSIS

**SECTION 1: AS 23.20.165(e) (EMPLOYEE REFUNDS)**

Under the present law an employee pays a maximum of \$80 to the fund (0.8% times the tax base of \$10,000). If he moves from one employer to another and earns over \$10,000, any amount over \$80 which has been withheld is refunded to the employee.

Employees who move from job to job have a greater risk of being unemployed and, therefore, of drawing on the fund. It is proposed that these employees pay taxes on base wages with all employers. Refunds are still allowed for calculation errors.

The method of making refunds for calculation errors has been changed to reflect the actual method: money is credited to the employer's account to be refunded to the employee.

**SECTION 2: AS 23.20.175(a) BASE OF CONTRIBUTIONS**

This section provides for a termination date for the current \$10,000 tax base.

**SECTION 3: AS 23.20.175(c) BASE OF CONTRIBUTIONS**

This section provides for a two-step increase in the tax base. The first year (CY 80) the tax base will be 60% of the average annual wage in Alaska, and for each succeeding year the tax base will be 75% of the average annual wage.

**SECTION 4: AS 23.20.190(a) PENALTY FOR FAILURE TO FILE REPORTS**

Housekeeping changes: increases the minimum penalty from \$2.50 to \$10.00.

SECTION 5: AS 23.20.190(d) NEW PROVISION

This section establishes a penalty against reimbursible employers who fail to file their quarterly reports. The penalty is one-tenth of one percent of total wages for the calendar quarter.

AS 23.20.190(e) NEW PROVISION

Each quarter approximately 10% of all employers do not file their reports or pay their taxes on time. This section would give the department the option to require monthly contribution reports from employers who are delinquent in filing their quarterly contribution reports.

SECTION 6: AS 23.20.220(a) PETITION FOR HEARING

The amendment to this section adds the requirement of a bond or deposit of security to accompany a petition for hearing. This is to ensure payment in cases where a company may go out of business before the petition has been decided.

SECTION 7: AS 23.20.240 COLLECTION OF DELINQUENT CONTRIBUTIONS

Under the existing law the department cannot hold individual corporate officers liable for contributions due. Almost \$1,000,000 was declared uncollectible last year because the department was unable to hold individual corporate officers liable. The proposal comes from the statutes of the Department of Revenue and will allow the unemployment insurance program to protect its tax revenues to the same extent as the Department of Revenue by expanding the definition of "employer" in determining liability in cases of default in payments.

SECTION 8: AS 23.20.285(b)

Housekeeping - AS 23.20.380(9) is repealed in this bill and the substance may be found in the new AS 23.20.383.

SECTION 9: AS 23.20.350(a) AMOUNT OF BENEFITS

Under the existing law the minimum qualifying wage for unemployment insurance benefits is \$750 of which \$100 must be earned outside the quarter with the highest wages. The proposal would amend this section to require a minimum qualifying wage of \$1,100 of which \$200 must be paid outside the quarter with the highest wages.

The change in the minimum qualifying wage covers the inflation for the period July, 1973, through 1977.

Language changes are being made for "wages paid" rather than "wages earned" to conform with the method of how wages are reported by employers.

AS 23.20.350(b)

The benefit schedule proposes a minimum weekly benefit amount of \$42 (at earnings of \$1,100) and a maximum weekly benefit amount of \$140 (at earnings of \$18,000). It also introduces a new concept of rewarding higher wage individuals who show a longer attachment to the work force with an increased weekly benefit amount.

There is no allowance for dependents in the proposal.

AS 23.20.350(c)

Under the existing law the duration of benefits ranges from 14-28 weeks depending on the earnings of the individual. The proposal calls for a uniform duration of 26 weeks for all individuals regardless of earnings.

AS 23.20.350(d)

Provides a stipulation whereby claimants with wages in four quarters will not have their weekly benefit amount reduced by having worked large amounts of overtime in one quarter.

SECTION 10: AS 23.20.360 EARNINGS DEDUCTED FROM WEEKLY BENEFIT AMOUNT

Under the current law a claimant may earn up to 50% of his basic weekly benefit amount or \$10, whichever is greater, before any money is deducted from his benefit amount. The proposal would allow claimants to earn up to \$50 or their weekly benefit amount, whichever is lesser, before there is a reduction in their weekly benefit amount.

SECTION 11: AS 23.20.370 BENEFITS OF DECEDENT OR INCOMPETENT

This additional language expands the list of who can receive the benefits which are owed to a deceased or incompetent claimant.

SECTION 12: AS 23.20.375(a)

Housekeeping - language and section number changes only.

SECTION 13: AS 23.20.375(c) BENEFITS TO NON-PROFESSIONAL SCHOOL EMPLOYEES)

This section extends the denial of benefits between school terms to non-professional school employees in educational institutions other than institutions of higher education.

SECTION 14: AS 23.20.378 ABLE AND AVAILABLE

Subsection (a) comes from the former AS 23.20.380(1) with one change: work search will be required in addition to the existing qualifications of being "able and available."

Subsection (b) would limit the waiver of "able and available" for illness or disability to six consecutive weeks.

Subsection (c) allows for waiver of the work search at the discretion of the director. The majority of claimants file in large cities, such as Anchorage, Fairbanks, Juneau, or from out-of-state where work can be found. These claimants will be required to look for work. However, recognizing the conditions existing in rural areas, the requirement of a work search will be based on the condition of the labor market.

Subsection (d) excludes students in academic courses totaling nine or more hours from unemployment insurance benefits.

AS 23.20.379 VOLUNTARY QUIT, DISCHARGE FOR MISCONDUCT, AND  
REFUSAL OF WORK

Under the existing law when claimants quit voluntarily, are fired for misconduct, or refuse suitable work, they are disqualified for six weeks from the day of the occurrence. The proposal would amend the provisions to disqualify a claimant for six weeks from the time he files and reduce his potential duration by six weeks.

This disqualification and reduction of duration would be terminated if the individual returns to work and earns six times his weekly benefit amount.

SECTION 15: AS 23.20.381(c)

The former AS 23.20.380(5) - no changes made.

SECTION 16: AS 23.20.383 LABOR DISPUTE DISQUALIFICATION

An amended version of former AS 23.20.380(9). This section deletes the words "stoppage of work" from the existing provisions and also deletes the provision that allows benefits to be paid if the labor dispute is caused by an employer failing to honor either federal or state labor laws.