

inches long; or any dirk or dagger, sling shot, metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property of any other person.

Approved March 28, 1953.

CHAPTER 99

AN ACT

[H. B. 187]

To repeal Sections 51-5-1 (a) and (c); 51-5-2 (b)(1), as amended by Chapter 11, SLA 1951; 51-5-2 (c); 51-5-2 (d)(1), (2) and (3); 51-5-3 (e) and 51-5-16 (d) ACLA 1949; amending Sections 51-5-1 (m) and (o); 51-5-2 (b)(2); 51-5-2(d), by adding (1); 51-5-2(d) (4) and (5), as amended by Chapter 10, SLA 1951; 51-5-4, by adding (f); and 51-5-16(a), ACLA 1949; and to provide for effective dates.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. That Sec. 51-5-1 (a) ACLA 1949 is hereby repealed and a new section in lieu thereof is hereby enacted to read as follows:

(a) Base Period. "Base period" means the last calendar year preceding the first day of the benefit year.

Base period defined.

Section 2. That Sec. 51-5-1 (c) ACLA 1949 is hereby repealed and a new section in lieu thereof is hereby enacted to read as follows:

(c) Benefit year. "Benefit year" means the period beginning with the first full calendar week in July and ending the following calendar year with the last calendar week beginning in June, and all unexpired individual benefit years as of July 4, 1953, shall be deemed to end with that date: Provided, however, that the weekly benefit amount and the maximum benefits payable with respect to each individual whose bene-

Benefit year defined.

fit year has been so terminated shall be re-determined by the Commission after July 5, 1953, for the new benefit year in a manner which shall be equitable to the individual in accordance with the purposes and provisions of this Act.

Re-determination
of benefits.

Notice of the redetermination provided by this section shall be promptly delivered or mailed to the individual affected and all other interested parties at their last known addresses and appeal may be had from the redetermination in the same manner and to the same extent as provided by this Act for appeals relating to determinations in respect to claims for benefits. If no such appeal is taken to the appeal tribunal within ten days of the date of delivery or mailing of the redetermination, whichever is the earlier, said redetermination shall be deemed to be conclusive and final.

Notice and appeal.

Section 3. That Sec. 51-5-1 (m) ACLA 1949 is hereby amended to read as follows:

(m) Unemployed Individual. An individual shall be deemed to be "unemployed" in any week during which he performs no services and with respect to which no remuneration is payable to him, or in any week of less than full-time work if the remuneration payable to him with respect to such week is less than his weekly benefit amount plus ten dollars.

Unemployed
individual
defined.

Section 4. That Sec. 51-5-1 (o) ACLA 1949 is hereby amended to read as follows:

(p) Week. "Week" means such period of seven consecutive days as the Commission may by regulation prescribe.

Week defined.

Section 5. That Sec. 51-5-2 (b) (1) ACLA 1949, as

amended by Chapter 11, SLA 1951; and Sec. 51-5-2 (d) (1), (2) and (3), ACLA 1949, are hereby repealed and a new section in lieu thereof is hereby enacted to read as follows:

Schedule of amount of benefits.

Limitation on weekly benefit amounts.

(b) (1) Amount of Benefits. Subject to the other provisions of this Act benefits shall be payable to any eligible individual during the benefit year in accordance with the weekly benefit amount and the maximum benefits potentially payable shown in the following schedule for such base period wages shown in the schedule as are applicable to such individual: Provided, however, that said weekly benefit amount shall not exceed twenty dollars per week, and the said maximum benefits potentially payable shall not exceed four hundred dollars, for any individual during any benefit year if the balance in the fund is less than two million dollars on January first of the calendar year in which his benefit year begins:

Base Year Wages	Weekly Benefit Amount	Maximum Benefits Potentially Payable
\$ 000-299.99	\$ 00	\$ 000
300-449.99	8	96
450-599.99	9	126
600-699.99	10	150
700-799.99	11	176
800-899.99	12	204
900-999.99	13	234
1000-1099.99	14	266
\$1100-1199.99	15	\$300
1200-1299.99	16	336
1300-1399.99	17	374
1400-1499.99	18	414
1500-1599.99	20	480
1600-1699.99	21	525

1700-1799.99	22	572
1800-1899.99	23	598
1900-1999.99	24	624
2000-2099.99	25	650
2100-2199.99	26	676
2200-2299.99	27	702
2300-2399.99	28	728
2400-2499.99	29	754
2500-2599.99	30	780
2600-2699.99	31	806
2700-2799.99	32	832
2800-2899.99	33	858
2900-2999.99	34	884
3000 and over	35	910

Section 6. That Sec. 51-5-2 (b) (2) ACLA 1949 is hereby amended to read as follows:

(b) (2) Each eligible individual who is "unemployed" in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of the remuneration payable to him with respect to such week which is in excess of ten dollars. Such benefit, if not a multiple of one dollar, shall be computed to the next higher multiple of one dollar.

Weekly benefit
computation.

Section 7. That Sec. 51-5-2 (c) ACLA 1949 is hereby repealed and a new section in lieu thereof is hereof enacted to read as follows:

(c) (1) Seasonal Employer. As used in this section the term "seasonal employer" means an employer or operating unit of an employer which because of the seasonal nature of its operations, reduces its employment to such an extent that its monthly payroll for each of three consecutive months in each of two consecutive calendar or operating years immediately preceding the year

Seasonal employer
defined.

Determination
by Commission.

for which the determination is made, is less than one-half the average monthly payroll for the three consecutive months of highest payroll in the same calendar or operating years. No such employer or operating unit shall be deemed to be seasonal unless and until so determined by the Commission. A successor in interest of a seasonal employer or operating unit shall be deemed seasonal upon the same basis as the predecessor unless determined otherwise by the Commission.

Seasonal period.

(2) Seasonal Period and Duration of Determination. In establishing a seasonal period as contemplated herein, the Commission shall make such investigations and conduct such hearings as may be required, and shall use as a guide data relating to the best practices of the industry in which the employer is engaged.

Commission
regulation
to issue.

When the Commission has finally determined seasonal periods, it shall issue a regulation specifying the seasonal periods during which benefits shall be payable to eligible beneficiaries for unemployment occurring within the benefit year affected by such regulation.

Report on wages
by employers.

Employers affected by such regulation shall report on forms provided by the Commission the wages payable to individuals in their employ during the inclusive dates of the seasonal period set by the Commission, as distinguished from wages payable for employment before or after such seasonal period.

Notice of
Commission
determination.

Prior to June thirtieth each year, a written determination declaring the employer to be seasonal and specifying the period of seasonal operation shall be forwarded to the employer involved. Notice of the determined season shall

be forwarded to any representative of individuals in the employment of such employer and of whom the Commission has knowledge. Within fifteen days after the date of mailing or handing such written declaration, the employer or other interested party may appeal from such determination. An appeal shall be made to the Commission stating therein why the determination is appealed. After affording the parties a reasonable opportunity to submit briefs with respect to the determination appealed from, the Commission may affirm, modify, or set aside such determination, and such action of the Commission shall be deemed conclusive unless further appeal is initiated as provided in Section 51-5-7 (h) herein.

Appeal.

(3) Seasonal Employment Defined. "Seasonal employment" means all employment for a seasonal employer or operating unit within the season determined by the Commission as its operating season. All wages payable by a seasonal employer within such operating season shall be deemed seasonal wages.

Seasonal employment defined.

(4) Operating Unit. For the purposes of this Act relating to seasonal employment, an "operating unit" is any unit of an employer's business which frequently is conducted as a separate and independent operation.

Operating unit defined.

(5) Seasonal Worker. "Seasonal worker" means an individual who has base period wage credits of which at least eighty per centum have been earned in seasonal employment.

Seasonal worker defined.

(6) Benefit Payments to Seasonal Workers. When the Commission has designated the operations of an employer or an operating unit as seasonal, then benefits shall be payable to sea-

Benefit payments to seasonal workers.

sonal workers employed thereby only on account of unemployment occurring during the regular period of such seasonal employment as designated in Section 51-5-2 (c) (2).

Section 8. That Sec. 51-5-2 ACLA 1949 is hereby amended by the addition of subsection (d) (1) to read as follows:

(d) (1) Benefits Due Deceased Claimants.

Benefits due
deceased
claimants.

In the event of death of any person to whom benefits are due under this Act, but which benefits remain unpaid in whole or in part, such benefits may be paid to any person or persons designated by the Commission in the following order:

Surviving widow or widower, a surviving child or children, including the adopted child or children; mother or father of the deceased.

Section 9. That Sec. 51-5-2 (d) (4) and (5) ACLA 1949 as amended by Chapter 25 SLA 1949 and Chapter 10 SLA 1951 is hereby amended by re-lettering subparagraphs (4) and (5) respectively to read (2) and (3) respectively.

Section 10. That Sec. 51-5-3 (e) ACLA 1949 is hereby repealed and a new section in lieu thereof is hereby enacted to read as follows:

Benefit
eligibility
condition.

(e) He has within the base period earned wages of not less than the minimum amount now or hereafter fixed by law as the minimum amount to be earned in order to allow the individual to receive unemployment benefits.

Section 11. That Sec. 51-5-4 ACLA 1949 is hereby amended by adding paragraph (f) to read as follows:

(f) For the week in which the Commission finds that he had made a false statement or rep-

resentation of a material fact, knowing it to be false or knowingly failed to disclose a material fact, with intent to defraud by obtaining any benefits not due under this Act within the twenty-four calendar months immediately preceding such week and such disqualification shall continue for the twenty-six weeks immediately following the week in which such determination was made.

Disqualification
for benefits.

Section 12. That Sec. 51-5-16 (a) ACLA 1949 is hereby amended to read as follows:

(a) Whoever makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to obtain or increase any benefit or other payment under this Act or under an employment security law of any State, of the Federal Government, or of a foreign government, either for himself or for any other person, shall be punished by a fine of not more than fifty (\$50.00) dollars, or by imprisonment for not longer than thirty days, or by both such fine and imprisonment; and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense.

Penalty for false
statement.

Section 13. That Sec. 51-5-16 (d) ACLA 1949 is hereby repealed and a new section in lieu thereof is hereby enacted to read as follows:

(d) Recovery of Benefit Payments. Any individual who has received any sum as benefits from the Unemployment Compensation Fund, when not entitled thereto under the provisions of this Act, shall be liable to the fund for the sum improperly paid to him.

Recovery of
benefit payments.

As soon as the Commission has knowledge of

Notice by
Commission.

payment of benefits to an individual under the circumstances mentioned in this section, it shall promptly prepare and deliver or mail to the individual at his last known address a notice of determination of liability declaring that the individual has been determined liable to refund the amount of benefits paid under the circumstances mentioned in this section. Such amount, if not previously collected, shall be deducted from any future benefits payable to the individual.

Recovery for
other state
commissions.

For similar cause and in like manner, claims by other States for the recovery of sums paid as benefits under an employment security law of such other state to claimants shall be recoverable under the provisions of this Act provided such sums were fraudulently obtained; Provided, that such other State has a comparable provision in its employment security law for the recovery of such sums on behalf of the Territory of Alaska.

Appeal.

Appeal from the determination of liability herein provided may be had in the same manner and to the same extent as provided by this Act for appeals relating to determinations in respect to claims for benefits. If no such appeal is taken to the appeal tribunal by the individual within ten days of the delivery of the notice of determination of liability, or within ten days of the mailing of the notice of determination, whichever is the earlier, said determination of liability shall be deemed conclusive and final and the Court shall, upon application of the Commission, enter a judgment in the amount provided by the notice of determination, which judgment shall have and be given the same effect as if entered pursuant to civil action.

Judgement.

Section 14. The effective date for Section 7 shall be

April 1, 1953, and for all other sections herein the effective date shall be July 5, 1953.

Effective dates.

Approved March 28, 1953.

CHAPTER 100

AN ACT

[H. J. C. S. S. B. 99]

To supplement Chapter 2, Title 42, Alaska Compiled Laws Annotated 1949, by adding Sections 42-2-15, 42-2-16, and 42-2-17 thereto, providing that certain kinds of insurance, when not obtainable from admitted companies, may be placed with non-admitted companies of whose solvency the Insurance Commissioner is satisfied, and providing for service of process upon such non-admitted companies; and declaring an emergency.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. Chapter 2, Title 42, Insurance, Alaska Compiled Laws Annotated 1949, is hereby supplemented by adding thereto the following three Sections respectively numbered, entitled, and reading as follows:

Sec. 42-2-15. Insurance by Non-Admitted Companies. The Insurance Commissioner may authorize the placing of fire, accident, liability, automobile, and other miscellaneous, but not life, insurance, in those cases where such fire, accident, liability, automobile, and other miscellaneous insurance cannot be obtained from an admitted company, with a non-admitted company, of whose solvency the Insurance Commissioner is satisfied by reasonable evidence which may consist of statements contained in reputable insurance publications or digests; provided, that every policy or contract of insurance placed with such non-admitted company, upon its issuance and delivery, shall have permanently attached thereto an endorsement reading as follows:

Insurance by
non admitted
companies.