

HOUSE BILL NO. 22

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES CRAWFORD AND BUCH

Introduced: 1/20/09

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to requiring subcontractors who do not have employees and who are**
2 **acting as independent contractors to secure payment for workers' compensation, and to**
3 **requiring subcontractors who fail to secure payment of workers' compensation to pay**
4 **additional premiums incurred by contractors because of that failure."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 *** Section 1.** AS 23.30.045 is amended by adding new subsections to read:

7 (g) A subcontractor who is hired by a contractor as an independent contractor
8 and who has no employees during the term of the contract is liable for and shall secure
9 the payment of compensation payable under AS 23.30.041, 23.30.050, 23.30.095,
10 23.30.145, and 23.30.180 - 23.30.215 that provides coverage for the subcontractor. If

11 (1) the subcontractor fails to secure the payment of compensation
12 required by this subsection, the contractor is liable for and shall secure the payment of
13 the compensation for the subcontractor;

14 (2) the contractor fails to secure the payment of compensation for the

1 subcontractor required by (1) of this subsection, the project owner is liable for and
2 shall secure the payment of the compensation required by this subsection.

3 (h) If a subcontractor fails to secure the payment required under (a) or (g) of
4 this section and the contractor becomes liable for an additional premium because of
5 the subcontractor's failure to secure payment, the subcontractor is liable to the
6 contractor for the amount of the additional premium.

HOUSE BILL NO. 77

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES MILLETT, Holmes, Dahlstrom

Introduced: 1/20/09

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act allowing certain public employees to take leave without pay to volunteer with**
2 **the American Red Cross in a disaster."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 23.30.244 is amended by adding a new subsection to read:

5 (d) A person who is injured during the course and within the scope of
6 providing service as an American Red Cross volunteer while on leave without pay
7 from state service under AS 39.20.285 is not an employee of the state for purposes of
8 a claim under this chapter for compensation for that injury.

9 * **Sec. 2.** AS 39.20 is amended by adding a new section to read:

10 **Sec. 39.20.285. Leave without pay for disaster relief.** (a) Notwithstanding
11 AS 39.20.310(1) - (3) and (6) - (8), an employee may take leave without pay not to
12 exceed 15 regularly scheduled work days in a calendar year to volunteer with the
13 American Red Cross while that organization is providing relief from a disaster located
14 in the state.

1 (b) Leave without pay under this section is subject to approval by the
2 supervisor of the employee who requests it; however, approval may not be
3 unreasonably withheld.

4 (c) While on leave without pay under this section,

5 (1) an employee is not eligible to accrue state employee pay and
6 benefits;

7 (2) the employee, for the limited purpose of ensuring that the
8 employee's eligibility for employer-provided group health or group life insurance is
9 unaffected by the leave, shall be considered to be in pay status.

10 (d) Notwithstanding (g) of this section, an employee of the Alaska Housing
11 Finance Corporation is not eligible for leave without pay under this section.

12 (e) A claim by an employee for an injury the employee sustains while on leave
13 without pay under this section is subject to the limitations of AS 23.30.244(d).

14 (f) The director of personnel in the Department of Administration shall adopt
15 regulations to carry out the purposes of (a) - (d) of this section.

16 (g) In this section,

17 (1) "disaster" means an event or circumstance that has been formally
18 designated a disaster at level II or higher by the American Red Cross;

19 (2) "employee" means an employee of a branch of state government,
20 including the Alaska Railroad Corporation and the University of Alaska, whether the
21 employee is a permanent, nonpermanent, or temporary employee.

22 * **Sec. 3.** AS 39.20.310 is amended to read:

23 **Sec. 39.20.310. Exceptions.** Except as provided in AS 39.20.275 **and**
24 **39.20.285**, AS 39.20.200 - 39.20.330 do not apply to

25 (1) members of the state legislature, the governor, the lieutenant
26 governor, and justices and judges of the supreme and superior courts and of the court
27 of appeals, but nothing in AS 39.20.200 - 39.20.330 may be construed to diminish the
28 salaries fixed by law for these officers by reason of absence from duty on account of
29 illness or otherwise;

30 (2) magistrates serving the state on less than a full-time basis;

31 (3) officers, members of the teaching staff, and employees of the

1 University of Alaska;

2 (4) persons employed in a professional capacity to make a temporary
3 and special inquiry, study, or examination as authorized by the governor, the
4 legislature, or a legislative committee;

5 (5) members of boards, commissions, and authorities who are not
6 otherwise employed by the state;

7 (6) temporary employees hired for periods of less than 12 consecutive
8 months;

9 (7) persons employed by the division of marine transportation as
10 masters and members of the crews operating the state ferry system who are covered by
11 collective bargaining agreements as provided in AS 23.40.040, except as expressly
12 provided by law;

13 (8) persons employed by the state who are covered by collective
14 bargaining agreements as provided in AS 23.40.210, except as expressly provided by
15 law.

CS FOR HOUSE BILL NO. 77(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 3/12/09

Referred: Finance

Sponsor(s): REPRESENTATIVES MILLETT, Holmes, Dahlstrom

A BILL

FOR AN ACT ENTITLED

1 "An Act allowing certain public employees to take leave without pay to volunteer with
2 the American Red Cross in a disaster."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 23.30.244 is amended by adding a new subsection to read:

5 (d) A person who is injured during the course and within the scope of
6 providing service as an American Red Cross volunteer while on leave without pay
7 from state service under AS 39.20.285 is not an employee of the state for purposes of
8 a claim under this chapter for compensation for that injury.

9 * **Sec. 2.** AS 39.20 is amended by adding a new section to read:

10 **Sec. 39.20.285. Leave without pay for disaster relief.** (a) Notwithstanding
11 AS 39.20.310(1) - (3) and (6) - (8), an employee may take leave without pay not to
12 exceed 15 regularly scheduled work days in a calendar year to volunteer with the
13 American Red Cross while that organization is providing relief from a disaster located
14 in the state.

1 (b) Leave without pay under this section is subject to approval by the
2 supervisor of the employee who requests it; however, approval may not be
3 unreasonably withheld.

4 (c) While on leave without pay under this section,

5 (1) an employee is not eligible to accrue state employee pay and
6 benefits;

7 (2) the employee, for the limited purpose of ensuring that the
8 employee's eligibility for employer-provided group health or group life insurance is
9 unaffected by the leave, shall be considered to be in pay status.

10 (d) Notwithstanding (g) of this section, an employee of the Alaska Housing
11 Finance Corporation or the Alaska Railroad Corporation is not eligible for leave
12 without pay under this section.

13 (e) A claim by an employee for an injury the employee sustains while on leave
14 without pay under this section is subject to the limitations of AS 23.30.244(d).

15 (f) The director of personnel in the Department of Administration shall adopt
16 regulations to carry out the purposes of (a) - (d) of this section.

17 (g) In this section,

18 (1) "disaster" means an event or circumstance that has been formally
19 designated a disaster at level II or higher by the American Red Cross;

20 (2) "employee" means an employee of a branch of state government,
21 including the University of Alaska, whether the employee is a permanent,
22 nonpermanent, or temporary employee.

23 * **Sec. 3.** AS 39.20.310 is amended to read:

24 **Sec. 39.20.310. Exceptions.** Except as provided in AS 39.20.275 and
25 39.20.285, AS 39.20.200 - 39.20.330 do not apply to

26 (1) members of the state legislature, the governor, the lieutenant
27 governor, and justices and judges of the supreme and superior courts and of the court
28 of appeals, but nothing in AS 39.20.200 - 39.20.330 may be construed to diminish the
29 salaries fixed by law for these officers by reason of absence from duty on account of
30 illness or otherwise;

31 (2) magistrates serving the state on less than a full-time basis;

1 (3) officers, members of the teaching staff, and employees of the
2 University of Alaska;

3 (4) persons employed in a professional capacity to make a temporary
4 and special inquiry, study, or examination as authorized by the governor, the
5 legislature, or a legislative committee;

6 (5) members of boards, commissions, and authorities who are not
7 otherwise employed by the state;

8 (6) temporary employees hired for periods of less than 12 consecutive
9 months;

10 (7) persons employed by the division of marine transportation as
11 masters and members of the crews operating the state ferry system who are covered by
12 collective bargaining agreements as provided in AS 23.40.040, except as expressly
13 provided by law;

14 (8) persons employed by the state who are covered by collective
15 bargaining agreements as provided in AS 23.40.210, except as expressly provided by
16 law.

CS FOR HOUSE BILL NO. 77(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/1/09
Referred: Rules

Sponsor(s): REPRESENTATIVES MILLETT, Holmes, Dahlstrom

A BILL

FOR AN ACT ENTITLED

1 "An Act allowing certain public employees to take leave without pay to volunteer with
2 the American Red Cross in a disaster."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 23.30.244 is amended by adding a new subsection to read:

5 (d) A person who is injured during the course and within the scope of
6 providing service as an American Red Cross volunteer while on leave without pay
7 from state service under AS 39.20.285 is not an employee of the state for purposes of
8 a claim under this chapter for compensation for that injury.

9 * **Sec. 2.** AS 39.20 is amended by adding a new section to read:

10 **Sec. 39.20.285. Leave without pay for disaster relief.** (a) Notwithstanding
11 AS 39.20.310(1) - (3) and (6) - (8), an employee may take leave without pay not to
12 exceed 15 regularly scheduled work days in a calendar year to volunteer with the
13 American Red Cross while that organization is providing relief from a disaster located
14 in the state.

1 (b) Leave without pay under this section is subject to approval by the
2 supervisor of the employee who requests it.

3 (c) While on leave without pay under this section,

4 (1) an employee is not eligible to accrue state employee pay and
5 benefits;

6 (2) the employee, for the limited purpose of ensuring that the
7 employee's eligibility for employer-provided group health or group life insurance is
8 unaffected by the leave, shall be considered to be in pay status.

9 (d) Notwithstanding (g) of this section, each of the following is not eligible for
10 leave without pay under this section:

11 (1) an employee of the Alaska Housing Finance Corporation or the
12 Alaska Railroad Corporation;

13 (2) a civilian or enlisted member of the organized militia under
14 AS 26.05.010.

15 (e) A claim by an employee for an injury the employee sustains while on leave
16 without pay under this section is subject to the limitations of AS 23.30.244(d).

17 (f) The director of personnel in the Department of Administration shall adopt
18 regulations to carry out the purposes of (a) - (d) of this section.

19 (g) In this section,

20 (1) "disaster" means an event or circumstance that has been formally
21 designated a disaster at level II or higher by the American Red Cross;

22 (2) "employee" means an employee of a branch of state government,
23 including the University of Alaska, whether the employee is a permanent,
24 nonpermanent, or temporary employee.

25 * **Sec. 3.** AS 39.20.310 is amended to read:

26 **Sec. 39.20.310. Exceptions.** Except as provided in AS 39.20.275 **and**
27 **39.20.285**, AS 39.20.200 - 39.20.330 do not apply to

28 (1) members of the state legislature, the governor, the lieutenant
29 governor, and justices and judges of the supreme and superior courts and of the court
30 of appeals, but nothing in AS 39.20.200 - 39.20.330 may be construed to diminish the
31 salaries fixed by law for these officers by reason of absence from duty on account of

1 illness or otherwise;

2 (2) magistrates serving the state on less than a full-time basis;

3 (3) officers, members of the teaching staff, and employees of the
4 University of Alaska;

5 (4) persons employed in a professional capacity to make a temporary
6 and special inquiry, study, or examination as authorized by the governor, the
7 legislature, or a legislative committee;

8 (5) members of boards, commissions, and authorities who are not
9 otherwise employed by the state;

10 (6) temporary employees hired for periods of less than 12 consecutive
11 months;

12 (7) persons employed by the division of marine transportation as
13 masters and members of the crews operating the state ferry system who are covered by
14 collective bargaining agreements as provided in AS 23.40.040, except as expressly
15 provided by law;

16 (8) persons employed by the state who are covered by collective
17 bargaining agreements as provided in AS 23.40.210, except as expressly provided by
18 law.

HOUSE BILL NO. 314

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Introduced: 1/27/10

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to fees and charges for medical treatment or services, the crime of
2 unsworn falsification, investigations, and penalties as they relate to workers'
3 compensation; and providing for an effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 11.56.205(a) is amended to read:

6 (a) A person commits the crime of unsworn falsification in the first degree if
7 the person violates AS 11.56.210(a)(1) and the application is an application for a

8 (1) permanent fund dividend; or

9 (2) benefit under AS 23.30.

10 * **Sec. 2.** AS 23.30.097(a) is amended to read:

11 (a) All fees and other charges for medical treatment or service are subject to
12 regulation by the board consistent with this section. A fee or other charge for medical
13 treatment or service may not exceed the lowest of

14 (1) the usual, customary, and reasonable fees for the treatment or

1 service in the community in which it is rendered, for treatment or service

2 (A) provided before August 1, 2007, not to exceed the fees in
3 the board's fee schedule dated December 1, 2004;

4 (B) provided on or after August 1, 2007, but before March 31,
5 2009, not to exceed the fees otherwise applicable in (A) of this paragraph
6 adjusted by the percentage change from 2004 to 2006 in the medical care
7 component of the Consumer Price Index for all urban consumers compiled by
8 the United States Department of Labor, Bureau of Labor Statistics;

9 (C) provided on or after March 31, 2009, but before
10 December 31, 2010, not to exceed the fees otherwise applicable in (A) of this
11 paragraph adjusted by the percentage change from 2004 to 2008 in the medical
12 care component of the Consumer Price Index for all urban consumers compiled
13 by the United States Department of Labor, Bureau of Labor Statistics;

14 **(D) provided on or after December 31, 2010, not to exceed**
15 **the fees or other charges as specified in a usual, customary, and**
16 **reasonable fee schedule established by the board and adopted by reference**
17 **in regulation; the fee schedule must include the most recent Current**
18 **Procedural Terminology codes for both category I and category II medical**
19 **treatment or other services published by the American Medical**
20 **Association; notwithstanding AS 44.62.010 - 44.62.290, the board shall**
21 **update the schedule annually by order;**

22 (2) the fee or charge for the treatment or service when provided to the
23 general public; or

24 (3) the fee or charge for the treatment or service negotiated by the
25 provider and the employer under (c) of this section.

26 * **Sec. 3.** AS 23.30.250(a) is repealed and reenacted to read:

27 (a) A person who commits a crime that is also a violation of this chapter may
28 be prosecuted under AS 11. In addition to a criminal penalty under AS 11 and any
29 other remedy provided by law, a person who violates this chapter is liable in a civil
30 action brought by or on behalf of a person who suffers economic damage as a result of
31 the violation for an award of three times the amount of compensatory damages

1 resulting from the violation, subject to adjustment under AS 09.17, and an award of
2 attorneys fees recoverable as a prevailing party as allowed by law.

3 * **Sec. 4.** AS 23.30.280(a) is amended to read:

4 (a) The director shall establish a section within the division for the
5 investigation of fraudulent or misleading acts under **this chapter** [AS 23.30.250] and
6 other fraudulent acts relating to workers' compensation.

7 * **Sec. 5.** AS 23.30.280(b) is amended to read:

8 (b) The director may investigate facts reported under this section and may
9 refer facts indicating a possible violation of law to the appropriate prosecutor or
10 agency. If the director determines that there is credible evidence that a person obtained
11 a payment, compensation, medical treatment, or other benefit provided under this
12 chapter by a fraudulent act or false or misleading statement or representation [AS
13 PROVIDED IN AS 23.30.250(a)], the director shall notify the affected employer,
14 insurer, and adjuster upon conclusion of the investigation. If the fraudulent act or false
15 or misleading statement or representation was perpetrated against the division, the
16 director may file a petition as provided in AS 23.30.110 for an order of forfeiture
17 against the person, precluding, in whole or in part, the person from future payment,
18 compensation, medical treatment, or other benefit provided under this chapter.

19 * **Sec. 6.** AS 23.30.250(c) is repealed.

20 * **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).

HOUSE BILL NO. 346

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE OLSON

Introduced: 2/15/10

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing the Workers' Compensation Advisory Board; and providing for an**
2 **effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 23.30 is amended by adding a new section to read:

5 **Sec. 23.30.275. Workers' Compensation Advisory Board.** (a) The Workers'
6 Compensation Advisory Board is established in the department. The board consists of
7 the following members:

8 (1) four members who represent organized labor;

9 (2) four members who represent employers, including one member
10 who represents self-insured employers, one member who represents oil industry
11 employers, and one member who represents general contractors;

12 (3) three members who represent medical care providers, including one
13 member who represents the Alaska State Medical Association, one member who
14 represents the Alaska Chiropractic Society, and one member who represents the

1 Alaska State Hospital and Nursing Home Association;

2 (4) two members who represent insurers;

3 (5) the commissioner, ex officio, or the commissioner's designee; and

4 (6) two members from the membership of the legislature.

5 (b) The commissioner shall appoint the members designated in (a)(1) - (a)(5)
6 of this section. The president of the senate shall appoint one member designated in
7 (a)(6) of this section from the senate, and the speaker of the house of representatives
8 shall appoint the other member from the house of representatives.

9 (c) Members shall serve staggered terms of five years and may be reappointed
10 to the board, except that the members of the legislature appointed under (a)(6) of this
11 section serve for two years.

12 (d) Members shall elect a chair from the membership.

13 (e) Members may not receive compensation for service on the board, but are
14 entitled to per diem and travel expenses authorized for boards and commissions under
15 AS 39.20.180.

16 (f) The board shall meet at the call of the chair. The board shall meet at least
17 once every six months. A majority of the members of the board constitutes a quorum
18 for the conduct of business. Only the members listed in (a)(1) - (3) of this section may
19 vote at a meeting of the board.

20 (g) The board shall advise the department on all matters pertaining to the
21 application, revision, and operation of this chapter, including advice about regulations
22 and procedures and estimating the resources and resource costs needed to carry out the
23 provisions of this chapter.

24 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
25 read:

26 **TRANSITIONAL PROVISIONS; STAGGERED TERMS.** (a) The initial terms of the
27 members appointed under AS 23.30.275(a)(1), enacted by sec. 1 of this Act, shall be
28 determined as follows: one member for a two-year term, one member for a three-year term,
29 one member for a four-year term, and one member for a five-year term.

30 (b) The initial terms of the members appointed under AS 23.30.275(a)(2), enacted by
31 sec. 1 of this Act, shall be as follows: one member for a two-year term; one member for a

1 three-year term; one member for a four-year term; and one member for a five-year term.

2 (c) The initial terms of the members appointed under AS 23.30.275(a)(3), enacted by
3 sec. 1 of this Act, shall be as follows: one member for a three-year term; one member for a
4 four-year term; and one member for a five-year term.

5 (d) The initial terms for the members appointed under AS 23.30.275(a)(4), enacted by
6 sec. 1 of this Act, shall be determined as follows: one member for a four-year term and one
7 member for a five-year term.

8 * **Sec. 3.** AS 23.30.275, enacted by sec. 1 of this Act, is repealed June 30, 2015.

9 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).

SENATE BILL NO. 20

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY SENATORS FRENCH, Thomas

Introduced: 1/21/09

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act limiting the release of employee medical and rehabilitation records held or
2 maintained by the state for purposes of the Alaska Workers' Compensation Act."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 23.30.107(b) is amended to read:

5 (b) Medical or rehabilitation records, and the employee's name, address, social
6 security number, electronic mail address, and telephone number contained on any
7 record, in an employee's file maintained by the division or held by the board or the
8 commission are **confidential and are** not public records subject to public inspection
9 and copying under AS 40.25. This subsection does not prohibit

10 (1) the reemployment benefits administrator, the division, the board,
11 the commission, or the department from releasing medical or rehabilitation records in
12 an employee's file, without the employee's consent, to

13 **(A)** a physician providing medical services under
14 AS 23.30.095(k) or 23.30.110(g);

1 **(B)** [,] a party to a claim under this chapter filed by the
2 employee; [,] or

3 **(C)** a governmental agency that demonstrates a substantial
4 need for the records and establishes that the release would be reasonable
5 under the particular circumstances; in this subparagraph, "governmental
6 agency" means an executive, legislative, or judicial agency, department,
7 board, commission, authority, institution, or instrumentality, of the
8 federal government or a state or a county, a municipality, or other
9 political subdivision of a state; or

10 (2) the quoting or discussing of medical or rehabilitation records
11 contained in an employee's file during a hearing on a claim for compensation or in a
12 decision or order of the board or commission.

SENATE BILL NO. 128

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY SENATOR PASKVAN

Introduced: 2/27/09

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to requiring subcontractors who do not have employees and who are
2 acting as independent contractors to secure payment for workers' compensation, and
3 requiring subcontractors who fail to secure payment of workers' compensation to pay
4 additional premiums incurred by contractors because of that failure."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 23.30.045 is amended by adding new subsections to read:

7 (g) A subcontractor who is hired by a contractor as an independent contractor
8 and who has no employees during the term of the contract is liable for and shall secure
9 the payment of compensation payable under AS 23.30.041, 23.30.050, 23.30.095,
10 23.30.145, and 23.30.180 - 23.30.215 that provides coverage for the subcontractor. If

11 (1) the subcontractor fails to secure the payment of compensation
12 required by this subsection, the contractor is liable for and shall secure the payment of
13 the compensation for the subcontractor;

14 (2) the contractor fails to secure the payment of compensation for the

1 subcontractor required by (1) of this subsection, the project owner is liable for and
2 shall secure the payment of the compensation required by this subsection.

3 (h) If a subcontractor fails to secure the payment required under (a) or (g) of
4 this section and the contractor becomes liable for an additional premium because of
5 the subcontractor's failure to secure payment, the subcontractor is liable to the
6 contractor for the amount of the additional premium.

SENATE BILL NO. 159

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY SENATOR PASKVAN

Introduced: 3/20/09

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act increasing the maximum funeral expenses payable as a workers' compensation
2 death benefit; and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 23.30.215(a) is amended to read:

5 (a) If the injury causes death, the compensation is known as a death benefit
6 and is payable in the following amounts to or for the benefit of the following persons:

7 (1) reasonable and necessary funeral expenses not exceeding \$10,000
8 [\$5,000];

9 (2) if there is a widow or widower or a child or children of the
10 deceased, the following percentages of the spendable weekly wages of the deceased:

11 (A) 80 percent for the widow or widower with no children;

12 (B) 50 percent for the widow or widower with one child and 40
13 percent for the child;

14 (C) 30 percent for the widow or widower with two or more

1 children and 70 percent divided equally among the children;

2 (D) 100 percent for an only child when there is no widow or
3 widower;

4 (E) 100 percent, divided equally, if there are two or more
5 children and no widow or widower;

6 (3) if the widow or widower remarries, the widow or widower is
7 entitled to be paid in one sum an amount equal to the compensation to which the
8 widow or widower would otherwise be entitled in the two years commencing on the
9 date of remarriage as full and final settlement of all sums due the widow or widower;

10 (4) if there is no widow or widower or child or children, then for the
11 support of father, mother, grandchildren, brothers, and sisters, if dependent upon the
12 deceased at the time of injury, 42 percent of the spendable weekly wage of the
13 deceased to such beneficiaries, share and share alike, not to exceed \$20,000 in the
14 aggregate;

15 (5) \$5,000 to a surviving widow or widower, or equally divided among
16 surviving children of the deceased if there is no widow or widower.

17 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
18 read:

19 **APPLICABILITY.** The death benefit for funeral expenses under AS 23.30.215(a)(1),
20 as amended by sec. 1 of this Act, applies to an injury occurring on or after the effective date
21 of this Act.

22 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).