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A HISTORY OF WORKERS' COMPENSATION IN ALASKA

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You asked for a history of workers' compensation in Alaska from 1915 to the present. Table 1, attached, provides a timeline that includes the establishment of workers' compensation in Alaska in 1915, when the Territorial Legislature passed the first workers' compensation law, the new act passed by the first State Legislature in 1959, and all further amendments we could identify up to the passage of SB 130 during the first special session of 2005. In compiling this data, we used historical information such as reports prepared by the Alaska Legislative Council in the 1950s ("Workmen's Compensation Law in Alaska," 1956, and "A Final Report on the Workmen's Compensation Study," 1958), the *Summaries of Alaska Legislation* from 1959-2004, and the *Final Status of Bills and Resolutions* for the 24th Legislature (2005).

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

Table 1: Workers' Compensation in Alaska, 1915-2005

Year	Summary	Session Law
1915	First Alaska Workmen's Compensation Act passed. Only miners were covered, Employers and employees could choose not to participate. A schedule of lump sum payments was established; no provisions for medical, surgical, or hospital treatment, rehabilitation, or a second injury fund.	Ch. 71, SLA 1915
1923	1915 act repealed, new law passed that continued the language and format of the original act. Coverage extended to all jobs except domestic service, agriculture, dairying, and the operation of railroads as common carriers; increased the schedule of benefits for all classifications.	Ch. 98, SLA 1923
1925	Amendment made employers responsible for providing medical, surgical, and hospital treatment for injured employees.	Ch. 63, SLA 1925
1927	Prior law repealed, new law enacted. Increased payments under the schedule of benefits, increased temporary partial and total disability compensation from 50 percent of weekly wages to 65 percent, permitted an overdue payment charge of 8 percent against employers who delayed paying employees, and permitted a lien on the property of the employer for the full amount of compensation owed.	Ch. 13, SLA 1927
1929	Repeal and substantial reenactment of existing law. Definitions for "child," "married," and "widower" added.	Ch. 25, SLA 1929
1935	Changes provisions regarding payments to beneficiaries. Employers were no longer required to pay the costs of transporting injured workers for medical, surgical, or hospital treatment.	Ch. 84, SLA 1935
1937	Existing law amended to make insurers parties in actions or proceedings under the Act. Waiting period after an injury changed from one week to one day, in addition to the day on which the injury occurred.	Ch. 74, SLA 1937
1939	Act amended to allow employees who suffered a second permanent partial disability that would make them totally permanently disabled to waive their rights and receive payment only for the second injury, in lieu of permanent total disability payments.	Ch. 49, SLA 1939
1941	Amended to establish the time temporary disability payments must be made, and to define "wage earning capacity."	Ch. 44, SLA 1941
1946	Existing law repealed, new compulsory law enacted. The new act also allowed self-insurance by employers, and established the Second Injury Fund. The schedule of benefits remained essentially the same.	Ch. 9, ESLA 1946
1949	Section pertaining to liens to secure compensation modified.	Ch. 104, SLA 1949
1951	Amended to replace the Commissioner of Insurance with the State Auditor as a member of the Alaska Industrial Board, to serve with the Attorney General and the Commissioner of Labor.	Ch. 133, SLA 1951
1953	Reconfigured the Alaska Industrial Board, reinstating the Auditor and removing the Commissioner of Insurance. Other changes included extending coverage from job classes employing three or more persons to classes employing one or more persons, doubling death and partial permanent disability benefits, increasing the length of time employers must pay medical and related treatment costs from one year to two years following the injury, increasing the waiting period for compensation from two days to three days following the injury, and limiting temporary disability benefits to a maximum of \$75 per week for 24 months.	Ch. 60, SLA 1953

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Year	Summary	Session Law
1955	Increased the maximum weekly compensation for temporary disabilities from \$75 to \$100; increased employer liability for medical and related services from two years to four years following injury.	Ch. 141, SLA 1955
1959	New and comprehensive act passed by the new state legislature. Included types of disabilities covered by the act, compensation schedules, and detailed provisions on administration and insurance. Established the Alaska Workmen's Compensation Board, consisting of the Commissioner of Labor, one labor representative, and one industry representative.	Ch. 193, SLA 1959
1964	Provided penalties for failure to insure, increased certain disability payments, and broadened the definition of "injury."	Ch. 46, SLA 1964
1966	Revised aid to recipients, benefits, industrial deaths, requirements for board hearings, and total disability benefit computations.	Ch.2, 99, 100, 113, SLA 1966
1967	Addressed injured employees eligible for vocational rehabilitation.	Ch. 46, SLA 1967
1968	Various amendments and additions, including benefits for a dependent parent on the death of the wage earner, coverage for volunteer firemen, lump sum awards, and pre-existing injuries.	Ch. 12, 41, 174, 178, 206, SLA 1968
1969	Ch. 26 addressed attorney fees; Ch. 54 defined eligibility; Ch. 105 addressed coverage for members of state boards and commissions.	Ch. 26, 54, 105, SLA 1969
1970	Various amendments, including employer reports of injury, limits on coverage, compensation for the board, contributions to the second injury fund, and disability rates.	Ch. 43, 119, 198, 199, 228, SLA 1970
1972	Ch. 10 increased scheduled benefits, and overall and weekly maximums; Ch. 166 provided more stringent requirements for state and local governments in determining coverage by employers doing business with public entities.	Ch. 10, 166, SLA 1972
1973	Amendments included provisions for benefits for firemen, death benefits, and exemptions to coverage.	Ch. 11, 172, 217, 253, SLA 1973
1974	Amendments addressed computation and amounts of benefits.	Ch. 51, 52, 54, 56, SLA 1974
1975	Ch. 83 changed weekly rates and amounts payable; Ch. 180 allowed benefits for employees injured outside of Alaska under certain circumstances.	Ch. 83, 180, SLA 1975
1976	Ch. 6 increased the minimum balance for the second injury fund from \$200,000 to \$400,000 (made up of employer contributions). Ch. 207 transferred certain functions from the Workmen's Compensation Board to the Department of Labor. Ch. 252 authorized the division of insurance to require insurance carriers to participate in the assigned risk pool; restricted the upward adjustment of benefits by changes in the schedule to cases of total disability and of temporary disability in existence for more than two years; adjusted benefits for recipients residing outside of Alaska; clarified the determination of the Alaska average weekly wage and included wages of all covered employees, both public and private; and set standards for determining the average weekly wage in other jurisdictions.	Ch. 6, 207, 252, SLA 1976

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1977	Allowed group insurance under certain conditions; removed the employer's right to any share of a third party recovery; prevented an increase to the ceiling for claimants' benefits; limited total indemnity payments for "unscheduled" permanent partial disabilities to \$60,000; revised the payment schedule in cases of death to a maximum of 66.6% of the deceased worker's wages; repealed AS 23.30.172 and discontinued the upward adjustment of benefits due to changes in the law; prevented death benefits to a surviving spouse from reverting to children and established the gradual elimination of the spouse's benefit over ten years; offset some social security payments against compensation benefits; changed the computation of average weekly wage.	Ch 75, SLA 1977
1979	Provided that political subdivisions could insure volunteer police and ambulance attendants, and set applicable rates; increased membership of board.	Ch. 77, SLA 1979
1980	Revised the law to include high school students injured while working for a public or private non-profit employer as part of an established work/study program.	Ch. 65, SLA 1980
1981	Revisions included increasing the number of board members, restructuring the second injury fund, and modifying the controversion procedure.	Ch. 59, SLA 1981
1983	Amendments increased the ceiling on compensation for permanent partial disabilities, and replaced the concept of "average weekly wage" with "spendable weekly wage" for the purposes of calculating benefits.	Ch. 70, SLA 1983
1984	Extended the number of days allowed for filing medical reports and notices of changes in the type or payment of compensation.	Ch. 112, SLA 1984
1985	Made changes to the panels appointed by the Worker's Compensation Board, and deleted legislative confirmation of executive branch members of panels.	Ch. 2, SLA 1985
1986	Exempted certain part-time, seasonal, and contractual workers from coverage; provided that sole proprietors or partners may choose not to be covered as employers by making written application to an insurer; exempted commercial fishermen from coverage under the act.	Ch. 47, 77, SLA 1986
1987	Allowed PERS members to receive credited service for leaves of absence over 10 days per year for on-the-job injuries or occupational illnesses for which the employees received worker's compensation benefits.	Ch. 64, SLA 1987
1988	Ch. 79 made substantial revisions, including requiring insurers to implement a workplace safety rate reduction program; denial of benefits under certain circumstances to employees who knowingly filed false employment applications; new administrative duties and responsibilities concerning rehabilitation of workers; increased penalties for failure to obtain/maintain insurance; amended the requirements for covered medical treatment; excluded mental stress injuries in certain cases; established most findings of fact by the board as conclusive; amended penalties for failure to file reports or pay compensation; set new rates for disability claims; prohibited insurers from filing for a rate increase until January 1, 1990. Ch. 86 addressed rights of injured state employees, granting a right to reemployment in the employee's former job if available and the employee could do the work, and requiring the state to make reasonable accommodations or to offer the employee a vacant position at a comparable wage if the original position was not available.	Ch. 79, 86, SLA 1988

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1989	Ch. 34 revised requirements for certified workers' compensation rehabilitation specialists; Ch. 53 allowed members of "the organized militia" who suffer injury, disability, or death in the line of duty to qualify for benefits.	Ch. 34, 53, SLA 1989
1992	Defined those injured while acting as volunteer emergency medical technicians as employees of the state under certain circumstances, and determined a method of calculating compensation payments for them	Ch. 25, SLA 1992
1993	Exempted certain taxicab drivers from coverage under the act.	Ch. 13, SLA 1993
1994	Ch. 72 excluded contractual sports officials at recreational sporting events from coverage. Ch. 94 included volunteer fire fighters under the act.	Ch 72, 94, SLA 1994
1995	Revised provisions related to medical evaluations, release of medical information, and computation of benefits. Added new provisions regarding immunity for design professionals, immunity for workplace safety inspections, insurance rate filings, and penalties for fraudulent acts.	Ch. 76, SLA 1995
1997	Ch. 4 established procedures for using a new edition of the guide for determining permanent partial impairments. Ch. 26 addressed tort reform, which included worker's compensation insurance. Ch. 45 prohibited benefits for workers who made certain false claims about their physical condition, and excluded certain temporary workers who participated in the temporary assistance program from coverage under the act.	Ch. 4, 26, 45, SLA 1997
1998	Ch. 59 established standards and procedures for determining when an injured worker was eligible for reemployment benefits. Ch. 69 excluded hockey league coaches and players if the team provided certain health insurance coverage.	Ch. 59, 69, SLA 1998
2000	Ch. 52 allowed teachers or other school employees to receive benefits for assault or other injuries received on the job and to accrue credited retirement service. Ch. 89 required insurers and self-insured employers to pay an annual service fee for the expenses of workers' compensation and safety programs. Ch. 105 changed rehabilitation requirements and benefits, updated medical fee schedules and provisions relating to payment and conversion of medical charges, added provisions and made changes relating to hearings and pre-hearings, changed the weekly minimum and maximum compensation, and adjusted certain benefit levels and computation of benefits.	Ch. 52, 89, 105, SLA 2000
2002	Ch. 48 increased the number of panels in the Anchorage area from three to four; Ch. 55 provided benefits for certain civilian volunteers in emergency or disaster relief; Ch. 84 allowed physicians licensed in the location where the examinations occurred to perform independent medical examinations for the purposes of workers' compensation benefits.	Ch. 48, 55, 84, SLA 2002
2003	Ch. 21 provided that transfers of structured settlements require prior approval of the board; Ch. 30 provided that the exclusive remedy for an injury or death suffered by a seaman employed by the state is the payment of benefits under workers' compensation; Ch. 43 established immunity for the state against civil liability for death, injury, or property damage suffered by a person acting as a member of a state militia, a civilian defense worker, or a fire fighter, and limited the award of certain death benefits and workers' compensation benefits for militia members.	Ch. 21, 30, 43, SLA 2003

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2004	Ch. 61 increased the cap on member assessments by the Alaska Insurance Guaranty Association; Ch. 62 addressed filing and review of workers' compensation loss costs and assigned risk pools; Ch. 80 made project owners, contractors, and subcontractors liable for payments of benefits for employees whose immediate employer fails to obtain coverage.	Ch. 61, 62, 80, SLA 2004
2005	Ch. 10 made substantial amendments to the act, including reductions in benefits, allowing workers represented by counsel to settle claims without the approval of the board, increased oversight responsibilities of the Workers' Compensation Division, and creation of a workers' compensation appeals commission.	Ch. 10, FSSLA 2005

Sources: "A Final Report on the Workmen's Compensation Study," Alaska Legislative Council, 1958; "Workers' Compensation in the State of Alaska: An Introduction," The Workers' Compensation Committee of Alaska, 1980; *Summaries of Alaska Legislation*, 1959-2004; *Final Status of Bills and Resolutions, 24th Legislature*.