

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRAY

TO: CSHB 97(JUD), Draft Version "T"

1 Page 1, line 3, following "**sentencing**":

2 Insert "**relating to claims for unpaid wages**;"

3

4 Page 5, lines 20 - 28:

5 Delete all material and insert:

6 "(p) In imposing restitution under this section, the court shall order a
7 defendant convicted of a violation of AS 11.46.203 - 11.46.207 to pay the victim
8 restitution in an amount that fully compensates the victim for unpaid wages or owed
9 compensation."

10

11 Page 5, following line 31:

12 Insert new bill sections to read:

13 **"* Sec. 13.** AS 23.05.180 is amended by adding a new subsection to read:

14 (c) If an employer is found to owe unpaid wages, in addition to fully
15 compensating the employee for the wages or part of the wages, the employer shall

16 (1) pay damages in an amount equal to double the amount of unpaid
17 wages; and

18 (2) reimburse the employee for any legal costs incurred in pursuing the
19 unpaid wages.

20 *** Sec. 14.** AS 23.10.110(a) is amended to read:

21 (a) An employer who violates a provision of AS 23.10.060 or 23.10.065 is
22 liable to an employee affected in the amount of unpaid minimum wages, or unpaid
23 overtime compensation, as the case may be, and [, EXCEPT AS PROVIDED IN (d)

1 OF THIS SECTION, IN] an additional equal amount as liquidated damages.

2 * **Sec. 15.** AS 23.10.110(c) is amended to read:

3 (c) The court in an action brought under this section shall, in addition to a
4 judgment awarded to the plaintiff, allow costs of the action and [, EXCEPT AS
5 PROVIDED IN (e) - (h) OF THIS SECTION,] reasonable attorney fees to be paid by
6 the defendant. The attorney fees in the case of actions brought under this section by
7 the commissioner shall be remitted by the commissioner to the Department of
8 Revenue. The commissioner may not be required to pay the filing fee or other costs.
9 The commissioner in case of suit has power to join various claimants against the same
10 employer in one cause of action.

11 * **Sec. 16.** AS 23.10.110(d), 23.10.110(e), 23.10.110(f), 23.10.110(g), and 23.10.110(h) are
12 repealed."

13
14 Renumber the following bill sections accordingly.

15
16 Page 6, line 3, following "APPLICABILITY.":

17 Insert "(a)"

18
19 Page 6, following line 11:

20 Insert a new subsection to read:

21 "(b) AS 23.05.180, as amended by sec. 13 of this Act, and AS 23.10.110, as amended
22 by secs. 14 - 16 of this Act, apply to claims brought on or after the effective date of this Act."