

Sectional Analysis for SB 40:

Section 1 amends AS 23.05.067(a), the Department of Labor and Workforce Development to receive a greater percentage of the annual service fees that insurers pay.

Section 2 amends AS 23.30.067(a), by removing reference to the Second Injury Fund.

Section 3 amends AS 23.30.015(e), by removing reference to the Second Injury Fund.

Section 4 amends AS 23.30.070(a), by making technical changes to allow electronic filing of documents.

Section 5 amends AS 23.30.070(b), by making technical changes to allow electronic filing of documents.

Section 6 amends AS 23.30.070(d), by granting the Alaska Workers' Compensation Division director authority to prescribe the format for reporting injuries to the Division.

Section 7 amends AS 23.30.070(f), by making technical changes to allow electronic filing of documents.

Section 8 amends AS 23.30.075(b), by holding limited liability companies and limited liability partnerships jointly and severally liable with certain persons for compensable injuries and civil penalties if the business fails to carry workers' compensation insurance.

Section 9 amends AS 23.30.080(e), by moving the failure to insure process from the board to the Division.

Section 10 amends AS 23.30.080(f), by moving the failure to insure process from the board to the Division and simplifying the penalty assessment process.

Section 11 amends AS 23.30.080(g), by extending from 7 days to 30 days for an employer to pay an assessed penalty.

Section 12 adds new subsections to AS 23.30.080, providing for penalties for failure to produce records legally required to be kept, granting an employer 30 days to appeal a civil penalty assessment, requiring that employers who agree to a payment plan pay interest and clarifying penalties may not be suspended.

Section 13 amends AS 23.30.082(a), by providing interest on civil penalties and other civil penalties under the Workers' Compensation Act (Act) accrue to the Workers' Compensation Benefits Guaranty Fund.

Section 14 amends AS 23.30.085, by establishing a civil penalty for failure to submit proof of insurance to the Division within 30 days.

Section 15 amends AS 23.30.097(d), by clarifying when an employer must authorize or deny a written request for medical treatment.

Section 16 amends AS 23.30.098, by updating the list of medical fee schedule reference material incorporated by reference.

Section 17 amends AS 23.30.110(c) by requiring the Alaska Workers' Compensation Board to hold a prehearing conference not later than 30 days after a claim is filed, and at the prehearing conference set a hearing date.

Section 18 amends AS 23.30.110(d) by clarifying a claimant and an employer may each represent themselves, or be represented by an attorney licensed to practice law in this state or a guardian or other representative appointed by a court for a party who is mentally incompetent or a minor.

Section 19 adds a new subsection to AS 23.30.110, providing the Board shall file its decision not later than 30 days after the hearing record closes.

Section 20 amends AS 23.30.155(a), by making technical changes to allow electronic filing of documents.

Section 21 amends AS 23.30.155(b), by clarifying when medical benefits are due.

Section 22 amends AS 23.30.155(c), by making technical changes to allow electronic filing of documents.

Section 23 amends AS 23.30.155(d), by making technical changes to allow electronic filing of documents.

Section 24 amends AS 23.30.155(e), by clarifying when medical benefits are due, including a written request for medical treatment.

Section 25 amends AS 23.30.155(m), by making technical changes to allow electronic filing of documents.

Section 26 amends AS 23.30.155(q), by allowing employers to pay benefits electronically.

Section 27 amends AS 23.30.165(a), by granting the Alaska Workers' Compensation Benefits Guaranty Fund the ability to file a lien at the onset of a claim for benefits and the Division the ability to file a lien for the amount of an assessed civil penalty.

Section 28 amends AS 23.30.165(d), by granting the Alaska Workers' Compensation Benefits Guaranty Fund the ability to file a lien at the onset of a claim for benefits and the Division the ability to file a lien for the amount of an assessed civil penalty.

Section 29 amends AS 23.30.205, by sunseting the Second Injury Fund.

Section 30 amends AS 23.30.230(a), by providing for a definition of "independent contractor."

Section 31 amends AS 23.30.240, by tightening the restrictions on an exemption for corporate officers and defining an eligible executive officer as owning ten percent of the business entity.

Section 32 amends AS 23.30.247(c), by removing reference to the Second Injury Fund.

Section 33 amends AS 23.30.250(a), by expanding the basis for a finding of fraud.

Section 34 amends AS 23.30.250(b), by expanding the basis for a finding of fraud.

Section 35 adds a new subsection to AS 23.30.250, by expanding the basis for a finding of fraud.

Section 36 amends AS 23.30.255(a), by clarifying which business entities and individuals are liable for failure to secure compensation.

Section 37 amends AS 23.30.255(b), by clarifying which business entities and individuals are liable for violating AS 23.30.255.

Section 38 adds a new subsection to AS 23.30.260, by clarifying when board approval of attorney fees is required.

Section 39 amends AS 23.30.395, by defining “employee.”

Section 40 repeals AS 23.30.015(c), 23.30.040, 23.30.205, 23.30.395(35), and AS 37.05.146(c)(12).

Section 41 repeals AS 23.30.040(f), 23.30.080(d), and 23.30.110(h).

Section 42 amends the uncoded law of the State of Alaska, by adding transitional language.

Section 43 amends the uncoded law of the State of Alaska, by adding transitional language.

Section 44 amends the uncoded law of the State of Alaska, by authorizing the department to initiate the regulatory process before the effective date.

Section 45 amends the uncoded law of the State of Alaska, by adding conditional effect language.

Section 46 clarifies when secs. 2, 3, 32, 40, and 43 take effect.

Section 47 clarifies when Sec. 44 takes effect.