

AMENDMENT # 1

OFFERED IN THE SENATE

BY SENATOR BISHOP

TO: SB 66

1 Page 1, following line 10:

2 Insert a new bill section to read:

3 **** Sec. 2.** AS 18.20.410(b), as amended by sec. 1 of this Act, is amended to read:

4 (b) Immediately after declaring a temporary nurse staffing emergency under
5 (a) of this section, a health care facility shall file with the division of **labor standards**
6 **and safety** [WORKERS' SAFETY AND COMPENSATION], Department of Labor
7 and Workforce Development, a report that includes a copy of the signed writing
8 required under (a) of this section. A report under this subsection is a public
9 document."

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11 Renumber the following bill sections accordingly.

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13 Page 2, following line 9:

14 Insert a new bill section to read:

15 **** Sec. 4.** AS 18.20.450(a), as amended by sec. 3 of this Act, is amended to read:

16 (a) A health care facility shall file with the division of **labor standards and**
17 **safety** [WORKERS' SAFETY AND COMPENSATION], Department of Labor and
18 Workforce Development, a semiannual report on a form provided by the department.
19 The report for the six-month period ending June 30 must be filed before the following
20 August 1, and the report for the six-month period ending December 31 must be filed
21 before the following February 1. The report must include, for each nurse employed by
22 the health care facility or under contract with the health care facility, the number of
23 overtime hours worked and the number of hours the nurse was on call. A health care

1 facility that does not employ a nurse who worked overtime hours or who was on call
2 during the reporting period is not required to describe hours worked as overtime and
3 on-call hours for individual nurses but may instead complete the report by stating on
4 the form that there are no reportable hours."
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6 Renumber the following bill sections accordingly.
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8 Page 2, following line 19:

9 Insert a new bill section to read:

10 **** Sec. 6.** AS 18.60.055, as amended by sec. 5 of this Act, is amended to read:

11 **Sec. 18.60.055. Division of labor standards and safety [WORKERS'**
12 **SAFETY AND COMPENSATION].** As established by AS 23.10.075, there is in the
13 department a division of labor standards and safety [WORKERS' SAFETY AND
14 COMPENSATION]. Minimum qualifications shall be established for employees of
15 the department acting as safety inspectors under AS 18.60.010 - 18.60.105. These
16 qualifications must include, as a minimum requirement, at least five years general
17 work experience in the field they are assigned to inspect. Training in safety principles,
18 codes, and standards may be substituted for work experience up to a maximum of
19 three years."
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21 Renumber the following bill sections accordingly.
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23 Page 3, following line 6:

24 Insert a new bill section to read:

25 **** Sec. 8.** AS 18.60.058(a), as amended by sec. 7 of this Act, is amended to read:

26 (a) In the event of an employment accident that is fatal to an employee or that
27 results in an employee's in-patient hospitalization, an employee's loss of an eye, or an
28 employee's amputation, the employer shall report the accident. The report must be
29 made by telephone or in person to the nearest office of the division of labor
30 standards and safety [WORKERS' SAFETY AND COMPENSATION] or by
31 telephone to the federal toll-free number provided by the division. The report must

1 relate the name of the establishment, the location of the accident, the time of the
2 accident, a contact person and the telephone number of the contact person, a brief
3 description of the accident, the number of fatalities or injured employees, and the
4 extent of any injuries. The report must be made immediately but in no event later than
5 eight hours after receipt by the employer of information that the accident has occurred.
6 However, if the employer first receives information of a fatality, in-patient
7 hospitalization, loss of an eye, or amputation eight or more hours after the accident but
8 not later than 30 days after the accident, the employer must make the report not later
9 than eight hours after receiving the information. This subsection does not apply to an
10 employer that first receives information of a fatality, in-patient hospitalization, loss of
11 an eye, or amputation more than 30 days after the accident."
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13 Renumber the following bill sections accordingly.

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15 Page 3, following line 17:

16 Insert a new bill section to read:

17 **** Sec. 10.** AS 18.60.235(a), as amended by sec. 9 of this Act, is amended to read:

18 (a) In addition to the deputy inspectors employed under AS 18.60.230 and the
19 special inspectors commissioned under AS 18.60.240, the commissioner of labor and
20 workforce development may appoint an employee of the Department of Labor and
21 Workforce Development as an approved inspector if the employee has completed
22 training by the chief inspector and has passed an examination that has been approved
23 by the director of the division of labor standards and safety [WORKERS' SAFETY
24 AND COMPENSATION] to perform inspections under AS 18.60.180 - 18.60.395 of
25 cast iron boilers and domestic hot water heaters. An employee does not have to pass
26 the examination described in AS 18.60.290 in order to be appointed an approved
27 inspector under this subsection."
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29 Renumber the following bill sections accordingly.

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31 Page 4, following line 4:

1 Insert a new bill section to read:

2 **** Sec. 12.** AS 23.05.067(a), as amended by sec. 11 of this Act, is amended to read:

3 (a) Each insurer providing workers' compensation insurance and each
4 employer who is self-insured or uninsured for purposes of AS 23.30 in this state shall
5 pay an annual service fee to the department for the administrative expenses of the state
6 for workers' safety programs under AS 18.60 and the workers' compensation program
7 under AS 23.30 as follows:

8 (1) for each employer,

9 (A) except as provided in (b) of this section, the service fee
10 shall be paid each year to the department at the time that the annual report is
11 required to be filed under AS 23.30.155(m) or (n); and

12 (B) the service fee is 2.9 percent of all payments reported to the
13 division of workers' [SAFETY AND] compensation in the department under
14 AS 23.30.155(m) or (n), except second injury fund payments; and

15 (2) for each insurer, the director of the division of insurance shall,
16 under (e) of this section, deposit from funds received from the insurer under
17 AS 21.09.210 a service fee of 2.5 percent of the direct premium income for workers'
18 compensation insurance received by the insurer during the year ending on the
19 preceding December 31, subject to all the deductions specified in AS 21.09.210(b)."
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21 Renumber the following bill sections accordingly.

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23 Page 4, following line 9:

24 Insert a new bill section to read:

25 **** Sec. 14.** AS 23.10.075 is repealed and reenacted to read:

26 **Sec. 23.10.075. Labor standards and safety division.** There is established in
27 the department the division of labor standards and safety. The director of the division
28 is responsible to the commissioner. The director shall administer AS 18.60.010 -
29 18.60.105 and AS 23.10.050 - 23.10.150."
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31 Renumber the following bill sections accordingly.

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Page 4, following line 29:

Insert a new bill section to read:

**** Sec. 16.** AS 23.30 is amended by adding a new section to read:

Sec. 23.30.003. Division of workers' compensation; director. The division of workers' compensation is established in the department. The commissioner shall appoint the director of the division of workers' compensation."

Renumber the following bill sections accordingly.

Page 4, line 30:

Delete "AS 23.30.025"

Insert "AS 23.30.025(a)"

Page 5, following line 9:

Insert a new bill section to read:

**** Sec. 18.** AS 23.30.025(a), as amended by sec. 17 of this Act, is amended to read:

(a) An insurer may not enter into or issue a policy of insurance under this chapter until its policy form has been submitted to and approved by the director of the division of insurance. The director of the division of insurance may not approve the policy form of an insurance company until the company files with it the certificate of the director of the division of insurance showing that the company is authorized to transact the business of workers' compensation insurance in the state. The filing of a policy form by an insurance company with the division of workers' [SAFETY AND] compensation for approval constitutes, on the part of the company, a conclusive and unqualified acceptance of the provisions of this chapter, and an agreement by it to be bound by them."

Renumber the following bill sections accordingly.

Page 5, following line 22:

1 Insert a new bill section to read:

2 **** Sec. 20.** AS 23.30.280(e), as amended by sec. 19 of this Act, is amended to read:

3 (e) Except as provided in (f) of this section, a person is not liable for civil
4 damages for filing a report concerning a suspected, anticipated, or completed
5 fraudulent act or a false or misleading statement or representation with, or for
6 furnishing other information, whether written or oral, concerning a suspected,
7 anticipated, or completed fraudulent act or false or misleading statements or
8 representation to

9 (1) law enforcement officials or their agents and employees;

10 (2) the division of workers' [SAFETY AND] compensation, the
11 division of insurance in the Department of Commerce, Community, and Economic
12 Development, or an agency in another state that regulates insurance or workers'
13 compensation;

14 (3) an insurer or adjuster or its agents, employees, or designees, or the
15 risk manager of a self-insured employer under this chapter."

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17 Renumber the following bill sections accordingly.

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19 Page 5, following line 25:

20 Insert a new bill section to read:

21 **** Sec. 22.** AS 23.30.395(15), as amended by sec. 21 of this Act, is amended to read:

22 (15) "director" means the director of the division of workers'
23 [SAFETY AND] compensation in the department;"

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25 Renumber the following bill sections accordingly.

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27 Page 5, following line 28:

28 Insert a new bill section to read:

29 **** Sec. 24.** AS 23.30.395(17), as amended by sec. 23 of this Act, is amended to read:

30 (17) "division" means the division of workers' [SAFETY AND]
31 compensation in the department;"

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Renumber the following bill sections accordingly.

Page 5, following line 31:

Insert a new bill section to read:

"* Sec. 26. AS 39.25.120(c)(14), as amended by sec. 25 of this Act, is amended to read:

(14) the rehabilitation administrator of the division of workers' [SAFETY AND] compensation;"

Renumber the following bill sections accordingly.

Page 6, following line 7:

Insert a new bill section to read:

"* Sec. 28. AS 39.25.158(b), as amended by sec. 27 of this Act, is amended to read:

(b) After an employee requests to return to work, the reemployment benefits administrator of the division of workers' [SAFETY AND] compensation or the director of vocational rehabilitation in the Department of Labor and Workforce Development shall review the request and certify that the employee is able to return to work under (c), (d), (e), or (f) of this section, or defer certification until the employee completes retraining under (f) of this section."

Renumber the following bill sections accordingly.

Page 6, following line 8:

Insert a new bill section to read:

"* Sec. 30. AS 23.10.080(6) is repealed."

Renumber the following bill sections accordingly.

Page 6, lines 11 - 19:

Delete all material and insert:

1 "MERGER OF DIVISIONS IN THE DEPARTMENT OF LABOR AND
2 WORKFORCE DEVELOPMENT: TRANSITION. (a) Notwithstanding the temporary
3 merger under this Act of the division of labor standards and safety with the division of
4 workers' compensation in the Department of Labor and Workforce Development, all
5 litigation, administrative proceedings, investigations, orders, certificates, regulations,
6 contractual obligations, rights, and liabilities continue in effect.

7 (b) Records, equipment, allocations, and other property of each affected division may
8 be transferred as necessary to implement the changes made by this Act.

9 * Sec. 32. Sections 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, and 30 take effect July 1,
10 2022."

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12 Renumber the following bill section accordingly.

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14 Page 6, line 20:

15 Delete "This"

16 Insert "Except as provided in sec. 32 of this Act, this"