

1 IN THE SENATE

BY THE COMMITTEE ON
COMMERCE AND LABOR

2

SENATE BILL NO. 118

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FIRST LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act relating to the assignment and
7 collection of wage and other claims; amend-
8 ing subsection (e) of Sec. 43-2-11, ACLA
9 1949, as amended by Ch. 34, SLA 1949; and
10 providing for an effective date."

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

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Section 1. Subsection (e) of Sec. 43-2-11, ACLA 1949, as
13 amended by Ch. 34, SLA 1949, is hereby amended to read as follows:

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(e) Assignment of Wage Claims to Labor Commissioner
for Recovery. (1) The Labor Commissioner shall have power
and authority to take assignments of wage claims and inciden-
tal expense accounts and advances, mechanics and other liens
of employees, claims based on "stop orders" for wages and on
bonds for labor, claims for damages for misrepresentation of
conditions of employment, claims against employment agencies
or their bondsmen, claims for unreturned bond money of em-
ployees, claims for penalties for nonpayment of wages, claims
for the return of workmen's tools in the illegal possession of
another person, and claims for vacation pay and severance pay.
The Labor Commissioner shall not be bound by any rule requir-
ing the consent of the spouse of a married claimant, the fil-
ing of a lien for record before it is assigned, or prohibiting
the assignment of a claim for penalty before the claim has been
incurred or any other technical rule with reference to the

1 validity of assignments. The Labor Commissioner WORKERS WHO
2 SHALL HAVE PREVIOUSLY SUBMITTED AN AFFIDAVIT TO THE EFFECT
3 THAT HE IS UNABLE TO PROVIDE HIS OWN COSTS OF SUCH ACTION
4 AND IN ANY EVENT WHOSE CLAIM SHALL NOT BE IN EXCESS OF THREE
5 HUNDRED (\$300.00) DOLLARS. THE \$300.00 LIMIT SHALL APPLY,
6 EXCEPTING IN THE CASES OF SEASONAL EMPLOYEES WORKING UNDER A
7 CONTRACT THAT PROVIDES FOR PAYMENT OF WAGES ON SEASON'S
8 TERMINATION, OR AT GREATER THAN MONTHLY INTERVALS, AND ALSO
9 EXCEPTING IN THE CASES OF EMPLOYEES WHOSE WAGES OVER A 6-WEEK
10 PERIOD EXCEED \$300.00; IN EITHER CASE, THE 6-WEEK PAY OR THE
11 SEASON'S PAY SHALL BE THE LIMIT, WHICHEVER IS THE GREATER;
12 AND shall have power and authority to prosecute actions for
13 the collection of such claims of persons who, in the judgment
14 of the Commissioner, are entitled to the services of the Com-
15 missioner, and who, in his judgment, have claims which are
16 valid and enforceable in the courts. The Commissioner may
17 also prosecute actions for the return of workmen's tools which
18 are in the illegal possession of another person. The Com-
19 missioner is authorized to join several claimants in one lien
20 to the extent allowed by the lien laws, and, in case of suit,
21 to join them in one cause of action. (2) In all actions
22 brought by the Labor Commissioner as assignee under subsection
23 (1) of this subsection no bond or other security therefor
24 shall be required from the said Commissioner in connection
25 with the same. (3) An UNITED STATES MARSHAL, OR OTHER
26 officer, requested by the said Commissioner to serve summons,
27 writs, complaints, orders, including any garnishment papers,
28 and all necessary and legal papers, within his jurisdiction,
29 shall do so without requiring the Commissioner to furnish any

1 security or bond therefor. (4) Whenever the Commissioner
2 shall request an THE UNITED STATES MARSHAL, OR OTHER
3 officer whose duty it is to seize property or levy thereon in
4 any attachment proceedings to satisfy any wage claim judg-
5 ment, to perform any such duty, said officer shall do so
6 without requiring the Commissioner to furnish any security
7 or bond in such action; and such officer, in carrying out
8 the provisions of this paragraph, shall not be responsible
9 in damages for any wrongful seizure made in good faith. But
10 whenever anyone other than the defendant claims the right of
11 possession or ownership to such seized property, then in such
12 case the officer may permit such claimant to have the custody
13 of such property, pending determination of the court as to
14 who has right to possession or ownership of such property.

15 (5) Any garnishee defendant, when required to appear in court
16 in such action, shall do so without having paid to him wit-
17 ness fees in advance, but such witness fees shall be included
18 as part of the taxable costs of such action and paid to him
19 in due course. Out of any recovery on a judgment in such
20 suit, there shall be paid, first, all court cost advances,
21 which shall be returned to the Department of Labor's appro-
22 priation for such purposes; second, the wage claim involved.

23 (6) When such court actions are lost by the Labor Commission-
24 er, costs shall be paid by him out of money appropriated for
25 that purpose. (7) The Commissioner shall not accept the
26 assignment of a claim in excess of \$750.00.

27 Sec. 2. This Act shall take effect immediately upon its pass-
28 age and approval or upon its becoming law without such approval.