

1 IN THE SENATE

BY JOSEPHSON

2 SENATE BILL NO. 254

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to increased workmen's compensation;
7 and providing for an effective date."

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

9 * Section 1. AS 23.30 is amended by adding a new section to read:

10 Sec. 23.30.216. INCREASED COMPENSATION. (a) The amount of
11 compensation otherwise recoverable under this chapter shall be in-
12 creased by one-half if the employee is injured by reason of the serious
13 and wilful misconduct of his employer.

14 (b) When serious and wilful misconduct by an employer is based
15 on the violation of a valid safety regulation promulgated by the
16 Department of Labor, the Workmen's Compensation Board must specifically
17 find

18 (1) that the safety regulation was established as having
19 been known to a particular identified and named employer;

20 (2) that the violation was established to have been com-
21 mitted by a particular identified and named employer;

22 (3) that the condition making the safety regulation ap-
23 plicable at the time of the injury or death was established to have
24 been known to a particular identified and named employer;

25 (4) the specific manner in which the safety regulation was
26 violated;

27 (5) that the violation of the safety regulation did
28 proximately cause injury or death, and the specific manner in which the
29 violation constituted the proximate cause of the injury or death.

1 * Sec. 2. This Act takes effect on the day after its passage and
2 approval or on the day it becomes law without approval.
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