

1 IN THE HOUSE

BY THE LABOR AND
COMMERCE COMMITTEE

2 HOUSE BILL NO. 169

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to entitlement to workers' compen-
7 sation benefits, including death benefits; prescrib-
8 ing the method of paying workers' compensation; and
9 prohibiting employer discrimination and defining
10 gross earnings with respect to workers' compensa-
11 tion."

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

13 * Section 1. AS 23.30.011(d) is amended to read:

14 (d) In this section

15 (1) "carrier" includes an insurance company licensed to
16 write workers' compensation insurance in a state of the United States
17 or a state or provincial fund that insures employers against their
18 liabilities under a workers' compensation law;

19 (2) a person's employment is "principally localized" in
20 this or another state when (A) the person's employer has a place of
21 business in this or the other state and the person regularly works at
22 or from that place of business, or (B), if (A) of this paragraph is
23 not applicable, the person is domiciled and spends a substantial part
24 of the person's working time in the service of an employer in this or
25 the other state; [AN EMPLOYEE WHOSE DUTIES REQUIRE THE EMPLOYEE TO
26 TRAVEL REGULARLY IN THE SERVICE OF AN EMPLOYER IN THIS AND ONE OR MORE
27 OTHER STATES MAY, BY WRITTEN AGREEMENT WITH THE EMPLOYER, PROVIDE THAT
28 THE EMPLOYMENT IS PRINCIPALLY LOCALIZED IN THIS OR ANOTHER STATE, AND
29 UNLESS THE OTHER STATE REFUSES JURISDICTION, THE AGREEMENT SHALL BE

1 GIVEN EFFECT UNDER THIS CHAPTER;]

2 (3) "state" includes a state of the United States, the
3 District of Columbia, or a province of Canada;

4 (4) "United States" includes only the states of the United
5 States and the District of Columbia;

6 (5) "workers' compensation law" includes "occupational
7 disease law."

8 * Sec. 2. AS 23.30.155 is amended by adding a new subsection to read:

9 (n) Compensation due an employee under this chapter shall be
10 paid by negotiable bank check payable on demand. If the employer pays
11 compensation due under this chapter with a bank check drawn on a bank
12 located in a state other than the state in which the employee resides,
13 the employer shall make the payment by certified bank check.

14 * Sec. 3. AS 23.30.215(a) is amended to read:

15 (a) If the injury causes death, the compensation is known as a
16 death benefit and is payable in the following amounts to or for the
17 benefit of the following persons:

18 (1) reasonable and necessary funeral expenses not exceeding
19 \$2,500;

20 (2) if there is a widow or widower or a child or children
21 of the deceased, the following percentages of the spendable weekly
22 wages of the deceased:

23 (A) 80 percent for the widow or widower with no chil-
24 dren;

25 (B) 40 percent for the widow or widower with one child
26 and 40 percent for the child;

27 (C) 25 percent for the widow or widower with two or
28 more children and 55 percent divided equally among the children;

29 (D) 80 percent for an only child when there is no

1 widow or widower;

2 (E) 80 percent, divided equally, if there are two or
3 more children and no widow or widower;

4 (3) if the widow or widower remarries, the widow or widower
5 is entitled to be paid in one sum an amount equal to the compensation
6 to which the widow or widower would otherwise be entitled in the two
7 years commencing on the date of remarriage as full and final settle-
8 ment of all sums due the widow or widower;

9 (4) if there is no widow or widower or child or children,
10 then for the support of father, mother, grandchildren, brothers and
11 sisters, if dependent upon the deceased at the time of injury or if a
12 future pecuniary loss is established, 42 percent of the spendable
13 weekly wage of the deceased to such beneficiaries, share and share
14 alike, not to exceed \$20,000 in the aggregate.

15 * Sec. 4. AS 23.30 is amended by adding a new section to read:

16 Sec. 23.30.247. DISCRIMINATION PROHIBITED. (a) An employer may
17 not discriminate against a person because that person claims or re-
18 ceives benefits under this chapter. An employer who violates this
19 section is liable to the person in a private civil action for damages
20 of not less than \$5,000 nor more than \$100,000 to be assessed by the
21 court.

22 (b) A person who recovers damages under this section shall also
23 be awarded costs and actual attorney fees incurred in bringing the
24 action.

25 * Sec. 5. AS 23.30.265(15) is repealed and reenacted to read:

26 (15) "gross earnings" means that amount paid by an employer
27 to an employee for employment, before an authorized or lawfully re-
28 quired deduction or withholding of money by the employer, including
29 all compensation that is identifiable and calculable, whether in

1 currency or other economic gain; the value of room and board to the
2 employee may be considered in determining gross earnings; however, the
3 value of room and board that would raise an employee's gross weekly
4 earning above the Alaska average weekly wage at the time of injury may
5 not be considered;