

HB

43



Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

HOUSE RULES COMMITTEE MEETING

FRIDAY, MARCH 27, 1987

7:00 A.M. - CAPITOL ROOM 208

A G E N D A

CSHB 43 (Judiciary - "An Act relating to return transportation for workers.")

(Representative Donley)

HCR 12 - Proposing amendments to Rule 23 of the Uniform Rules of the Alaska State Legislature relating to committee meetings.

(By the Rules Committee)



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HOUSE RULES STANDING COMMITTEE MEETING

FRIDAY, MARCH 27, 1987

7:00 A.M. - CAPITOL, ROOM 208

CSHB 43(JUD) - "An Act relating to return transportation for workers."
(Representative Donley)

I N D E X

- I. Letter to Rep. Navarre, Chairman - House Rules Committee
dated: March 26, 1987
- II. Proposed CSHB 43(RULES)
- III. CSHB 43(Judiciary)
- IV. CSHB 43(Labor and Commerce)
- V. ALASKA STATUTE REFERENCE ON HB 43
- VI. Fiscal Notes - Department of Labor - Zero
Department of Administration - Zero with analysis
- VII. Bill History - House Journal References & Committee Minutes

REPRESENTATIVE DAVE DONLEY

ALASKA STATE LEGISLATURE
DISTRICT ELEVEN • SPENARD

PO. BOX V, JUNEAU 99811
(907) 465-3892



CHAIRMAN
LABOR AND COMMERCE
COMMITTEE

MEMBER
STATE AFFAIRS COMMITTEE
HEALTH, EDUCATIONAL
AND SOCIAL SERVICES COMMITTEE
INTERNATIONAL TRADE
SUB-COMMITTEE

March 26, 1987

M E M O R A N D U M

To: Representative Mike Navarre, Chair
House Rules Committee

From: Representative Dave Donley

Re: Request for Rules Committee CS for HB 43

I am writing to request that the House Rules Committee adopt a Committee Substitute that changes the title of CS HB 43 (Judiciary).

The current title for CSHB43(Jud) reads: "An act relating to return transportation for workers". The title change I am requesting would read: "An act relating to return transportation for workers and requiring payment of return transportation costs for workers hired from outside the State".

HB 43 makes three significant changes from current law: 1) requires an employer to notify a worker of their right to return transportation, 2) puts a one limit on that right and 3) requires an employer to pay return transportation costs for a worker hired from outside the state, regardless of whether the employer paid transportation costs to the job site.

I believe it is important to reflect the essential changes to current law in the title for HB 43.

I understand that a House Rules Committee meeting has been scheduled for 7:00 a.m. on Friday, March 27. If I am unable to attend personally, my assistant Ginger Baim will be available to answer any questions.

Thanks for your consideration of this request.

Original sponsors: Donley, Koponen
and Davidson

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 43 (Rules)

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 return transportation for workers
7 *added:* and requiring payment of return transportation costs
8 for workers hired from outside the state."

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

10 * Section 1. AS 23.10.380(a) is repealed and reenacted to read:

11 (a) An employer shall furnish a person entitled to transporta-
12 tion under this section with return transportation to the place of
13 hire from which transportation was furnished or financed, to the
14 person's place of residence at the time of hire, or to a destination
15 agreed upon by the parties at the termination of employment if

16 (1) the employment terminated within one year after the
17 person's first day of employment with the employer in the state;

18 (2) the department determines that the termination of
19 employment was for a good and sufficient cause beyond the control of
20 the person, or if the contract of employment or a renewal of the
21 contract terminates; and

22 (3) the person or the department requests return transpor-
23 tation within 45 days after the termination of employment.

24 * Sec. 2. AS 23.10.380 is amended by adding new subsections to read:

25 (c) An employer who agrees to hire a person shall notify the
26 person of the person's rights to transportation under this section.
27 The notice shall be given in writing to the employee or by posting.

28 (d) A person is entitled to return transportation rights under
29 this section if

1 (1) an employer furnished, financed, agreed to furnish or
2 finance, or in any way provided transportation for the person from the
3 place of hire to a point inside or outside the state to employ the
4 person; or

5 (2) the person was located outside the state when the em-
6 ployer agreed to employ the person for work inside the state and the
7 person has not established residency in the state after agreeing to
8 work for the employer.

9 * Sec. 3. AS 23.10 is amended by adding a new section to article 5 to
10 read:

11 Sec. 23.10.402. DEFINITION. In AS 23.10.375 - 23.10.402 "em-
12 ployer" means a person who employs at least one other person and
13 includes the state and a political subdivision of the state.

14 * Sec. 4. The amendments proposed by this Act apply to persons hired on
15 or after the effective date of this Act.

TITLE 23.
Labor and Workers' Compensation.
CHAPTER 10.
Employment Practices and Working Conditions.
ARTICLE 5.
Transportation of Employees.
Sec. 23.10.375.

POLICY.
The welfare of the state demands that adequate provision be made for financing the return transportation of certain persons to their place of recruitment inside and outside the state upon termination of employment.
(ch 67 SLA 1949)

TITLE 23.
Labor and Workers' Compensation.
CHAPTER 10.
Employment Practices and Working Conditions.
ARTICLE 5.
Transportation of Employees.
Sec. 23.10.380.

RIGHT TO RETURN TRANSPORTATION.

(a) An employer who furnishes, finances, agrees to furnish or finance, or in any way provides transportation for a person from the place of hire to a point inside or outside the state to employ the person shall provide the person with return transportation to the place of hire from which transportation was furnished or financed, or to a destination agreed upon by the parties, with transportation to be furnished or financed

(1) on or after the termination of employment for a cause considered good and sufficient by the department, beyond the control of the person, or on or after the termination of the contract of employment or a renewal of the contract; and

(2) upon the request of the person or the department made within 45 days after the termination of employment.

(b) Upon the termination of employment the subsistence of the employee may not continue longer than 10 days after the termination or until transportation is available, whichever occurs first.

(Sec. 1 ch 67 SLA 1949; am sec. 1 ch 136 SLA 1959; am sec. 1 ch 164 SLA 1960)

TITLE 23.
Labor and Workers' Compensation.
CHAPTER 10.
Employment Practices and Working Conditions.
ARTICLE 5.
Transportation of Employees.
Sec. 23.10.395.

ORDERS AND REGULATIONS.
The department may issue orders and adopt regulations necessary to carry out AS 23.10.375 23.10.400.
(Sec. 4 ch 67 SLA 1949)

TITLE 23.
Labor and Workers' Compensation.
CHAPTER 10.
Employment Practices and Working Conditions.
ARTICLE 5.
Transportation of Employees.
Sec. 23.10.400.

PENALTY.
An employ~~ee~~ who violates AS 23.10.375 - 23.10.400 is, in addition to any civil liability, guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000.
(Sec. 3 ch 67 SLA 1949)

TITLE 23.
Labor and Workers' Compensation.
CHAPTER 10.
Employment Practices and Working Conditions.
ARTICLE 5.
Transportation of Employees.
Sec. 23.10.385.

ENFORCEMENT BY CIVIL ACTION.
(a) The department may take a written assignment of a right of action provided by AS 23.10.380, and may prosecute the action. The department may join various employees in one claim and in case of suit may join them in one action.
(b) The general provisions of law respecting wage collection suits brought by the department in behalf of employees apply in an action brought under this section.
(Sec. 2 ch 67 SLA 1949)

TITLE 23.
Labor and Workers' Compensation.
CHAPTER 10.
Employment Practices and Working Conditions.
ARTICLE 5.
Transportation of Employees.
Sec. 23.10.390.

CONSTRUCTION OF CONTRACTS.
AS 23.10.375 - 23.10.400 are considered a part of every contract of hire involving transportation of an employee to and from this state or from one part of the state to another.
(Sec. 2(a) ch 67 SLA 1949)

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

VI

REQUEST: _____
Revision Date: _____
Title: "An Act relating to return
transportation for workers."
Sponsor: Donley and Koponen
Requestor: Labor and Commerce

Bill Version: HB 43
Publish Date: HOUSE 2/4/87

Agency Affected: Labor
BRU: Labor Standards and Safety

Components: Wage and Hour

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

[Empty box for analysis]

Prepared by: Tom Stuart *[Signature]* Phone: 465-4870
Division: Labor Standards and Safety Date: 1/23/87
Prepared by: _____
Approved by Commissioner: Jim Sampson *[Signature]* Date: 1/23/87
Agency: Labor

- Distribution (by preparer):
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

Bill Version: CSHB 43 (L&C)
Publish Date: HOUSE 2/4/87

REQUEST _____

Revision Date: _____
Title: An Act Relating to Return
Transportation for Workers

Agency Affected: A11
BRU: A11

Sponsor: Donley and Koponen
Requestor: _____

Components: A11

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: Attach a separate page if necessary

^(L&C)
CSHB 43 deals with paying return transportation costs for workers whose employment is terminated within the first year.

Provision for financing the return transportation of new employees to their original place of residence upon termination of employment has been public policy since 1949. The significance of CSHB 43 is that the proposed definition of "employer" would, for the first time, make the law applicable to State employees.

Prepared By: Diana DeSimone *Diana DeSimone* Phone: 465-4430
Division: Personnel Date: 1/30/87

Approved by Commissioner: Garrey Peska *Garrey Peska* Date: 1/31/87
Agency: Department of Administration

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary

In FY 86, the State expended \$1,232,000 for moving and relocation costs. This figure includes legislative relocation costs which totaled \$219,100 in FY 86. Deducting costs for legislative moves leaves approximately \$1,000,000 for moving other State employees. The average cost of moving these employees is between \$10,000 and \$15,000. (Costs are higher because these are permanent versus temporary moves.) At an average of \$12,500 per move, this equates to about 80 moves of "regular" State employees.

We estimate that only about 10 percent of these paid moves are to entice new employees to join the State workforce, the only situation to which CSHB 43 would apply. (Paying moves of "on-board" State employees is usually associated with getting a seasoned, trained employee to change their location for the good of the service.)

In the eight situations to which CSHB 43 is applicable, it is unlikely that more than one or two of the employees would terminate within the first year. Therefore, the associated moving costs could be absorbed with existing resources.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. Juc. February 16, 1987