

Kevin Meyer  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
WWW.LTGOV.ALASKA.GOV



530 West 7<sup>th</sup> Ave, Suite 1700  
Anchorage, Alaska 99501  
907.269.7460  
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Becky Weimer  
Department of Labor and Workforce Development

**FROM:** April Simpson, Office of the Lieutenant Governor *AS*  
465.4081

**DATE:** December 11, 2020

**RE:** Filed Permanent Regulations: Department of Labor and Workforce Development  
  
Department of Labor and Workforce Development and the Alaska Workers' Compensation Board Regulations re: ownership interests of corporate officers and members of limited liability companies, and effect of those interests on the persons' status as employees (8 AAC 45.185)

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Attorney General File:	2020200549
Regulation Filed:	12/11/2020
Effective Date:	01/10/2021
Print:	237, April 2021

cc with enclosures: Harry Hale, Department of Law  
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF THE ALASKA WORKERS' COMPENSATION BOARD

The attached 1 page of regulations, dealing with corporate officers and members of limited liability companies, is certified to be a correct copy of the regulation changes that the Alaska Workers' Compensation Board adopted at its October 1-2, 2020 meeting, under the authority of AS 23.30.005 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Alaska Workers' Compensation Board paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 11/10/2020

**Charles Collins** Digitally signed by Charles Collins  
Date: 2020.11.10 08:23:10 -09'00'

Charles Collins, Division Director

*April Simpson for*

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

December 11, 2020 at 2:39 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

*April Simpson*

*for*

Lieutenant Governor

*Kevin Meyer*

Effective: January 10, 2021

Register: 237, April 2021

ORDER ADOPTING CHANGES TO REGULATIONS  
OF THE ALASKA WORKERS' COMPENSATION BOARD

The attached 1 page of regulations, dealing with corporate officers and members of limited liability companies, is adopted and certified to be a correct copy of the regulation changes that the Department of Labor and Workforce Development adopts under the authority of AS 23.30.005 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

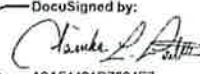
This action is not expected to require an increased appropriation.

In considering public comments, the Department of Labor and Workforce Development paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

11/13/2020

Date: \_\_\_\_\_

DocuSigned by:  
  
A9A54431D7664E7

Dr. Tamika L. Ledbetter, Commissioner

*April Simpson for*

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

December 11, 2020, at 2:36pm., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

*April Simpson*  
for Lieutenant Governor *Kevin Meyer*

Effective: January 10, 2021

Register: 237, April 2021

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,  
designate the following state employees to perform the Administrative Procedures Act  
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff  
Kady Levale, Notary Administrator  
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have  
signed and affixed the Seal of the State of  
Alaska, in Juneau, on December 11th,  
2018.**



*K-Meyer*  
.....

**KEVIN MEYER  
LIEUTENANT GOVERNOR**

8 AAC 45 is amended by adding a new section to read:

“one 0.5”  
tab 11

**8 AAC 45.185. Corporate Officers and Members of Limited Liability Companies.**

(a) For the purposes of AS 23.30.240, the term “owns” includes

that owns a corporation  
or limited liability  
company;

(1) a person’s ownership interest in a corporation or limited liability company as a

(1)

beneficiary of a revocable trust or owner of another corporation or limited liability company,

that

which owns a corporation or limited liability company.

(b) A person who is an executive officer of a corporation or a member of a limited

liability company is not an employee under the ~~Workers’ Compensation~~ Act if the person owns

at least 10 percent of the corporation or limited liability company through the person’s

documented ownership interest in a revocable trust, corporation, or limited liability company.

(Eff. 1 / 10 / 2021, Register 237)

**Authority:** AS 23.30.005 AS 23.30.240

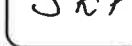
# MEMORANDUM

## State of Alaska Department of Law

**To:** The Honorable Kevin Meyer  
Lieutenant Governor

**Date:** December 7, 2020

**File No.:** 2020200549

**Thru:** Susan R. Pollard   
Chief Assistant Attorney General  
and Regulations Attorney  
Legislation and Regulations Section

**Tel. No.:** 465-3600

**From:** Steven C. Weaver *SCW*  
Senior Assistant Attorney General  
Legislation and Regulations Section

**Re:** Department of Labor and Workforce  
Development and Alaska Workers'  
Compensation Board regulations re:  
ownership interests of corporate  
officers and members of limited  
liability companies, and effect of  
those interests on the persons' status  
as employees (8 AAC 45.185)

The Department of Law has reviewed the attached regulations of the Department of Labor and Workforce Development and the Alaska Workers' Compensation Board against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Labor and Workforce Development and the Alaska Workers' Compensation Board after the close of the public comment period. Reflecting AS 23.30.240, as repealed and reenacted under sec. 18, ch. 91, SLA 2018 (SCS CSHB 79(FIN)), the regulations clarify the types of ownership interests of corporate officers and members of limited liability companies that would not make those persons employees.

The August 31, 2020 public notice, the November 10, 2020 certification of adoption order from the Alaska Workers' Compensation Board, and the November 13, 2020 adoption order from the Department of Labor and Workforce Development all state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

cc w/enc.: Dr. Tamika L. Ledbetter, Commissioner  
Department of Labor and Workforce Development

Becky Weimer, Regulations Contact  
Department of Labor and Workforce Development

Charles Collins, Director  
Division of Workers' Compensation  
Department of Labor and Workforce Development

Alexis Hildebrand  
Division of Workers' Compensation  
Department of Labor and Workforce Development

Morgan A. Griffin, Assistant Attorney General  
Labor and State Affairs Section

NOTICE OF PROPOSED CHANGES ON CORPORATE OFFICERS AND MEMBERS OF  
LIMITED LIABILITY COMPANIES IN THE REGULATIONS OF THE DEPARTMENT OF  
LABOR AND WORKFORCE DEVELOPMENT

BRIEF DESCRIPTION

The Department of Labor and Workforce Development, Workers' Compensation Board, proposes to change regulations on Corporate Officers and Members of Limited Liability Companies.

The Department of Labor and Workforce Development, Workers' Compensation Board, proposes to adopt regulation changes in 8 AAC 45 of the Alaska Administrative Code, dealing with corporate officers and members of limited liability companies, including the following:

- (1) 8 AAC 45.185 is proposed to add a new section dealing with corporate officers and members of limited liability companies.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Department of Labor and Workforce Development, Division of Workers' Compensation at P.O. Box 115512, Juneau, AK 99811-5512. Additionally, the Department of Labor and Workforce Development, Division of Workers' Compensation will accept comments by facsimile at (907) 465-2797 and by electronic mail at [workerscompregs@alaska.gov](mailto:workerscompregs@alaska.gov). Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the comment link. The comments must be received not later than 5:00p.m. on September 28, 2020.

You may provide oral comments relevant to the proposed action **via telephone or videoconference** at the hearing to be held on October 1, 2020, **by calling 800-315-6338, access code 92019**, or to obtain the video conference link please contact Alexis Newman at (907) 465-6059 or [alexis.newman@alaska.gov](mailto:alexis.newman@alaska.gov). **Due to public health and safety concerns associated with the COVID – 19 pandemic, there will not be in-person attendance provided at the hearing site, so please prepare to share your oral comments by telephone only.** Public comment will be heard from 10:15am to 11:15am, and might be extended to accommodate those present before 10:15am who did not have an opportunity to comment. Prior to the start of the hearing, The Chair of the Board, Charles Collins, may limit the time allotted for each person providing oral testimony, as reasonably necessary to conclude the hearing in the time provided.

You may submit written questions relevant to the proposed action to the Department of Labor and Workforce Development, Division of Workers' Compensation at P.O. Box 115512, Juneau, AK 99811-5512 or by electronic mail at [workerscompregs@alaska.gov](mailto:workerscompregs@alaska.gov). The questions must be received at least 10 days before the end of the public comment period. The Department of Labor and Workforce Development, Division of Workers' Compensation will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and the Division of Workers' Compensation's website.



If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Alexis Newman at (907) 465-6059 or alexis.newman@alaska.gov not later than September 18, 2020 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Alexis Newman at (907) 465-6059 or alexis.newman@alaska.gov.

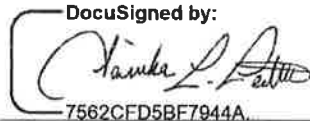
After the public comment period ends, the Department of Labor and Workforce Development will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

**Statutory authority:** AS 23.30.005; AS 23.30.240

**Statutes being implemented, interpreted, or made specific:** AS 23.30.005; AS 23.30.240

**Fiscal information:** The proposed regulation changes are not expected to require an increased appropriation.

Date: 8/27/2020

DocuSigned by:  
  
7562CFD5BF7944A

Dr. Tamika L. Ledbetter, Commissioner  
Department of Labor and Workforce Development

ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))

1. Adopting agency: Department of Labor and Workforce Development, Alaska Workers' Compensation Board
2. General subject of regulation: Corporate Officers and Members of Limited Liability Companies
3. Citation of regulation (may be grouped): 8 AAC 45.185
4. Department of Law file number, if any: 2020200549
5. Reason for the proposed action:  
☐ Compliance with federal law or action (identify): \_\_\_\_\_  
☒ Compliance with new or changed state statute  
☐ Compliance with federal or state court decision (identify): \_\_\_\_\_  
☐ Development of program standards  
☐ Other (identify): \_\_\_\_\_
6. Appropriation/Allocation: Workers' Compensation - #344
7. Estimated annual cost to comply with the proposed action to:  
  
A private person: 0  
Another state agency: 0  
A municipality: 0
8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY <u>2021</u>	Subsequent Years
Operating Cost	\$0	\$0
Capital Cost	\$0	\$0
1002 Federal receipts	\$0	\$0
1003 General fund match	\$0	\$0
1004 General fund	\$0	\$0

1005 General fund/ program	\$0	\$0
Other (identify)	\$0	\$0

9. The name of the contact person for the regulation:

Name: Charles Collins  
Title: Director  
Address: 1111 W. 8<sup>th</sup>, Suite 305, Juneau, AK 99811  
Telephone: (907) 465-2790  
E-mail address: charles.collins@alaska.gov

10. The origin of the proposed action:

☒ Staff of state agency  
☐ Federal government  
☐ General public  
☐ Petition for regulation change  
☐ Other (identify): \_\_\_\_\_

11. Date: 8/27/2020

Prepared by:

DocuSigned by:  
*Alexis Newman*  
6E59C43B75F4411  
[signature]

Name (printed): Alexis Newman

Title (printed): Administrative Officer II

Telephone: (907) 465-6059

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION  
AND FURNISHING OF ADDITIONAL INFORMATION

I, Alexis Hildebrand, Administrative Officer II, of the Department of Labor and Workforce Development under penalty of perjury, certify the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 8 AAC 45.185 relating to corporate officers and members of limited liability companies has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1).

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: 11/09/2020



Digitally signed by Alexis  
Hildebrand  
Date: 2020.11.09 17:13:21 -09'00'

Alexis Hildebrand, Administrative Officer II

State of Alaska  
City and Borough of Juneau

AFFIDAVIT OF ORAL HEARING

I, Charles Collins, Director of the Alaska Department of Labor and Workforce Development, Division of Workers' Compensation, under penalty of perjury, state the following:

On October 1-2, 2020, at 9:00am, by video conference at 1111 W. 8<sup>th</sup> St., Rm. 305, Juneau, AK 99811, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 8 AAC 45.185 relating to corporate officers and members of limited liability companies.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: 11/10/2020

**Charles Collins** Digitally signed by Charles Collins  
Date: 2020.11.10 08:59:18 -09'00'

Charles Collins, Director

State of Alaska  
City and Borough of Juneau

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Charles Collins, Director of the Alaska Department of Labor and Workforce Development, Division of Workers' Compensation, under penalty of perjury, state the following:

In compliance with AS 44.62.215, the Department of Labor and Workforce Development has kept a record of its use or rejection of factual or other substantive information that was submitted orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Labor and Workforce Development regulation on corporate officers and members of limited liability companies.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: 11/10/2020

**Charles Collins**

Digitally signed by Charles Collins  
Date: 2020.11.10 09:04:37 -09'00'

Charles Collins, Director

State of Alaska  
City and Borough of Juneau

**Alaska Workers' Compensation Board Meeting  
October 1-2, 2020 Excerpt from Unapproved Minutes**

Board member Sarah Faulkner moved and member Robert Weel seconded the following motion:

"I move to adopt 8 AAC 45.185 as written."

The motion carried unanimously.

AFFIDAVIT OF BOARD ACTION

I, Charles Collins, Division Director for the Alaska Department of Labor and Workforce Development Division of Workers' Compensation, being duly sworn, state the following:

The attached motion dealing with corporate officers and members of limited liability companies was passed by the Alaska Workers' Compensation Board during its October 1-2, 2020 meeting.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: 11/10/2020

**Charles Collins** Digitally signed by Charles Collins  
Date: 2020.11.10 08:26:39 -09'00'

Charles Collins, Division Director

State of Alaska  
City and Borough of Juneau



# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 390837 ST OF AK/ DIV OF WORKERS COMPENSATION  
PO BOX 115512, JUNEAU, AK 99811

Order #: W0017528

Cost: \$438.28

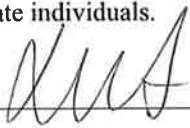
STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

08/31/2020

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed



Subscribed and sworn to before me  
this 31st day of August 2020.

Notary Public in and for  
The State of Alaska.  
Third Division  
Anchorage, Alaska

MY COMMISSION EXPIRES

4/14/21

ANGELA M SIMMONS  
NOTARY PUBLIC  
State of Alaska  
My Commission Expires Apr. 14, 2021

### NOTICE OF PROPOSED CHANGES ON CORPORATE OFFICERS AND MEMBERS OF LIMITED LIABILITY COMPANIES IN THE REGULATIONS OF THE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

The Department of Labor and Workforce Development, Workers' Compensation Board, proposes to adopt regulation changes in 8 AAC 45 of the Alaska Administrative Code, dealing with corporate officers and members of limited liability companies, including the following:

(1) 8 AAC 45.185 is proposed to add a new section dealing with corporate officers and members of limited liability companies.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Department of Labor and Workforce Development, Division of Workers' Compensation at P.O. Box 115512, Juneau, AK 99811-5512. Additionally, the Department of Labor and Workforce Development, Division of Workers' Compensation will accept comments by facsimile at (907) 465-2797 and by electronic mail at workerscompregs@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the comment link. The comments must be received not later than 5:00p.m. on September 28, 2020.

You may provide oral comments relevant to the proposed action via telephone or videoconference at the hearing to be held on October 1, 2020, by calling 800-315-6338, access code 92019, or to obtain the video conference link please contact Alexis Newman at (907) 465-6059 or alexis.newman@alaska.gov. Due to public health and safety concerns associated with the COVID - 19 pandemic, there will not be in-person attendance provided at the hearing site, so please prepare to share your oral comments by telephone only. Public comment will be heard from 10:15am to 11:15am, and might be extended to accommodate those present before 10:15am who did not have an opportunity to comment. Prior to the start of the hearing, The Chair of the Board, Charles Collins, may limit the time allotted for each person providing oral testimony, as reasonably necessary to conclude the hearing in the time provided.

You may submit written questions relevant to the proposed action to the Department of Labor and Workforce Development, Division of Workers' Compensation at P.O. Box 115512, Juneau, AK 99811-5512 or by electronic mail at workerscompregs@alaska.gov. The questions must be received at least 10 days before the end of the public comment period. The Department of Labor and Workforce Development, Division of Workers' Compensation will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and the Division of Workers' Compensation's website.

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A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Alexis Newman at (907) 465-6059 or alexis.newman@alaska.gov.

After the public comment period ends, the Department of Labor and Workforce Development will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

Statutory authority: AS 23.30.005; AS 23.30.240

Statutes being implemented, interpreted, or made specific: AS 23.30.005; AS 23.30.240

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

Date: 8/27/2020

/S/  
Dr. Tamika L. Ledbetter  
Commissioner  
Department of Labor and Workforce Development

Published: August 31, 2020