

**ALASKA STATE LEGISLATURE  
CONFERENCE COMMITTEE ON SB 130**

May 13, 2005

5:00 p.m.

**MEMBERS PRESENT**

Senator Ben Stevens, Chair  
Senator Gretchen Guess  
Senator Ralph Seekins

Representative John Coghill  
Representative Guttenberg  
Representative Harris

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

CS FOR SENATE BILL NO. 130(FIN) am

"An Act relating to a special deposit for workers' compensation and employers' liability insurers; relating to assigned risk pools; relating to workers' compensation insurers; stating the intent of the legislature, and setting out limitations, concerning the interpretation, construction, and implementation of workers' compensation laws; relating to the Alaska Workers' Compensation Board; assigning certain Alaska Workers' Compensation Board functions to the division of workers' compensation in the Department of Labor and Workforce Development and to that department, and authorizing the board to delegate administrative and enforcement duties to the division; providing for workers' compensation hearing officers in workers' compensation proceedings; establishing a Workers' Compensation Appeals Commission; relating to workers' compensation medical benefits and to charges for and payment of fees for the medical benefits; relating to agreements that discharge workers' compensation liability; relating to workers' compensation awards; relating to reemployment benefits and job dislocation benefits; relating to coordination of workers' compensation and certain disability benefits; relating to division of workers' compensation records; relating to release of treatment records; relating to an employer's failure to insure and keep insured or provide security; providing for appeals from compensation orders; relating to workers' compensation proceedings; providing for supreme court jurisdiction of appeals from the Workers'

Compensation Appeals Commission; providing for a maximum amount for the cost-of-living adjustment for workers' compensation benefits; relating to attorney fees with respect to workers' compensation; providing for the department to enter into contracts with nonprofit organizations to provide information services and legal representation to injured employees; providing for administrative penalties for employers uninsured or without adequate security for workers' compensation; relating to fraudulent acts or false or misleading statements in workers' compensation and penalties for the acts or statements; providing for members of a limited liability company to be included as an employee for purposes of workers' compensation; establishing a workers' compensation benefits guaranty fund; making conforming amendments; providing for a study and report by the medical services review committee; establishing the Task Force on Workers' Compensation; and providing for an effective date."

MOVED CCS SB 130 OUT OF COMMITTEE

HOUSE CS FOR CS FOR SENATE BILL NO. 130(JUD) am H

"An Act relating to workers' compensation and to assigned risk pools; relating to the Alaska Insurance Guaranty Association; establishing the Task Force on Workers' Compensation; amending Rule 45, Alaska Rules of Civil Procedure; and providing for an effective date."

MOVED CCS SB 130 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: SB 130

SHORT TITLE: WORKERS' COMPENSATION/ INSURANCE

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

03/03/05	(S)	READ THE FIRST TIME - REFERRALS
03/03/05	(S)	L&C, FIN
03/08/05	(S)	L&C AT 1:30 PM BELTZ 211
03/08/05	(S)	Heard & Held
03/08/05	(S)	MINUTE(L&C)
03/10/05	(S)	L&C AT 1:30 PM BELTZ 211
03/10/05	(S)	Heard & Held
03/10/05	(S)	MINUTE(L&C)
03/15/05	(S)	L&C AT 1:30 PM BELTZ 211
03/15/05	(S)	Heard & Held
03/15/05	(S)	MINUTE(L&C)
03/17/05	(S)	L&C AT 1:30 PM BELTZ 211
03/17/05	(S)	Heard & Held

03/17/05 (S) MINUTE(L&C)  
03/22/05 (S) L&C AT 1:30 PM BELTZ 211  
03/22/05 (S) Heard & Held  
03/22/05 (S) MINUTE(L&C)  
03/24/05 (S) L&C AT 2:00 PM BELTZ 211  
03/24/05 (S) Heard & Held  
03/24/05 (S) MINUTE(L&C)  
03/29/05 (S) L&C AT 1:30 PM BELTZ 211  
03/29/05 (S) -- Meeting Canceled --  
03/31/05 (S) L&C AT 1:30 PM BELTZ 211  
03/31/05 (S) Moved CSSB 130(L&C) Out of Committee  
03/31/05 (S) MINUTE(L&C)  
04/01/05 (S) L&C RPT CS 2DP 1NR 2AM  
NEW TITLE  
04/01/05 (S) DP: BUNDE, STEVENS B  
04/01/05 (S) NR: SEEKINS  
04/01/05 (S) AM: DAVIS, ELLIS  
04/01/05 (S) JUD REFERRAL ADDED AFTER L&C  
04/05/05 (S) JUD AT 8:30 AM BUTROVICH 205  
04/05/05 (S) Heard & Held  
04/05/05 (S) MINUTE(JUD)  
04/06/05 (S) JUD AT 8:30 AM BUTROVICH 205  
04/06/05 (S) Heard & Held  
04/06/05 (S) MINUTE(JUD)  
04/07/05 (S) JUD AT 8:30 AM BUTROVICH 205  
04/07/05 (S) Heard & Held  
04/07/05 (S) MINUTE(JUD)  
04/08/05 (S) JUD RPT CS FORTHCOMING 1DP 4NR  
04/08/05 (S) DP: SEEKINS  
04/08/05 (S) NR: FRENCH, GUESS, THERRIAULT, HUGGINS  
04/08/05 (H) JUD AT 8:00 AM CAPITOL 120  
04/08/05 (S) Moved CSSB 130(JUD) Out of Committee  
04/08/05 (S) MINUTE(JUD)  
04/08/05 (S) FIN AT 9:00 AM SENATE FINANCE 532  
04/08/05 (S) <Pending Referral>  
04/11/05 (S) FIN RPT CS 5DP 1NR 1AM  
NEW TITLE  
04/11/05 (S) DP: GREEN, WILKEN, BUNDE, DYSON,  
STEDMAN  
04/11/05 (S) NR: HOFFMAN  
04/11/05 (S) AM: OLSON  
04/11/05 (S) JUD CS RECEIVED  
NEW TITLE  
04/11/05 (S) FIN AT 9:00 AM SENATE FINANCE 532  
04/11/05 (S) Moved CSSB 130(FIN) Out of Committee  
04/11/05 (S) MINUTE(FIN)  
04/14/05 (S) TRANSMITTED TO (H)

04/14/05 (S) VERSION: CSSB 130(FIN) AM  
 04/15/05 (H) READ THE FIRST TIME - REFERRALS  
 04/15/05 (H) L&C, JUD, FIN  
 04/15/05 (S) FIN AT 9:00 AM SENATE FINANCE 532  
 04/15/05 (S) Moved Out of Committee 4/11  
 04/15/05 (S) MINUTE(FIN)  
 05/04/05 (H) L&C RPT HCS(L&C) 2DP 3NR 2AM  
 (FORTHCOMING)  
 05/04/05 (H) DP: KOTT, LEDOUX;  
 05/04/05 (H) NR: CRAWFORD, LYNN, GUTTENBERG;  
 05/04/05 (H) AM: ROKEBERG, ANDERSON  
 05/04/05 (H) L&C AT 2:00 PM CAPITOL 17  
 05/04/05 (H) Moved HCS CSSB 130(L&C) Out of  
 Committee  
 05/04/05 (H) MINUTE(L&C)  
 05/05/05 (H) HCS(L&C) NT RECEIVED  
 05/05/05 (H) JUD AT 1:00 PM CAPITOL 120  
 05/05/05 (H) Failed To Move Out Of Committee  
 05/05/05 (H) MINUTE(JUD)  
 05/05/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519  
 05/05/05 (H) <Pending Referral>  
 05/06/05 (H) JUD RPT HCS(JUD) NT 3DP 3NR 1AM  
 05/06/05 (H) DP: KOTT, COGHILL, GARA;  
 05/06/05 (H) NR: GRUENBERG, DAHLSTROM, MCGUIRE;  
 05/06/05 (H) AM: ANDERSON  
 05/06/05 (H) FIN RPT HCS(JUD) NT 9NR  
 05/06/05 (H) NR: HAWKER, HOLM, FOSTER, STOLTZE,  
 CROFT, WEYHRAUCH, JOULE, MOSES, MEYER  
 05/06/05 (H) JUD AT 1:00 PM CAPITOL 120  
 05/06/05 (H) Moved HCS CSSB 130(JUD) Out of  
 Committee  
 05/06/05 (H) MINUTE(JUD)  
 05/06/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519  
 05/06/05 (H) <Pending Referral>  
 05/08/05 (H) BEFORE THE HOUSE  
 05/08/05 (H) VERSION: HCS CSSB 130(JUD) AM H  
 05/09/05 (S) CONCURRENCE MESSAGE READ AND HELD  
 05/09/05 (S) CONFERENCE COMMITTEE APPOINTED  
 05/09/05 (S) B. STEVENS (CHAIR), SEEKINS, GUESS  
 05/09/05 (H) RECEDE MESSAGE READ  
 05/09/05 (H) CONFERENCE COMMITTEE APPOINTED  
 05/09/05 (H) HARRIS, COGHILL, GUTTENBERG  
 05/09/05 (S) SPECIAL SESSION BILL - SEE S. JOURNAL  
 PAGE 1493  
 05/11/05 (H) 130 AT 7:00 PM BUTROVICH 205  
 05/11/05 (H) <Meeting Canceled>  
 05/12/05 (H) 130 AT 5:30 PM BUTROVICH 205

05/12/05 (H) -- Meeting Canceled --  
05/13/05 (H) 130 AT 9:00 AM BUTROVICH 205

**WITNESS REGISTER**

**ACTION NARRATIVE**

**SB 130-WORKERS' COMPENSATION/ INSURANCE**

**CHAIR BEN STEVENS** called the Conference Committee on SB 130 meeting to order at [5:00:12 PM](#). [HCS CSSB 130(JUD) am H and CSSB 130(FIN) am were considered.] Present were Senators Guess, Seekins and Ben Stevens and Representatives Guttenberg, Coghill and Harris.

SENATOR RALPH SEEKINS moved and asked unanimous consent to adopt Attachment 1.

SENATOR GRETCHEN GUESS objected on various levels one being that she hadn't been able to read the 50-page document in the 10 minutes since she received it.

[5:01:48 PM](#)

REPRESENTATIVE DAVID GUTTENBERG supported Senator Guess's comments. He did not feel comfortable adopting work that was done without reading how decisions were made. He had particular concern with numbers 5 and 7 because he hadn't seen the comments or deliberations. He further noted the conference committee substitute has 71 amendments.

[5:03:17 PM](#)

CHAIR BEN STEVENS stated that the motion before the committee was to adopt Attachment 1. He called for a roll call vote. The motion was adopted with Senator Seekins, Senator Ben Stevens, Representative Coghill and Representative Harris voting yea and Senator Guess and Representative Guttenberg voting nay.

SENATOR SEEKINS moved to adopt the attached conference committee report version R, which amends the Senate version of the bill.

REPRESENTATIVE GUTTENBERG objected saying members should take the time to review the document before taking final action.

[5:05:03 PM](#)

REPRESENTATIVE HARRIS said he remains concerned about someone who gets hurt on the job the first time, gets rehabilitated and gets hurt again while on the job. He asked the administration for clarification as to whether such a worker could receive workers' compensation again. It's of great concern in the construction industry in particular and he wanted an answer before a vote was taken on the floor.

[5:07:16 PM](#)

SENATOR GUESS said that's why the bill should be held. She hadn't been able to read the 52 pages and didn't know the implications or unintended consequences.

[5:07:53 PM](#)

REPERSENTATIVE GUTTENBERG expressed concerned with number 49. He hadn't received an answer about whether an ARISA benefit could be applied to workers' compensation.

CHAIR BEN STEVENS asked for a roll call vote on the motion to adopt CCS SB 130, version 24-GS1112\R from committee.

The motion passed with Senator Seekins, Representative Coghill, Representative Harris and Senator Ben Stevens voting yea and Senator Guess and Representative Guttenberg voting nay.

CHAIR BEN STEVENS adjourned the meeting at [5:08:57 PM](#).