

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

January 22, 2024

1:35 p.m.

MEMBERS PRESENT

Senator Matt Claman, Chair
Senator Jesse Kiehl, Vice Chair
Senator James Kaufman
Senator Cathy Giessel
Senator Löki Tobin

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Senator Wielechowski

COMMITTEE CALENDAR

SENATE BILL NO. 60

"An Act repealing the Workers' Compensation Appeals Commission; relating to decisions and orders of the Workers' Compensation Appeals Commission; relating to superior court jurisdiction over appeals from Alaska Workers' Compensation Board decisions; repealing Rules 201.1, 401.1, and 501.1, Alaska Rules of Appellate Procedure, and amending Rules 202(a), 204(a) - (c), 210(e), 601(b), 602(c) and (h), and 603(a), Alaska Rules of Appellate Procedure; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 60

SHORT TITLE: REPEAL WORKERS' COMP APPEALS COMMISSION

SPONSOR(S): SENATOR(S) WIELECHOWSKI

02/06/23	(S)	READ THE FIRST TIME - REFERRALS
02/06/23	(S)	L&C, JUD
02/27/23	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
02/27/23	(S)	Heard & Held
02/27/23	(S)	MINUTE(L&C)

05/10/23 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
05/10/23 (S) Moved SB 60 Out of Committee
05/10/23 (S) MINUTE(L&C)
05/11/23 (S) L&C RPT 2DP 1NR
05/11/23 (S) NR: BJORKMAN
05/11/23 (S) DP: DUNBAR, GRAY-JACKSON
01/22/24 (S) JUD AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

DAVID DUNSMORE, Staff
Senator Bill Wielechowski
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced SB 60 on behalf of the sponsor, explained the differences between versions A and B of the bill, and answered questions.

NANCY MEADE, General Counsel
Administrative Offices
Alaska Court System (ACS)
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the discussion of SB 60.

MARTHA TANSIK, Attorney
Meshke Paddock & Budzinski, P.C.
Anchorage, Alaska

POSITION STATEMENT: Gave invited testimony in opposition to SB 60.

LYN ELLIOTT, Assistant Vice President
State Government Relations
American Property Casualty Insurance Association
Longmont, Colorado

POSITION STATEMENT: Gave invited testimony in opposition to SB 60.

CHRISTY THIEMS, Assistant Vice President
American Property Casualty Insurance Association
Chicago, Illinois

POSITION STATEMENT: Testified in opposition to SB 60.

ACTION NARRATIVE

[1:35:33 PM](#)

CHAIR MATT CLAMAN called the Senate Judiciary Standing Committee meeting to order at 1:35 p.m. Present at the call to order were Senators Kiehl, Tobin, Kaufman, Giessel, and Chair Claman.

SB 60-REPEAL WORKERS' COMP APPEALS COMMISSION

[1:36:05 PM](#)

CHAIR CLAMAN announced the consideration of SENATE BILL NO. 60 "An Act repealing the Workers' Compensation Appeals Commission; relating to decisions and orders of the Workers' Compensation Appeals Commission; relating to superior court jurisdiction over appeals from Alaska Workers' Compensation Board decisions; repealing Rules 201.1, 401.1, and 501.1, Alaska Rules of Appellate Procedure, and amending Rules 202(a), 204(a) - (c), 210(e), 601(b), 602(c) and (h), and 603(a), Alaska Rules of Appellate Procedure; and providing for an effective date."

This is the first hearing of this bill in the Senate Judiciary Committee.

CHAIR CLAMAN solicited a motion to adopt committee substitute version B as the working document.

[1:36:35 PM](#)

SENATOR KIEHL moved to adopt the committee substitute (CS) for SB 60, work order 33-LS0330\B, as the working document.

[1:36:48 PM](#)

CHAIR CLAMAN asked Mr. Dunsmore to explain the changes between versions A and B.

[1:36:57 PM](#)

DAVID DUNSMORE, Staff, Senator Bill Wielechowski, Alaska State Legislature, Juneau, Alaska, said that version B updates all the dates from 2023 to 2024.

[1:37:12 PM](#)

CHAIR CLAMAN asked if there were objections to adopting version B; finding none, CSSB 60 was adopted as the working document. He invited Mr. Dunsmore to present version B of the bill.

[1:37:33 PM](#)

MR. DUNSMORE said Senator Wielechowski had another commitment and would join the hearing later. He delivered a slideshow titled "Senate Bill 60, Repeal Workers' Compensation Appeals Commission."

MR. DUNSMORE said slide 2 addresses four major points of the bill:

[Original punctuation provided.]

Senate Bill 60

Repeals the Alaska Workers' Compensation Appeals Commission (AWCAC)

Returns jurisdiction over Workers' Compensation appeals to the Superior Court

Saves \$482,400 per year

Helps fill the Workers' Compensation budget deficit and make Alaska's Workers' Compensation system more solvent

[1:38:17 PM](#)

MR. DUNSMORE reviewed the workers' compensation adjudication system flowchart, which contrasts the current flow against the proposed flow under SB 60. The flow is the same until a claimant appeals a Board decision. Currently, the Alaska Workers' Compensation Appeals Commission (AWCAC) hears Board appeals. Under SB 60, the Alaska Superior Court would hear them. In either case, the Alaska Supreme Court hears final appeals. Slide 3 reads:

[Original punctuation provided.]

**Worker Files Workers'
Compensation Claim**

Workers' Compensation Board

(Hearing Panel of Labor member, Management member and Hearing Officer)

If a Party Appeals the Board Decision

CURRENT SYSTEM

SENATE BILL 60

**Workers' Compensation
Appeals Commission**

Superior Court

(Hearing Panel of Labor member, Management member, and Full-Time Attorney Chair)

ALASKA SUPREME COURT

ALASKA SUPREME COURT

MR. DUNSMORE noted the Workers' Compensation Board hearing panel consists of a hearing officer who chairs the panel, one labor member, and one management member. The Workers' Compensation Appeals Commission hearing panel consists of an attorney who chairs the panel, one labor member, and one management member.

MR. DUNSMORE explained that SB 60 returns the appeals process to the pre-2005 system, where the Superior Court heard workers' compensation appeals. He noted the Alaska Supreme Court hears all final appeals, whether under the current system or SB 60.

[1:39:31 PM](#)

MR. DUNSMORE moved to slide 4 to compare the cost of doing business under the current system versus the cost of doing business under SB 60:

[Original punctuation provided.]

SB 60 Will Save \$482,400 Per Year

Currently the Commission has 2 full-time employees and pays for commissioners' travel and per diem

MR. DUNSMORE said the two full-time positions are an attorney, who is the chair, and a clerk. Travel and per diem are compensated.

Previously, the Court System testified that they can absorb these cases with a zero fiscal note

MR. DUNSMORE said the Alaska Court System (ACS) estimates that SB 60 could increase the courts workload by 30 cases per year and that it can handle the extra workload with a zero fiscal note. The actual number of cases filed with the Commission last year was four. He surmised that the zero fiscal note would be appropriate even if ACS saw an abnormally high number of cases.

[1:40:21 PM](#)

MR. DUNSMORE summarized a graph on slide 5 titled "WCAC Workload has Fallen Dramatically," extracted from Legislative Research Services Report 24-077. The graph shows that cases and decisions have fallen dramatically between 2007 and 2023. Forty-nine cases were filed in 2007 with 42 published decisions, whereas four were filed in 2023 with five published decisions.

[1:40:41 PM](#)

MR. DUNSMORE moved to slide 6, stating the legislature evaluated this issue previously in 2015. He reviewed a quote from the 29th Legislature, House Finance, Department of Labor and Workforce Development Budget Subcommittee, FY2016 Narrative Report dated February 25, 2015. It identified AWCAC as an ineffective division and recommended its elimination. He pointed out the AWCAC workload was significantly higher at that time than it is today. The quote reads:

"The Worker's Compensation Appeals Commission is an ineffective division... The Commission during the calendar year of 2013 closed 30 cases for a closure rate of 67 percent with an average time from filing to closure of seven months. This closure rate and average time for closure is not demonstrably better than the process was before the establishment of the commission."

[1:41:09 PM](#)

MR. DUNSMORE said one of the goals of creating the Commission was to reach final decisions faster than the court system. He reviewed facts on slide 7, which substantiated the Commission had not achieved this goal:

[Original punctuation provided.]

The Workers' Compensation Appeals Commission Has Not
Closed Cases Faster than the Courts

- The Superior Court took "8 to 18 months" to decide Workers' Compensation Appeals.
- When it was created, it was estimated that the Commission could decide cases in 6 months.
- Instead, in 2018 it averaged 371 days (12.2 months) to decide cases.
- Even as their workload decreased, in 2021 they still averaged 282 days (9.3 months) to decide cases.
- More Commission decisions are appealed to the Supreme Court, adding months to years before final resolution.

Sources: Testimony of Paul Lisankie, Director, Division of Workers' Compensation, Senate Labor and Commerce Committee, March 10, 2005.
Alaska Workers' Compensation Appeals Commission Annual Report for Calendar Year 2021.

[1:42:36 PM](#)

MR. DUNSMORE reviewed the number of Superior Court and Commission decisions appealed to the Supreme Court on slide 8:

[Original punctuation provided.]

SB 60 Will Reduce Appeals to the Supreme Court

When the Superior Court handled appeals approximately 25% of their decisions were appealed to the Supreme Court.

Since the Commission was created in 2005, 37% of its decisions have been appealed to the Supreme Court.

Since 2011, 50% of Commission decisions have been appealed.

Sources: Testimony of Doug Wooliver, administrative attorney, Alaska Court System, Senate Labor and Commerce Committee, March 10, 2005.
Legislative Research Services Report 19-175.

MR. DUNSMORE said that an increasing number of Commission decisions are appealed to the Supreme Court.

[1:43:07 PM](#)

MR. DUNSMORE reviewed slide 9:

[Original punctuation provided.]

The Office of Management and Budget has identified potential staff turnover as a key component challenge

"The WCAC is challenged to provide timely decisions and orders. WCAC is supported by two staff. While no immediate staff turnover is anticipated, any attrition could result in less support for the commission, making it more difficult to provide timely decisions and orders."

MR. DUNSMORE pointed out that with its dozens of judges, the Alaska Superior Court would not face the same challenges as the Commission with losing a staff member.

[1:43:40 PM](#)

MR. DUNSMORE reviewed slide 10, which examines the decline in Alaska Workers' Compensation and Safety Program income. A tax on workers' compensation claims funds these programs. The tax revenue collected has fallen significantly in recent years. Tax revenues are projected to continue falling. Senator Bishop pointed out, in a previous bill hearing, that the decline in revenue is a good thing. On the upside, the decline means Alaska's workplaces are getting safer and have fewer workers' compensation claims. On the downside, it creates a revenue shortage. SB 60 would save the state \$482,300 and help close the growing budget gap.

[1:44:30 PM](#)

MR. DUNSMORE summarized slide 11, stating SB 60 would remove unnecessary bureaucracy, making state government more efficient:

[Original punctuation provided.]

Bottom Line

SB 60 saves \$433,000 annually

Preserves parties' right to have their cases heard in timely manner

Will reduce appeals to the Supreme Court

Makes Alaska's Workers' Compensation system more solvent

[1:45:03 PM](#)

SENATOR KAUFMAN sought assurance that ACS could absorb the additional workload with a zero fiscal note, and he asked if there were any hidden costs with enacting SB 60.

MR. DUNSMORE replied that ACS could better address the zero fiscal note. He stated that ACS testified that it could absorb the extra workload with a zero fiscal note. He said that while judges have a busy docket and may not like an increased workload, there were only four claimant appeals last year. He calculated that with an estimated rate of four appeals per year,

each judge's workload would increase by one case every seven years.

SENATOR KAUFMAN asked about the trends that drove the decline in appeals.

MR. DUNSMORE said he could provide the annual reports from the Workers' Compensation Division which contain details about the trends. The general reason for the downward trend is that fewer workplace injuries have resulted in fewer workers' compensation claims.

[1:47:29 PM](#)

SENATOR KAUFMAN asked whether any legal fees are involved with the transfer of appeals to ACS and who would bear the burden of those fees.

MR. DUNSMORE replied that the Commission currently charges filing fees, observing that both AWCAC and ACS offer ways for indigent defendants to get waivers.

[1:48:14 PM](#)

SENATOR GIESSEL asked whether the Alaska Workers' Compensation Appeals Commission is subject to legislative audit and whether it has been audited.

MR. DUNSMORE replied no. He said AWCAC is not subject to the sunset audit, probably largely due to the Commission's complex statutory structure.

[1:48:50 PM](#)

CHAIR CLAMAN commented that four does not seem like a lot of cases; by the same token, backlogs challenge ACS on all fronts. He wondered about the timeframe for completing an appeal, asking whether there is data to suggest that ACS will process an appeal faster than the nine months it takes the Commission.

MR. DUNSMORE answered that he does not necessarily believe the courts can decide these cases in under nine months. He referred to testimony from 2005 before the Commission's establishment, stating one case took the courts between 8 and 18 months to resolve and fewer decisions were appealed to the Alaska Supreme Court. The sponsor expects the same trend under SB 60 with significant savings due to fewer appeals.

[1:50:19 PM](#)

CHAIR CLAMAN invited Ms. Meade to come forward and testify.

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CHAIR CLAMAN said that a zero fiscal note is reasonable because there do not appear to be many cases. He asked for details about the timeline to resolution with the ACS backlogs.

1:50:40 PM

NANCY MEADE, General Counsel, Administrative Offices, Alaska Court System, Anchorage, Alaska, answered that the time-to-disposition was 8 to 18 months in 2005, according to the testimony of her ACS predecessors. The resolution of agency appeals is currently taking longer. She does not know exactly how long but said she might be able to find that data. She explained that parties often agree to extensions, which is largely why it takes a long time. She surmised that 18 months is a fairly routine timeframe for agency appeals. She announced her availability to take fiscal note questions.

1:51:29 PM

CHAIR CLAMAN expressed his understanding that the number of cases would not affect the court fiscally. He expressed concern about the time-to-disposition because 18 months is a long time.

MS. MEADE replied yes, but a zero fiscal note does not mean no workload impact. She said a fiscal note would mean hiring a person and clarified that ACS does not just hire a person due to a judge's increased workload unless circumstances are severe. The same number of judges will have more work if SB 60 is enacted.

MS. MEADE said the number of cases appealed to the Superior Court last year may not be an indication of the number of future cases. She explained the number of cases spiked to 49 when the jurisdiction changed from the Superior Court to AWCAC in 2005. She expressed that it is not an unreasonable conclusion that there is more uncertainty when there is a change. More people might try to get a different result out of the change. She conjectured that although four might have been the number of appeals last year, the number could be greater in the near term until the situation stabilizes.

MS. MEADE said that whether it is 30 or 4 cases, the fiscal impact would be zero, and the workload impact would be substantial. These cases are very difficult for judges who do not have expertise in workers' compensation adjudication. She said that is one of the main reasons why, in 2005, these cases

went from the courts, without subject matter expertise, to a panel with experience in the area.

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SENATOR GIESSEL asked about the qualifications to sit on the Commission.

MR. DUNSMORE listed the qualifications, stating the chair:

- is a full-time state employee;
- serves on every panel;
- is an attorney;
- is required to have experience in workers' compensation matters.

The labor and management panelists require:

- a background in either labor or management;
- previous experience serving on the Workers' Compensation Board.

MR. DUNSMORE said the Commission has subject matter experts in adjudicating the facts of workers' compensation cases. However, the Commission does not have subject matter experts in adjudicating legal matters which is the role of the Commission. For instance, they are not experts in adjudicating whether standards of evidence were viewed correctly. Two-thirds of the panel are lay members with Workers' Compensation Board experience, and one-third is an attorney.

[1:54:53 PM](#)

CHAIR CLAMAN brought up invited testimony. He asked Ms. Tansik to put herself on the record.

[1:55:21 PM](#)

MARTHA TANSIK, Attorney, Meshke Paddock & Budzinski, P.C., Anchorage, Alaska, gave invited testimony in opposition to SB 60, stating the majority of her practice is workers' compensation defense. She has experience with the Workers' Compensation Board, the Commission, and the Alaska Supreme Court. The issue of AWAC is a challenge for all those involved. She has been on the recipient end of precedent-changing decisions from the Commission. She is under no illusion that it is a perfect system. She expressed her belief that there is no perfect system.

MS. TANSIK listed the following major concerns related to repealing the Commission and returning the first layer of appeals to the [Superior] Court:

- Subject matter complexity
- Lack of Superior Court resources
- Failure to meet the intent of the Act

[1:56:19 PM](#)

MS. TANSIK provided historical context to the concern of subject matter complexity. Appeals shifted from the Superior Court to the Commission in 2005; simultaneously, there was a major shift in Alaska's workers' compensation law. Alaska shifted from a settled body of law discussing legal and "but-for" standards to substantial cause. She explained the shift in the law allowed for a lot of nuances that did not necessarily exist before 2005. She expressed her belief that this might explain some differences in the number of appeals and a downward trend as the law has become more settled since 2005.

[1:57:20 PM](#)

MS. TANSIK said that Superior Court judges are generalists. They are not subject matter experts, but the Commission is. At the center of a Commission hearing is an attorney who is a subject matter expert. The lay members of the Commission have more experience with workers' compensation cases than many Superior Court judges. It is important to have an individual who is familiar with the Workers' Compensation Act adjudicating appeals. This familiarity reduces the likelihood of an appeal to the Supreme Court. The Commission has precedential value. Its decisions must be adhered to as law, whereas the Superior Court decisions do not. So, there is little to no incentive to accept a ruling of the Superior Court except to reduce future litigation costs. Subject matter expertise promotes efficiency and predictability. There is no indication that in the post-2005 law change that the Superior Court would be any more correct than the Commission. Furthermore, as the Commission is precedential, it helps keep cases from arising on appeal because all parties are clearer on the rules, reducing the workload for the Supreme Court, rather than increasing it.

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MS. TANSIK brought up a concern regarding a lack of resources at the Superior Court.

[1:58:41 PM](#)

CHAIR CLAMAN interjected to mention that he was struck by the resources AWCAC requires to handle a fairly light caseload. Especially compared to the number of opinions issued by the Alaska Supreme Court or Court of Appeals.

MS. TANSIK agreed. She said that four appeals in a year is a light caseload; however, there have been two already this year. She said the trend appears to be changing in 2024.

MS. TANSIK said that there is another point of consideration. Sometimes the numbers that are reflected on appeal correlate with the number of Board decisions issued within a given year. Fewer hearings at the Board level means fewer opportunities for appeal. Since there are often fewer hearings at the Board level, there is a corresponding smaller number of cases appealed to AWCAC.

[1:59:56 PM](#)

CHAIR CLAMAN invited her to continue with the second point.

MS. TANSIK said the second point is that it will take a considerable amount of time for the Superior Court to render a decision. The court has important cases to adjudicate in a more timely manner than workers' compensation cases. Eight to eighteen months is much longer than the Commission takes to render a decision. The timeframe does not support the intent of the Workers' Compensation Act, which is to deliver injured individuals or employers quick, efficient, fair, and predictable benefits at a reasonable cost. She said there is nothing about appeals through the Superior Court that is quicker, more efficient, or predictable than the Commission nor more likely to be at a reasonable cost.

MS. TANSIK said the Commission is funded in part through earmarked premiums, and it is interesting to think that burden would shift to the general fund. There is more that goes into the epidemiology of a drop in cases or workforce development than whether or not there were merely four cases. Elimination of the Commission solely based on four cases overlooks the broader issue. She expressed appreciation for the committee's time to look at the system as a whole.

[2:01:29 PM](#)

CHAIR CLAMAN invited committee members to ask questions.

[2:01:40 PM](#)

SENATOR TOBIN asked whether the Commission has the ability to set legal precedent.

MS. TANSIK replied yes. The Commission has the legal ability to set legal precedent, which is a legally binding decision. It is a decision that helps form the body of law surrounding that area. She explained that statute, regulations, and precedential case law comprise the rules governing a given area of law.

[2:02:32 PM](#)

CHAIR CLAMAN explained that AWCAC is bound by prior decisions. Each time an appeal comes before the Commission it looks to past decisions to inform its deliberations on new appeals. It considers how similar subject matter was handled in the past to resolve the current case. The Commission would look to published Alaska Supreme Court and Alaska Superior Court decisions, which might have higher precedential weight than its own decisions. He asked whether she agreed with this explanation.

MS. TANSIK replied that the portion pertaining to the Alaska Supreme Court is correct. It has a higher precedential value until the legislature alters the law through statute and regulations. However, the Alaska Superior Court decisions do not hold precedential value.

SENATOR TOBIN expressed curiosity around non-lawyers and non-judges setting precedent.

[2:03:47 PM](#)

SENATOR KIEHL asked whether there is a correlation between the number of rulings the Commission issues and appeals to the Supreme Court. He said the numbers seem to vary between 30 percent and the high 60s.

MS. TANSIK agreed that the percentages swing a lot. She described two cases currently on appeal that shed light on factors affecting the fluctuation:

1. One case is probably driven more by the particular claimant's counsel, who is representing the employee, than by the likelihood that the Appeals Commission would overturn the decision based on merit.
2. The other case up before the Supreme Court has to do with attorney's fees and costs, and the desire of the employee's counsel to have attorney's fees paid at upwards of \$600 per hour.

MS. TANSIK said these are not issues that are settleable at a Board or Commission level; instead, they go up all the way up to the Supreme Court on appeal. The difference between these and some earlier decisions depends on where precedent-setting decisions fell in the post-2005 legal landscape. The number of self-represented individuals who move up through the workers' compensation appeals system varies considerably each year.

[2:05:39 PM](#)

CHAIR CLAMAN asked the next invited testifier to identify herself for the record.

[2:05:57 PM](#)

LYN ELLIOTT, Assistant Vice President, State Government Relations, American Property Casualty Insurance Association (APCIA), Longmont, Colorado, stated that APCIA represents 82 percent of Alaska's workers' compensation insurance market, which is a large footprint in this sector. APCIA is keenly interested in this legislation and its members have long supported the work of AWCAC and oppose its repeal. SB 60 is in direct opposition to the Grand Bargain of workers' compensation which is to ensure timely payment of benefits without the need for unnecessary legal system delays. From this perspective, AWCAC should be considered a model for the nation. She made the following three points:

1. Workers' compensation is extraordinarily complex. The Commission members are subject matter experts. She said that workers' compensation is one of the most complex areas of law. Alaska's significant case law has extensively modified Alaska statutes. AWCAC members are knowledgeable of workers' compensation law and case law. Their knowledge allows them to adjudicate cases more easily and reduces the likelihood of a Supreme Court appeal. She said that a drop in cases is exactly what APCIA wants and expects to see if the Commission is doing its job properly. She attributes the drop in cases to "precedential value." The Commission's rulings are binding as law, guide in making decisions, and factor into lowering the number of cases brought up on appeal.

[2:09:37 PM](#)

2. The judicial system has the potential for delays in the resolution of workers' compensation appeals. The Superior Court has six months from hearing to trial to issue a decision. In contrast, the Commission has 30 days from

hearing to resolution of an appeal for claimants. She said that six months violates the Grand Bargain based on the tenet of timeliness. She expressed her understanding that civil cases, which include workers' compensation cases, take a back seat to criminal cases. A workers' compensation case could be deprioritized in favor of a criminal case before the clock started to tick.

3. The repeal of the Commission does not support the intent of the Alaska Workers' Compensation Act. The Act states that the intent of the legislature is to ensure the quick, efficient, fair, and predictable delivery of indemnity and medical benefits to injured workers at a reasonable cost to employers. She suggested that if the Superior Court can guarantee workers' compensation appeals are resolved in 30 days, this might be an acceptable policy move. However, APCIA does not see demonstrable evidence this would occur. She said that saving less than \$480,000 at the expense of a quick resolution for injured workers does not appear to be a good trade-off.

MS. ELLIOTT said that APCIA urges a no vote on SB 60.

[2:11:47 PM](#)

CHAIR CLAMAN said the budget shows the Commission has two employees. The staff consists of the office assistant and the chair of the Commission. He asked her:

- to describe the Commission members who are not paid as subject matters experts;
- where these members get their expertise;
- why they are not compensated.

CHAIR CLAMAN expressed curiosity at how a volunteer can be described as a subject matter expert.

[2:12:26 PM](#)

MS. ELLIOTT replied that she is not a budget expert and cannot speak to the budget. She said volunteer commissioners spend a lot of time and effort to become subject matter experts in workers' compensation. The Commission's rulings are as binding as law. She deferred to Ms. Thiems to answer the question.

[2:13:25 PM](#)

CHAIR CLAMAN said the budget indicates that four members are budgeted \$400 per day for 13 total days exclusive of the chair. He said that this compensation probably pales in comparison to

the salary that Ms. Tansik is paid to work on these matters. He remarked that Commission members do not seem to be paid well considering their responsibilities.

CHAIR CLAMAN offered Ms. Thiems the opportunity to speak.

[2:14:46 PM](#)

CHRISTY THIEMS, Assistant Vice President, American Property Casualty Insurance Association, Chicago, Illinois, stated the Commission's lay members generally have more safety expertise and experience dealing with work injuries and workers' compensation claims. These members bring value to the Commission. The Workers' Compensation Act's primary goal is to ensure benefits to injured workers without delay. Injured workers could potentially wait longer for benefits if the jurisdiction of appeals reverts to the Superior Court.

[2:16:16 PM](#)

Senator Wielechowski joined the meeting.

CHAIR CLAMAN asked for statistics about the number of cases the Alaska Workers' Compensation Board decides.

MR. DUNSMORE answered that the data is available in the Annual Report published by the Division of Workers' Compensation. He said that he would collect the data for the committee.

[2:16:58 PM](#)

CHAIR CLAMAN inquired about the number of decisions the Alaska Worker's Compensation Board makes and asked whether the four cases that were appealed last year meant:

- everyone is happy with the Workers' Compensation Board;
- the Commission has a reputation for affirming Board decisions.

He said that he would appreciate receiving this information.

[2:17:24 PM](#)

CHAIR CLAMAN held SB 60 in committee.

[2:17:52 PM](#)

There being no further business to come before the committee, Chair Claman adjourned the Senate Judiciary Standing Committee meeting at 2:17 p.m.