

**ALASKA STATE LEGISLATURE**  
**SENATE LABOR AND COMMERCE STANDING COMMITTEE**

February 21, 2024

2:23 p.m.

**MEMBERS PRESENT**

Senator Jesse Bjorkman, Chair  
Senator Elvi Gray-Jackson  
Senator Kelly Merrick  
Senator Forrest Dunbar

**MEMBERS ABSENT**

Senator Click Bishop, Vice Chair

**COMMITTEE CALENDAR**

SENATE BILL NO. 206

"An Act relating to workers' compensation reemployment benefits; establishing a workers' compensation stay-at-work program; and providing for an effective date."

- MOVED SB 206 OUT OF COMMITTEE

SENATE BILL NO. 147

"An Act relating to reemployment rights and benefits."

- MOVED CSSB 147(L&C) OUT OF COMMITTEE

SENATE BILL NO. 183

"An Act relating to the workers' compensation benefits guaranty fund; and providing for an effective date."

- MOVED SB 183 OUT OF COMMITTEE

SENATE BILL NO. 197

"An Act relating to residential building codes; relating to construction contractors and residential contractor endorsements; establishing the Alaska State Building Code Council; and providing for an effective date."

- MOVED SB 197 OUT OF COMMITTEE

HOUSE BILL NO. 57

"An Act relating to review organizations and permitting an emergency medical services provider to establish a review organization; and relating to patient records."

- MOVED HB 57 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: SB 206

SHORT TITLE: WORKERS' COMP. STAY-AT-WORK PROGRAM

SPONSOR(s): SENATOR(s) GRAY-JACKSON

01/24/24	(S)	READ THE FIRST TIME - REFERRALS
01/24/24	(S)	L&C, FIN
02/14/24	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
02/14/24	(S)	Heard & Held
02/14/24	(S)	MINUTE(L&C)
02/21/24	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 147

SHORT TITLE: REEMPLOYMENT BENEFITS

SPONSOR(s): SENATOR(s) KAUFMAN

05/11/23	(S)	READ THE FIRST TIME - REFERRALS
05/11/23	(S)	L&C, FIN
02/14/24	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
02/14/24	(S)	Heard & Held
02/14/24	(S)	MINUTE(L&C)
02/19/24	(S)	FIN REFERRAL REMOVED
02/21/24	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 183

SHORT TITLE: WORKERS' COMP BENEFITS GUARANTY FUND

SPONSOR(s): LABOR & COMMERCE

01/16/24	(S)	READ THE FIRST TIME - REFERRALS
01/16/24	(S)	L&C, FIN
02/12/24	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
02/12/24	(S)	Heard & Held
02/12/24	(S)	MINUTE(L&C)
02/21/24	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 197

SHORT TITLE: RESIDENTIAL BUILDING CODE

SPONSOR(s): BJORKMAN

01/22/24	(S)	READ THE FIRST TIME - REFERRALS
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01/22/24 (S) L&C, FIN  
 02/12/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)  
 02/12/24 (S) Heard & Held  
 02/12/24 (S) MINUTE(L&C)  
 02/21/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: HB 57

SHORT TITLE: EMERGENCY MED. SVCS: REVIEW ORGANIZATIONS  
 SPONSOR(s): WRIGHT

02/03/23 (H) READ THE FIRST TIME - REFERRALS  
 02/03/23 (H) L&C, HSS  
 02/17/23 (H) L&C AT 3:15 PM BARNES 124  
 02/17/23 (H) Heard & Held  
 02/17/23 (H) MINUTE(L&C)  
 03/03/23 (H) L&C AT 3:15 PM BARNES 124  
 03/03/23 (H) Moved HB 57 Out of Committee  
 03/03/23 (H) MINUTE(L&C)  
 03/06/23 (H) L&C RPT 4DP 1NR  
 03/06/23 (H) DP: SADDLER, PRAX, RUFFRIDGE, SUMNER  
 03/06/23 (H) NR: CARRICK  
 03/21/23 (H) HSS AT 3:00 PM DAVIS 106  
 03/21/23 (H) Heard & Held  
 03/21/23 (H) MINUTE(HSS)  
 03/28/23 (H) HSS AT 3:00 PM DAVIS 106  
 03/28/23 (H) Moved HB 57 Out of Committee  
 03/28/23 (H) MINUTE(HSS)  
 03/29/23 (H) HSS RPT 5DP  
 03/29/23 (H) DP: RUFFRIDGE, SUMNER, FIELDS, MINA,  
 PRAX  
 05/09/23 (H) TRANSMITTED TO (S)  
 05/09/23 (H) VERSION: HB 57  
 05/10/23 (S) READ THE FIRST TIME - REFERRALS  
 05/10/23 (S) L&C, HSS  
 02/12/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)  
 02/12/24 (S) Heard & Held  
 02/12/24 (S) MINUTE(L&C)  
 02/21/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

**WITNESS REGISTER**

SENATOR JAMES KAUFMAN, District F  
 Alaska State Legislature  
 Juneau, Alaska  
**POSITION STATEMENT:** Sponsor of SB 147.

DOMINICK HARNETT, staff

Senator James Kaufman  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Explained the summary of changes for SB 147 on behalf of the bill sponsor.

LAURA ACHEE, staff  
Senator Jesse Bjorkman  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Gave a recap of SB 183 and SB 197 on behalf of the bill sponsor.

KALEB WESTFALL, representing self  
Dillingham, Alaska

**POSITION STATEMENT:** Testified in support of SB 197.

DEAN BARTHSCHE, representing self  
Nikiski, Alaska

**POSITION STATEMENT:** Testified in opposition to SB 197.

ED MARTIN, representing self  
Kenai, Alaska

**POSITION STATEMENT:** Testified in opposition to SB 197.

RACHEL GUNN, staff  
Senator Jesse Bjorkman  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Gave a recap of HB 57 on behalf of the bill sponsor.

BRIAN WEBB, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 57.

DR. JOSEPH LIVENGOOD, Medical Director  
Division of Forestry and Fire Protection  
Department of Natural Resources (DNR)  
Ketchikan, Alaska

**POSITION STATEMENT:** Testified in support of HB 57.

#### **ACTION NARRATIVE**

[2:23:29 PM](#)

**CHAIR JESSE BJORKMAN** called the Senate Labor and Commerce Standing Committee meeting to order at 2:23 p.m. Present at the call to order were Senators Gray-Jackson, Dunbar, Merrick, and Chair Bjorkman.

**SB 206-WORKERS' COMP. STAY-AT-WORK PROGRAM**

[2:24:22 PM](#)

CHAIR BJORKMAN announced the consideration of SENATE BILL NO. 206 "An Act relating to workers' compensation reemployment benefits; establishing a workers' compensation stay-at-work program; and providing for an effective date."

He expressed that the intention of the committee is to recap the bill, take public testimony and look to the will of the committee.

[2:25:00 PM](#)

SENATOR ELVI GRAY-JACKSON, speaking as the sponsor of SB 206, read from sections of the sponsor statement for SB 206:

Each year, countless workers face the challenges of injuries, illnesses, or changes in their disability status, often leading to significant time away from work. This not only affects their livelihoods but also impacts the workforce and economy at large. Senate Bill 206, which would establish a stay-at-work and return-to-work program, seeks to restore Alaska's once strong and healthy workforce. Through the creation of this program, an injured worker may elect assistance to return-to-work with their employer at the time of injury. The Program is optional and can be declined by a worker or an employer.

Across the United States, states like Oregon and Montana, have made significant strides in implementing SAW/RTW initiatives. These programs have demonstrated success in reducing the time employees spend away from work due to disabilities or injuries, offering financial incentives, and facilitating necessary workplace adjustments. The adoption of similar legislation in Alaska promises substantial benefits. It can enhance our state's workforce stability, reduce the economic impact of prolonged employee absence, and promote a more inclusive and supportive work environment. By passing this legislation, Alaska can join other states in leading the way towards a more

adaptable and supportive workforce, ultimately benefiting both our economy and the wellbeing of Alaskan workers.

[2:26:57 PM](#)

CHAIR BJORKMAN opened public testimony on SB 206; finding none, he closed public testimony.

[2:27:52 PM](#)

CHAIR BJORKMAN solicited a motion.

[2:27:56 PM](#)

SENATOR MERRICK moved to report SB 206, work order 33-LS1084\A from committee with individual recommendations and attached fiscal note(s).

[2:28:14 PM](#)

CHAIR BJORKMAN found no objection and SB 206 was reported from the Senate Labor and Commerce Standing Committee.

[2:28:27 PM](#)

At ease

[2:29:33 PM](#)

CHAIR BJORKMAN reconvened the meeting.

### **SB 147-REEMPLOYMENT BENEFITS**

[2:29:40 PM](#)

CHAIR BJORKMAN announced the consideration of SENATE BILL NO. 147

"An Act relating to reemployment rights and benefits."

This is the second hearing of the bill. He expressed that the intention of the committee is to recap the bill, take public testimony, consider a committee substitute, and look to the will of the committee.

[2:30:13 PM](#)

SENATOR JAMES KAUFMAN, District F, Alaska State Legislature, Juneau, Alaska, sponsor of SB 147, gave a recap of the bill:

SB 147 - Reemployment Benefits seeks to address some of the shortcomings that we have in the Alaska Workers Compensation system. It further improves the workers compensation system by fixing unnecessary

administrative burdens, clarifying the role of stakeholders in the process.

[2:30:59 PM](#)

CHAIR BJORKMAN opened public testimony on SB 147; finding none, he closed public testimony.

[2:31:24 PM](#)

CHAIR BJORKMAN solicited a motion.

[2:31:26 PM](#)

SENATOR MERRICK moved to adopt the committee substitute (CS) for SB 147, work order 33-LS0799\B, as the working document.

[2:31:39 PM](#)

CHAIR BJORKMAN objected for purposes of explanation.

[2:31:53 PM](#)

DOMINICK HARNETT, staff, Senator James Kaufman, Alaska State Legislature, Juneau, Alaska, explained the summary of changes for SB 147 on behalf of the bill sponsor:

[Original punctuation provided.]

**Summary of Changes for SB 147 - Bill Version A to B  
"An Act relating to reemployment rights and benefits;  
and providing for an effective date."**

**Page 4, Lines 2-18**

Creates new Section 4 amending 23.30.041(e) to repeal statute requiring use of the 1993 Edition of the United States Department of Labor's "Selected Characteristics of Occupations Defined in the Revised Dictionary of Occupational Titles" and instead allow the rehabilitation specialist to develop a job analysis.

Renumbers following sections accordingly.

**Page 4, Line 19-22**

Adds clarifying language and adds language requiring the rehabilitation specialist to prepare and provide to the employee and employer a complete reemployment plan.

**Page 4, Line 31 through Page 5, Line 2**

Adds language to allow consideration of training and employment services offered by the Department of

Labor and Workforce Development under AS 23.15 instead of requiring its use.

**Page 5, Line 4-11**

Makes technical changes to create a list of subcategories and includes a provision to allow for job search and job placement activities as allowable in a reemployment plan. Currently these items are not allowed under statute.

**Page 5, Line 28 through Page 6, Line 3**

Adds language to provide a timeline of 90 days from the date of service for either party to request a review of the reemployment plan. Currently there is no timeline, and the request can be made at any time.

**Removes Section 7, 8, and 9 of the original bill.**

[2:33:50 PM](#)

MR. HARNETT continued explaining the summary of changes:

[Original punctuation provided.]

**Page 6 Lines 16-17**

Creates new section 7 which adds language to adjust for inflation not less than once every five years.

**Page 6 Lines 19-29**

Creates new section 8 which creates new subsection (s) in AS 23.30.041 to allow for the maximum amount of \$4,000 to be used for costs incurred for job modification services or device and reasonable travel and relocation expenses associated with searching for new employment, return to work in a new location, and attendance at an on-the-job training program.

**Page 6 Line 30**

Creates new section 9 which repeals AS 23.30.041(p).

**Page 6 Line 31**

Adds an immediate effective date under AS 01.10.070(c).

[2:35:07 PM](#)

CHAIR BJORKMAN removed his objection; finding no further objection, CS SB 147, work order 33-LS0799\B was adopted as the working document.

[2:35:30 PM](#)

CHAIR BJORKMAN solicited the will of the committee.

[2:35:33 PM](#)

SENATOR MERRICK moved to report CSSB 147, work order 33-LS0799\B, from committee with individual recommendations and attached fiscal note(s).

[2:35:46 PM](#)

CHAIR BJORKMAN found no objection and CSSB 147 (L&C) was reported from the Senate Labor and Commerce Standing Committee.

[2:36:00 PM](#)

At ease

[2:38:00 PM](#)

CHAIR BJORKMAN reconvened the meeting.

**SB 183-WORKERS' COMP BENEFITS GUARANTY FUND**

[2:38:07 PM](#)

CHAIR BJORKMAN announced the consideration of SENATE BILL NO. 183 "An Act relating to the workers' compensation benefits guaranty fund; and providing for an effective date."

He expressed that the intention of the committee is to recap the bill, take public testimony and look to the will of the committee.

[2:38:18 PM](#)

LAURA ACHEE, staff, Senator Jesse Bjorkman, Alaska State Legislature, Juneau, Alaska, gave a recap of SB 183 on behalf of the bill sponsor:

Senate Bill 183 would move the Workers Compensation Benefits Guaranty Fund from the general fund to the state treasury. The purpose of this move is to remove the fund from those funds that are 'sweepable' under the constitutional CBR sweep and to better ensure that beneficiaries of the fund receive timely payments.

[2:39:21 PM](#)

CHAIR BJORKMAN opened public testimony on SB 183; finding none, he closed public testimony.

[2:39:54 PM](#)

CHAIR BJORKMAN solicited a motion.

[2:39:55 PM](#)

SENATOR GRAY-JACKSON moved to report SB 183, work order 33-LS1120\A, from committee with individual recommendations and accompanying fiscal notes.

[2:40:10 PM](#)

CHAIR BJORKMAN found no objection and SB 183 was reported from the Senate Labor and Commerce Standing Committee.

[2:40:26 PM](#)

At ease

[2:41:35 PM](#)

CHAIR BJORKMAN reconvened the meeting.

**SB 197-RESIDENTIAL BUILDING CODE**

[2:41:43 PM](#)

CHAIR BJORKMAN announced the consideration of SENATE BILL NO. 197 "An Act relating to residential building codes; relating to construction contractors and residential contractor endorsements; establishing the Alaska State Building Code Council; and providing for an effective date."

This is the second hearing of the bill. He expressed that the intention of the committee is to recap the bill, take public testimony, and look to the will of the committee.

[2:42:14 PM](#)

LAURA ACHEE, staff, Senator Jesse Bjorkman, Alaska State Legislature, Juneau, Alaska, gave a recap of SB 197. She stated that SB 197 would establish a statewide residential building code that would apply to residences that are built in areas that do not already have municipal building code. The code would fall under the statutes of the Alaska Housing Finance Corporation (AHFC), the organization that would be responsible for maintaining the code and making updates to the code as necessary. The bill also creates an advisory committee of people from the industry to help advise AHFC on necessary updates to the code.

She added that SB 197 allows for modifications to the code to be made to encompass Alaska's unique building environment and would allow for lumber created under the Alaska local lumber grading program to be used in residential construction.

[2:43:12 PM](#)

CHAIR BJORKMAN asked if committee members had any questions.

[2:43:18 PM](#)

CHAIR BJORKMAN asked if the code would apply to people building their own home.

[2:43:25 PM](#)

MS. ACHEE replied that if the person building the home intends to occupy the home and they are outside of a jurisdiction that has a municipal building code then it would not.

[2:43:42 PM](#)

CHAIR BJORKMAN opened public testimony on SB 197.

[2:44:01 PM](#)

KALEB WESTFALL, representing self, Dillingham, Alaska, testified in support of SB 197. He stated that he is a city council member in Dillingham and was a subcontractor to the largest developer in the valley. SB 197 would help clarify a lot of issues statewide for rural Alaska. He expressed his hope that the bill would help build the future of the state.

[2:45:05 PM](#)

DEAN BARTHSCH, representing self, Nikiski, Alaska, testified in opposition to SB 197. He stated that the bill is an extension of government where it is not needed. Uniform Building Code (UBC) already exists and if one wants a builder to build to a code they can use UBC. The redress being addressed already exists; if a builder does a substandard job, the client can sue them. He suggested that a positive change would be to make builder's licenses difficult to obtain as a form of frontloading protection. He warned against starting another bureaucracy in the government, as it would only expand; the goal is to shrink government. He opined that building on one's own property should involve as few people as possible. He reiterated his vehement opposition to SB 197.

[2:47:41 PM](#)

ED MARTIN, representing self, Kenai, Alaska, testified in opposition to SB 197. He stated that there is enough code, particularly for financed homes. He stated his belief that eventually SB 197 would impact people building their own homes. He expressed his disbelief that this bill is needed. He suggested using milled lumber that meets specifications and that building code is not necessary. If the lumber is graded properly

and dried sufficiently, it would meet the market standard for construction on any home.

[2:49:41 PM](#)

CHAIR BJORKMAN closed public testimony on SB 197.

[2:50:18 PM](#)

CHAIR BJORKMAN solicited a motion.

[2:50:22 PM](#)

SENATOR GRAY-JACKSON moved to report SB 197, work order 33-LS0877\S, from committee with individual recommendations and attached fiscal note(s).

[2:50:42 PM](#)

CHAIR BJORKMAN found no objection and SB 197 was reported from the Senate Labor and Commerce Standing Committee.

[2:50:56 PM](#)

At ease

[2:52:50 PM](#)

CHAIR BJORKMAN reconvened the meeting.

**HB 57-EMERGENCY MED. SVCS: REVIEW ORGANIZATIONS**

[2:52:59 PM](#)

CHAIR BJORKMAN announced the consideration of HOUSE BILL NO. 57 "An Act relating to review organizations and permitting an emergency medical services provider to establish a review organization; and relating to patient records."

This is the second hearing of the bill. He expressed that the intention of the committee is to recap the bill, take public testimony, and look to the will of the committee.

[2:53:39 PM](#)

RACHEL GUNN, staff, Senator Jesse Bjorkman, Alaska State Legislature, Juneau, Alaska, gave a recap of HB 57 on behalf of the bill sponsor. She stated that this legislation seeks to extend the same quality assurance program protections to EMS workers that fixed healthcare facilities have benefited from for years.

[2:54:13 PM](#)

CHAIR BJORKMAN opened public testimony on HB 57.

[2:54:36 PM](#)

At ease

[2:54:57 PM](#)

CHAIR BJORKMAN reconvened the meeting.

[2:55:04 PM](#)

BRIAN WEBB, representing self, Anchorage, Alaska, testified in support of HB 57. He stated that he appreciates the support of the committee and looks forward to HB 57 being passed. It has been a long trail to achieve EMS protections.

[2:56:02 PM](#)

DR. JOSEPH LIVENGOOD, Medical Director, Division of Forestry and Fire Protection, Department of Natural Resources (DNR) Ketchikan, Alaska, testified in support of HB 57. He stated that this is a critical need for EMS providers in that it provides the ability to discuss activities and case runs, while identifying sources of improvement. This occurs in a setting where individuals can openly discuss matters without fear of discovery, enabling them to genuinely pinpoint areas for improvement in care.

[2:57:32 PM](#)

CHAIR BJORKMAN closed public testimony on HB 57.

[2:57:45 PM](#)

CHAIR BJORKMAN solicited a motion.

[2:57:51 PM](#)

SENATOR GRAY-JACKSON moved to report HB 57, work order 33-LS0335\A, from committee with individual recommendations and accompanying fiscal notes.

[2:58:08 PM](#)

CHAIR BJORKMAN found no objection and HB 57 was reported from the Senate Labor and Commerce Standing Committee.

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[2:58:33 PM](#)

There being no further business to come before the committee, Chair Bjorkman adjourned the Senate Labor and Commerce Standing Committee meeting at 2:58 p.m.