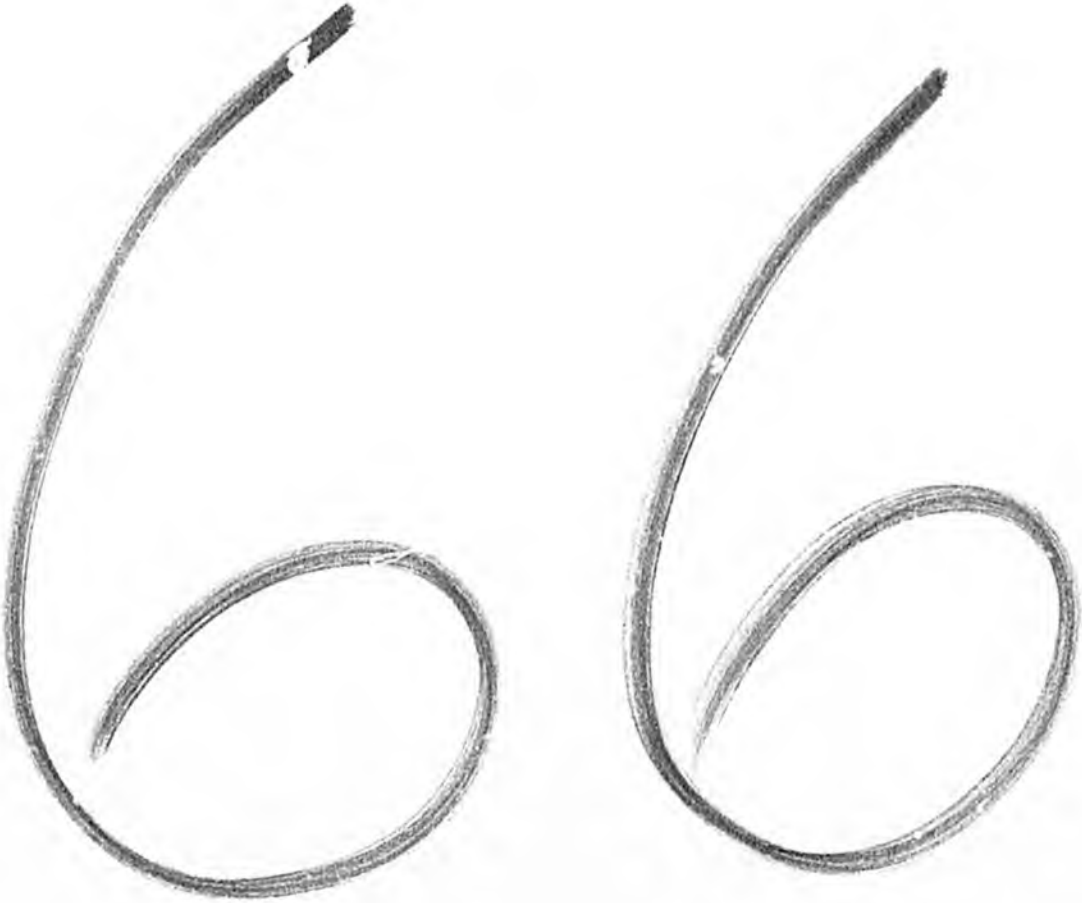


H B





Bill No. House Bill 65

Date January 21, 1985

Title "An Act relating to workers' compensation;  
and providing for an effective date."

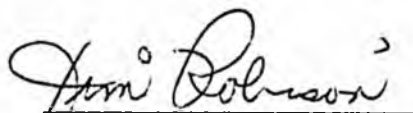
Contact J. L. McClintock  
465-2790

The Department of Labor and the Workers' Compensation Board recommends passage of House Bill 66, providing an additional board panel for Southcentral Alaska. This increases the composition of the board from eight lay members to ten lay members.

The additional board panel is required for the Southcentral region in order to expeditiously handle the heavy board hearing load for that area. In the past, it took up to four months for parties to obtain a board hearing in the Anchorage area. By scheduling additional hearing rounds, which more than doubles the days Southcentral board members sit hearings compared to the other panels, we have been able to schedule parties for hearing within 45 to 60 days. However, the lay board members are unable to dedicate that much time to hearings because of their job commitments in the private sector. During the last two years, three Southcentral board members have been forced to resign board positions due to the expanded hearing schedule.

It is critical that an additional board panel be added in Southcentral so that the expanded hearing schedule will be met, allowing the parties to be scheduled for hearing within 45 days.

APPROVED

  
\_\_\_\_\_  
Jim Robison  
Commissioner

**POSITION PAPER/**Department of Labor

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No.: HB 66  
 Title: "An Act relating to  
 workers' compensation."  
 Sponsor: Rules Committee  
 Requestor: House Labor & Commerce  
 Date of Request: 1/16/85

FISCAL DETAIL

Agency Affected: Labor  
 Program Category Affected: Public  
 Protection  
 BRU, Program or Subprogram(s) Affected: Workers' Compensation

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: <sup>13</sup> Jacquelyn L. McClintock *Jacquelyn L. McClintock* Phone: 465-2790  
 Division: Workers' Compensation Date: 1/18/85  
 Approved by Commissioner: <sup>13</sup> Jim Robison *Jim Robison* Date: 1/18/85  
 Agency: Labor

Distribution (by Agency preparing fiscal note):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

7/1/84

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 6, 1985

SUBJECT: Senate CS for HB 66

TO: Senator Fred Zharoff  
Chair, Labor and Commerce Committee

FROM: Mike F. Ford *M.F.*  
Legislative Counsel

You have asked for an explanation of the technical change made to line 19 of the above referenced bill. The bill as introduced changed the word "shall" to "must", and the CS prepared by this agency deleted that change. The reason for the deletion of the change made in the original bill is that "shall" is the correct word to use to impose a duty upon someone, as is done in line 19 and 20. See Manual of Legislative Drafting (1985) pp. 51 and 52. This office routinely makes such corrections to governor's bills when preparing committee substitutes.

The word "must" is used when describing things or criteria. For example the word "must" is correctly used in line 16 of Senate CS for HB 66, in that "must" refers to panels of the compensation board. The reason that line 19 is somewhat harder to apply these rules to, is that the sentence is written in the passive voice, rather than in the active voice as this agency usually drafts such provisions. For example the sentence would read in the active voice as, "The governor shall appoint the latter two member of each panel, subject to confirmation by a majority of the members of the legislature in joint session."

If I can be of further assistance please let me know.

MFF:ojb  
J11/060

TO MIKE  
FROM ROGER

HB 66 on Floor

THIS BILL ADDS 3 ADDITIONAL MEMBERS TO THE ALASKA WORKERS COMPENSATION BOARD. THEY WILL BE ASSIGNED AS AN EXTRA PANEL THAT IS BEING CREATED ON THE BOARD (THUS INCREASING THE BOARD FROM 4 PANELS TO 5 PANELS, AND FROM 12 MEMBERS TO 15 MEMBERS) AT THE REQUEST OF THE COMPENSATION BOARD ITSELF, WITH THE SUPPORT OF THE GOVERNOR AND THE DEPARTMENT OF LABOR.

THE PURPOSE OF THIS EXPANSION IS TO HANDLE THE INCREASED HEARING CASE LOAD NOW EXISTING IN THE SOUTHCENTRAL AREA OF THE STATE. CURRENTLY, THE SOUTHCENTRAL PANEL, WHICH SERVES THE ANCHORAGE AREA, HAS LAY MEMBERS THAT IN 1985 HAD TO ATTEND 125 HEARING DAYS ON THEIR OWN TIME AS VOLUNTEERS, AND SO FAR IN 1985 THEY HAVE 94 DAYS SCHEDULED.

WHAT THIS BILL <sup>does</sup> ~~WOULD DO~~, BY ADDING AN EXTRA PANEL TO THE <sup>South Central</sup> ANCHORAGE AREA, <sup>is</sup> ~~WOULD BE~~ TO CUT THE CASE LOAD OF HEARING DAYS IN HALF FOR THE LAY MEMBERS OF THE BOARD WHO ARE BEING ASKED TO SPEND A TREMENDOUS AMOUNT OF VOLUNTEER TIME SITTING AS PANEL MEMBERS.

THE DEPARTMENT OF LABOR AND THE COMPENSATION BOARD ALREADY HAVE BUDGETED IN THEIR OPERATING BUDGET FOR A SET NUMBER OF HEARING DAYS TO COVER PER DIEM AND TRAVEL FOR THE HEARINGS <sup>due to</sup> ~~FOR~~ THE CURRENT AND THE COMING FISCAL YEAR, SO THE FISCAL NOTE IS ZERO. BY ADDING THE EXTRA MEMBERS, THE SAME NUMBER OF HEARING DAYS ARE <sup>Duties of the</sup> ~~HELD~~, BUT THE <sup>members</sup> ~~SOUTHCENTRAL~~ BOARD'S <sup>ARE</sup> ~~DUTIES~~ <sup>AMONG</sup> ~~WOULD BE~~ SPLIT <sup>panels</sup> ~~INTO~~ TWO SEPARATE ~~BOARDS~~, SO THE ACTUAL

board's  
volunteer

*volunteer*  
TIME BOARD MEMBERS SPENT ~~WOULD~~ *will* BE CUT IN HALF.

THIS BILL PASSED THE HOUSE ON JANUARY 29, 1985 BY A VOTE OF 33 YAYS, 5 NAYS, AND 2 ABSENT. IN THE SENATE LABOR AND COMMERCE COMMITTEE THE BILL WAS AMENDED WITH A SCS TO CHANGE THE EFFECTIVE DATE FROM July 1, 1985 to AN IMMEDIATE EFFECTIVE DATE AT THE REQUEST OF THE DEPARTMENT OF LABOR. THE SCS for HB 66 THEN PASSED THE SENATE ON FEBRUARY 11 ON A VOTE OF 17 YAYS, 2 NAYS, AND 1 ABSENT.

AS CHAIRMAN OF THE HOUSE LABOR AND COMMERCE COMMITTEE WHICH ORIGINALLY HEARD HB 66, I FEEL THIS AMENDED VERSION OF HB 66 THAT HAS BEEN RETURNED TO US BY THE SENATE IS APPROPRIATE, AND RECOMMEND TO THE HOUSE MEMBERS THAT WE SUPPORT ITS PASSAGE.

M E M O R A N D U M

TO: All Members, House Labor and Commerce Committee

FROM: Committee Staff

DATE: January 24, 1985

RE: Committee Meeting, Friday, January 25, 1985; HB 66

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On Friday, January 25, 1985, from 1115 - 2:45 pm, in Room 102 of the Capitol Building, the House Committee on Labor and Commerce will hold hearings on HB 66:

HB 66: "An Act relating to worker's compensation," by the Rules Committee at the request of the Governor.

HB 66 expands the composition of the Alaska' Workers Compensation Board from four panels to five panels, or from 12 members to 15 members; or from 8 lay members to 10 lay members appointed by the Governor( each panel also has a Commissioner of Labor or his designee on it). It is a high Department priority.

This increase in members is to help meet the large case overload that has developed in worker's compensation cases in the Southcentral region, causing delays in hearings. This Board sits as a judge/jury for irreconcilable disputes between injured workers and insurers.

Although the general policy of the Boards and Commissions Office of the Governor is to reduce the number of boards and board members, in this case they felt the need for expansion was justified, and the Governor's transmittal letter is also their official support of this position.

HB 62: "An Act relating to the payment of prevailing wages and the payment of overtime under public construction contracts," by the Rules Committee by request of the Governor.

Clarifies the applicability of overtime compensation statutes in regards to work performed under public contracts, and imposes sanctions for failure of the contractor, thus responsibility lies with the contractor, rather than a government body, to comply and pay workers, though he still has recourse to sue the government body later.

The details of this bill are covered in the sectional analysis in your file folder.

COMMITTEE SCHEDULE

January 28 to February 1, 1985

HOUSE LABOR AND COMMERCE

Capitol 102  
465-3892

1:15-2:45pm  
MWTh

Monday, January 28, 1985

- \*Confirmation Hearings: Governor's Appointees to Boards and Commissions in the Department of Labor and the Department of Commerce and Economic Development.
- \*HB 79 "An Act relating to financial institution examinations," by Rules Committee by Request of the Governor.
- \*HB 56 "An Act relating to motor vehicle insurance," by Collins.

Wednesday, January 30, 1985

- \*HB 80 "An Act relating to Insurance Fees and Licensing", by Rules Committee by Request of the Governor.
- \*HB 77 "An Act relating to the Capital Funds required of foreign and domestic insurers," by Cato.

Thursday, January 31, 1985

- \*Confirmation Hearing: Commissioner of Commerce and Economic Development Loren Lounsbury.
- \*HB 78 "An Act relating to occupational licensing fees," by Rules Committee by Request of the Governor.  
(Statewide Teleconference.)

HB 66 FILE CONTENTS

- 1) Overview -- Committee Staff - *see memo report*
- 2) Governor's Transmittal Letter
- 3) Fiscal Note -- Dept. of Labor
- 4) Position Paper -- Dept. of Labor
- 5) Description of Worker's Compensation Board  
(from Boards and Commission's Book)

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 15, 1985

The Honorable Ben Grussendorf  
Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the Workers' Compensation Board. This bill establishes an additional Workers' Compensation Board panel for the south-central region to deal with the increased load of hearings held in the Anchorage area. (Currently it takes up to four months to obtain a hearing.) Additionally, the bill proposes to bring the law into conformity with actual practice by stating that the lay members of the board, but not the commissioner of labor or his designee, are subject to confirmation by the legislature. (As a department head, the commissioner is, of course, already subject to confirmation.)

This bill is a high priority for the Department of Labor, and I urge your prompt and favorable consideration of it.

Sincerely,



Bill Sheffield  
Governor

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

REQUEST  
Bill/Resolution No.: HB 66  
Title: "An Act relating to workers' compensation."  
Sponsor: Rules Committee  
Requestor: Rules Committee  
Date of Request: December 4, 1984

FISCAL DETAIL  
Agency Affected: Labor  
Program Category Affected: Public Protection  
BRU, Program or Subprogram(s) Affected: Workers' Compensation

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>CAPITAL</b>						
<b>REVENUE</b>						


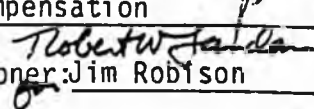
FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Jacqueiyn L. McClintock  Phone: 465-2790  
 Division: Workers' Compensation Date: 12/4/84  
 Approved by Commissioner: Jim Robison  Date: 12/4/84  
 Agency: Labor

LEG:B:5

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

Bill No. House Bill 66

Date January 21, 1985

Title "An Act relating to workers' compensation;  
and providing for an effective date."

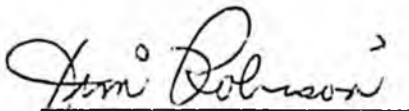
Contact J. L. McClintock  
465-2790

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It is critical that an additional board panel be added in Southcentral so that the expanded hearing schedule will be met, allowing the parties to be scheduled for hearing within 45 days.

APPROVED

  
Jim Robison  
Commissioner

**POSITION PAPER/**Department of Labor

BOARD: WORKER'S COMPENSATION BOARD, ALASKA

TITLE: Alaska Worker's Compensation Board

DEPT: Department of Labor

AUTHORITY: AS 23.30.005

STATUS: ACTIVE

REQUIREMENTS: LEGISLATIVE CONFIRMATION AND FINANCIAL DISCLOSURE

PROHIBITIONS:

TERM: 3-year staggered

DESCRIPTION: 9 members appointed by Governor: includes 4 panels; 3 members for first judicial district, 3 for second/fourth, 3 for third, and 3 at-large members; each panel includes the Commissioner of the Dept. of Labor or designee as Chair, a representative of industry and a representative of labor; the latter 2 members of each panel are appointed by the Governor; the terms of management and labor members of each panel may not expire in the same year.

SPECIAL FACTS: Quorum - 2 members of panel; quasi-judicial

FUNCTION: Administers Worker's Compensation Act; sits as judge/jury for irreconcilable dispute between injured worker and insurer.

COMPENSATION: \$50/day and standard travel/per diem

MEETINGS: Regular meetings at least twice a year; hearings: Fairbanks 2 days/month, Anchorage 2 days biweekly, Juneau 2 days/month, Ketchikan, Sitka every three months; 125 days total

\*FOR FURTHER INFORMATION CONTACT: Director, Division of Worker's Compensation, Dept. of Labor, P.O. Box 1149, Juneau, AK 99802 - 465-2790

Worker's Compensation

<u>MEMBER</u>	<u>APPT</u>	<u>REAPPT</u>	<u>TERM</u>
Joe H. Butler P.O. Box 704 Anchorage 99510 At Large/Labor	83/03/15		85/07/01
Thomas W. Chandler 1217 Water Street Ketchikan 99901 1st JD/Industry	82/06/18		85/07/01
Elmer Eller 7801 Lotus Drive Anchorage 99501 3rd JD/Industry	85/01/02		85/07/01
Mary A. Pierce 2040 Sturbridge Circle Anchorage 99501 3rd JD/Industry	84/07/31		87/07/01
Delia I. Pruhs P.O. Box 1735 Fairbanks 99707 2/4th JD/Industry	83/08/19		86/07/01
David W. Richards 3112 Wild Meadow Lane Juneau 99801 1st JD/Labor	80/06/06	83/08/19	86/07/01
Jim Robison Labor Juneau 99802 Comm./Designee - Chair	82/12/06		
Jackie S. Russell P.O. Box 4157 Kenai 99611 At Large/Industry	83/03/15		85/07/01
Joe J. Thomas II 879 Vide Way Fairbanks 99701 2/4th JD/Labor	83/08/19	84/07/02	87/07/01



# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

*James O. Smith*  
Signature of Camera Operator

*9/5/89*  
Date