

ALASKA STATE LEGISLATURE

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Official Business

HB214 "Repeal Workers' Compensation Appeals Commission" Draft CSHB214 version E to version N

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Line

- 7-14 Delete original text and insert "a decision or order of the board becomes final on the 31st day after it is filed. A party may seek review of a decision or order before the decision or order becomes final by filing a petition for reconsideration with the board under AS 44.62.540, a petition for modification under AS 23.30.130, or a petition for review with the superior court under the rules of appellate procedure. After a decision or order becomes final, a party may seek review by filing a notice of appeal with the superior court under AS 44.62.560 under the rules of appellate procedure.
- 15 Delete "a compensation order," delete "or fact," delete "the" add "a compensation"
- 16 Insert "injunction", insert "the"
- 17 Insert "the board and"
- 19 Delete "a", delete ",", delete "a stay" insert "an interlocutory injunction"
- 22 Insert "and the board"
- 23 Delete "the party filing the application would other suffer", insert "would otherwise ensure to the employer", delete "Continuing future periodic compensation payments may not be stayed without a showing by the appellant of irreparable damage and the existence of the probability of the merits of the appeal being decided adversely to the recipient of the compensation payments. Delete "must", insert "shall"
- 24 Delete "the evidence", insert "it"
- 25 Delete "party applying for a stay," insert "employer", delete "ing" (in specify)
- 26 Insert "(c) If an employer fails to comply with a compensation order making an award that has become final, a beneficiary of the award or the board may apply for the enforcement of the order to the superior court. If the court determines that the order was made and served in accordance with law, and that the employer or the officers or agents of the employer have failed to comply with it, the court shall enforce obedience to the order by writ of injunction or by other proper process to enjoin upon the employer and the officers and agents of the employer compliance with the order.

(d) Proceedings for suspending, setting aside, or enforcing a compensation order, whether rejecting a claim or making an award, may not be instituted except as provided in this section and AS 23.30.170.

(e) Subject to an employer's or employee's burden of proof, a finding of fact made by the board as a part of a compensation order is conclusive unless the court specifically finds that a reasonable person could not have reached the conclusion made by the board."

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Line

4 Insert "within 30 days after the date that the board decision becomes final."

10 Insert (d) On December 2, 2016, the Workers' Compensation Appeals Commission shall transfer all appeals, petitions for review, and other proceedings that were pending before June 1, 2016, and that were not completed before December 2, 2016, to the superior court, which will assume jurisdiction of the action. The Workers' Compensation Appeals Commission shall provide notice to all parties of record 30 days before it transfers a pending case, advising the parties of the transfer of jurisdiction and the effective date of the transfer. The Workers' Compensation Appeals Commission shall prepare the file in accordance with the Alaska Rules of Appellate Procedure and mail or hand deliver the record in the pending case to the superior court in the judicial district where the original claim was filed. If the superior court determines that the record does not comply with the Alaska Rules of Appellate Procedure, the court may return the record to the Workers' Compensation Appeals Commission, and jurisdiction of the case will not transfer to the superior court until the record complies with the Alaska Rules of Appellate Procedure.