

ALASKA STATE LEGISLATURE

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Official Business

CS HB 214 ver N Sectional Analysis

“An act repealing the Workers’ Compensation Appeals Commission.”

Please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill; the bill itself is the best statement of its contents.

Section 1. Amends AS 23.30.005 by adding new subsection to read: The board, in its administrative capacity, shall make available the decisions and orders of the board and the former Workers’ Compensation Appeals Commission. Decisions and orders of the former Workers’ Compensation Appeals Commission are final and conclusive unless appealed to the Alaska Supreme Court and shall stand instead of the order of the board from which review was taken. Unless reversed by the Alaska Supreme Court, decisions of the former Workers’ Compensation Appeals Commission have the force of legal precedent.

Section 2. AS 23.30.107(b) removes language referencing the Commission.

Section 3. AS.23.30.108(d) removes language referencing the Commission.

Section 4. AS 23.30.108 (e) removes language referencing the Commission.

Section 5. AS 23.30 is amended by adding a new section to read: A decision or order of the board becomes effective when filed in the office of the board under AS 23.30.110 and 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. Final order is not subject to judicial review. A director may intervene. A court shall award a successful party reasonable costs.

Section 6. AS 23.30.155(f) removes statutory reference to the powers and duties of the Commission and adds a reference to the board in AS 23.30.126

Section 7. AS 39.50.200(b)(31) is amended to remove language defining the Workers' Compensation Appeals Commission.

Section 8. Repeal Rules 201.1, 401.1, and 501.1, Alaska Rules of Appellate Procedure.

Section 9. Repeals statutes referencing the creation, appointment of members, jurisdiction, powers and duties of the commission, powers and duties of the chair of the commission, administrative review, appeals to the commissions, commission proceedings, appointment of the members through OAH, appointment of the chair.

Section 10. Changes the Alaska Rules of Appellate Procedure by providing that appeals from the Alaska Workers' Compensation Board can be brought in the superior court.

Section 11. The Workers' Comp Appeals Commission continues to function as they presently are until December 1, 2016.

Section 12. Transitional Provisions – for appeals not completed before December 2nd shall be automatically transferred to the superior court. Appeals seeking review of Workers' Comp Board decisions that haven't been filed before May 31, 2016 must be filed in the superior court before June 1, 2016. Before June 1, 2016 a party may file for review by the workers' comp appeals commission, after June 1, 2016 a party files for review in the superior court. Before November 1, 2016 a party may request reconsideration of a Workers' Compensation Appeals Commission decision. After November 1, 2016 a party may file an appeal with the Alaska Supreme Court. Adds language on how the records will be delivered to the superior court, files will be in compliance with the Alaska Rules of Appellate Procedure.

Section 13. Terms out commissioners on December 31, 2016.

Section 14. Conditional effect: this Act takes effect only if secs. 8 and 10 of this Act receive a 2/3 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

Section 15. Effective date of June 1, 2016.