

ALASKA STATE LEGISLATURE

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- Military and Veterans Affairs Subcommittee
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SENATOR BILL WIELECHOWSKI

Senate Bill 76 Version M

Repeal Workers' Compensation Appeals Commission

Sectional Analysis

Section 1 establishes that the Workers' Compensation Board (Board) shall maintain records of the repealed Workers' Compensation Appeals Commission (Commission). It also establishes that Commission decisions remain as legal precedent unless overturned or modified by the courts.

Section 2 removes references to the Commission.

Section 3 removes a reference to the Commission.

Section 4 removes a reference to the Commission.

Section 5 creates a new AS 23.30.126 governing appeals of Workers' Compensation Board decisions.

Subsection (a) establishes that Board decisions and orders become effective when filed, that these decisions and orders can be modified or reconsidered, and that a party may appeal a decision or order to the superior court.

Subsection (b) establishes that Board decisions and orders are not automatically stayed pending judicial review and establishes the criteria for when a court may issue a stay.

Subsection (c) establishes that factual findings made by the Board shall be conclusive if supported by substantial evidence and that AS 44.62.570 governing administrative appeals shall apply to the appeals of Board decisions.

Subsection (d) allows the director of the Division of Workers' Compensation to intervene in appeals and to file appeals if a party is not represented by an attorney and the case presents an unsettled question of law.

Section 6 is a conforming amendment to reflect the changes made by Section 5.

Section 7 removes a reference to the Commission.

Section 8 repeals the court rules related to the Commission.

Section 9 repeals the statutes related to the Commission.

Section 10 contains indirect court rule amendments to reflect the changes made by Section 5.

Section 11 establishes which procedures apply to appeals pending before the Commission between June 1 and December 1, 2020.

Subsection (a) establishes that the Commission shall continue to handle cases through December 1, 2019 and that the Commission shall continue all cases pending on December 1, 2020

Subsection (b) establishes that the new procedure in Section 5 does not apply to cases before December 1, 2020.

Subsection (c) establishes that the old statutes apply for appeals of final decisions made by the commission and issued by December 1st.

Section 12 establishes transitional provisions.

Subsection (a) establishes that starting June 1, 2020 all new appeals of Board decisions shall be filed with the Superior Court under Section 5.

Subsection (b) establishes that appeals of Commission rulings issued by December 1, 2020 shall be filed with the Supreme Court.

Subsection (c) ends the Commission's ability to order reconsideration of cases on December 2, 2020. All outstanding requests for reconsideration pending on that date would be automatically rejected, and any party whose request was denied may appeal their case to the Supreme Court.

Subsection (d) requires the Commission to transfer the files for all pending cases to the Superior Court on December 2, 2020 and to provide the parties 30 days' notice of the transfer of jurisdiction. If the court finds that the records do not meet the requirements of the Rules of Appellate Procedure, it may order the Commission to make necessary changes and resubmit them.

Section 13 ends the terms of all Commission members on December 31, 2020.

Section 14 makes this act only take effect if the court rule changes in Sections 8 and 10 are adopted.

Section 15 provides a June 1, 2020 effective date.