

ALASKA STATE LEGISLATURE

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Official Business

Line

- 5 Title - delete (g), repeals all of Rule 508. Cost and Fees.
9-10 Delete "maintain, index", delete "for public inspection", delete "the board and"

Page 3 Version W

Line

- 8 Insert "." Remove "and becomes final on the 31st day after the decision or order is filed unless, before the 31st day a party files a". Insert "A party may seek reconsideration by filing a"
- 17-18 Remove "(b) A final order is not subject to judicial review or reconsideration but may be modified under AS 23.30.130."
- 19-20 Remove "(c) A decision or order is not stayed pending judicial review unless the court so orders."
- 21-26 Remove "The board's findings on the credibility of a witness and the weight to be given the testimony of a witness are binding on a reviewing court under AS 23.30.122. A finding of fact made by the board as a part of a decision or order shall be conclusive for a reviewing court if supported by substantial evidence in light of the whole record. To the extent that it does not conflict with the provisions of this section. AS 44.62.570 applies to judicial review under this chapter."

Page 3 Version W

- 7 Insert "and, unless proceedings to suspend or set aside the decision or order are instituted under (b) of this section, the decision or order becomes final on the 31st day after it is filed."
- 17 Insert "(b) If a compensation order is not in accordance with law or fact, the order may be suspended or set aside, in whole or in part, through proceedings in superior court brought by a party in interest against all other parties to the proceedings before the board. The payment of the amounts required by an award may not be stayed pending a final decision in the proceeding unless, upon application for a stay, the court, on hearing, after no less than three days' notice to the parties in interest, allows the stay of payment, in whole or in part, where the party filing the application would otherwise suffer irreparable damage. 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. The order of the court allowing a stay must contain a

specific finding, based on evidence submitted to the court and identified by reference to the evidence, that irreparable damage would result to the party applying for a stay and specifying the nature of the damage.

Page 3

- 31 Remove “A court shall award a successful party reasonable costs and, if the party is represented by an attorney, attorney fees that the court determines to be fully compensatory and reasonable.”

Page 4

- 26 Remove (g), repeals all of Rule 508. Costs and Fees.
Insert “and by limiting costs and attorney fees that may be awarded against an injured worker.”
- 31 Remove “TWO-THIRDS VOTE NOT REQUIRED. Because Rules 201.1, 202(a), 204(a) – (c), 210(e), 401.1, 501.1, 508(g), 601(b), 602, and 603, Alaska Rules of Appellate Procedure, were adopted under the Alaska Supreme Court’s interpretive authority exercised under art. IV, sec. 1, Constitution of the State of Alaska, secs. 5, 8, and 9 of this Act take effect for purposes of Rules 201.1, 202(a), 204(a) – (c), 210(e), 401.1, 501.1, 508(g), 601(b), 602, and 603, Alaska Rules of Appellate Procedure, without needing to meet the two-thirds vote requirement normally applicable to changing court rules under art. IV, sec 15, Constitution of the State of Alaska.

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- 2 Remove “before” insert “after”.
- 3-6 Remove “(c) Before June 1, 2016, a party may file for review by the Workers’ Compensation Appeals Commission under AS 23.30.125, 23.30.127, and 23.30.128, as those sections read on the day before the effective date of this Act. On or before June 1, 2016, a party may file for review in the superior court under AS 23.30.126, added by sec. 5 of this Act.
- 7 Remove “Before November 1, 2016, a party or the director may request reconsideration of a Workers’ Compensation Appeals Commission decision under AS 23.30.128(f), as that subsection read on the day before the effective date of this Act.
- 15 Remove “(p)”, insert “(e)”.