

1 IN THE HOUSE

BY TAYLOR

2 HOUSE BILL NO. 461

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to proceedings to suspend
7 or set aside a compensation order made under
8 the Alaska Workmen's Compensation Act."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 23.30.125(c) is amended to read:

11 (c) If not in accordance with law, a compensation order
12 may be suspended or set aside, in whole or in part, through
13 injunction proceedings in the superior court brought by a
14 party in interest against the board and all other parties to
15 the proceedings before the board. The payment of the amounts
16 required by an award may not be stayed pending final decision
17 in the proceeding unless upon application for an interlocutory
18 injunction the court on hearing, after not less than three
19 days' notice to the parties in interest and the board, allows
20 the stay of payment, in whole or in part, where irreparable
21 damage would otherwise ensue to the employer. The order of
22 the court allowing a stay shall contain a specific finding,
23 based upon evidence submitted to the court and identified by
24 reference to it, that irreparable damage would result to the
25 employer, and specifying the nature of the damage. No order
26 allowing a stay shall be issued until the party requesting the
27 stay has posted a bond one and one-half times the amount of
28 the award. If the court finds that the proceedings for the
29 stay were not brought in good faith, the court may award to

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the claimant, in addition to the award and attorney fees, a
sum equal to not more than one-half of the award.