

Article 3. Department of Fish and Game Working Capital Fund.

Sec. 44.74.200. **Working Capital Fund.** A working capital fund is established in the state treasury for the use of the Department of Fish and Game.

Sec. 44.74.210. **Use of Fund.** The fund is to be used to pay expenses resulting from the operation, maintenance, repair and replacement of

(1) aircraft, vessels, and other major equipment of the Department of Fish and Game;

(2) storage and docking facilities for the aircraft, vessels and other major equipment.

Sec. 44.74.220. **Revenues.** (a) The Department of Fish and Game shall deposit in the working capital fund

(1) receipts from fees and surcharges to the various divisions of the Department of Fish and Game and other departments and agencies, including those of the federal government for rental of aircraft, vessels and other major equipment;

(2) insurance proceeds resulting from damage or loss of aircraft, vessels and other major equipment;

(3) proceeds from the sale of aircraft, vessels, and other major equipment.

Sec. 44.74.230. **Expenses for the Use of Aircraft, Vessels and Equipment.** The

divisions of the Department of Fish and Game and other departments shall include rental fees and surcharges in their annual budgets.

Sec. 44.74.240. **Records of Working Capital Fund.** The Department of Fish and Game shall maintain cost accounting records showing income and expenses of the fund. The department shall submit a report on the operation of the fund to the governor and the legislature at the time the departmental budget is submitted.

Sec. 44.74.250. **Replacements and Additions.** (a) Replacements of aircraft, vessels, and other major equipment to be paid from the working capital fund are subject to annual approval of the legislature.

(b) The legislature may appropriate funds for

(1) additional aircraft, vessels, and major equipment; and

(2) aircraft, vessels, and major equipment which are not replaced from the working capital fund.

(c) Requests for additions and replacements shall be detailed in the executive budget.

Sec. 44.74.260. **Governor's Approval of Rates.** Rental and surcharge rates of the department are subject to annual review and approval by the governor.

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 14, 1965

CHAPTER 73

AN ACT

Providing for the means of recovering damages in workmen's compensation cases where third parties may be liable; and providing for an effective date.

(C.S.H.B. 176)

Be It Enacted by the Legislature of the State of Alaska:

Section 1. AS 23.30.015 is repealed and re-enacted to read:

Sec. 23.30.015. **Compensation Where**

Third Persons are Liable. (a) If on account of disability or death for which compensation is payable under this chapter the person entitled to the compensation believes that a third person other than the employer or a fellow em-

ployee is liable for damages, he need not elect whether to receive compensation or to recover damages from the third person.

(b) Acceptance of compensation under an award in a compensation order filed by the board operates as an assignment to the employer of all rights of the person entitled to compensation and the personal representative of a deceased employee to recover damages from the third person unless the person or representative entitled to compensation commences an action against the third person within one year after an award.

(c) Payment of compensation into the second-injury fund as a result of death operates as an assignment to the employer of all rights of the representative of the deceased to recover damages from the third person.

(d) An employer under an assignment may either institute proceedings for the recovery of damages or may compromise with a third person, either without or after instituting an action.

(e) An amount recovered by the employer under an assignment, whether by action or compromise, shall be distributed as follows:

(1) The employer shall retain an amount equal to

(A) the expenses incurred by him in respect to the action or compromise, including a reasonable attorney fee determined by the board;

(B) the cost of all benefits actually furnished by him under this chapter;

(C) all amounts paid as compensation and second-injury fund payments;

(D) the present value of all amounts payable later as compensation present value to be computed from a schedule prepared by the board), and the present value of the cost of all benefits to be furnished later under sec. 95 of this chapter (as

estimated by the board), the amounts so computed and estimated to be retained by the employer as a trust fund to pay compensation and the cost of benefits as they become due and to pay any finally remaining excess sum to the person entitled to compensation or to the representative; and

(2) the employer shall pay any excess to the person entitled to compensation or to his representative, less one-fourth of the excess, not to exceed \$10,000, to be retained by the employer.

(f) Even if an employee, his representative, or his employer brings an action or settles a claim against the third person, the employer shall pay the benefits and compensation required by this chapter.

(g) If the employee or his representative recovers damages from the third person, the employee or representative shall promptly pay to the employer the total amounts paid by the employer under (e)(1)(A), (B), and (C) of this section, insofar as the recovery is sufficient after deducting all litigation costs and expenses. Any excess recovery by the employee or representative shall be credited against any amount payable by the employer thereafter.

(h) If compromise with a third person is made by the person entitled to compensation or his representative of an amount less than the compensation to which the person or representative would be entitled, the employer is liable for compensation stated in (f) of this section only if the compromise is made with his written approval.

(i) If the employer is insured and the carrier has assumed the payment of compensation, the carrier shall be subrogated to all the rights of the employer.

(j) Notice of the commencement of an action against a third party shall be given to the board and to all interested parties within 30 days.

Sec. 2. This Act takes effect July 1, 1965.

Approved April 14, 1965

CHAPTER 74

AN ACT