

Introduced: 5/4/71
Referred: Labor & Management and Judiciary

1 IN THE HOUSE

BY ROSE

2 HOUSE BILL NO. 459

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to workmen's compensation payments
7 when third parties are liable."

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

9 * Section 1. AS 23.30.015(b) is amended to read:

10 (b) Acceptance of compensation under this chapter [AN AWARD IN
11 A COMPENSATION ORDER FILED BY THE BOARD] operates as an assignment to
12 the employer, to the extent of the compensation paid and the present
13 value of all amounts payable later as compensation or benefits, of all
14 rights of the person entitled to compensation and the personal
15 representative of a deceased employee to recover damages from the
16 third person unless the person or representative entitled to compensa-
17 tion commences an action against the third person within one year
18 after an award.

19 * Sec. 2. AS 23.30.015(g) is amended to read:

20 (g) If the employee or his representative recovers damages from
21 the third person, the employee or representative shall promptly pay
22 to the employer the total amounts of compensation paid by the employer
23 and the cost of all benefits actually furnished by him under this
24 chapter [UNDER (e)(1)(A), (B), AND (C) OF THIS SECTION], insofar as
25 the recovery is sufficient after deducting all litigation costs and
26 expenses. Any excess recovery by the employee or representative shall
27 be credited against any amount payable by the employer thereafter.

28 * Sec. 3. AS 23.30.015(c) and (e) are repealed.

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