

Original sponsor: Rose

Offered: 4/12/72
Referred: Judiciary

1 IN THE HOUSE BY THE LABOR AND MANAGEMENT COMMITTEE
2 CS FOR HOUSE BILL NO. 459
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SEVENTH LEGISLATURE - SECOND 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 or benefits under this chapter
11 [AN AWARD IN A COMPENSATION ORDER FILED BY THE BOARD] operates as an
12 assignment to the employer, to the extent of the compensation and
13 benefits paid, of all rights of the person entitled to the compensation
14 or benefits and the personal representative of a deceased employee
15 to recover damages from the third person unless the person or repre-
16 sentative entitled to compensation or benefits commences an action
17 against the third person within one year after the cause of action
18 arises [AN AWARD].

19 * Sec. 2. AS 23.30.015(e)(1)(C) is amended to read:

20 (C) all amounts paid as compensation or benefits
21 [AND SECOND-INJURY FUND PAYMENTS];

22 * Sec. 3. AS 23.30.015(g) is amended to read:

23 (g) If the employee or his representative recovers damages from
24 the third person, the employee or representative shall promptly pay
25 to the employer the total amounts of compensation paid by the employer
26 and the cost of all benefits actually furnished by him under (e)(1)(A),
27 (B), and (C) of this section, insofar as the recovery is sufficient
28 after deducting all expenses incurred by him in respect to the action
29 or compromise, including a reasonable attorney fee determined by the

1 board [LITIGATION COSTS AND EXPENSES]. Any excess recovery by the
2 employee or representative shall be credited against any amount payable
3 by the employer thereafter,

4 * Sec. 4. AS 23.30.015(c) is repealed,
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29