

1 IN THE HOUSE BY MR. WIGGINS BY REQUEST

2 HOUSE BILL NO. 371

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for assignment of injured  
7 workmen's rights against third persons under  
8 the Workmen's Compensation Act; and provid-  
9 ing for an effective date."

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

11 \* Section 1. AS 23.30.015(a) is amended to read:

12 (a) If, on account of a disability or death for which  
13 compensation is payable under this chapter, the person en-  
14 titled to the compensation determines or believes that some  
15 [A THIRD] person other than the employer or a person or  
16 persons in his employ [FELLOW EMPLOYEE] is liable in damages,  
17 he need not [MAY] elect whether [, BY GIVING NOTICE TO THE  
18 BOARD IN THE MANNER WHICH THE BOARD PROVIDES,] to receive th  
19 compensation or to recover damages against the third person  
20 [BELIEVED TO BE LIABLE].

21 \* Sec. 2. AS 23.30.015(b) is amended to read:

22 (b) Acceptance [HIS ACCEPTANCE] of compensation under  
23 an award in a compensation order filed by the board operates  
24 as an assignment to the employer of the right of the person  
25 entitled to compensation to recover damages against the third  
26 person unless the person commences an action against the  
27 third person within six months after the award, in which case  
28 acceptance of compensation under an award operates as a pro  
29 tanto subrogation to the employer in the amount accepted.

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\* Sec. 3. AS 23.30.015(c) is amended to read:

(c) Payment of the compensation into the second injury fund provided for in sec. 40 of this chapter shall not operate [OPERATES] as an assignment or pro tanto subrogation to the employer under the same circumstances as provided in (a) and (b) of this section unless six months have passed since the date on which the injury was incurred [OF THE RIGHT OF THE LEGAL REPRESENTATIVE OF THE DECEASED TO RECOVER DAMAGES AGAINST THE THIRD PERSON, WHETHER OR NOT THE REPRESENTATIVE HAS NOTIFIED THE BOARD OF HIS ELECTION].

\* Sec. 4. This Act takes effect July 1, 1964.