

Original Sponsor: Mr. Wiggins  
by request

Offered: 4/7/64  
Referred: Rules

1 IN THE HOUSE

BY THE LABOR AND MANAGEMENT  
COMMITTEE

2 CS FOR 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 per-  
16 sons in his employ [FELLOW EMPLOYEE] is liable in damages,  
17 and the person entitled to compensation brings an action [HE  
18 MAY ELECT, BY GIVING NOTICE TO THE BOARD IN THE MANNER WHICH  
19 THE BOARD PROVIDES, TO RECEIVE THE COMPENSATION OR] to re-  
20 cover damages against the third person, the employer shall  
21 continue the payments payable under this chapter during the  
22 pendency of the litigation [BELIEVED TO BE LIABLE].

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

24 (b) Acceptance [HIS ACCEPTANCE] of compensation, other  
25 than payments to the board for the second injury fund, [UNDER  
26 AN AWARD IN A COMPENSATION ORDER FILED BY THE BOARD] operates  
27 as an assignment to the employer of the right of the person  
28 entitled to compensation to recover damages against the third  
29 person unless the person entitled to compensation commences

1           an action against the third person within six months after  
2           the first acceptance of compensation, in which case the per-  
3           son entitled to compensation shall repay to the employer out  
4           of the proceeds of recovery from the third person so much of  
5           the compensation theretofore paid by the employer as is  
6           available from the recovery.

7           \* Sec. 3. AS 23.30.015(c) is repealed and re-enacted to read:  
8                   (c) A payment of compensation into the second injury  
9           fund required to be made under sec. 40 of this chapter may be  
10          recovered by the employer against the third person at any  
11          time after it is paid into the fund.

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

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