

1 IN THE SENATE

BY SENATOR KILCHER

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SENATE BILL NO. 139

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act providing for assignment of injured
7 workman's rights against third persons
8 under Workmen's Compensation Act; and pro-
9 viding for an effective date."

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

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

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Sec. 23.30.015. COMPENSATION WHERE THIRD PERSONS ARE

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LIABLE. (a) If, on account of a disability or death for
14 which compensation is payable under this chapter, the person
15 entitled to the compensation believes that a third person
16 other than the employer or a fellow employee is liable in
17 damages, he need not elect whether [MAY ELECT, BY GIVING
18 NOTICE TO THE BOARD IN THE MANNER WHICH THE BOARD PROVIDES,]
19 to receive the compensation or to recover damages against
20 the third person believed to be liable.

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

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(b) His acceptance of compensation under an award in a
23 compensation order filed by the board operates as an assign-
24 ment to the employer of the right of the person entitled to
25 compensation to recover damages against the third person
26 unless he commences an action against the third person within
27 six months after the award.

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

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(c) Payment of the compensation into the second injury

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fund provided for in sec. 40 of this chapter shall not
operate as an assignment or pro tanto subrogation to the em-
ployer under the same circumstances as provided in (a) and
(b) unless six months have passed since the determination by
the board of the amount to be paid. [OPERATES AS AN ASSIGN-
MENT TO THE EMPLOYER 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, 1965.