

CHAPTER 39

AN ACT

Appropriating to the Department of Education; and providing for an effective date.

(H.B. 312)

Be it enacted by the Legislature of the State of Alaska:

schools within incorporated districts for the fiscal year ending June 30, 1962.

Section 1. The sum of \$450,000 is appropriated from the general fund to the Department of Education for the support of

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved March 28, 1962

CHAPTER 40

AN ACT

Appropriating for the reissue of stale date warrants; and providing for an effective date.

(H.B. 463)

Be it enacted by the Legislature of the State of Alaska:

the reissue of stale date warrants.

Section 1. The sum of \$1,092.58 is appropriated to the Department of Revenue for

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved March 28, 1962

CHAPTER 41

AN ACT

Appropriating to the Department of Fish and Game; and providing for an effective date.

(H.B. 471)

Be it enacted by the Legislature of the State of Alaska:

partment of Fish and Game for the purchase of vessels and vessel equipment.

Section 1. The sum of \$69,000 is appropriated from the general fund to the engineering and services division of the De-

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved March 28, 1962

CHAPTER 42

AN ACT

Relating to the Alaska Workmen's Compensation Act; amending Secs. 4, 6, 12, 30, and 32, Ch. 193, SLA 1959, as amended by Ch. 117, SLA 1960; repealing and re-enacting Secs. 6(2) and 7(8), Ch. 193, SLA 1959.

(2dC.S.H.B. 128)

Be it enacted by the Legislature of the State of Alaska:

amended to read:

Section 1. Sec. 4, Ch. 193, SLA 1959, is

Sec. 4. **Exclusiveness of Liability.** The liability of an employer prescribed in

Section 3 shall be exclusive and in place of all other liability of such employer and any fellow employee to the employee, his legal representative, husband or wife, parents, dependents, next of kin, and anyone otherwise entitled to recover damages from such employer or fellow employee at law or in admiralty on account of such injury or death, except that if an employer fails to secure payment of compensation as required by this Act, an injured employee or his legal representative in case death results from the injury may elect to claim compensation under this Act, or to maintain an action against such employer at law or in admiralty for damages on account of such injury or death. In such action the defendant may not plead as a defense that the injury was caused by the negligence of a fellow servant, nor that the employee assumed the risk of his employment, nor that the injury was due to the contributory negligence of the employee.

Sec. 2. Subsec. (1), Sec. 6, Ch. 193, SLA 1959, is amended to read:

(1) The employer shall furnish such medical, surgical, and other attendance or treatment, nurse and hospital service, medicine, crutches, and apparatus for such period as the nature of the injury or the process of recovery may require, not exceeding two years from and after the date of injury to any such employee; provided, however, that if the condition requiring such treatment, apparatus, or medicine is a latent one, the two-year period shall run from the time the employee has knowledge of the nature of his disability and its relationship to his employment and after-disablement. It shall be additionally provided that, if continued treatment and/or care beyond the two-year period is indicated, the injured employee shall have the right of review by the board. The board may authorize continued treatment and/or care as the process of recovery may require. Whenever medical care is required, the injured employee may designate any licensed physician within the state to render such care except in cases where, in the judgment of the board, care and/or treatment can best be administered by the selection of another physician. Upon procuring the services of such physician, the injured employee

shall give proper notification of his selection to the employer within a reasonable time after first being treated. If for any reason during the period when medical care is required the employee wishes to change to another physician, he may do so in accordance with rules prescribed by the Board. If the employee is unable to designate a physician and the emergency nature of the injury requires immediate medical care, or if he does not desire to designate a physician and so advises the employer, the employer shall designate the physician. The foregoing provision shall not, however, deprive the employee from subsequently designating a physician for continuance of required medical care. No claim for medical or surgical treatment shall be valid and enforceable as against such employer unless, within twenty days following the first treatment, the physician giving such treatment or the employee receiving such treatment furnished to the employer and the Board notice of such injury and treatment, preferably on a form or forms prescribed by the Board. The Board may, however, excuse the failure to furnish such notice within twenty days when it finds it to be in the interest of justice to do so, and it may, upon application by a party in interest, make an award for the reasonable value of such medical or surgical treatment so obtained by the employee. If at any time during such period the employee unreasonably refuses to submit to medical or surgical treatment, the Board may, by order, suspend the payment of further compensation during such time as such refusal continues, and no compensation shall be paid at any time during the period of such suspension, unless the circumstances justified the refusal.

Sec. 3. Subsec. (2), Sec. 6, Ch. 193, SLA 1959, is repealed and re-enacted to read:

(2) The employee shall, after an injury, at reasonable times during the continuance of his or her disability if so requested by his or her employer or, when ordered by the Board, submit himself or herself to an examination by a physician or surgeon authorized to practice medicine under the laws of the state in which such employee may be found, furnished and paid for by the employer. The employee shall have the right to have a physician, paid for by the em-

ployer, present at such examination or examinations. No fact relative to the injury or claim communicated to or otherwise learned by any physician or surgeon who may have attended or examined the employee, or who may have been present at any examination shall be privileged, either in the hearings provided for in this Act or any action to recover damages against any employer who is subject to the compensation provisions of this Act. If any employee refuses to submit himself or herself to any such examination or examinations provided for herein, his or her rights to compensation shall be suspended until such obstruction or refusal ceases, and his or her compensation during such period of suspension may, in the discretion of the Board or the court determining an action brought for the recovery of damages hereunder, be forfeited. The Board shall have the right in any case of death to require an autopsy at the expense of the party requesting same. No autopsy shall be held in any case without notice first being given to the widow or next of kin if they reside in the state or their whereabouts can be reasonably ascertained, of the time and place thereof and reasonable time and opportunity given such widow or next of kin to have a representative present to witness the autopsy. If no adequate notice is given, the findings from the autopsy may be suppressed on motion duly made to the Board or to the superior court, as the case may be.

Sec. 4. Sec. 6, Ch. 193, SLA 1959, is amended by adding a new Subsec. (6) to read:

(6) Upon the filing with the Board by any party in interest of an application or other pleading, all parties to the proceeding must immediately, or in any event within five days after service of such pleading, send to the Board the original signed reports of all physicians relating to the proceedings which they may have in their possession or under their control, and copies of such reports shall be served by the party forthwith on the adverse party. There shall be a continuing duty on the parties so to file and serve all such reports during the pendency of the proceeding.

Sec. 5. Subsec. (8), Sec. 7, Ch. 193, SLA 1959, is repealed and re-enacted to read:

(8) At any time after death, or after thirty days subsequent to the date of the injury, the employer and the employee or the beneficiary or beneficiaries, as the case may be, shall have the right to reach an agreement in regard to any claim for injury or death hereunder in accordance with the applicable schedule hereof, but a memorandum of the agreement in a form prescribed by the Board shall be filed with the Board; otherwise, the same shall be void for any purpose. If approved by the Board, such agreement shall be enforceable the same as any order or award of the Board and shall discharge the liability of the employer for such compensation notwithstanding the provisions of Secs. 14(2), 15, and 21 of this Act. Such agreement shall be approved by the Board only when the terms conform to the provisions of this Act and, if it involves or is likely to involve permanent disability, the Board may require an impartial medical examination and a hearing in order to determine whether or not to approve the agreement. The Board may approve lump-sum settlements when it appears to be to the best interest of the employee or beneficiary or beneficiaries; provided, however, in death cases such lump-sum settlements shall be approved only in cases where the deceased leaves a surviving widow or dependent husband and more than five years have elapsed since the date of the employee's death.

Sec. 6. Subsec. (1), Sec. 12, Ch. 193, SLA 1959, is amended to read:

(1) The right to compensation for disability under this Act shall be barred unless a claim therefor is filed within two years after the employee has knowledge of the nature of his disability and its relation to his employment and after disablement; provided, however, that the maximum time for filing such claim in any event other than arising out of an occupational disease shall be four years from the date of injury, and the right to compensation for death shall be barred unless a claim therefor is filed within one year after the death, except that if payment of compensation has been made without an award on account of such injury or death, a claim may be filed within two years after the date of the last payment. It shall be additionally provided that, in the case of latent defects pertinent to and causing com-

pensable disability, the injured employee shall have full right to claim as shall be determined by the Board, time limitations notwithstanding.

Sec. 7. Subsec. (1), Sec. 30, Ch. 193, SLA 1959, is amended to read:

(1) If, on account of a disability or death for which compensation is payable under this Act, the person entitled to such compensation believes that some third person other than the employer or a fellow employee is liable in damages, he may elect, by giving notice to the Board in such manner as the Board may provide, to receive such compensation or to recover damages against such third person believed to be liable.

Sec. 8. Subsec. (2), Sec. 32, Ch. 193, SLA 1959, as amended by Ch. 117, SLA 1960, is amended to read:

(2) Whenever an employee shall suffer a compensable injury which results in permanent partial disability, the em-

ployer or his insurance carrier shall, in addition to the compensation provided for, pay into the second injury fund a lump sum equal to two percent of the total compensation to which the employee is entitled for the said permanent partial disability, the said sum to be paid into such second injury fund as soon as the total amount of the permanent partial disability payable for the particular injury is determined by the Board. In those cases where an employee suffers death under this Act and was at the time of his or her death unmarried, and leaves no children nor dependents, the employer shall be required to pay to the second injury fund the sum of \$1,500 for the sole benefit of those entitled to participation as hereafter provided. Provided, however, the provision of this subsection shall be waived in and during any calendar year when the unencumbered balance in the second injury fund is equal to or exceeds the sum of \$200,000 on January 1 of said year.

Approved March 29, 1962

CHAPTER 43

AN ACT

Appropriating to the Department of Highways; providing for payments to the general fund; and providing for an effective date.

(C.S.H.B. 313)

Be it enacted by the Legislature of the State of Alaska:

Section 1. The sum of \$206,000 is appropriated from the general fund to the Department of Highways for operation and maintenance expenses for the fiscal year ending June 30, 1962.

Sec. 2. The sum of \$3,757,298 is appropriated from the general fund to the Department of Highways for highway con-

struction.

Sec. 3. All reimbursements received by the state from the federal Bureau of Public Roads trust fund shall be paid into the transitional grants account in the general fund for future appropriation for highway purposes.

Sec. 4. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved March 31, 1962

CHAPTER 44

AN ACT

To reduce the fee for the registration of securities.

(H.B. 351)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Subsec. (b), Sec. 405, Sec. 19, Ch. 105, SLA 1961, is amended to read: