

SECTION 2. This act shall take effect upon passage and publication.

Approved May 19, 1931.

No. 49, A.]

[Published May 21, 1931.

### CHAPTER 132.

AN ACT to repeal and create subsections (1) and (2) of section 102.29 of the statutes, relating to third party liability under the workmen's compensation act.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Subsections (1) and (2) of section 102.29 of the statutes are repealed.

SECTION 2. Two new subsections are added to section 102.29 of the statutes to be numbered and to read: (102.29) (1) (a) The making of a claim for compensation against an employer or compensation insurer for the injury or death of an employe shall not affect the right of the employe or his personal representative to make claim or maintain an action in tort against any other party for such injury or death, but the employer or his insurer shall be entitled to reasonable notice and opportunity to join in such action. If they or either of them join in such action, they shall be entitled to repayment of the amount paid by them as compensation as a first claim upon the net proceeds of such action (deducting the reasonable costs of collection) in excess of one-third of such net proceeds, which shall be paid to the employe in all cases.

(b) The commencement of an action by an employe or his dependents against a third party for damages by reason of an injury to which sections 102.03 to 102.35 are applicable, or the adjustment of any such claim, shall not affect the right of the injured employe or his dependents to recover compensation, but any amount recovered by the injured employe or his dependents from a third party shall be applied as follows: Reasonable costs of collection shall be deducted; then one-third of the remainder shall in every case belong to the injured employe or his dependents, as the case may be; the remainder or so much thereof as is necessary to discharge in equal amount the liability of the employer and the insurer for compensation shall be paid to such employer or insurer;

and any excess shall belong to the injured employe or his dependents.

(2) An employer or compensation insurer who shall have paid a lawful claim under this chapter for the injury or death of an employe shall have a right to maintain an action in tort against any other party responsible for such injury or death. If reasonable notice and opportunity to be represented in such action by counsel shall have been given to the compensation beneficiary, the liability of such other party to such compensation beneficiary shall be determined in such action as well as his liability to the employer and insurer. If recovery shall be had against such other party, by suit or otherwise, the compensation beneficiary shall be entitled to any amount recovered over and above the amount that the employer and insurer have paid or are liable for in compensation, after deducting reasonable costs of collection, and in no event shall the compensation beneficiary be entitled to less than one-third of the amount recovered from the third party, less the reasonable costs of collection. Settlement of such claims and the distribution of the proceeds therefrom must have the approval of a court or of the industrial commission.

SECTION 3. This act shall take effect upon passage and publication.

Approved May 19, 1931.

No. 58, A.]

[Published May 21, 1931.]

### CHAPTER 133.

AN ACT to amend paragraph (f) of subsection (2) of section 29.30 and subsection (1) of section 29.35 of the statutes, relating to ciscos.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Paragraph (f) of subsection (2) of section 29.30 and subsection (1) of section 29.35 are amended to read: (29.30) (2) (f) No license net shall be drawn or lifted at any time between one hour after sunset and sunrise of the following morning, in any waters other than Lake Superior, Lake Michigan, Green Bay, the Fox river beyond a distance of five hundred feet below the dam at De Pere, \* \* \* Sturgeon Bay and any waters referred to in section 29.35.