

Original Sponsor:  
Stevens

Offered: 3/14/66  
Referred: Judiciary

1 IN THE HOUSE

BY THE LABOR AND  
MANAGEMENT COMMITTEE

2 CS FOR HOUSE BILL NO. 296

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for benefits to the bene-  
7 ficiaries of workmen suffering industrial  
8 deaths under the workmen's compensation act;  
9 and providing for an effective date."

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

11 \* Section 1. AS 23.30.040(b) is amended to read:

12 (b) If an employee suffers a compensable injury which  
13 results in permanent partial disability, the employer or his  
14 insurance carrier shall, in addition to the compensation  
15 provided for, pay into the second injury fund a lump sum equal  
16 to five [TWO] per cent of the total compensation to which the  
17 employee is entitled for the permanent partial disability,  
18 as soon as the total amount of the permanent partial disability  
19 payable for the particular injury is determined by the board.  
20 If an employee suffers death under this chapter and is at the  
21 time of his death unmarried, and leaves no children or  
22 dependents, the employer is required to pay to the second  
23 injury fund the sum of \$5,000 [\$1,500] for the sole benefit  
24 of those entitled to participation as provided in this chapter.  
25 The provision of this subsection shall be waived in and during  
26 any calendar year when the unencumbered balance on January 1  
27 in the second injury fund is equal to or exceeds the sum of  
28 \$200,000.

29 \* Sec. 2. AS 23.30.210(b) is amended to read:

1           (b) At any time after death, or after 30 days subsequent  
2 to the date of the injury, the employer and the employee or  
3 the beneficiary or beneficiaries, as the case may be, have  
4 the right to reach an agreement in regard to a claim for  
5 injury or death hereunder in accordance with the applicable  
6 schedule hereof, but a memorandum of the agreement in a form  
7 prescribed by the board shall be filed with the board. Other-  
8 wise, the agreement is void for any purpose. If approved by  
9 the board, the agreement is enforceable the same as an order  
10 or award of the board and discharges the liability of the  
11 employer for the compensation notwithstanding the provisions  
12 of secs. 130,160, and 245 of this chapter. The agreement  
13 shall be approved by the board only when the terms conform to  
14 the provisions of this chapter and, if it involves or is  
15 likely to involve permanent disability, the board may require  
16 an impartial medical examination and a hearing in order to  
17 determine whether or not to approve the agreement. The board  
18 may approve lump-sum settlements when it appears to be to the  
19 best interest of the employee or beneficiary or beneficiaries.  
20 [HOWEVER, IN DEATH CASES THE LUMP-SUM SETTLEMENTS SHALL BE  
21 APPROVED ONLY IN CASES WHERE THE DECEASED LEAVES A SURVIVING  
22 WIDOW OR DEPENDENT HUSBAND AND MORE THAN FIVE YEARS HAVE  
23 ELAPSED SINCE THE DATE OF THE EMPLOYEE'S DEATH.]

24 \* Sec. 3. AS 23.30.215 is repealed and re-enacted to read:

25           Sec. 23.30.215. COMPENSATION FOR DEATH. (a) If the  
26 injury causes death, the compensation is known as a death  
27 benefit and is payable in the following amounts to or for  
28 the benefit of the following persons:

29           (1) reasonable and necessary funeral expenses not

1       exceeding \$1,000;

2               (2) if there is a surviving wife or dependent  
3 husband, to the surviving wife or dependent husband 35 per  
4 cent of the average weekly wages of the deceased, during  
5 widowhood, or widowerhood with \$10,000 in one sum upon re-  
6 marriage, but total compensation not to exceed \$20,000 in the  
7 aggregate; if there is a surviving child or children of the  
8 deceased, the additional amount of 15 per cent of the average  
9 weekly wages for each child not to exceed 30 per cent of the  
10 average weekly wages, but the total amount payable to a  
11 widow or widower and children may in no case exceed 65 per  
12 cent of the average weekly wages, except as provided in (b)  
13 of this section;

14               (3) if there is one or more surviving children of  
15 the deceased, but no surviving wife or dependent husband,  
16 then for the support of the child or children 35 per cent of  
17 the average weekly wages of the deceased or until the child  
18 or children reach the age of 19.

19               (4) if there be no surviving wife or dependent  
20 husband or child or children, then for the support of grand-  
21 children or brothers and sisters, if dependent upon the  
22 deceased at the time of injury, 35 per cent of the average  
23 weekly wage of the deceased to such beneficiaries, share and  
24 share alike, not to exceed \$20,000 in the aggregate.

25               (b) In computing death benefits the average weekly wage  
26 of the deceased shall be computed under sec. 220 of this  
27 chapter and shall be paid in the same manner and subject to  
28 the same weekly maximum limitation in the aggregate as  
29 temporary total disability compensation under sec. 175(a) of

1 this chapter, but the total weekly compensation may not be  
2 less than \$45 for a widow or widower nor less than \$15  
3 weekly to a child or \$30 for children.

4 (c) All questions of dependency shall be determined as  
5 of the time of the injury, or death.

6 (d) Compensation under this chapter to aliens not  
7 residents (or about to become nonresidents) of the United  
8 States or Canada is the same in amount as provided for resi-  
9 dents, except that dependents in a foreign country are limited  
10 to surviving wife and child or children, or if there is no  
11 surviving wife and child or children, to surviving father or  
12 mother whom the employee has supported, either wholly or in  
13 part, for a period of one year before the date of injury.  
14 The board, at its option, or upon the application of the  
15 insurance carrier, may commute all future installments of  
16 compensation to be paid to an alien dependent who is not a  
17 resident of the United States or Canada by paying or causing  
18 to be paid to him one-half of the commuted amount of the  
19 future installments of compensation as determined by the board.

20 (e) The monetary limitations of this section notwith-  
21 standing, a surviving widow or widower who was dependent upon  
22 the deceased employee at the time of death and incapable of  
23 self-support by reason of mental or physical disability or  
24 otherwise not employable, as determined by the board, and  
25 who has not remarried shall continue to receive death benefits  
26 until death or such condition changes.

27 \* Sec. 4. AS 23.30.265(7) is amended to read:

28 (7) "child," "grandchild," "brother," and "sister,"  
29 include only persons who are under 19 [18] years of age and

1 persons who, though 19 [18] years of age or over, are wholly  
2 dependent upon the deceased employee and incapable of self-  
3 support by reason of mental or physical disability;

4 \* Sec. 5. This Act takes effect July 1, 1966.

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