

(6) Other Violations. Any person who violates any other provision of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed \$100.00.

Penalty for other violations.

Section 7. An emergency is hereby declared to exist, and this Act shall take effect from and after its date of passage and approval.

Emergency clause.

Approved March 24, 1953.

## CHAPTER 60

### AN ACT

[S. B. 64]

To supplement Title 43, Ch. 3, ACLA 1949, the Alaska Workmen's Compensation Act; amending Secs. 43-3-1, 43-3-2, 43-3-8 pertaining to coverage, benefits, care of injured workmen, and providing for rehabilitation.

*Be it enacted by the Legislature of the Territory of Alaska:*

Section 1. Section 43-3-1, of Chapter 3, ACLA 1949, is hereby amended to read as follows:

Section 43-3-1. EMPLOYMENTS COVERED: COMPENSATION ALLOWED: DEATH BENEFITS: TOTAL AND PERMANENT DISABILITY: PARTIAL PERMANENT DISABILITY: DISFIGUREMENT: TEMPORARY DISABILITY: LOSS OF MEMBERS: AMPUTATIONS: OTHER PERMANENT PARTIAL INJURIES: PAYMENTS TO SECOND INJURY FUND: FUND BENEFICIARIES: REFUND OF PAYMENTS TO FUND: INJURY CAUSING PERMANENT DISABILITY WHEN COMBINED WITH PREVIOUS DISABILITY. Any person, or persons, partnership, joint stock company, association or corporation, employing one or more employees in connection with any busi-

Employments covered.

## Exceptions.

ness, occupation, work, employment or industry, carried on in this Territory, including any department, agency or instrumentality of the Territorial Government, Municipality or Public Utility District, except domestic service, agriculture, dairying, or the operation of railroads as common carriers, shall be liable to pay compensation in accordance with the schedule herein adopted, to each of his, her, their or its employees who receives a personal injury arising out of and in the course of his or her employment or to the beneficiaries named herein, as the same are hereinafter designated and defined in all cases where the employee shall be so injured and such injuries shall result in his or her death.

## Compensation allowed.

A. COMPENSATION ALLOWED. The compensation to which such employee so injured, or, in case of his or her death, if death results from such injury, such beneficiaries shall be entitled, and for which such employer shall be legally liable, shall be as follows:

## Funeral expenses: maximum.

1. Reasonable funeral expenses not exceeding Three Hundred Fifty Dollars (\$350.00).

## Death benefit payable to spouse.

2. AMOUNT OF DEATH BENEFITS. In the event of the death of any such employee resulting from such injury, where such employee at the time of his death was married, the surviving spouse shall be entitled to receive the sum of Nine Thousand Dollars (\$9,000.00).

## Additional death benefits for children.

3. CHILDREN. In those cases where such married employee had a child or children under the age of eighteen (18) years at the time of his death, his widow shall be entitled to receive in addition to the sum above specified, the sum of One Thousand Eight Hundred Dollars (\$1,800.00) for each child under the age of eighteen

(18) years, or child wholly dependent on his or her parents for support by reason of mental or physical incompetency, or unborn or posthumous child, which such employee left at the time of his decease, but not to exceed in all the sum of Six Thousand Dollars (\$6,000.00) for such dependent children.

4. **DEPENDENT PARENTS.** In those cases where such employee left either father or mother or both, dependent upon him for support at the time of his death, the sum of One Thousand Eight Hundred Dollars (\$1,800.00) each shall be paid to such father or mother or both, in addition to the sum provided for and made payable to the widow. In no case, however, is the total sum to be paid hereunder to exceed the sum of Fifteen Thousand Dollars (\$15,000.00) and the payments to which the widow and children may be entitled shall be first paid out of said sum of Fifteen Thousand Dollars (\$15,000.00).

Additional death benefits for dependent parents.

Maximum total sum payable.

5. **WIDOWER WITH DEPENDENT MINORS: GUARDIAN.** In those cases where such deceased employee was a widower at the time of his death, but left one or more minor orphan children or child wholly dependent upon the deceased for support by reason of mental or physical incompetency, there shall be paid the sum of Nine Thousand Dollars (\$9,000.00), and the further sum of One Thousand Eight Hundred Dollars (\$1,800.00) for each additional orphan child under the age of eighteen (18) years provided the total amount paid shall not exceed Fifteen Thousand Dollars (\$15,000.00), and the Judge of the Probate Court of the precinct wherein such accident or injury occurred, shall appoint a guardian for all of said children, who shall be entitled to, and who shall be paid, the amount

Death benefits to dependent minor children of widower.

Maximum.

Guardian to be appointed.

Division of  
benefits.

specified in this paragraph, for the benefit of said orphan children, and shall divide Nine Thousand Dollars (\$9,000.00) thereof equally among such children and divide the surplus, if any, among the children under eighteen (18) years of age.

Non-resident  
non-citizen  
beneficiaries.

6. AMOUNTS PAID NON-RESIDENT NON-CITIZEN BENEFICIARIES. If such beneficiary or beneficiaries as described in subdivisions 1 to 5, inclusive, immediately preceding this subsection be neither resident or a citizen of the United States of America, then the amount due and payable to such beneficiary or beneficiaries shall be in amounts as follows:

Benefits to wife  
or minor children.

a. As to a wife or minor children, sixty per centum (60%) of the sums set forth in subdivisions 1 to 5 immediately preceding, and forty per centum (40%) to the second injury fund, for the sole benefit of those entitled to participate therein, as hereinafter provided.

Unmarried  
employee without  
children or  
dependents.

7. FUNERAL EXPENSES: PAYMENT TO SECOND INJURY FUND. In those case where such deceased employee was, at the time of his or her death unmarried, and leaves no children nor dependent father nor dependent mother, the employer shall be required to pay the funeral expenses of the deceased not to exceed the sum of Three Hundred Fifty Dollars (\$350.00) and in addition thereto shall pay to the second injury fund the sum of One Thousand Five Hundred Dollars (\$1,500.00), for the sole benefit of those entitled to participate therein, as hereinafter provided.

Second Injury  
Fund created.

SECOND INJURY FUND. There is hereby created a Second Injury Fund, to be administered by the Commissioner of Labor in accordance

with the orders and awards of the Alaska Industrial Board.

**B. TOTAL AND PERMANENT DISABILITY.** Where any such employee receiving an injury arising out of, and in the course of his or her employment, as the result of which he or she is totally or permanently disabled, he or she shall be entitled to receive compensation as follows:

Compensation payable for total or permanent disability.

1. **MARRIED PERSON.** If such employee was at the time of his injury married he shall be entitled to receive Fourteen Thousand Four Hundred Dollars (\$14,400.00).

Married employee.

2. **MINOR CHILDREN.** In those cases, where such employee was at the time of his injury, a widower, or was divorced, but had minor children, he shall receive the sum of Twelve Thousand Dollars( \$12,000.00), with an additional sum of One Thousand Eight Hundred Dollars (\$1,800.00) for each child below the age of eighteen (18) years, provided that the total sum to be paid such employee shall not in any case exceed the sum of Fifteen Thousand Dollars (\$15,000.00).

Widower or divorced employee with minor children.

Maximum payment.

3. **NO DEPENDENTS.** In those cases where such employee so injured at the time of his injury was unmarried, he shall receive the sum of Twelve Thousand Dollars (\$12,000.00).

Unmarried employee.

4. **DEPENDENT PARENT.** In those cases where such employee so injured at the time of his injury had a dependent mother or father, Fourteen Thousand Four Hundred Dollars (\$14,400.00).

Employee with dependent parent.

**C. PARTIAL PERMANENT DISABILITY.** Where any such employee receives an injury

Compensation payable for partial permanent disability.

arising out of, and in the course of his or her employment, resulting in his or her partial permanent disability, he or she shall be paid in accordance with the following schedule:

1. For the loss of a Thumb:  
One Thousand Eight Hundred Dollars (\$1,800.00).
  2. For the loss of an Index Finger:  
One Thousand Two Hundred Dollars (\$1,200.00).
  3. For the loss of any other finger than the Index Finger and Thumb:  
Five Hundred Dollars (\$500.00).
  4. For the loss of a Great Toe:  
Nine Hundred Dollars (\$900.00).
  5. For the loss of any other Toe other than the Great Toe:  
Three Hundred Dollars (\$300.00).
  6. For the loss of a Hand:  
Five Thousand Eight Hundred Dollars (\$5,800.00).
  7. For the loss of an Arm:  
Seven Thousand Two Hundred Dollars (\$7,200.00).
  8. For the loss of a Foot:  
Five Thousand Four Hundred Dollars (\$5,400.00).
  9. For the loss of a Leg:  
Seven Thousand Two Hundred Dollars (\$7,200.00).
  10. For the loss of an Eye:  
Five Thousand Six Hundred Dollars (\$5,600.00).
- Loss of Thumb.
- Loss of Index Finger.
- Loss of other Finger.
- Loss of Great Toe.
- Loss of other Toe
- Loss of Hand.
- Loss of Arm.
- Loss of Foot.
- Loss of Leg.
- Loss of Eye.

11. For the loss of hearing in one Ear:  
 One Thousand Five Hundred Dollars  
 (\$1,500.00).

Loss of hearing;  
 one Ear.

12. Compensation for permanent total loss  
 of use of a member shall be the same as for  
 the loss of such member.

Permanent total  
 loss constitutes  
 loss of member.

D. DISFIGUREMENT. The Industrial Board  
 may award proper and equitable compensation  
 for serious head, neck, facial, or other disfigure-  
 ment, not exceeding, however, the sum of Four  
 Thousand Dollars (\$4,000.00).

Compensation for  
 disfigurement.

E. TEMPORARY DISABILITY. For all in-  
 juries causing temporary disability, the em-  
 ployer shall pay the employee, during the period  
 of such disability, sixty-five per centum (65%)  
 of his daily average wages. Such compensation  
 for temporary total disability shall not exceed  
 the sum of Seventy-Five Dollars (\$75.00) per  
 week and such period of temporary total dis-  
 ability shall not exceed twenty-four months  
 from and after date of injury. And in all cases  
 where the injury develops or proves to be such  
 as to entitle the employee to compensation under  
 some provision in this schedule, relating to cases  
 other than temporary disability, the amount so  
 paid or due him shall be in addition to the amount  
 to which he shall be entitled under such pro-  
 vision in this schedule.

Payment for  
 temporary  
 disability.

Maximum  
 payment and  
 period.

Payment  
 additional.

Payment for such temporary disability shall  
 be made at the time compensation is customarily  
 paid for labor performed or services rendered at  
 the plant or establishment of the employer  
 liable therefor and not less than once a month  
 in any event.

Time of payment.

The average daily wage earning capacity of

Computation  
of daily wage  
earning capacity.

an injured employee in case of temporary disability shall be determined by his actual earnings if such actual earnings fairly and reasonably represent his daily wage earning capacity. If such earnings do not fairly and reasonably represent his daily wage earning capacity, the Industrial Board shall fix such daily wage earning capacity as shall be reasonable and have a due regard for the nature of his injury, the degree of temporary impairment, his usual employment and any other factor or circumstance in the case which may affect his capacity to earn wages in his temporary disabled condition.

Loss of members  
constitutes total  
and permanent  
disability.

F. LOSS OF MEMBERS AS TOTAL PERMANENT DISABILITY. The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or any two thereof, shall constitute total and permanent disability and be compensated according to the provisions of this Act with reference to total and permanent disability.

Amputations.

G. AMPUTATIONS. Amputation between the elbow and the wrist shall be considered equivalent to the loss of an arm, and amputation between the knee and ankle shall be considered equivalent to the loss of a leg.

Compensation for  
permanent partial  
disability not  
fully classified.

H. OTHER PERMANENT PARTIAL INJURIES. Whenever such employee receives an injury, arising out of and in the course of employment, as a result of which he or she is partially disabled, and the disability so received is such as to be permanent in character and such as not to come wholly within any of the specific cases for which provision is herein made, such employee shall be entitled to receive as compensation a sum which bears the same relation to the amount he or she would be entitled to

receive hereunder if he or she were totally and permanently disabled that the loss of earning capacity such employee by reason of the injury, bears to the earning capacity such employee would have had had he or she not been injured, the amount to be paid in no case to exceed Fourteen Thousand Four Hundred Dollars (\$14,400.00).

Maximum  
payment.

To illustrate: If said employee were of a class that would entitle him or her to Fourteen Thousand Four Hundred Dollars (\$14,400.00) under this schedule, if he or she were totally and permanently disabled, and his or her injury would be such as to reduce his or her earning capacity twenty-five per centum (25%), he or she would be entitled to receive Three Thousand Six Hundred Dollars (\$3,600.00), it being the amount that bears the same relation to Fourteen Thousand Four Hundred Dollars (\$14,400.00) that twenty-five per centum (25%) does to one hundred per centum (100%). Should such employee receive an injury that would impair his or her earning capacity seventy-five per centum (75%), he or she would be entitled to receive Ten Thousand Eight Hundred Dollars (\$10,800.00), it being the amount that bears the same relation to Fourteen Thousand Four Hundred Dollars (\$14,400.00) that seventy-five per centum (75%) does to one hundred per centum (100%).

Illustration.

#### I. PAYMENTS TO SECOND INJURY FUND.

Whenever an employee shall suffer a compensable injury which results in permanent partial disability the employer, or his insurance carrier, shall, in addition to the compensation provided for pay into the second injury fund a lump sum, equal to two per centum (2%) of the total compensation to which the employee is en-

Additional  
payment by  
employer to  
Second Injury  
Fund.

titled 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 Industrial Board.

Second Injury  
Fund  
beneficiaries.

J. SECOND INJURY FUND BENEFICIARIES. The sums required to be paid into the second injury fund shall be paid into said second injury fund of the Commissioner of Labor for the sole benefit of those entitled to participate therein under the provisions of Paragraphs L. and M. of this section, the same to be paid out by said Commissioner of Labor in accordance with the orders and awards of the Industrial Board.

Payment by Labor  
Commissioner.

K. REFUND OF PAYMENTS TO SECOND INJURY FUND. In case a deposit or payment has been made into such second injury fund, and it is later shown that there are other beneficiaries or that the beneficiaries designated are entitled to further or greater benefits, or, if deposits or payment has been made by mistake or inadvertence or under such circumstances that justice requires a refund thereof, the Industrial Board is hereby authorized to refund such deposit or payment.

Industrial Board  
may refund  
second injury  
fund payments.

L. INJURY CAUSING TOTAL PERMANENT DISABILITY WHEN COMBINED WITH PREVIOUS DISABILITY. In those cases where an employee receives an injury arising out of and in the course of his or her employment which, of itself, would cause only permanent partial disability but which, combined with a previous disability or injury, does in fact cause permanent total disability, the employer shall only be liable for the permanent partial dis-

Employer's  
liability for  
subsequent  
injury only.

ability caused by the subsequent injury; provided, however, that in addition to compensation for such permanent partial disability and after the cessation of the payments for the amounts prescribed therefor, the injured employee shall be paid the remainder of the compensation that would be due for permanent total disability out of the second injury fund hereinbefore created and provided.

M. The Industrial Board is authorized to direct and provide the vocational retraining and rehabilitation of permanently disabled persons, whose condition is the result of an injury compensable under the Act, by making cooperative arrangements with insurance carriers, private organizations and institutions or Territorial, State or Federal agencies. The expense of such retraining or rehabilitation shall be paid out of that portion of the Second Injury Fund as shall exceed the sum of Ten Thousand Dollars (\$10,000.00).

Rehabilitation of permanently disabled employees authorized.

Expenses payable from Second Injury Fund.

Such persons shall be entitled to receive compensation necessary for maintenance, during the period of retraining and rehabilitation, not exceeding Fifty Dollars (\$50.00) per month. Provided, however, that the total expenditure for additional compensation, treatment, instruction, and necessary transportation shall not exceed Three Thousand Dollars (\$3,000.00) for any one person.

Compensation during rehabilitation period.

Maximum payment per person.

N. TOTAL MAXIMUM LIABILITY. The maximum liability for death benefits, total permanent, partial and temporary compensation benefits, hospital and medical expenses, and miscellaneous expenses under this Act for any one death and/or injury shall not exceed the

Total maximum liability per person.

total sum of \$25,000.00.

Section 2. Section 43-3-2, of Chapter 3, ACLA 1949, is hereby amended to read as follows:

Section 43-3-2. TREATMENT AND CARE OF INJURED EMPLOYEES: DUTY AND LIABILITY OF EMPLOYER: DURATION: PREVAILING FEES: SELECTION OF PHYSICIANS, SURGEONS, CHIROPRACTORS, OSTEOPATHS AND HOSPITALS: AGGRAVATION OF INJURIES BY INCOMPETENCE OR NEGLIGENCE OF PHYSICIAN, SURGEON, CHIROPRACTOR OR OSTEOPATH: LIABILITY: RIGHT OF EMPLOYEE TO PROVIDE PHYSICIAN, SURGEON, CHIROPRACTOR OR OSTEOPATH. The employer shall promptly provide for an injured employee such medical, surgical, chiropractic, osteopathic or 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. The employer shall be liable for the payment of the expenses of medical, surgical, chiropractic, osteopathic or other attendance or treatment, nurse, and hospital service, medicine, crutches, and apparatus necessitated by the injury of an employee, 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. All fees and other charges for such treatment and services shall be limited to such charges as prevail in the same community for similar treatment of injured persons of a like standard of living. The employer shall have the exclusive right, and it shall be his duty to

Treatment and care to be furnished by employer.

Period covered.

Liability of employer for expenses of treatment and care.

select and furnish the necessary physicians, surgeons, chiropractors, osteopaths and hospitals and to that end he may enter into all necessary contracts with such physicians, surgeons, chiropractors, osteopaths and hospitals for the furnishing of such services and treatments. Provided, that if it be made to appear in any suit, action or proceeding brought against the employer that the injuries sustained by the employee were aggravated on account of the incompetence or neglect of the physician, surgeon, chiropractor or osteopath selected by the employer, it shall be prima facie evidence that the employer failed to use due care in the selection of such physician, surgeon, chiropractor or osteopath and in such case the employer and physician, surgeon, chiropractor or osteopath shall be jointly and separately liable for all damages resulting from such incompetence or neglect. Nothing contained in this section shall be construed to limit the right of the employee, to provide in any case, at his own expense, a consulting physician, surgeon, chiropractor or osteopath or any attending physician, surgeon, chiropractor or osteopath whom he may desire.

Employer to select persons to furnish treatment.

Incompetent treatment; liability.

Employee may furnish own treatment.

Section 3. Section 43-3-8, of Chapter 3, ACLA 1949, is hereby amended to read as follows:

Section 43-3-8. WHEN RIGHT TO COMPENSATION ACCRUES: PERIOD OF INCAPACITY: REPORT TO EMPLOYER: COMPENSATION NOT TO BE PAID PRIOR TO REPORT. No compensation shall be paid hereunder for any injury which does not incapacitate the employee from earning full wages for a period of at least three days in addition to the day on which the injury occurred, but if in-

When right to compensation accrues.

capacity extends beyond such period compensation shall commence on the third day after the injury. It shall be the duty of every person claiming compensation under the provisions of this Act for any injury sustained by him to make or cause to be made, a report thereof to his employer as soon as practicable after sustaining the same, and no compensation shall be paid prior to the day on which such report is made.

Report by  
employee to  
employer re-  
quired before  
payment.

Section 4. The Labor Commissioner shall, upon receipt of notification of payments being made to an injured employee, promptly notify the Employment Security Commission of Alaska at its offices at Juneau of the dates of payment of compensation to all injured employees covered by this Act, and the names of the employees. The notification shall be in writing and a record of such payments shall be kept on file in the office of the Labor Commissioner and Industrial Board and in the office of the Employment Security Commission at Juneau.

Report to  
Employment  
Security  
Commission.

## CHAPTER 61

### AN ACT

[S. B. 1]

Placing a bounty on Wolverines; providing certain regulations; prescribing penalties; and authorizing an appropriation.

*Be it enacted by the Legislature of the Territory of Alaska:*

Section 1. BOUNTY DECLARED: AMOUNT AND PAYMENT. There is hereby placed upon every wild wolverine legally taken after July 1, 1953 within the Territory of Alaska a bounty of \$15.00 to be paid in accordance with the provisions hereof.

Bounty on  
wolverines:  
amount.

Section 2. AFFIDAVIT AND CLAIM FOR BOUNTY. To obtain such bounty, the person killing the wolverine within the Territory shall submit a claim in the form