



LAWS OF ALASKA

1966

Source:

CSHB 296

Chapter No.:

99

AN ACT

Providing for benefits to the beneficiaries of workmen suffering industrial deaths under the workmen's compensation act; and providing for an effective date.

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

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

(b) If an employee suffers 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 five per cent of the total compensation to which the employee is entitled for the permanent partial disability, as soon as the total amount of the permanent partial disability payable for the particular injury is determined by the board. If an employee suffers death under this chapter and is at the time of his death unmarried, and leaves no children or dependents, the employer is required to pay to the second injury fund the sum of \$5,000 for the sole benefit of those entitled to participation as provided in this chapter. The provision of this subsection shall be waived in and during any calendar year when the unencumbered

balance on January 1 in the second injury fund is equal to or exceeds the sum of \$200,000.

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

(b) At any time after death, or after 30 days subsequent to the date of the injury, the employer and the employee or the beneficiary or beneficiaries, as the case may be, have the right to reach an agreement in regard to a 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 agreement is void for any purpose. If approved by the board, the agreement is enforceable the same as an order or award of the board and discharges the liability of the employer for the compensation notwithstanding the provisions of secs. 130, 160 and 245 of this chapter. The agreement shall be approved by the board only when the terms conform to the provisions of this chapter 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.

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 AS 23.30.215 is repealed and re-enacted to read:

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

(1) reasonable and necessary funeral expenses not

exceeding \$1,000;

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

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

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

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

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

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

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

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

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

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

persons who, though 19 years of age or over, are wholly dependent upon the deceased employee and incapable of self-support by reason of mental or physical disability;
* Sec. 5. This Act takes effect July 1, 1966.