

1 IN THE HOUSE

BY THE COMMITTEE ON
LABOR AND MANAGEMENT

2

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 148

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

A BILL

6 For an Act entitled: "An Act authorizing certain amounts to be
7 paid employee by the employer when the em-
8 ployee suffers temporary total or partial
9 disability; limiting payments to an em-
10 ployee for a period not to exceed 24 months
11 from the date of injury; extending the time
12 within which to present a claim for an in-
13 jury under the Workmen's Compensation Law;
14 amending Sec. 43-3-1, ACLA 1949, as amended
15 by Ch. 60, SLA 1953, as amended by Ch. 141,
16 SLA 1955; and Sec. 43-3-4, ACLA 1949."

17 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

18 Section 1. Sec. E of Sec. 43-3-1, ACLA 1949, as amended by
19 Ch. 60, SLA 1953, as amended by Ch. 141, SLA 1955, is hereby
20 further amended to read as follows:

21 E. TEMPORARY DISABILITY. For all injuries causing
22 temporary total disability, the employer shall pay the
23 employee, during the period of such disability, sixty-five
24 per centum (65%) of his daily [AVERAGE] wage [S.] earned
25 the date the injury occurred but in no event shall [S] such
26 compensation for temporary total disability [SHALL NOT]
27 exceed the sum of \$100 per week. [AND S]Such compensation
28 shall be paid for and within a period of [TEMPORARY TOTAL
29 DISABILITY SHALL NOT EXCEED] not to exceed twenty-four months

1 from and after the date of injury.

2 For all injuries causing temporary partial disability
3 the Board shall fix the compensation to be paid by the em-
4 ployer to the injured employee during the period of dis-
5 ability and such compensation shall not exceed sixty per
6 centum (60%) of his daily wage earned the date the injury
7 occurred but in no event shall such compensation exceed
8 Ninety-five Dollars (\$95.00) per week. Such compensation
9 shall be paid for and within a period not to exceed twenty-
10 four months from and after the date of injury. And in all
11 cases, other than those relating to temporary disability,
12 where the injury develops or proves to be such as to entitle
13 the employee to compensation under some other provision in
14 this Act, the amount so paid or due him under the provision
15 in this schedule shall be in addition to the amount to which
16 he is otherwise entitled. [AND IN ALL CASES WHERE THE IN-
17 JURY DEVELOPE OR PROVES TO BE SUCH AS TO ENTITLE THE EMPLOYEE
18 TO COMPENSATION UNDER SOME PROVISION IN THIS SCHEDULE, RE-
19 LATING TO CASES OTHER THAN TEMPORARY DISABILITY, THE AMOUNT
20 SO PAID OR DUE HIM SHALL BE IN ADDITION TO THE AMOUNT TO
21 WHICH HE SHALL BE ENTITLED UNDER SUCH PROVISION IN THIS
22 SCHEDULE.]

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

28 [THE AVERAGE DAILY WAGE EARNING CAPACITY OF AN INJURED
29 EMPLOYEE IN CASE OF TEMPORARY DISABILITY SHALL BE DETERMINED

1 BY HIS ACTUAL EARNINGS IF SUCH ACTUAL EARNINGS FAIRLY AND
2 REASONABLY REPRESENT HIS DAILY WAGE EARNING CAPACITY. IF
3 SUCH EARNINGS DO NOT FAIRLY AND REASONABLY REPRESENT HIS
4 DAILY WAGE EARNING CAPACITY, THE INDUSTRIAL BOARD SHALL FIX
5 SUCH DAILY WAGE EARNING CAPACITY AS SHALL BE REASONABLE AND
6 HAVE A DUE REGARD FOR THE NATURE OF HIS INJURY, THE DEGREE
7 OF TEMPORARY IMPAIRMENT, HIS USUAL EMPLOYMENT AND ANY OTHER
8 FACTOR OR CIRCUMSTANCE IN THE CASE WHICH MAY AFFECT HIS
9 CAPACITY TO EARN WAGES IN HIS TEMPORARY DISABLED CONDITION.]

10 Sec. 2. Sec. 43-3-4, ACLA 1949, is hereby amended to read
11 as follows:

12 Sec. 43-3-4. MODIFICATION OF COMPENSATION: CONTINUING
13 JURISDICTION: EFFECT OF REVIEW UPON MONEYS ALREADY PAID;
14 LIMITATION OF TIME. If an injured employee is entitled to
15 compensation under any subdivision or part of this schedule,
16 and it shall afterwards develop that he or she is or was en-
17 titled to a higher rate of compensation under same or some
18 other part of subdivision of this schedule, then and in that
19 event he or she shall receive such higher rate, after first
20 deducting the amount that has already been paid him or her.
21 To that end the Industrial Board is hereby given and granted
22 continuing jurisdiction of every claim, and said Board may,
23 at any time and upon its own motion or on application, re-
24 view any agreement, award, decision or order, and, on such
25 review, may make an order or award ending, diminishing or in-
26 creasing the compensation previously awarded, ordered, or
27 agreed to, subject to the maximum or minimum provided in
28 this Act. No such review shall affect such award, order or
29 settlement as regards any moneys already paid, except that

1 an award or order increasing the compensation rate may be
2 made effective from date of injury, and except that if any
3 part of the compensation due or to become due is unpaid an
4 award or order decreasing the compensation rate may be made
5 effective from the date of injury, and any payments made prior
6 thereto in excess of such decreased rate shall be deducted
7 from any unpaid compensation, in such manner and by such
8 methods as may be determined by the Industrial Board; pro-
9 vided, however, that no compensation under such increased
10 rate shall be paid unless the disability entitling the em-
11 ployee thereto shall develop and claim be presented within
12 five (5) [THREE (3)] years after the injury.

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