

Introduced: 2/7/75  
Referred: Labor & Management

BY SENATORS WILLIS, CROFT, CHANCE,  
MILLER, RODEY AND SACKETT

1 IN THE SENATE

2 *CS* SENATE BILL NO. 146 *am H*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to weekly rate and amounts payable  
7 for workmen's compensation."

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

9 \* Section 1. AS 23.30.155(1) is repealed.

10 \* Sec. 2. AS 23.30.175 is amended to read:

11 Sec. 23.30.175. RATES OF COMPENSATION. (a) The weekly rate  
12 of compensation for disability or death may not exceed 100 per cent  
13 of the state average weekly wage as determined by the commissioner  
14 under (b) of this section [COMPENSATION FOR TEMPORARY DISABILITY,  
15 PERMANENT PARTIAL DISABILITY OR PERMANENT TOTAL DISABILITY MAY NOT  
16 EXCEED \$175 A WEEK] and may not be less than \$65 a week. If the  
17 employee's average weekly wages, as computed under sec. 220 of this  
18 chapter, are less than \$65 a week, he shall receive as compensation  
19 for his disability his average weekly wages.

20 (b) As soon as practicable after June 30 of each year, and before  
21 October 1 of each year, the commissioner shall determine the state  
22 average weekly wage for the three consecutive calendar quarters ending  
23 June 30. This determination is the applicable state average weekly  
24 wage for the period beginning with October 1 of that year and ending  
25 September 30 of the next year. The initial determination under this  
26 subsection shall be made as soon as practicable after the effective  
27 date of this subsection.

28 \* Sec. 3. AS 23.30.180 is amended to read:

29 Sec. 23.30.180. PERMANENT TOTAL DISABILITY. In case of total

1 disability adjudged to be permanent 66-2/3 [65] per cent of the  
2 injured employee's average weekly wages shall be paid to the employee  
3 during the continuance of the total disability. Loss of both hands,  
4 or both arms, or both feet, or both legs, or both eyes, or of any two  
5 of them, in the absence of conclusive proof to the contrary, consti-  
6 tutes permanent total disability. In all other cases permanent total  
7 disability is determined in accordance with the facts.

8 \* Sec. 4. AS 23.30.185 is amended to read:

9 Sec. 23.30.185. COMPENSATION FOR TEMPORARY TOTAL DISABILITY. In  
10 case of disability total in character but temporary in quality, 66-2/3  
11 [65] per cent of the injured employee's average weekly wages shall  
12 be paid to the employee during the continuance of the disability.

13 \* Sec. 5. AS 23.30.190 is amended to read:

14 Sec. 23.30.190. COMPENSATION FOR PERMANENT PARTIAL DISABILITY.  
15 In case of disability partial in character but permanent in quality  
16 the compensation is 66-2/3 [65] per cent of the injured employee's  
17 average weekly wages in addition to compensation for temporary total  
18 disability or temporary partial disability paid in accordance with  
19 secs. 185 or 200 of this chapter, respectively, and shall be paid to  
20 the employee as follows:

- 21 (1) arm lost, 280 weeks compensation [, NOT TO EXCEED  
22 \$21,840];
- 23 (2) leg lost, 248 weeks compensation [, NOT TO EXCEED  
24 \$20,160];
- 25 (3) hand lost, 212 weeks compensation [, NOT TO EXCEED  
26 \$16,800];
- 27 (4) foot lost, 173 weeks compensation [, NOT TO EXCEED  
28 \$14,350];
- 29 (5) eye lost, 140 weeks compensation [, NOT TO EXCEED

1 \$11,200];

2 (6) thumb lost, 51 weeks compensation [, NOT TO EXCEED  
3 \$5,200];

4 (7) first finger lost, 28 weeks compensation [, NOT TO EXCEED  
5 \$3,220];

6 (8) great toe lost, 26 weeks compensation [, NOT TO EXCEED  
7 \$2,660];

8 (9) second finger lost, 18 weeks compensation [: \$2,100];  
9 third finger lost, 18 weeks compensation [: \$1,750];

10 (10) toe other than great toe lost, 8 weeks compensation  
11 [, NOT TO EXCEED \$1,120];

12 (11) fourth finger lost, 7 weeks compensation [, NOT TO  
13 EXCEED \$1,050];

14 (12) loss of hearing of one ear, 52 weeks compensation [, NOT  
15 EXCEEDING \$3,640]; loss of hearing of both ears, 200 weeks compensation  
16 [, NOT TO EXCEED \$14,000];

17 (13) compensation for loss of more than one phalange of a  
18 digit shall be the same as for loss of the entire digit; compensation  
19 for loss of the first phalange is one-half of the compensation for  
20 loss of the entire digit;

21 (14) amputation between the elbow and the wrist is considered  
22 equivalent to the loss of an arm, and amputation between the knee and  
23 ankle is considered equivalent to the loss of a leg;

24 (15) compensation for loss of binocular vision or for 80 per  
25 cent or more of the vision of an eye is the same as for loss of the eye;

26 (16) compensation for loss of two or more digits, or one  
27 or more phalanges of two or more digits of a hand or foot may be pro-  
28 portioned to the resulting loss of use of the injured hand or foot,  
29 but may not exceed the compensation for loss of a hand or foot;

1 (17) compensation for permanent total loss of use of a member  
2 is the same as for loss of the member;

3 (18) compensation for permanent partial loss or loss of use  
4 of a member may be proportionate loss or loss of use of the member;

5 (19) in addition to other allowable compensation, the board  
6 shall award proper and equitable compensation up to \$10,000 for

7 (A) serious disfigurement of face, head and, when  
8 such disfigurement is likely to handicap the employee in securing  
9 or holding employment, for serious disfigurement of neck or limbs  
10 normally exposed, or

11 (B) partial or total loss of or loss of use of a part  
12 or function of the body not otherwise provided for under this  
13 section;

14 (20) in all other cases in this class of disability the  
15 compensation is  $66\frac{2}{3}$  [65] per cent of the difference between his  
16 average weekly wages and his wage earning capacity after the injury in  
17 the same employment or otherwise, payable during the continuance of  
18 the partial disability, but subject to reconsideration of the degree  
19 of the impairment by the board on its own motion or upon application  
20 of a party in interest; whenever the board determines that it is in the  
21 interest of justice, the liability of the employer for compensation, or  
22 any part of it as determined by the board, may be discharged by the  
23 payment of a lump sum;

24 (21) in a case in which there is a loss of, or loss of use of  
25 more than one member or parts of more than one member set out in (1) -  
26 (18) of this section, not amounting to permanent total disability, the  
27 award of compensation is for the loss of, or loss of use of, each  
28 member or part of the member, which awards shall run consecutively,  
29 except that where the injury affects only two or more digits of the

1 same hand or foot, (16) of this section applies.

2 \* Sec. 6. AS 23.30.200 is amended to read:

3 Sec. 23.30.200. TEMPORARY PARTIAL DISABILITY. In case of  
4 temporary partial disability resulting in decrease of earning capacity  
5 the compensation shall be 66-2/3 [65] per cent of the difference between  
6 the injured employee's average weekly wages before the injury and his  
7 wage earning capacity after the injury in the same or another employ-  
8 ment, to be paid during the continuance of the disability, but not  
9 to be paid for more than five years.

10 \* Sec. 7. AS 23.30.215(2)(A) is amended to read:

11 (A) 66-2/3 [60] per cent for the widow or widower  
12 with no children;

13 \* Sec. 8. AS 23.30.215(2)(E) is amended to read:

14 (E) 66-2/3 [30] per cent for an only child when there  
15 is no widow or widower;

16 \* Sec. 9. AS 23.30.215(2)(F) is amended to read:

17 (F) 33-1/3 [25] per cent for each child if there are  
18 two children and no widow or widower;

19 \* Sec. 10. AS 23.30.215(2)(G) is amended to read:

20 (G) 66-2/3 [66] per cent, divided equally, if there  
21 are three or more children and no widow or widower;

22 \* Sec. 11. AS 23.30.215(3) is amended to read:

23 (3) if the widow or widower remarries, she or he is entitled  
24 to two years compensation [\$15,000] in one sum; [HOWEVER, TOTAL COMPEN-  
25 SATION MAY NOT EXCEED \$75,000;]

26 \* Sec. 12. AS 23.30.215(b) is amended to read:

27 (b) In computing death benefits the average weekly wage of the  
28 deceased shall be computed under sec. 220 of this chapter and shall be  
29 paid in the same manner and subject to the same weekly maximum limita-

1 tion in the aggregate as temporary total disability compensation [UNDER  
2 SEC. 175(a) OF THIS CHAPTER], but the total weekly compensation may  
3 not be less than \$45 for a widow or widower nor less than \$15 weekly  
4 to a child or \$30 for children.  
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