

Offered: 3/27/75
Referred: Rules

1 IN THE SENATE

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

2 CS FOR SENATE BILL NO. 146

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 AS 23.30.155(1) is repealed.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 the percentage
13 of the state average weekly wage as determined by the table contained
14 in this subsection [COMPENSATION FOR TEMPORARY DISABILITY, PERMANENT
15 PARTIAL DISABILITY OR PERMANENT TOTAL DISABILITY MAY NOT EXCEED \$175 A
16 WEEK] and may not be less than \$65 a week. If the employee's average
17 weekly wages, as computed under sec. 220 of this chapter, are less than
18 \$65 a week, he shall receive as compensation for his disability his
19 average weekly wages.

	<u>After</u>	<u>The Rate Shall Be</u>
21	July 1, 1975	80 per cent of the state's average weekly wage
22	July 1, 1976	100 per cent of the state's average weekly wage
23	July 1, 1977	133.3 per cent of the state's average weekly wage
24	July 1, 1979	166.6 per cent of the state's average weekly wage
25	July 1, 1981	200 per cent of the state's average weekly wage

26 (b) As soon as practicable after June 30 of each year, and before
27 October 1 of each year, the commissioner shall determine the state
28 average weekly wage for the three consecutive calendar quarters ending
29 June 30. This determination is the applicable state average weekly

1 wage for the period beginning with October 1 of that year and ending
2 September 30 of the next year. The initial determination under this
3 subsection shall be made as soon as practicable after the effective
4 date of this subsection.

5 * Sec. 3. AS 23.30.180 is amended to read:

6 Sec. 23.30.180. PERMANENT TOTAL DISABILITY. In case of total
7 disability adjudged to be permanent 66-2/3 [65] per cent of the
8 injured employee's average weekly wages shall be paid to the employee
9 during the continuance of the total disability. Loss of both hands,
10 or both arms, or both feet, or both legs, or both eyes, or of any two
11 of them, in the absence of conclusive proof to the contrary, consti-
12 tutes permanent total disability. In all other cases permanent total
13 disability is determined in accordance with the facts.

14 * Sec. 4. AS 23.30.185 is amended to read:

15 Sec. 23.30.185. COMPENSATION FOR TEMPORARY TOTAL DISABILITY. In
16 case of disability total in character but temporary in quality, 66-2/3
17 [65] per cent of the injured employee's average weekly wages shall
18 be paid to the employee during the continuance of the disability.

19 * Sec. 5. AS 23.30.190 is amended to read:

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

27 (1) arm lost, 280 weeks compensation, not to exceed \$43,680
28 [\$21,840];

29 (2) leg lost, 248 weeks compensation, not to exceed \$40,320

1 [\$20,160];

2 (3) hand lost, 212 weeks compensation, not to exceed \$33,600
3 [\$16,800];

4 (4) foot lost, 173 weeks compensation, not to exceed \$28,700
5 [\$14,350];

6 (5) eye lost, 140 weeks compensation, not to exceed \$22,400
7 [\$11,200];

8 (6) thumb lost, 51 weeks compensation, not to exceed \$10,400
9 [\$5,200];

10 (7) first finger lost, 28 weeks compensation, not to exceed
11 \$6,440 [\$3,220];

12 (8) great toe lost, 26 weeks compensation, not to exceed
13 \$5,320 [\$2,660];

14 (9) second finger lost, 18 weeks compensation, not to exceed
15 \$4,200 [: \$2,100]; third finger lost, 18 weeks compensation, not to
16 exceed \$3,500 [: \$1,750];

17 (10) toe other than great toe lost, 8 weeks compensation, not
18 to exceed \$2,240 [\$1,050];

19 (11) fourth finger lost, 7 weeks compensation, not to exceed
20 \$2,100 [\$1,050];

21 (12) loss of hearing of one ear, 52 weeks compensation, not
22 exceeding \$7,280 [\$3,640]; loss of hearing of both ears, 200 weeks
23 compensation, not to exceed \$28,000 [\$14,000];

24 (13) compensation for loss of more than one phalange of a
25 digit shall be the same as for loss of the entire digit; compensation
26 for loss of the first phalange is one-half of the compensation for
27 loss of the entire digit;

28 (14) amputation between the elbow and the wrist is considered
29 equivalent to the loss of an arm, and amputation between the knee and

1 ankle is considered equivalent to the loss of a leg;

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

4 (16) compensation for loss of two or more digits, or one
5 or more phalanges of two or more digits of a hand or foot may be pro-
6 portioned to the resulting loss of use of the injured hand or foot,
7 but may not exceed the compensation for loss of a hand or foot;

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

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

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

14 (A) serious disfigurement of face, head and, when
15 such disfigurement is likely to handicap the employee in securing
16 or holding employment, for serious disfigurement of neck or limbs
17 normally exposed, or

18 (B) partial or total loss of or loss of use of a part
19 or function of the body not otherwise provided for under this
20 section;

21 (20) in all other cases in this class of disability the
22 compensation is 66-2/3 [65] per cent of the difference between his
23 average weekly wages and his wage earning capacity after the injury in
24 the same employment or otherwise, payable during the continuance of
25 the partial disability, but subject to reconsideration of the degree
26 of the impairment by the board on its own motion or upon application
27 of a party in interest; whenever the board determines that it is in the
28 interest of justice, the liability of the employer for compensation, or
29 any part of it as determined by the board, may be discharged by the

1 payment of a lump sum;

2 (21) in a case in which there is a loss of, or loss of use of
3 more than one member or parts of more than one member set out in (1) -
4 (18) of this section, not amounting to permanent total disability, the
5 award of compensation is for the loss of, or loss of use of, each
6 member or part of the member, which awards shall run consecutively,
7 except that where the injury affects only two or more digits of the
8 same hand or foot, (16) of this section applies.

9 * Sec. 6. AS 23.30.200 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

5 (b) In computing death benefits the average weekly wage of the
6 deceased shall be computed under sec. 220 of this chapter and shall be
7 paid in the same manner and subject to the same weekly maximum limita-
8 tion in the aggregate as temporary total disability compensation [UNDER
9 SEC. 175(a) OF THIS CHAPTER], but the total weekly compensation may
10 not be less than \$45 for a widow or widower nor less than \$15 weekly
11 to a child or \$30 for children.
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29