

Offered: 3/27/75
Referred: Rules

BY THE LABOR & MANAGEMENT
COMMITTEE

1 IN THE SENATE

2

CS FOR SENATE BILL NO. 146 am H

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

NINTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act relating to weekly rate and amounts payable

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for workmen's compensation; and providing for an effective

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date."

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

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 AS 23.30.155(1) is repealed.

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

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Sec. 23.30.175. RATES OF COMPENSATION. (a) The weekly rate

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of compensation for disability or death may not exceed the percentage

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of the state average weekly wage as determined by the table contained

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in this subsection [COMPENSATION FOR TEMPORARY DISABILITY, PERMANENT

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PARTIAL DISABILITY OR PERMANENT TOTAL DISABILITY MAY NOT EXCEED \$175 A

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WEEK] and may not be less than \$65 a week. If the employee's average

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weekly wages, as computed under sec. 220 of this chapter, are less than

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\$65 a week, he shall receive as compensation for his disability his

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average weekly wages.

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On

The Rate Shall Be

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July 1, 1975 80 per cent of the state's average weekly wage

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January 1, 1976 100 per cent of the state's average weekly wage

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January 1, 1977 133.3 per cent of the state's average weekly wage

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January 1, 1979 166.6 per cent of the state's average weekly wage

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January 1, 1981 200 per cent of the state's average weekly wage

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(b) As soon as practicable after June 30 of each year, and before

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December 15 of each year, the commissioner shall determine the state

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average weekly wage for the three consecutive calendar quarters ending

1 June 30. This determination is the applicable state average weekly
2 wage for the annual period beginning with January 1 of the next year and
3 ending December 31. The initial determination under this subsection
4 shall be made as soon as practicable after the effective date of this
5 subsection.

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

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

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

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

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

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

28 (1) arm lost, 280 weeks compensation, not to exceed \$43,680
29 [\$21,840];

1 (2) leg lost, 248 weeks compensation, not to exceed \$40,320
2 [\$20,160];

3 (3) hand lost, 212 weeks compensation, not to exceed \$33,600
4 [\$16,800];

5 (4) foot lost, 173 weeks compensation, not to exceed \$28,700
6 [\$14,350];

7 (5) eye lost, 140 weeks compensation, not to exceed \$22,400
8 [\$11,200];

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

11 (7) first finger lost, 28 weeks compensation, not to exceed
12 \$6,440 [\$3,220];

13 (8) great toe lost, 26 weeks compensation, not to exceed
14 \$5,320 [\$2,660];

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

18 (10) toe other than great toe lost, eight [8] weeks compensa-
19 tion, not to exceed \$2,240 [\$1,120];

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

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

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

29 (14) amputation between the elbow and the wrist is considered

1 equivalent to the loss of an arm, and amputation between the knee and
2 ankle is considered equivalent to the loss of a leg;

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

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

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

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

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

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

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

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

1 any part of it as determined by the board, may be discharged by the
2 payment of a lump sum;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 * Sec. 13. This Act takes effect immediately in accordance with AS 01.10-
14 070(c).