

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 446

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; and providing for an
8 effective date."

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

10 * Section 1. AS 23.30.155(1) is amended to read:

11 (1) The total compensation payable under this chapter for
12 injuries may in no event exceed the sum of \$50,000 [\$30,000]. This
13 subsection does not apply to cases of permanent total disability or
14 death. In a case of disability compensable under sec. 190(20) of this
15 chapter, the total compensation for that disability, and for a temporary
16 total disability or temporary partial disability sustained in addition
17 to it, may not exceed in the aggregate the sum of \$50,000 [\$30,000].

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

19 Sec. 23.30.175. RATES OF COMPENSATION. Before July 1, 1976,
20 compensation [COMPENSATION] for temporary disability, permanent partial
21 disability or permanent total disability may not exceed \$225 [\$175] a
22 week and may not be less than \$65 a week. After June 30, 1976, this
23 compensation may not exceed \$250 a week. If the employee's average
24 weekly wages, as computed under sec. 220 of this chapter, are less
25 than \$65 a week, he shall receive as compensation for his disability
26 his average weekly wages.

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

28 Sec. 23.30.180. PERMANENT TOTAL DISABILITY. In case of total
29 disability adjudged to be permanent 66-2/3 [65] per cent of the

1 injured employee's average weekly wages shall be paid to the employee
2 during the continuance of the total disability. Loss of both hands,
3 or both arms, or both feet, or both legs, or both eyes, or of any two
4 of them, in the absence of conclusive proof to the contrary, constitutes
5 permanent total disability. In all other cases permanent total dis-
6 ability is determined in accordance with the facts.

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

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

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

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

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

22 (2) leg lost, 248 weeks compensation, not to exceed \$40,320
23 [\$20,160];

24 (3) hand lost, 212 weeks compensation, not to exceed \$33,600
25 [\$16,800];

26 (4) foot lost, 173 weeks compensation, not to exceed \$28,700
27 [\$14,350];

28 (5) eye lost, 140 weeks compensation, not to exceed \$22,400
29 [\$11,200];

1 (6) thumb lost, 51 weeks compensation, not to exceed \$10,400
2 [\$5,200];

3 (7) first finger lost, 28 weeks compensation, not to exceed
4 \$6,440 [\$3,220];

5 (8) great toe lost, 26 weeks compensation, not to exceed
6 \$5,320 [\$2,660];

7 (9) second finger lost, 18 weeks compensation, not to exceed
8 \$4,200 [: \$2,100]; third finger lost, 18 weeks compensation, not to
9 exceed \$3,500 [: \$1,750];

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

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

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

27 (16) compensation for loss of two or more digits, or one or
28 more phalanges of two or more digits of a hand or foot may be propor-
29 tioned to the resulting loss of use of the injured hand or foot, but

1 may not exceed the compensation for loss of a hand or foot;

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

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

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

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

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

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

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

1 except that where the injury affects only two or more digits of the
2 same hand or foot, (16) of this section applies.

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

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

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

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

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

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

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

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

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

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

23 * Sec. 11. AS 23.30.215(b) is amended to read:

24 (b) In computing death benefits the average weekly wage of the
25 deceased shall be computed under sec. 220 of this chapter and shall be
26 paid in the same manner and subject to the same weekly maximum limita-
27 tion in the aggregate as temporary total disability compensation under
28 sec. 175[(a)] of this chapter, but the total weekly compensation may
29 not be less than \$45 for a widow or widower nor less than \$15 weekly

1 to a child or \$30 for children.

2 * Sec. 12. This Act takes effect immediately in accordance with AS 01.-
3 10.070(c).