

Original sponsor: Rules Committee by  
request of the Legislative Council  
Subcommittee on Workmen's Compensation

Offered: 4/30/76  
For Today's Supplemental  
Calendar

1 IN THE SENATE

BY THE RULES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 569(Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to workmen's compensation."

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

8 \* Section 1. AS 21.39 is amended by adding a new section to read:

9 Sec. 21.39.155. ASSIGNED RISK POOL. (a) The director may require  
10 carriers, as a condition of writing a line of insurance dealing with  
11 workmen's compensation, to participate in an assigned risk pool if the  
12 director finds that mandatory carrier participation is in the public  
13 interest.

14 (b) The assigned risk pool and the procedures to be followed in  
15 administering the pool shall be established by regulation.

16 \* Sec. 2. AS 23.30.130(a) is amended to read:

17 (a) Upon its own initiative, or upon the application of any party  
18 in interest on the ground of a change in conditions, including, for the  
19 purposes of sec. 175 of this chapter, a change in residence, or because  
20 of a mistake in its determination of a fact, the board may, before one  
21 year after the date of the last payment of compensation, whether or not  
22 a compensation order has been issued, or before one year after the  
23 rejection of a claim, review a compensation case in accordance with  
24 the procedure prescribed in respect of claims in sec. 110 of this  
25 chapter. In accordance with sec. 110 of this chapter the board may  
26 issue a new compensation order which terminates, continues, reinstates,  
27 increases, or decreases the compensation, or award compensation.

28 \* Sec. 3. AS 23.30.172 is amended to read:

29 Sec. 23.30.172. BENEFIT ADJUSTMENTS. Benefits for temporary total



1 ending June 30. This determination is the applicable Alaska [STATE]  
2 average weekly wage for the annual period beginning with January 1 of  
3 the next year and ending December 31. The initial determination under  
4 this subsection shall be made as soon as practicable after May 22, 1975.  
5 The average weekly wage calculation for Alaska shall be based on the  
6 wages of all employees in the state, both public and private, who are  
7 covered by this chapter [THE EFFECTIVE DATE OF THIS SUBSECTION].

8 \* Sec. 5. AS 23.30.175 is amended by adding new subsections to read:

9 (c) For the purposes of determining the average weekly wage of  
10 a state other than Alaska, the commissioner shall adopt the average  
11 weekly wage as computed and published by the state agency responsible  
12 for administering the workmen's compensation laws of that state. For  
13 those states in which no such figure is published, the commissioner  
14 shall adopt the average weekly wage for that state as published by the  
15 United States Secretary of Labor for the purposes of the Longshoremen's  
16 and Harbor Workers' Compensation Act (P.L. 69-803; 44 Stat. 1424; 33  
17 U.S.C. 901 et seq.). The average weekly wage as calculated for all  
18 states shall be made available to the public.

19 (d) For a recipient who resides in a state other than Alaska, the  
20 weekly rate of compensation shall be the weekly grant he would have  
21 received if he resided in Alaska times the ratio of the average weekly  
22 wage of the state in which he resides and the average weekly wage of  
23 Alaska. For the purposes of this chapter, absence from Alaska for a  
24 continuous period of more than 90 days creates a rebuttable presumption  
25 of nonresidential status; however, this presumption does not arise if  
26 the absence from Alaska is for medical or rehabilitation services.

27 (e) For a recipient who resides in a jurisdiction other than a  
28 state as defined in (f) of this section, the weekly rate of compensation  
29 shall be the weekly grant he would have received if he resided in Alaska.

1 times the ratio of the average weekly wage of the jurisdiction in which  
2 he resides, as determined by the commissioner, and the average weekly  
3 wage of Alaska.

4 (f) In this section "state" means a state of the United States,  
5 the District of Columbia, Puerto Rico, the Virgin Islands, American  
6 Samoa, Guam, and the Trust Territory of the Pacific Islands.

7 \* Sec. 6. AS 23.30.215(a) is repealed and re-enacted to read:

8 (a) If the injury causes death, the compensation is known as a  
9 death benefit and is payable as follows:

10 (1) reasonable and necessary funeral expenses not exceeding  
11 \$1,000;

12 (2) if there is a widow or widower or a child or children of  
13 the deceased, the following percentages of the average weekly wage of  
14 the deceased shall be paid, but in no case may the compensation exceed  
15 66 2/3 per cent of the average weekly wage, except as provided in (b) of  
16 this section and (5) of this subsection:

17 (A) 66 2/3 per cent for the widow or widower with no  
18 children;

19 (B) 33 1/3 per cent for the widow or widower with one  
20 child and 33 1/3 per cent for the child;

21 (C) 20 per cent for the widow or widower with two or  
22 more children and 46 2/3 per cent divided equally among the children;

23 (D) 33 1/3 per cent for an only child when there is no  
24 widow or widower;

25 (E) 66 2/3 per cent divided equally among the children  
26 when there are two or more children and there is no widow or  
27 widower;

28 (3) if the widow or widower remarries, she or he is entitled  
29 to a single payment equal to two years of the weekly compensation paid

1 on her or his account;

2 (4) if there is no widow or widower or child or children,  
3 then for the support of the deceased's father, mother, grandchildren,  
4 brothers and sisters, if actually dependent upon the deceased at the  
5 time of injury for more than 50 per cent of their support, 33 1/3 per  
6 cent of the average weekly wage of the deceased to those beneficiaries,  
7 divided equally;

8 (5) if the deceased was providing support for children of  
9 a previous marriage under a court-ordered decree, in addition to  
10 benefits specified in (1) - (4) of this subsection, those children  
11 shall receive the amount of support specified in the decree, subject  
12 to any limitations of the decree, not to exceed 23 1/3 per cent of  
13 the average weekly wage of the deceased.

14 \* Sec. 7. AS 23.30.220 is repealed and re-enacted to read:

15 Sec. 23.30.220. DETERMINATION OF AVERAGE WEEKLY WAGE. Except as  
16 otherwise provided in this chapter, the average weekly wage of the  
17 injured employee at the time of the injury is the basis for computing  
18 compensation, and is determined as follows:

19 (1) the average weekly wage of the injured employee is calcu-  
20 lated by dividing 52 into the total wages earned, including self-  
21 employment, in any one of the three calendar years that is most favorable  
22 to the employee, immediately preceding the injury;

23 (2) if the board determines that the wage at the time of the  
24 injury cannot be fairly calculated under (1) of this section, or cannot  
25 otherwise be ascertained without undue hardship to the employee, the  
26 wage for calculating compensation shall be the usual wage for similar  
27 service rendered by paid employees under similar circumstances, as  
28 determined by the board;

29 (3) if an employee is a minor or an apprentice, or a trainee,

1 as determined by the board, when injured and under normal conditions his  
2 wages would increase during the period of disability, this fact shall be  
3 considered in computing his average weekly wage;

4 (4) if the employee is injured while performing his duties as  
5 a volunteer fireman, the wage for calculating compensation shall be the  
6 minimum wage paid a full-time fireman in the political subdivision where  
7 the injury occurred, or, if the subdivision has no full-time firemen  
8 employed, at a reasonable wage figure previously set by the subdivision  
9 for the purpose of making this determination and in no case may the wage  
10 for calculating compensation be less than the minimum wage computed on  
11 the basis of 40 hours work per week.

12 \* Sec. 8. AS 23.30 is amended by adding a new section to read:

13 Sec. 23.30.225. OFFSET FOR OTHER BENEFITS. (a) The compensation  
14 provided for in this chapter shall be reduced by an amount equal to one-  
15 half of the periodic disability, old age, or survivors benefits, as  
16 appropriate, which are received under Title II of the Social Security  
17 Act (P.L. 79-271; 49 Stat. 622; 42 U.S.C. 301 et seq.).

18 (b) When an employer provides to the employee, under the terms of  
19 the employment contract, the employee's full wages for days missed due  
20 to disability or injury, that medical leave pay shall be reduced by the  
21 amount of disability compensation payments made under the Alaska Work-  
22 men's Compensation Act.  
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