

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

Offered: June 1, 1976

1 IN THE SENATE BY THE FREE CONFERENCE COMMITTEE

2 FREE CONFERENCE CS FOR HOUSE CS FOR CS FOR SENATE BILL NO. 569

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 disability cases which have existed for more than two years and per-
2 manent total disability shall be calculated under this chapter according
3 to currently existing benefit rates regardless of the benefit rates in
4 existence at the time of the injury, unless this calculation would cause
5 a decrease in the actual benefits receivable.

6 * Sec. 4. AS 23.30.175 is amended to read:

7 Sec. 23.30.175. RATES OF COMPENSATION. (a) The weekly rate of
8 compensation for disability or death for a recipient residing in Alaska
9 whose average weekly wages, as computed under sec. 220 of this chapter,
10 are at least \$65 a week, may not exceed the percentage of the Alaska
11 [STATE] average weekly wage as determined by the table contained in this
12 subsection and may not be less than \$65 a week. If the employee's
13 average weekly wages, as computed under sec. 220 of this chapter, are
14 less than \$65 a week, he shall receive as compensation for his disability
15 his average weekly wages.

16 On	The Rate Shall Be
17 July 1, 1975	80 per cent of the <u>Alaska</u> [STATE'S] 18 average weekly wage
19 January 1, 1976	100 per cent of the <u>Alaska</u> [STATE'S] 20 average weekly wage
21 January 1, 1977	133.3 per cent of the <u>Alaska</u> [STATE'S] 22 average weekly wage
23 January 1, 1979	166.6 per cent of the <u>Alaska</u> [STATE'S] 24 average weekly wage
25 January 1, 1981	200 per cent of the <u>Alaska</u> [STATE'S] 26 average weekly wage

27 (b) As soon as practicable after June 30 of each year, and before
28 December 15 of each year, the commissioner shall determine the Alaska
29 [STATE] average weekly wage for the three consecutive calendar quarters

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.
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