

Introduced: 2/4/77
Referred: Labor & Management

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 ACS CS

SENATE BILL NO. 131

am (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST 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 AS 23.30.172 is repealed.

9 * Sec. 2. AS 23.30.175(a) is amended to read:

10 (a) The weekly rate of compensation for disability or death for
11 a recipient residing in Alaska [WHOSE AVERAGE WEEKLY WAGES, AS COMPUTED
12 UNDER SEC. 220 OF THIS CHAPTER, ARE AT LEAST \$65 A WEEK,] may not
13 exceed the percentage of the Alaska average weekly wage in effect on
14 the date of injury as determined by the table contained in this subsec-
15 tion and initially may not be less than \$65 a week. However, if the
16 board determines that the employee's average weekly wages are less
17 than \$65 a week as computed under sec. 220 of this chapter, it shall
18 issue an order decreasing the compensation to a rate equal to the
19 employee's average weekly wages, and payments made earlier in excess
20 of the decreased rate shall be deducted from the unpaid compensation
21 in the manner the board determines. In any case, the employer shall
22 pay timely compensation. [IF THE EMPLOYEE'S AVERAGE WEEKLY WAGES, AS
23 COMPUTED UNDER SEC. 220 OF THIS CHAPTER, ARE LESS THAN \$65 A WEEK, HE
24 SHALL RECEIVE AS COMPENSATION FOR HIS DISABILITY HIS AVERAGE WEEKLY
25 WAGES.]

26	On	The Rate Shall Be
27	July 1, 1975	80 per cent of the Alaska average
28		weekly wage
29	January 1, 1976	100 per cent of the Alaska average

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1 weekly wage
2 January 1, 1977 133.3 per cent of the Alaska average
3 weekly wage
4 January 1, 1979 166.6 per cent of the Alaska average
5 weekly wage
6 January 1, 1981 200 per cent of the Alaska average
7 weekly wage

8 * Sec. 3. AS 23.30.190 is amended by adding a new subsection to read:

9 (b) Total compensation paid under this section may not exceed
10 \$60,000.

11 * Sec. 4. AS 23.30.215(a) is amended to read:

12 (a) If the injury causes death, the compensation is known as a
13 death benefit and is payable in the following amounts to or for the
14 benefit of the following persons:

15 (1) reasonable and necessary funeral expenses not exceeding
16 \$1,000;

17 (2) if there is a widow or widower or a child or children
18 of the deceased, the following percentages of the average weekly wages
19 of the deceased:

20 (A) $66\frac{2}{3}$ per cent for the widow or widower with no
21 children;

22 (B) $33\frac{1}{3}$ [50] per cent for the widow or widower with
23 one child and $33\frac{1}{3}$ [20] per cent for the child;

24 (C) 20 [50] per cent for the widow or widower with two
25 or more children and $46\frac{2}{3}$ [35] per cent divided equally among
26 the children;

27 [(D) 50 PER CENT FOR THE WIDOW OR WIDOWER WITH THREE
28 OR MORE CHILDREN AND 40 PER CENT DIVIDED EQUALLY AMONG THE CHILD-
29 REN;]

1 (D)[(E)] 66 2/3 per cent for an only child when there
2 is no widow or widower;

3 [(F) 33-1/3 PER CENT FOR EACH CHILD IF THERE ARE TWO
4 CHILDREN AND NO WIDOW OR WIDOWER;]

5 (E)[(G)] 66-2/3 per cent, divided equally, if there
6 are two [THREE] or more children and no widow or widower;

7 (3) if the widow or widower remarries, she or he is entitled
8 to two years compensation in one sum;

9 (4) if there is no widow or widower or child or children,
10 then for the support of father, mother, grandchildren, brothers and
11 sisters, if dependent upon the deceased at the time of injury, 35 per
12 cent of the average weekly wage of the deceased to such beneficiaries,
13 share and share alike, not to exceed \$20,000 in the aggregate.

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

15 (b) In computing death benefits, the average weekly wage of the
16 deceased shall be computed under sec. 220 of this chapter and shall be
17 paid in accordance with sec. 155 of this chapter [THE SAME MANNER] and
18 subject to the [SAME] weekly maximum limitation in the aggregate as
19 provided in sec. 175 of this chapter [TEMPORARY TOTAL DISABILITY COM-
20 PENSATION], but the total weekly compensation may not be less than \$45
21 for a widow or widower nor less than \$15 weekly to a child or \$30 for
22 children.

23 * Sec. 6. AS 23.30 is amended by adding a new section in art. 5 to
24 read:

25 Sec. 23.30.225. SOCIAL SECURITY OFFSET. Where periodic retire-
26 ment or survivors' benefits are payable under Title II of the Social
27 Security Act (42 U.S.C. 301 et seq.), the weekly compensation provided
28 for in this chapter shall be reduced by an amount equal as nearly as
29 practicable to one-half of the federal periodic benefits for a given

1 week.

2 * Sec. 7. AS 23.30.220(1) is amended to read:

3 (1) if at the time of the injury the employee has been
4 employed in the same or similar employment for 52 [27] weeks immediately
5 before the injury, the average weekly wage is the weekly wage at the
6 time of the injury;

7 * Sec. 8. AS 23.30.220(2) is amended to read:

8 (2) if at the time of the injury the employee has been
9 employed in the same or similar employment for less than 52 [27] weeks
10 immediately before the injury, the average weekly wage is that most
11 favorable to the employee calculated by dividing 52 into the total
12 wages earned, including self-employment, in any one of the three
13 calendar years immediately preceding the injury;
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