

Original sponsor: Rules Committee by request
of the Governor

Offered: 3/18/77
Referred: Rules

1 IN THE SENATE

BY THE LABOR AND
MANAGEMENT COMMITTEE

2 CS FOR SENATE BILL NO. 131 am

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 23.30.175(a) is amended to read:

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

24 On

The Rate Shall Be

25 July 1, 1975

80 per cent of the Alaska average
26 weekly wage

27 January 1, 1976

100 per cent of the Alaska average
28 weekly wage

29 January 1, 1977

133.3 per cent of the Alaska average

1 weekly wage

2 January 1, 1979

166.6 per cent of the Alaska average
3 weekly wage

4 January 1, 1981

200 per cent of the Alaska average
5 weekly wage

6 * Sec. 2. AS 23.30.190 is amended by adding a new subsection to read:

7 (b) Total compensation paid under (a)(20) of this section may not
8 exceed \$60,000.

9 * Sec. 3. AS 23.30.215(a)(2) and (3) are amended to read:

10 (2) if there is a widow or widower or a child or children of
11 the deceased, the following percentages of the average weekly wages of
12 the deceased:

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

15 (B) 33 1/3 [50] per cent for the widow or widower with
16 one child and 33 1/3 [20] per cent for the child;

17 (C) 20 [50] per cent for the widow or widower with two
18 or more children and 46 2/3 [35] per cent divided equally among the
19 children;

20 (D) [50 PER CENT FOR THE WIDOW OR WIDOWER WITH THREE OR
21 MORE CHILDREN AND 40 PER CENT DIVIDED EQUALLY AMONG THE CHILDREN;]

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

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

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

28 (3) if the widow or widower remarries, she or he is entitled
29 to be paid in one sum an amount equal to the [TWO YEARS] compensation to

1 which the widow or widower would otherwise be entitled in the two years
2 commencing on the date of remarriage as full and final settlement of all
3 sums due the widow or widower [IN ONE SUM];

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

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

13 * Sec. 5. AS 23.30.215(e) is repealed and re-enacted to read:

14 (e) Death benefits payable to persons in accordance with (a) of
15 this section shall abate as each such person ceases to be entitled and
16 does not inure to persons subject to continued entitlement.

17 * Sec. 6. AS 23.30.215 is amended by adding new subsections to read:

18 (f) Except as provided in (g) of this section, the death benefit
19 payable to a widow or widower shall

20 (1) be reduced to 50 per cent of the benefit provided in (a)
21 of this section after five years following death of the deceased worker;

22 (2) be reduced to 25 per cent of the benefit provided in (a)
23 of this section after eight years following death of the deceased
24 worker; and

25 (3) terminate 10 years following death of the deceased
26 worker.

27 (g) The provisions of (f) of this section do not apply to a widow
28 or widower who at the time of death of the deceased worker has attained
29 the age of 55 years or who at the time of death of the deceased worker

1 is permanently and totally disabled. The death benefits payable to a
2 widow or widower are not subject to further reduction under (f) of this
3 section after the widow or widower has attained the age of 55 years.

4 * Sec. 7. AS 23.30 is amended by adding a new section in article 5 to
5 read:

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

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

13 (2) [IF AT THE TIME OF THE INJURY THE EMPLOYEE HAS BEEN
14 EMPLOYED IN THE SAME OR SIMILAR EMPLOYMENT FOR LESS THAN 27 WEEKS
15 IMMEDIATELY BEFORE THE INJURY,] the average weekly wage is that most
16 favorable to the employee calculated by dividing 52 into the total wages
17 earned, including self-employment, in any one of the three calendar
18 years immediately preceding the injury;

19 * Sec. 9. AS 23.30.172 and 23.30.220(1) are repealed.
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