

Original sponsor: Rules Committee by request
of the Governor

Offered: 5/2/77
Referred: Commerce

1 IN THE SENATE

BY THE LABOR AND
MANAGEMENT COMMITTEE

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HOUSE CS FOR CS FOR SENATE BILL NO. 131

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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TENTH LEGISLATURE - FIRST SESSION

5

A BILL

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

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

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* Section 1. AS 21.36.190 is amended by adding a new subsection to read:

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(d) This section does not apply to workmen's compensation insurance when issued to an association of employers formed for purposes other than the purchase of insurance and which

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(1) has a constitution and bylaws;

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(2) incorporates a safety program;

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(3) as a group has preferred characteristics over similar

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risks written on an individual basis; and

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(4) has filed and received approval from the director for the

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rating program to be applied to the group.

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* Sec. 2. AS 23.30.015(e)(2) is amended to read:

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(2) the employer shall pay any excess to the person entitled

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to compensation or to his representative [, LESS ONE-FOURTH OF THE EXCESS, NOT TO EXCEED \$10,000, TO BE RETAINED BY THE EMPLOYER].

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* Sec. 3. AS 23.30.175(a) is amended to read:

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(a) The weekly rate of compensation for disability or death for a recipient residing in Alaska [WHOSE AVERAGE WEEKLY WAGES, AS COMPUTED UNDER SEC. 220 OF THIS CHAPTER, ARE AT LEAST \$65 A WEEK,] may not exceed the percentage of the Alaska average weekly wage in effect on the

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date of injury as determined by the table contained in this subsection and initially may not be less than \$65 a week. However, if the board determines that the employee's average weekly wages are less than \$65 a

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1 week as computed under sec. 220 of this chapter, it shall issue an order
2 decreasing the compensation to a rate equal to the employee's average
3 weekly wages, and payments made earlier in excess of the decreased rate
4 shall be deducted from the unpaid compensation in the manner the board
5 determines. In any case, the employer shall pay timely compensation.
6 [IF THE EMPLOYEE'S AVERAGE WEEKLY WAGES, AS COMPUTED UNDER SEC. 220 OF
7 THIS CHAPTER, ARE LESS THAN \$65 A WEEK, HE SHALL RECEIVE AS COMPENSATION
8 FOR HIS DISABILITY HIS AVERAGE WEEKLY WAGES.]

9 On	The Rate Shall Be
10 July 1, 1975	80 per cent of the Alaska average 11 weekly wage
12 January 1, 1976	100 per cent of the Alaska average 13 weekly wage
14 January 1, 1977	133.3 per cent of the Alaska average 15 weekly wage
16 January 1, 1979	166.6 per cent of the Alaska average 17 weekly wage
18 January 1, 1981	200 per cent of the Alaska average 19 weekly wage

20 * Sec. 4. AS 23.30.190 is amended by adding a new subsection to read:

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

23 * Sec. 5. AS 23.30.215(a)(2) and (3) are amended to read:

24 (2) if there is a widow or widower or a child or children of
25 the deceased, the following percentages of the average weekly wages of
26 the deceased:

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

29 (B) 33 1/3 [50] per cent for the widow or widower with

1 one child and 33 1/3 [20] per cent for the child;

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

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

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

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

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

13 (3) if the widow or widower remarries, she or he is entitled
14 to be paid in one sum an amount equal to the [TWO YEARS] compensation to
15 which the widow or widower would otherwise be entitled in the two years
16 commencing on the date of remarriage as full and final settlement of all
17 sums due the widow or widower [IN ONE SUM];

18 * Sec. 6. AS 23.30.215(b) is amended to read:

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

27 * Sec. 7. AS 23.30.215(e) is repealed and re-enacted to read:

28 (e) Death benefits payable to a widow or widower in accordance
29 with (a) of this section shall abate as that person ceases to be en-

1 titled and does not inure to persons subject to continued entitlement.
2 In the event a child ceases to be entitled, that child's share shall
3 inure to the benefit of the surviving spouse subject to adjustment as
4 provided in (f) of this section.

5 * Sec. 8. AS 23.30.215 is amended by adding new subsections to read:

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

8 (1) five years following date of death of the deceased worker
9 be reduced to $66 \frac{2}{3}$ per cent of the benefit being then paid;

10 (2) eight years following date of death of the deceased work-
11 er be reduced to 50 per cent of the benefit being then paid;

12 (3) terminate 10 years following death of the deceased
13 worker.

14 (g) The provisions of (f) of this section do not apply to a widow
15 or widower who at the time of death of the deceased worker is perma-
16 nently and totally disabled. The death benefits payable to a widow or
17 widower are not subject to reduction under (f) of this section after the
18 widow or widower has attained the age of 52 years.

19 (h) In the event a deceased worker is survived by children of a
20 former marriage not living with the surviving widow or widower, then
21 those children shall receive the amount being paid under a decree of
22 child support; the difference between this amount and the maximum bene-
23 fit payable under this section shall be distributed pro rata to the
24 remainder of those entitled.

25 (i) In the event the total amount of all benefits computed under
26 (a)(2) of this section exceeds the maximum benefit provided in sec. 175
27 of this chapter, the maximum benefit under sec. 175 of this chapter
28 shall be prorated among entitled survivors.

29 * Sec. 9. AS 23.30 is amended by adding a new section in art. 5 to read:

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

7 (b) In cases where it is determined that, in accordance with 42
8 U.S.C. 401 et seq., periodic disability benefits are payable to an em-
9 ployee or his dependents for an injury for which a claim has been filed
10 under this chapter, weekly disability benefits payable under this chap-
11 ter shall be offset by an amount by which the sum of (1) weekly benefits
12 to which the employee is entitled under 42 U.S.C. 401 et seq., and (2)
13 weekly disability benefits to which the employee would otherwise be en-
14 titled under this chapter, exceeds 80 per cent of the employee's average
15 weekly wages at the time of injury.

16 * Sec. 10. AS 23.30.220(2) is amended to read:

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

23 * Sec. 11. AS 23.30.172 and 23.30.220(1) are repealed.
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