

Introduced: 1/12/82
Referred: Labor & Commerce and
Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 659

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to workers' compensation; and
7 providing for an effective date."

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

9 * Section 1. AS 23.30.045(c) is amended to read:

10 (c) For a person eligible for vocational rehabilitation service
11 under AS 23.15.080 or AS 23.30 [AND] who is placed with an employer for
12 service [WITHOUT WAGES] at the request of the board or the office of
13 vocational rehabilitation to give him on the job training, work readi-
14 ness, [OR] work therapy experience, or work sampling, the liability
15 set out in (a) of this section applies to the state rather than to the
16 employer.

17 * Sec. 2. AS 23.30.110(c) is amended to read:

18 (c) The board shall make the investigation which it considers
19 necessary in respect to [OF] the claim, and upon application of an
20 interested party shall order a hearing on it. If a hearing on a claim
21 is ordered the board shall give the claimant and other interested par-
22 ties at least 10 days' notice of the hearing, served personally upon the
23 claimant and other interested parties or sent by registered mail, and
24 shall, within 30 [20] days after the hearing is held [HAD], by order,
25 reject the claim or make an award in respect to it. [IF NO HEARING IS
26 ORDERED WITHIN 20 DAYS AFTER NOTICE IS GIVEN AS PROVIDED IN (b) OF THIS
27 SECTION, THE BOARD SHALL BY ORDER REJECT THE CLAIM OR MAKE AN AWARD IN
28 RESPECT TO IT.]

29 * Sec. 3. AS 23.30.155 is amended by adding a new subsection to read:

1 (n) If the board determines that it is in the interest of an
2 injured employee and that a substantial hardship will not be imposed on
3 the employer, the liability of the employer for all or part of com-
4 pensation payable under AS 23.30.190 may be discharged by the payment of
5 a lump sum.

6 * Sec. 4. AS 23.30.175(b) is repealed and reenacted to read:

7 (b) After June 30 and before December 1 of each year, the commis-
8 sioner shall adopt and publish the average weekly wage for each jurisdic-
9 tion for the preceding calendar year as published by the United States
10 Secretary of Labor for the purposes of unemployment insurance. In
11 determining the rate of compensation the commissioner shall use the
12 average weekly wage figure for each jurisdiction, including Alaska, for
13 which the Secretary of Labor publishes an average weekly wage. These
14 figures are the applicable average weekly wages for those jurisdictions
15 for the following calendar year.

16 * Sec. 5. AS 23.30.175(c) is repealed and reenacted to read:

17 (c) In jurisdictions for which no average weekly wage is computed
18 by the Secretary of Labor for the purposes of unemployment insurance,
19 the average weekly wage shall be as determined by the commissioner.

20 * Sec. 6. AS 23.30.175(d) is repealed and reenacted to read:

21 (d) For recipients who do not reside in Alaska

22 (1) the weekly rate of compensation shall be calculated by
23 multiplying the recipient's average weekly wage by the ratio of the
24 average weekly wage of the jurisdiction in which the recipient resides
25 to the average weekly wage of Alaska; the calculation initially is based
26 on the average weekly wage in effect when the recipient leaves Alaska;
27 thereafter, the calculation shall be adjusted annually upon publication
28 of the average weekly wage for all jurisdictions;

29 (2) if the average weekly wage of the recipient and the

1 resulting compensation rate is determined under AS 23.30.220(2), the
2 calculation required by this subsection applies to only those wages
3 earned in Alaska;

4 (3) the calculation required by this subsection does not
5 apply if the recipient is absent from Alaska for medical or rehabilita-
6 tion services not reasonably available in Alaska;

7 (4) application of this subsection may not result in a reduc-
8 tion of the weekly compensation rate to less than \$65 a week except as
9 provided in (a) of this section.

10 * Sec. 7. AS 23.30.190(a)(20) is amended to read:

11 (20) in all other cases in this class of disability the
12 compensation is 66 2/3 percent of the difference between his average
13 weekly wages and his wage-earning capacity after the injury in the same
14 employment or otherwise, payable during the continuance of the partial
15 disability, but subject to reconsideration of the degree of the impair-
16 ment by the board on its own motion or upon application of a party in
17 interest; [WHENEVER THE BOARD DETERMINES THAT IT IS IN THE INTEREST OF
18 JUSTICE, THE LIABILITY OF THE EMPLOYER FOR COMPENSATION, OR ANY PART OF
19 IT AS DETERMINED BY THE BOARD, MAY BE DISCHARGED BY THE PAYMENT OF A
20 LUMP SUM;]

21 * Sec. 8. AS 23.30.191 is amended to read:

22 Sec. 23.30.191. EXPENSES FOR REHABILITATING INJURED EMPLOYEES. An
23 employee, who, as a result of injury, is or may be expected to be to-
24 tally or partially incapacitated for his normal occupation and who,
25 under the direction of the board [DEPARTMENT OF LABOR], is being rehabil-
26 itated to engage in a remunerative occupation, [AND WHO IS NOT ENTITLED
27 TO FURTHER TEMPORARY TOTAL DISABILITY OR TEMPORARY PARTIAL DISABILITY
28 COMPENSATION, IN ADDITION TO THE AMOUNT ALLOWED UNDER SEC. 40 OF THIS
29 CHAPTER FOR MAINTENANCE], may receive as compensation necessary for his

1 rehabilitation 66 2/3 percent of his average weekly wage subject to the
2 maximum payable under AS 23.30.175 [NOT MORE THAN ONE-HALF OF THE COM-
3 PENSATION ALLOWED UNDER SEC. 185 OF THIS CHAPTER].

4 * Sec. 9. AS 23.30.215(a)(1) is amended to read:

5 (1) reasonable and necessary funeral expenses not exceeding
6 \$2,500 [\$1,000];

7 * Sec. 10. AS 23.30.265(20) is amended to read:

8 (20) "wages" means the money rate at which the service ren-
9 dered is recompensed under the contract of hiring [IN FORCE AT THE TIME
10 OF THE INJURY,] and includes the reasonable value of board, rent, hous-
11 ing, lodging, or similar advantage received from the employer, and
12 gratuities received in the course of employment from other [OTHERS] than
13 the employer;

14 * Sec. 11. AS 23.30.175(e) and (f) are repealed.

15 * Sec. 12. This Act takes effect July 1, 1982.
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