



LAWS OF ALASKA

1977

Source

HCS CSSB 131

Chapter No.

75

AN ACT

Relating to workmen's compensation.

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

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

(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

(1) has a constitution and bylaws;

(2) incorporates a safety program;

(3) as a group has preferred characteristics over similar risks written on an individual basis; and

(4) has filed and received approval from the director for the rating program to be applied to the group.

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

(2) the employer shall pay any excess to the person entitled to compensation or to his representative.

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

(a) The weekly rate of compensation for disability or death for a recipient residing in Alaska may not exceed the percentage of the Alaska average weekly wage in effect on the date of injury as determined by the table contained in this subsection and initially may not be less

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than \$65 a week. However, if the board determines that the employee's average weekly wages are less than \$65 a week as computed under sec. 220 of this chapter, it shall issue an order decreasing the compensation to a rate equal to the employee's average weekly wages, and payments made earlier in excess of the decreased rate shall be deducted from the unpaid compensation in the manner the board determines. In any case, the employer shall pay timely compensation.

On	The Rate Shall Be
July 1, 1975	80 per cent of the Alaska average weekly wage
January 1, 1976	100 per cent of the Alaska average weekly wage
January 1, 1977	133.3 per cent of the Alaska average weekly wage
January 1, 1979	166.6 per cent of the Alaska average weekly wage
January 1, 1981	200 per cent of the Alaska average weekly wage

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

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

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

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

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

(B) 33 $\frac{1}{3}$ per cent for the widow or widower with one child and 33 $\frac{1}{3}$ per cent for the child;

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

(D) [deleted]

(E) 66 $\frac{2}{3}$ per cent for an only child when there is no widow or widower;

(F) [deleted]

(G) 66 $\frac{2}{3}$ per cent, divided equally, if there are two or more children and no widow or widower;

(3) if the widow or widower remarries, she or

he is entitled to be paid in one sum an amount equal to the compensation to which the widow or widower would otherwise be entitled in the two years commencing on the date of remarriage as full and final settlement of all sums due the widow or widower;

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

(b) In computing death benefits, the average weekly wage of the deceased shall be computed under sec. 220 of this chapter and shall be paid in accordance with sec. 155 of this chapter and subject to the weekly maximum limitation in the aggregate as provided in sec. 175 of this chapter, but the total weekly compensation may not be less than \$45 for a widow or widower nor less than \$15 weekly to a child or \$30 for children.

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

(e) Death benefits payable to a widow or widower in accordance with (a) of this section shall abate as that person ceases to be entitled and does not inure to persons subject to continued entitlement. In the event a child ceases to be entitled, that child's share shall inure to the benefit of the surviving spouse subject to adjustment as provided in (f) of this section.

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

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

(1) five years following date of death of the deceased worker be reduced to 66 ²/₃ per cent of the benefit being then paid;

(2) eight years following date of death of the deceased worker be reduced to 50 per cent of the benefit being then paid;

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

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

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

(i) In the event the total amount of all benefits computed under (a)(2) of this section exceeds the maximum

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benefit provided in sec. 175 of this chapter, the maximum benefit under sec. 175 of this chapter shall be prorated among entitled survivors.

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

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

(b) When it is determined that, in accordance with 42 U.S.C. 401 et seq., periodic disability benefits are payable to an employee or his dependents for an injury for which a claim has been filed under this chapter, weekly disability benefits payable under this chapter shall be offset by an amount by which the sum of (1) weekly benefits to which the employee is entitled under 42 U.S.C. 401 et seq., and (2) weekly disability benefits to which the employee would otherwise be entitled under this chapter, exceeds 80 per cent of the employee's average weekly wages at the time of injury.

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

(2) the average weekly wage is that most favorable to the employee calculated by dividing 52 into the total wages earned, including self-employment, in any one of the three calendar years immediately preceding the injury;

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