



LAWS OF ALASKA

1975

Source

Chapter No.

CSSB 146 am H

83

AN ACT

Relating to weekly rate and amounts payable for workmen's compensation; and providing for an effective date.

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

- * Section 1. AS 23.30.155(1) is repealed.
- * Sec. 2. AS 23.30.175 is amended to read:

Sec. 23.30.175. RATES OF COMPENSATION. (a) The weekly rate of compensation for disability or death may not exceed the percentage of the state average weekly wage as determined by the table contained in this subsection and may not be less than \$65 a week. If the employee's average weekly wages, as computed under sec. 220 of this chapter, are less than \$65 a week, he shall receive as compensation for his disability his average weekly wages.

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

(b) As soon as practicable after June 30 of each year,

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and before December 15 of each year, the commissioner shall determine the state average weekly wage for the three consecutive calendar quarters ending June 30. This determination is the applicable state average weekly wage for the annual period beginning with January 1 of the next year and ending December 31. The initial determination under this subsection shall be made as soon as practicable after the effective date of this subsection.

* Sec. 3. AS 23.30.180 is amended to read:

Sec. 23.30.180. PERMANENT TOTAL DISABILITY. In case of total disability adjudged to be permanent 66-2/3 per cent of the injured employee's average weekly wages shall be paid to the employee during the continuance of the total disability. Loss of both hands, or both arms, or both feet, or both legs, or both eyes, or of any two of them, in the absence of conclusive proof to the contrary, constitutes permanent total disability. In all other cases permanent total disability is determined in accordance with the facts.

* Sec. 4. AS 23.30.185 is amended to read:

Sec. 23.30.185. COMPENSATION FOR TEMPORARY TOTAL DISABILITY. In case of disability total in character but temporary in quality, 66-2/3 per cent of the injured employee's average weekly wages shall be paid to the employee during the continuance of the disability.

* Sec. 5. AS 23.30.190 is amended to read:

Sec. 23.30.190. COMPENSATION FOR PERMANENT PARTIAL DISABILITY. In case of disability partial in character but permanent in quality the compensation is 66-2/3 per cent of the injured employee's average weekly wages in addition to compensation for temporary total disability or temporary partial disability paid in accordance with secs. 185 or 200 of this chapter, respectively, and shall be paid to the employee as follows:

(1) arm lost, 280 weeks compensation, not to exceed \$43,680;

(2) leg lost, 248 weeks compensation, not to exceed \$40,320;

(3) hand lost, 212 weeks compensation, not to exceed \$33,600;

(4) foot lost, 173 weeks compensation, not to exceed \$28,700;

(5) eye lost, 140 weeks compensation, not to exceed \$22,400;

(6) thumb lost, 51 weeks compensation, not to exceed \$10,400;

(7) first finger lost, 28 weeks compensation, not to exceed \$6,440;

(8) great toe lost, 26 weeks compensation, not to

exceed \$5,320;

(9) second finger lost, 18 weeks compensation, not to exceed \$4,200; third finger lost, 18 weeks compensation, not to exceed \$3,500;

(10) toe other than great toe lost, eight weeks compensation, not to exceed \$2,240;

(11) fourth finger lost, seven weeks compensation, not to exceed \$2,100;

(12) loss of hearing of one ear, 52 weeks compensation, not exceeding \$7,280; loss of hearing of both ears, 200 weeks compensation, not to exceed \$28,000;

(13) compensation for loss of more than one phalange of a digit shall be the same as for loss of the entire digit; compensation for loss of the first phalange is one-half of the compensation for loss of the entire digit;

(14) amputation between the elbow and the wrist is considered equivalent to the loss of an arm, and amputation between the knee and ankle is considered equivalent to the loss of a leg;

(15) compensation for loss of binocular vision or for 80 per cent or more of the vision of an eye is the same as for loss of the eye;

(16) compensation for loss of two or more digits, or one or more phalanges of two or more digits of a hand or foot may be proportioned to the resulting loss of use of the injured hand or foot, but may not exceed the compensation for loss of a hand or foot;

(17) compensation for permanent total loss of use of a member is the same as for loss of the member;

(18) compensation for permanent partial loss or loss of use of a member may be for proportionate loss or loss of use of the member;

(19) in addition to other allowable compensation, the board shall award proper and equitable compensation up to \$10,000 for

(A) serious disfigurement of face, head and, when such disfigurement is likely to handicap the employee in securing or holding employment, for serious disfigurement of neck or limbs normally exposed, or

(B) partial or total loss of or loss of use of a part or function of the body not otherwise provided for under this section;

(20) in all other cases in this class of disability the compensation is $66\frac{2}{3}$ per cent of the difference between his average weekly wages and his wage-earning capacity after the injury in the same employment or otherwise, payable during the continuance of the partial disability, but subject to reconsideration of the degree of the

impairment by the board on its own motion or upon application of a party in interest; whenever the board determines that it is in the interest of justice, the liability of the employer for compensation, or any part of it as determined by the board, may be discharged by the payment of a lump sum;

(21) in a case in which there is a loss of, or loss of use of more than one member or parts of more than one member set out in (1) -(18) of this section, not amounting to permanent total disability, the award of compensation is for the loss of, or loss of use of, each member or part of the member, which awards shall run consecutively, except that where the injury affects only two or more digits of the same hand or foot, (16) of this section applies.

* Sec. 6. AS 23.30.200 is amended to read:

Sec. 23.30.200. TEMPORARY PARTIAL DISABILITY. In case of temporary partial disability resulting in decrease of earning capacity the compensation shall be $66\frac{2}{3}$ per cent of the difference between the injured employee's average weekly wages before the injury and his wage earning capacity after the injury in the same or another employment, to be paid during the continuance of the disability, but not to be paid for more than five years.

* Sec. 7. AS 23.30.215(2)(A) is amended to read:

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

* Sec. 8. AS 23.30.215(2)(E) is amended to read:

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

* Sec. 9. AS 23.30.215(2)(F) is amended to read:

(F) $33\frac{1}{3}$ per cent for each child if there are two children and no widow or widower;

* Sec. 10. AS 23.30.215(2)(G) is amended to read:

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

* Sec. 11. AS 23.30.215(3) is amended to read:

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

* Sec. 12. 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 the same manner and subject to the same weekly maximum limitation in the aggregate as temporary total disability compensation, 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

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for children.

* Sec. 13. This Act takes effect immediately in accordance with AS 01.10070(c).

