

**CS FOR HOUSE BILL NO. 30(L&C)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 4/10/19

Referred: Finance

Sponsor(s): REPRESENTATIVES JOSEPHSON, Tuck

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the payment of workers' compensation benefits in the case of**  
2 **permanent partial impairment; relating to notice of workers' compensation death**  
3 **benefits; relating to the payment of workers' compensation death benefits payable to a**  
4 **child of an employee when there is no surviving spouse; relating to the payment of**  
5 **workers' compensation death benefits for an employee without a surviving spouse or**  
6 **child; and providing for an effective date."**

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

8 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
9 to read:

10 SHORT TITLE. This Act may be known as the Abigail Caudle Act.

11 \* **Sec. 2.** AS 23.30.190(a) is amended to read:

12 (a) In case of impairment partial in character but permanent in quality, and not  
13 resulting in permanent total disability, the compensation is **\$255,506** [\$177,000]

1 multiplied by the employee's percentage of permanent impairment of the whole  
 2 person. The percentage of permanent impairment of the whole person is the  
 3 percentage of impairment to the particular body part, system, or function converted to  
 4 the percentage of impairment to the whole person as provided under (b) of this section.  
 5 The compensation is payable in a single lump sum, except as otherwise provided in  
 6 AS 23.30.041, but the compensation may not be discounted for any present value  
 7 considerations.

8 \* **Sec. 3.** AS 23.30 is amended by adding a new section to read:

9 **Sec. 23.30.212. Notice of death benefits.** (a) If an injury causes death, the  
 10 employer shall, on a form prescribed by the director, notify the personal representative  
 11 of the employee's estate of the compensation for death available under AS 23.30.215,  
 12 the statute of limitations for obtaining workers' compensation benefits, and where to  
 13 obtain a list of legal counsel and grief counselors who may be able to assist.

14 (b) If the identity of the personal representative of the employee's estate is not  
 15 known by the employer, the employer shall notify one of the following:

- 16 (1) the employee's surviving spouse;
- 17 (2) the employee's mother or father;
- 18 (3) the employee's dependent;
- 19 (4) the employee's next of kin; or
- 20 (5) anyone otherwise entitled to recover death benefits under

21 AS 23.30.215.

22 (c) In this section, "personal representative" has the meaning given in  
 23 AS 13.06.050.

24 \* **Sec. 4.** AS 23.30.215(a) is amended to read:

25 (a) If the injury causes death, the compensation is known as a death benefit  
 26 and is payable in the following amounts to or for the benefit of the following persons:

- 27 (1) reasonable and necessary funeral expenses not exceeding \$10,000;
- 28 (2) if there is a widow or widower or a child or children of the  
 29 deceased, the following percentages of the spendable weekly wages of the deceased:
  - 30 (A) 80 percent for the widow or widower with no children;
  - 31 (B) 50 percent for the widow or widower with one child and 40

1 percent for the child;

2 (C) 30 percent for the widow or widower with two or more  
3 children and 70 percent divided equally among the children;

4 (D) 100 percent for an only child when there is no widow or  
5 widower;

6 (E) 100 percent, divided equally, if there are two or more  
7 children and no widow or widower;

8 (3) if the widow or widower remarries, the widow or widower is  
9 entitled to be paid in one sum an amount equal to the compensation to which the  
10 widow or widower would otherwise be entitled in the two years commencing on the  
11 date of remarriage as full and final settlement of all sums due the widow or widower;

12 (4) if there is no widow or widower or child or children, then for the  
13 support of father, mother, grandchildren, brothers, and sisters, if dependent **on**  
14 **[UPON]** the deceased at the time of injury, 42 percent of the spendable weekly wage  
15 of the deceased to **those** **[SUCH]** beneficiaries, share and share alike, not to exceed  
16 **\$100,000** **[\$20,000]** in the aggregate;

17 (5) \$5,000 to a surviving widow or widower, or equally divided among  
18 surviving children of the deceased if there is no widow or widower; **and**

19 **(6) if there is no widow or widower or child or children, and the**  
20 **father, mother, grandchildren, brothers, and sisters were not dependent on the**  
21 **deceased at the time of injury, then the following amounts are payable in a lump**  
22 **sum:**

23 **(A) \$120,000 to the surviving parent, if there is only one**  
24 **surviving parent;**

25 **(B) \$60,000 to each surviving parent, if there are two**  
26 **surviving parents;**

27 **(C) \$120,000 divided equally among each surviving parent,**  
28 **if there are more than two surviving parents; or**

29 **(D) \$120,000 to the estate of the decedent, if there are no**  
30 **surviving parents.**

31 \* **Sec. 5.** AS 23.30.215 is amended by adding a new subsection to read:

1                   (j) The death benefit payable to a person who is a child under (a)(2)(D) or (E)  
2                   of this section shall terminate five years after the person is no longer considered a  
3                   child under AS 23.30.395(8).

4                   \* **Sec. 6.** This Act takes effect January 1, 2020.