

CS FOR HOUSE BILL NO. 30(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 3/11/20

Referred: Rules

Sponsor(s): REPRESENTATIVES JOSEPHSON, Tuck

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to notice of workers' compensation death benefits; relating to the**
2 **payment of workers' compensation benefits in the case of permanent partial**
3 **impairment; relating to the payment of workers' compensation death benefits payable to**
4 **a child of an employee when there is no surviving spouse; and providing for an effective**
5 **date."**

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

7 *** Section 1.** AS 23.10 is amended by adding a new section to article 7 to read:

8 **Sec. 23.10.435. Notice of workers' compensation death benefits.** (a) An
9 employer shall notify each employee in writing at the time of hiring of the
10 compensation available under AS 23.30.215. The employer shall keep the original
11 notice and provide a copy of the notice to the employee. The notice must
12 (1) be on a form prescribed by the director of the division of workers'
13 compensation in the department;

1 (2) provide a detailed description of

2 (A) the types of compensation generally available under
3 AS 23.30.215 and persons eligible to receive each type of compensation;

4 (B) the types of compensation specifically available and
5 specifically unavailable under AS 23.30.215 when an employee suffers a
6 compensable injury that results in death and the employee is not survived by a
7 spouse or child; and

8 (C) the computation of each type of compensation; and

9 (3) be signed by the employee.

10 (b) In this section,

11 (1) "employee" has the meaning given in AS 23.10.699;

12 (2) "employer" has the meaning given in AS 23.10.430(c).

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

14 (a) In case of impairment partial in character but permanent in quality, and not
15 resulting in permanent total disability, the compensation is \$255,506 [\$177,000]
16 multiplied by the employee's percentage of permanent impairment of the whole
17 person. The percentage of permanent impairment of the whole person is the
18 percentage of impairment to the particular body part, system, or function converted to
19 the percentage of impairment to the whole person as provided under (b) of this section.
20 The compensation is payable in a single lump sum, except as otherwise provided in
21 AS 23.30.041, but the compensation may not be discounted for any present value
22 considerations.

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

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

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

31 (1) the employee's surviving spouse;

- 1 (2) the employee's mother or father;
- 2 (3) the employee's dependent;
- 3 (4) the employee's next of kin; or
- 4 (5) anyone otherwise entitled to compensation under AS 23.30.215.

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

7 * **Sec. 4.** AS 23.30.215 is amended by adding a new subsection to read:

8 (j) A death benefit payable to a child under (a)(2)(D) or (E) of this section
9 continues until the child reaches 23 years of age, unless extended under
10 AS 23.30.395(8).

11 * **Sec. 5.** This Act takes effect January 1, 2021.