

HOUSE BILL NO. 30

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE JOSEPHSON

Introduced: 1/8/21

Referred: Prefiled

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; and**
4 **providing for an effective date."**

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

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

7 **Sec. 23.10.435. Notice of workers' compensation death benefits.** (a) An
8 employer shall notify each employee in writing at the time of hiring of the
9 compensation available under AS 23.30.215. The employer shall keep the original
10 notice and provide a copy of the notice to the employee. The notice must

11 (1) be on a form prescribed by the director of the division of workers'
12 compensation in the department;

13 (2) provide a detailed description of

14 (A) the types of compensation generally available under

1 AS 23.30.215 and persons eligible to receive each type of compensation;

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

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

7 (3) be signed by the employee.

8 (b) In this section,

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

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

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 **\$273,000** [\$177,000]
14 multiplied by the employee's percentage of permanent impairment of the whole
15 person. The percentage of permanent impairment of the whole person is the
16 percentage of impairment to the particular body part, system, or function converted to
17 the percentage of impairment to the whole person as provided under (b) of this section.
18 The compensation is payable in a single lump sum, except as otherwise provided in
19 AS 23.30.041, but the compensation may not be discounted for any present value
20 considerations.

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

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

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

29 (1) the employee's surviving spouse;

30 (2) the employee's mother or father;

31 (3) the employee's dependent;

1 (4) the employee's next of kin; or

2 (5) anyone otherwise entitled to compensation under AS 23.30.215.

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

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

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

8 (1) reasonable and necessary funeral expenses not exceeding **\$12,000**
9 **[\$10,000]**;

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

12 (A) 80 percent for the widow or widower with no children;

13 (B) 50 percent for the widow or widower with one child and 40
14 percent for the child;

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

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

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

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

25 (4) if there is no widow or widower or child or children, then for the
26 support of father, mother, grandchildren, brothers, and sisters, if dependent **on**
27 **[UPON]** the deceased at the time of injury, 42 percent of the spendable weekly wage
28 of the deceased to such beneficiaries, share and share alike, not to exceed **\$150,000**
29 **[\$20,000]** in the aggregate;

30 (5) **\$8,000** **[\$5,000]** to a surviving widow or widower, or equally
31 divided among surviving children of the deceased if there is no widow or widower.

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

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

5 * **Sec. 6.** This Act takes effect January 1, 2022.