

HOUSE BILL NO. 38

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES JOSEPHSON, Tuck, Kawasaki, Guttenberg, Gara, Drummond, Parish

Introduced: 1/18/17

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the calculation and payment of workers' compensation benefits in
2 the case of permanent partial impairment; relating to the calculation and payment of
3 workers' compensation death benefits payable to a child of an employee where there is
4 no surviving spouse; relating to the calculation and payment of workers' compensation
5 death benefits for an employee without a surviving spouse or child; relating to notice of
6 workers' compensation death benefits; 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 **\$255,854** [\$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, on a
 10 form prescribed by the director, the employer shall 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 [\$20,000] in the aggregate, the amount payable under AS 23.30.190(a) for
17 permanent partial impairment, without any multiplier;

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

20 (6) if there is no widow or widower or child or children, and the
21 father, mother, grandchildren, brothers, and sisters were not dependent on the
22 deceased at the time of injury, then 50 percent of the amount payable under
23 AS 23.30.190(a) for permanent partial impairment, without any multiplier, is
24 payable in a lump sum to the estate of the decedent.

25 * **Sec. 5.** AS 23.30.215 is amended by adding new subsections to read:

26 (j) The director shall annually increase the amount payable under (a)(6) of this
27 section by a percentage equal to the percentage increase in the Consumer Price Index
28 for urban wage earners and clerical workers for Anchorage, Alaska, during the
29 previous calendar year, as determined by the United States Department of Labor,
30 Bureau of Labor Statistics.

31 (k) The death benefit payable to a person who is a child under (a)(2)(D) or (E)

1 of this section shall terminate five years after the person is no longer considered a
2 child under AS 23.30.395(8).

3 * **Sec. 6.** This Act takes effect January 1, 2018.