

HOUSE BILL No. 2272

By Committee on Commerce and Labor

2-3

9 AN ACT concerning workers compensation; certain maximum compen-
10 sation benefits; workers compensation advisory council; amending
11 K.S.A. 44-510f and K.S.A. 2004 Supp. 44-596 and repealing the exist-
12 ing sections.
13

14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 44-510f is hereby amended to read as follows: 44-
16 510f. (a) Notwithstanding any provision of the workers compensation act
17 to the contrary, the maximum compensation benefits payable by an em-
18 ployer shall not exceed the following:

19 (1) For permanent total disability, including temporary total, tem-
20 porary partial, permanent partial and temporary partial disability pay-
21 ments paid or due, \$125,000 for an injury or any aggravation thereof;

22 (2) for temporary total disability, including any prior permanent total,
23 permanent partial or temporary partial disability payments paid or due,
24 \$100,000 for an injury or any aggravation thereof; *and*

25 (3) subject to the provisions of subsection (a)(4), for permanent or
26 temporary partial disability, including any prior temporary total, perma-
27 nent total, temporary partial, or permanent partial disability payments
28 paid or due, \$100,000 for an injury or any aggravation thereof; ~~and~~

29 ~~(4) for permanent partial disability, where functional impairment only
30 is awarded, \$50,000 for an injury or aggravation thereof.~~

31 (b) If an employer shall voluntarily pay unearned wages to an em-
32 ployee in addition to and in excess of any amount of disability benefits to
33 which the employee is entitled under the workers compensation act, the
34 excess amount paid shall be allowed as a credit to the employer in any
35 final lump-sum settlement, or may be withheld from the employee's
36 wages in weekly amounts the same as the weekly amount or amounts paid
37 in excess of compensation due, but not until and unless the employee's
38 average gross weekly wage for the calendar year exceeds 125% of the
39 state's average weekly wage, determined as provided in K.S.A. 44-511
40 and amendments thereto. The provisions of this subsection shall not apply
41 to any employer who pays any such unearned wages to an employee pur-
42 suant to an agreement between the employer and employee or labor
43 organization to which the employee belongs.

1 Sec. 2. K.S.A. 2004 Supp. 44-596 is hereby amended to read as fol-
2 lows: 44-596. (a) There is hereby established the workers compensation
3 advisory council. The advisory council shall be composed of the director
4 of workers compensation, or the director's designee from the division of
5 workers compensation, a representative of the insurance industry ap-
6 pointed by the commissioner of insurance, and 10 members who shall be
7 appointed by the secretary of labor in accordance with this section. Five
8 members of the advisory council shall be broadly representative of em-
9 ployers throughout Kansas that are under the workers compensation act
10 and shall be appointed as follows: One member shall be appointed from
11 a list of nominees submitted to the secretary of labor by the Kansas cham-
12 ber of commerce and industry and four members shall be appointed from
13 nominees submitted to the secretary of labor by employers or other rep-
14 resentatives of employers or other employer organizations. Five members
15 of the advisory council shall be broadly representative of employees
16 throughout Kansas that are under the workers compensation act and shall
17 be appointed as follows: One member shall be appointed from a list of
18 nominees submitted to the secretary of labor by the Kansas A.F.L.-C.I.O.
19 and four members shall be appointed from nominees submitted to the
20 secretary of labor by employees or other representatives of employees or
21 other employee organizations. The representative of the insurance in-
22 dustry shall be knowledgeable of insurance underwriting practices. The
23 director of workers compensation and the representative of the insurance
24 industry shall be nonvoting members of the advisory council.

25 (b) Each member of the advisory council shall serve at the pleasure
26 of the secretary of labor. Any vacancy on the advisory council shall be
27 filled by nomination and appointment in the same manner as the original
28 appointment of the member creating the vacancy.

29 (c) The advisory council shall study the workers compensation act,
30 proposed amendments to the act and such other matters relating thereto
31 that may be recommended by the secretary of labor or the director of
32 workers compensation and shall advise the secretary and the director
33 thereon. The advisory council shall also review and report its recommen-
34 dations on any legislative bill amending, supplementing or affecting the
35 workers compensation act or rules and regulations adopted thereunder
36 or affecting the administration of such act or rules and regulations, which
37 is introduced in the legislature and which is requested to be reviewed
38 and reported on to a standing committee of either house of the legislature
39 to which the bill is currently referred, upon the request of the chairperson
40 of such committee.

41 (d) The advisory council shall organize annually by electing a chair-
42 person and a vice-chairperson and shall meet upon the call of the chair-
43 person. All actions of the advisory council adopting recommendations

1 regarding the workers compensation act or any other matter referred to
2 the advisory committee under subsection (c) shall be by motion adopted
3 by the affirmative vote in open meeting of ~~four~~ *three* of the five voting
4 members who are appointed as representative of employers and ~~four~~
5 *three* of the five voting members who are appointed as representative of
6 employees. All other actions of the advisory council shall be by motion
7 adopted by the affirmative vote of at least six voting members in open
8 meeting.

9 (e) The advisory council, in accordance with K.S.A. 74-4319, and
10 amendments thereto, may recess for a closed or executive meeting of the
11 members representing employers or of the members representing em-
12 ployees, or of both such groups of members meeting separately, to sep-
13 arately discuss the matters being studied by the advisory council, except
14 that no binding action shall be taken during any such closed or executive
15 meeting.

16 (f) The members of the advisory council shall serve without compen-
17 sation, but, when attending meetings of the advisory commission, or sub-
18 committee meetings thereof authorized by the advisory commission, shall
19 be paid subsistence allowances, mileage and other expenses as provided
20 in K.S.A. 75-3223 and amendments thereto.

21 (g) In addition to other matters for study prescribed pursuant to this
22 section, the advisory council shall review the following:

- 23 (1) Competitive state workers compensation funds, including small
24 business competitive funds;
- 25 (2) effectiveness and cost of safety programs;
- 26 (3) safety-based insurance premium rate discounts;
- 27 (4) fees for attorneys representing all parties in workers compensa-
28 tion claims; and
- 29 (5) group-funded self-insurance pools for small businesses.

30 Each of the studies prescribed by this subsection shall be reviewed and
31 reported to the standing committees of the senate and house of repre-
32 sentatives having workers compensation subject matter jurisdiction, ~~ex-~~
33 ~~cept that the study of competitive state workers compensation funds shall~~
34 ~~be completed and reported to the legislative coordinating council not later~~
35 ~~than December 15, 1993.~~

36 Sec. 3. K.S.A. 44-510f and K.S.A. 2004 Supp. 44-596 are hereby
37 repealed.

38 Sec. 4. This act shall take effect and be in force from and after its
39 publication in the statute book.