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Proponent Testimony on SB 38
Senate Commerce Committee
Jeff King, Workers' Compensation Director, KDOL
March 29, 2023

Madame Chair & Committee Members,

I am Jeff King, Workers' Compensation Director at the Kansas Department of Labor. I am submitting proponent written testimony on Senate Bill 38.

Senate Bill 38 would increase the benefits for permanent total disability suffered by an injured worker. Under the Kansas workers compensation act, the current cap on permanent total disability benefits is \$155,000, which also includes any payments that were made for temporary total disability, temporary partial, and permanent partial disability.

In a 2022 publication by Workers Compensation Research Institute, Kansas had the lowest cap on permanent total disability benefits in the nation. There have been no increases in benefit caps since 2011. At the current maximum weekly compensation benefit rate, \$765, a worker who was permanently totally disabled would receive benefits for a little less than four years at which time benefits would stop and the injured worker would have to rely on Social Security disability, or other forms of assistance for the rest of his/her life, or for the duration of the disability. Lower paid workers with smaller wages would be paid for a longer period, based on the weekly compensation rate, but most workers would see benefits stop within 4-6 years.

Most states have no limit or cap on the amount of permanent total benefits. In states surrounding Kansas, three of the states, Nebraska, Missouri, and Colorado pay permanent total disability benefits for the length of the disability, which may be for life. Oklahoma pays benefits for 15 years or upon reaching Social Security retirement age, whichever is longer. Kansas is far behind most states when it comes to taking care of workers who have been seriously injured and are unable to return to any substantial, gainful employment. A \$350,000 cap would still be less than most states, but it would be a move in the right direction.

Madame Chair, I thank the committee for your time and willingness to work with our agency. I will stand for questions at the appropriate time.

Jeff King
Workers Compensation Director
Kansas Department of Labor