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MEMORANDUM

To: Chairperson Erickson and Senate Committee on Commerce
From: Charles Reimer, Office of Revisor of Statutes
Date: 3/29/2023
Subject: SB 38

Senate Bill 38 amends workers compensation law by increasing the maximum compensation benefits an injured employee who has been permanently totally disabled may receive for the employee's injury.

K.S.A. 44-510f provides maximum compensation benefit amounts for categories of disability compensation benefits under workers compensation law, including a current limitation on permanent total disability benefits of \$155,000. Permanent total disability occurs when "the employee, on account of the injury, has been rendered completely and permanently incapable of engaging in any type of substantial and gainful employment" as proven by expert evidence.

K.S.A. 44-510c. Compensation for permanent total disability consists of weekly payments made during the period of permanent total disability in an amount equivalent to 2/3 of the average weekly wage of the injured employee, limited to 75% of the state's average weekly wage, as computed and determined by K.S.A. 44-511. Compensation continues for the duration of the disability, subject to review and modification pursuant to K.S.A. 44-528 and reduction for receipt of retirement benefits. (See K.S.A. 44-510c; 44-501(f).)

SB 38 amends K.S.A. 44-510f by increasing the maximum compensation benefit for permanent total disability from \$155,000 to \$350,000. The maximum compensation limits for the categories of disability compensation benefits provided by workers compensation law were most recently increased when K.S.A. 44-510f was last amended in 2011. The limit for permanent total disability was raised from \$125,000 to \$155,000. (2011 HB 2134.)

If enacted, the bill would become effective upon publication in the Kansas Register.