

SENATE BILL No. 73

By Committee on Commerce

1-24

1 AN ACT concerning workers compensation, relating to administrative
2 duties assumed by the secretary of health and environment; legal status
3 requirements for compensation; administrative judge disqualification;
4 *notice of injury requirements*; limitation of actions; state workplace
5 health and safety program; amending K.S.A. 44-512, 44-557 and 44-
6 578 and K.S.A. 2012 Supp. 2-224a, 44-510d, 44-510e, ~~44-520~~, 44-523,
7 44-532a, 44-575 and 44-577 and repealing the existing sections.
8

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

10 Section 1. K.S.A. 2012 Supp. 2-224a is hereby amended to read as
11 follows: 2-224a. (a) Notwithstanding the provisions of K.S.A. 44-576, and
12 amendments thereto, the state fair board is hereby authorized to purchase
13 workers compensation insurance from an admitted carrier. Any contract
14 for the purchase of workers compensation insurance entered into by the
15 state fair board shall be purchased in the manner prescribed for the
16 purchase of supplies, materials, equipment and contractual services as
17 provided in K.S.A. 75-3738 through 75-3744, and amendments thereto,
18 and any such contract having a premium or rate in excess of \$500 shall be
19 purchased on the basis of sealed bids. Such contract shall not be subject to
20 the provisions of K.S.A. 75-4101 through 75-4114 and K.S.A. 2012 Supp.
21 75-4125, and amendments thereto.

22 (b) If the state fair board enters into a contract for the purchase of
23 workers compensation insurance as described in subsection (a), from and
24 after the end of the payroll period in which such workers compensation
25 policy takes effect, the state fair board shall not be subject to the self-
26 insurance assessment prescribed by K.S.A. 44-576, and amendments
27 thereto, and the director of accounts and reports shall cease to transfer any
28 amounts for such self-assessment for the state fair board pursuant to such
29 statute, except that any moneys paid relating to existing claims with the
30 state workers compensation self-insurance fund made by the state fair
31 board shall be assessed to the state fair board until all such claims have
32 been closed and settled.

33 (c) Notwithstanding the provisions of K.S.A. 44-575, and
34 amendments thereto, if the state fair board enters into a contract for the
35 purchase of workers compensation insurance as described in subsection
36 (a), the state workers compensation self-insurance fund shall not be liable

1 Sec. 4. K.S.A. 44-512 is hereby amended to read as follows: 44-512.
2 Workers compensation payments shall be made at the same time, place and
3 in the same manner as the wages of the worker were payable at the time of
4 the accident, but upon the application of either party the administrative law
5 judge may modify such requirements in a particular case as the
6 administrative law judge deems just, except that: (a) Payments from the
7 workers compensation fund established by K.S.A. 44-566a, and
8 amendments thereto, shall be made in the manner approved by the
9 commissioner of insurance; (b) payments from the state workers
10 compensation self-insurance fund established by K.S.A. 44-575, and
11 amendments thereto, shall be made in a manner approved by the secretary
12 of ~~administration~~ *health and environment*; and (c) whenever temporary
13 total disability compensation is to be paid under the workers compensation
14 act, payments shall be made only in cash, by check or in the same manner
15 that the employee is normally compensated for salary or wages and not by
16 any other means, except that any such compensation may be paid by
17 warrant of the director of accounts and reports issued for payment of such
18 compensation from the workers compensation fund or the state workers
19 compensation self-insurance fund under the workers compensation act.

20 *Sec. 5. K.S.A. 2012 Supp. 44-520 is hereby amended to read as*
21 *follows: 44-520. (a) (1) Proceedings for compensation under the workers*
22 *compensation act shall not be maintainable unless notice of injury by*
23 *accident or repetitive trauma is given to the employer by the earliest of*
24 *the following dates:*

25 *(A) [3] calendar days from the date of accident or the date of injury*
26 *by repetitive trauma;*

27 *(B) if the employee is working for the employer against whom*
28 *benefits are being sought and such employee seeks medical treatment for*
29 *any injury by accident or repetitive trauma, 20 calendar days from the*
30 *date such medical treatment is sought; or*

31 *(C) if the employee no longer works for the employer against whom*
32 *benefits are being sought, ~~20~~ 10 calendar days after the employee's last*
33 *day of actual work for the employer.*

34 *Notice may be given orally or in writing.*

35 *(2) Where notice is provided orally, if the employer has designated*
36 *an individual or department to whom notice must be given and such*
37 *designation has been communicated in writing to the employee, notice to*
38 *any other individual or department shall be insufficient under this*
39 *section. If the employer has not designated an individual or department*
40 *to whom notice must be given, notice must be provided to a supervisor or*
41 *manager.*

42 *(3) Where notice is provided in writing, notice must be sent to a*
43 *supervisor or manager at the employee's principal location of*