

SENATE BILL NO. 159 am H

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY SENATORS PASKVAN, Menard, Meyer, McGuire, Olson, Davis

REPRESENTATIVES Fairclough, Kerttula, Lynn

Amended: 4/18/10
Introduced: 3/20/09

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to medical and rehabilitation information in workers' compensation**
2 **matters; increasing the maximum funeral expenses payable as a workers' compensation**
3 **death benefit; and providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 23.30.108 is amended by adding new subsections to read:

6 (d) If the employee files a petition seeking a protective order to recover
7 medical and rehabilitation information that has been provided but is not related to the
8 employee's injury, and the board or the board's designee grants the protective order,
9 the board or the board's designee granting the protective order shall direct the division,
10 the board, the commission, and the parties to return to the employee, as soon as
11 practicable following the issuance of the protective order, all medical and
12 rehabilitation information, including copies, in their possession that is unrelated to the
13 employee's injury under the protective order.

14 (e) If the board or the board's designee limits the medical or rehabilitation

1 information that may be used by the parties to a claim, either by an order on the record
 2 or by issuing a written order, the division, the board, the commission, and a party to
 3 the claim may request and an employee shall provide or authorize the production of
 4 medical or rehabilitation information only to the extent of the limitations of the order.
 5 If information has been produced that is outside of the limits designated in the order,
 6 the board or the board's designee shall direct the party in possession of the information
 7 to return the information to the employee as soon as practicable following the issuance
 8 of the order.

9 * **Sec. 2.** AS 23.30.215(a) is amended to read:

10 (a) If the injury causes death, the compensation is known as a death benefit
 11 and is payable in the following amounts to or for the benefit of the following persons:

12 (1) reasonable and necessary funeral expenses not exceeding **\$10,000**
 13 **[\$5,000]**;

14 (2) if there is a widow or widower or a child or children of the
 15 deceased, the following percentages of the spendable weekly wages of the deceased:

16 (A) 80 percent for the widow or widower with no children;

17 (B) 50 percent for the widow or widower with one child and 40
 18 percent for the child;

19 (C) 30 percent for the widow or widower with two or more
 20 children and 70 percent divided equally among the children;

21 (D) 100 percent for an only child when there is no widow or
 22 widower;

23 (E) 100 percent, divided equally, if there are two or more
 24 children and no widow or widower;

25 (3) if the widow or widower remarries, the widow or widower is
 26 entitled to be paid in one sum an amount equal to the compensation to which the
 27 widow or widower would otherwise be entitled in the two years commencing on the
 28 date of remarriage as full and final settlement of all sums due the widow or widower;

29 (4) if there is no widow or widower or child or children, then for the
 30 support of father, mother, grandchildren, brothers, and sisters, if dependent upon the
 31 deceased at the time of injury, 42 percent of the spendable weekly wage of the

1 deceased to such beneficiaries, share and share alike, not to exceed \$20,000 in the
2 aggregate;

3 (5) \$5,000 to a surviving widow or widower, or equally divided among
4 surviving children of the deceased if there is no widow or widower.

5 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 **APPLICABILITY.** The death benefit for funeral expenses under AS 23.30.215(a)(1),
8 as amended by sec. 2 of this Act, applies to an injury occurring on or after the effective date
9 of this Act.

10 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).