

CS FOR SENATE BILL NO. 93(L&C) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Amended: 5/3/23

Offered: 3/31/23

Sponsor(s): SENATE LABOR AND COMMERCE COMMITTEE BY REQUEST

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to claims for injury, disability, or heart attack payable from the
2 fishermen's fund; relating to claims against protection and indemnity insurance policies
3 of vessel owners; relating to the definition of 'occupational disease'; and providing for
4 an effective date."

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

6 * **Section 1.** AS 23.35.140 is amended to read:

7 **Sec. 23.35.140. Limitation on benefits.** (a) Except for compelling reasons
8 and except as provided in (c) and (d) of this section.

9 (1) compensation may not be paid for medical care or hospitalization
10 furnished before the ascertainable time of injury, or before authorization in the case of
11 disability caused by an occupational disease;

12 (2) the total allowance for any one injury or disablement is \$15,000
13 [\$10,000].

14 (b) The total allowance for any one heart attack is \$15,000 [\$10,000].

1 * **Sec. 2.** AS 23.35.140 is amended by adding new subsections to read:

2 (c) If the unexpended and unobligated balance of the fund falls below
3 \$7,500,000,

4 (1) the total allowance for any one injury or disablement under (a)(2)
5 of this section is reduced to \$10,000; and

6 (2) the total allowance for any one heart attack under (b) of this section
7 is reduced to \$10,000.

8 (d) If the unexpended and unobligated balance of the fund falls below
9 \$5,000,000,

10 (1) the total allowance for any one injury or disablement under (a)(2)
11 of this section is reduced to \$5,000; and

12 (2) the total allowance for any one heart attack under (b) of this section is reduced to \$5,000.

13 * **Sec. 3.** AS 23.35.145 is amended to read:

14 **Sec. 23.35.145. Claim of vessel owner. Except as provided in (b) and (c) of**
15 **this section, if** [IF] a fisherman files a claim for benefits under this chapter and also
16 files a claim against the protection and indemnity insurance policy of the vessel
17 owner, the vessel owner is entitled to receive a benefit, not to exceed the amount of
18 the actual loss, that is the lesser of

19 (1) the full amount of the protection and indemnity insurance policy
20 deductible; or

21 (2) **\$15,000** [\$5,000].

22 * **Sec. 4.** AS 23.35.145 is amended by adding new subsections to read:

23 (b) If the unexpended and unobligated balance of the fund falls below
24 \$7,500,000, the benefit a vessel owner is entitled to receive under (a)(2) of this section
25 is reduced to \$10,000.

26 (c) If the unexpended and unobligated balance of the fund falls below
27 \$5,000,000, the benefit a vessel owner is entitled to receive under (a)(2) of this section
28 is reduced to \$5,000.

29 * **Sec. 5.** AS 23.35.150(5) is amended to read:

30 (5) "occupational disease" means hernia; varicose veins of the leg;
31 **viral infections and** the respiratory diseases, bronchitis, pleurisy, and pneumonia

1 caused by or aggravated by the fishing endeavor, but excluding the common cold and
2 influenza; rheumatism, arthritis, and those musculoskeletal diseases (such as bursitis,
3 traumatic sciatica, and tenosynovitis) directly caused by or aggravated by the fishing
4 endeavor; and does not include a disease not common to both sexes, venereal disease,
5 or a condition arising out of an attempt of a fisherman to injure self or another.

6 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).