



LAWS OF ALASKA

2024

Source
CSSB 93(L&C) am

Chapter No.

AN ACT

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

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

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

4

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

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

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

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

13 (b) **Except as provided in (c) and (d) of this section, the** [THE] total

1 allowance for any one heart attack is \$15,000 [\$10,000].

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

3 (c) If the unexpended and unobligated balance of the fund falls below
4 \$7,500,000,

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

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

9 (d) If the unexpended and unobligated balance of the fund falls below
10 \$5,000,000,

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

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

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

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

21 (1) the full amount of the protection and indemnity insurance policy
22 deductible; or

23 (2) \$15,000 [\$5,000].

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

25 (b) If the unexpended and unobligated balance of the fund falls below
26 \$7,500,000, the benefit a vessel owner is entitled to receive under (a)(2) of this section
27 is reduced to \$10,000.

28 (c) If the unexpended and unobligated balance of the fund falls below
29 \$5,000,000, the benefit a vessel owner is entitled to receive under (a)(2) of this section
30 is reduced to \$5,000.

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

1 (5) "occupational disease" means hernia; varicose veins of the leg;
2 **viral infections and** the respiratory diseases, bronchitis, pleurisy, and pneumonia
3 caused by or aggravated by the fishing endeavor, but excluding the common cold and
4 influenza; rheumatism, arthritis, and those musculoskeletal diseases (such as bursitis,
5 traumatic sciatica, and tenosynovitis) directly caused by or aggravated by the fishing
6 endeavor; and does not include a disease not common to both sexes, venereal disease,
7 or a condition arising out of an attempt of a fisherman to injure self or another.

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