



LAWS OF ALASKA

2010

Source
HCS SB 163(RLS)

Chapter No.

AN ACT

Relating to the duties of the commissioner of labor and workforce development and the Fishermen's Fund Advisory and Appeals Council with respect to the fishermen's fund and increasing the allowances for injury, disability, or heart attack payable from the fund, and allowing a vessel owner to recover a portion of the deductible under a protection and indemnity insurance policy following a claim by an injured fisherman; 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 the duties of the commissioner of labor and workforce development and the
2 Fishermen's Fund Advisory and Appeals Council with respect to the fishermen's fund and
3 increasing the allowances for injury, disability, or heart attack payable from the fund, and
4 allowing a vessel owner to recover a portion of the deductible under a protection and
5 indemnity insurance policy following a claim by an injured fisherman; and providing for an
6 effective date.

7

8 * **Section 1.** AS 23.35.040 is repealed and reenacted to read:

9 **Sec. 23.35.040. Duties of commissioner and council.** (a) The council shall

10 (1) review all denials of benefits made by the person responsible for
11 the administration of the fund; and

12 (2) make all initial determinations regarding claims for additional
13 benefits under AS 23.35.140.

1 (b) Under regulations adopted by the department, the commissioner shall hear
2 all appeals from the council's denial of benefits and denials of claims for additional
3 benefits under AS 23.35.140. The commissioner's decision is final and may be
4 appealed as provided under AS 44.62 (Administrative Procedure Act).

5 * **Sec. 2.** AS 23.35.140 is amended to read:

6 **Sec. 23.35.140. Limitation on benefits.** (a) Except for compelling reasons,

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

10 (2) the total allowance for any one injury or disablement is **\$10,000**
11 [\$2,500].

12 (b) The total allowance for any one heart attack is **\$10,000** [\$2,500].

13 * **Sec. 3.** AS 23.35 is amended by adding a new section to read:

14 **Sec. 23.35.145. Claim of vessel owner.** If a fisherman files a claim for
15 benefits under this chapter and also files a claim against the protection and indemnity
16 insurance policy of the vessel owner, the vessel owner is entitled to receive a benefit,
17 not to exceed the amount of the actual loss, that is the lesser of

18 (1) 50 percent of the amount of the protection and indemnity insurance
19 policy deductible; or

20 (2) \$5,000.

21 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 **APPLICABILITY OF AS 23.35.040.** (a) The provisions of AS 23.35.040, as repealed
24 and reenacted by sec. 1 of this Act, apply to applications for benefits from the fishermen's
25 fund (AS 23.35.060) or applications for additional benefits under AS 23.35.140 that are first
26 submitted on or after the effective date of this Act.

27 (b) Applications for benefits and appeals pending on the day before the effective date
28 of this Act shall be resolved under AS 23.35.040 as it read on that date before its amendment
29 by sec. 1 of this Act.

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

1 APPLICABILITY OF VESSEL OWNER CLAIM PROVISION. AS 23.35.145,
2 enacted by sec. 3 of this Act, applies to a claim filed by a fisherman under AS 23.35 on or
3 after the effective date of this Act.

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