

1 IN THE HOUSE

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HAMMOND, HOPE, FRANZ AND HANSEN

2 HOUSE BILL NO. 171

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to provide for the care of sick and
7 disabled fishermen; establishing a board;
8 establishing a fund; and providing for an
9 effective date."

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

11 Section 1. There is hereby created a Board for Care of Sick
12 and Disabled Fishermen, consisting of the Commissioner of Labor
13 and Economics, who shall be the chairman and the administrative
14 officer of the board; the Commissioner of Health and Welfare; the
15 Commissioner of Revenue; and four members appointed by the govern-
16 nor and approved by the members of the senate and the house of
17 representatives in joint session assembled, for four year terms,
18 except that first appointments shall be made and arranged that
19 one term shall expire on June 30th of each year. The appointive
20 members shall be selected from licensed commercial fishermen who
21 shall have been so engaged in Alaska for the five years immediately
22 preceding their appointment.

23 Sec. 2. The Board for Care of Sick and Disabled Fishermen
24 may make rules for the conduct of its business and make and pro-
25 mulgate suitable orders, rules and regulations for carrying out
26 the purposes of this Act, including such as are necessary or ad-
27 visable to protect the fund hereinafter established by limiting
28 or suspending payments from the fund. All such rules and regula-
29 tions shall be uniform in application. The board shall meet in

1 Juneau in January of each year and may hold such additional meet-
2 ings at such other places in the state as may be necessary. All
3 meetings shall be open to the public and the board shall keep a
4 record of its proceedings and submit, through the governor, to
5 the legislature, an annual report of its activities.

6 Sec. 3. Members of the board shall serve without salary, but
7 shall be entitled to the same per diem rate and transportation
8 expenses that are payable to state officers and employees for
9 time spent in the performance of their duties at board meetings
10 away from home.

11 Sec. 4. There is hereby created a fund, designated as the
12 "Fishermen's Fund" to be administered by the Commissioner of
13 labor and Economics under the direction of the Board for Care of
14 Sick and Disabled Fishermen, with the state treasurer as custo-
15 dian of the fund. The fund shall be composed of 60% of the money
16 hereafter derived by the state from all commercial fishermen's
17 licenses, including clam diggers' licenses. Payments from the
18 fund for expenses and other disbursements necessary to carry out
19 the purposes of this Act shall be made upon vouchers approved by
20 the administrative officer of the board. Said fund shall be con-
21 tinuous until otherwise provided by law.

22 Sec. 5. Each fisherman qualified under this Act shall, upon
23 his becoming disabled as hereinafter specified, be entitled to
24 receive benefits as follows: Immediately after he sustains any
25 injury or disability arising out of any accident directly connect-
26 ed with his operations as a commercial fisherman, either ashore
27 in Alaska or in the state waters of Alaska, or suffers a disease
28 which is occupational with respect to his work as a fisherman,
29 such fisherman shall be entitled to emergency treatment, trans-

1 portation to the nearest place where approved medical facilities
2 are available, medical care and hospitalization.

3 For the purposes of this Act, the following diseases are
4 considered to be occupational with respect to fishermen: hernia;
5 varicose veins of the legs; the respiratory diseases bronchitis,
6 pleurisy and pneumonia caused by or aggravated by the fishing
7 endeavor, but excluding the common cold and influenza; rheumatism,
8 arthritis and those musculoskeletal diseases (such as bursitis,
9 traumatic sciatica, and tenosynovitis) directly caused by or
10 aggravated by the fishing endeavor. Diseases not common to both
11 sexes, venereal disease, and any condition arising out of an
12 attempt to injure himself or another are excluded from coverage
13 under this Act; Provided, however, that nothing herein shall be
14 construed as prohibiting the board from paying the costs, within
15 the maximum limitations, of emergency treatment, transportation,
16 medical care and hospitalization, necessitated by cardio-vascular
17 diseases, when it is determined by the board that such diseases
18 are attributable, directly or indirectly, to the fishing endeavor.

19 He shall also be entitled to such assistance after discharge
20 from the hospital during period of convalescence as the board may
21 allow in consideration of the condition of the fund.

22 Sec. 6. The board is hereby authorized to pay out of the
23 fund all reasonable transportation charges incurred under the
24 provisions of Sec. 5, including cost of returning such fisherman
25 to his boat, to his home or to such other place as may reasonably
26 meet with his convenience, and such reasonable hospital, nursing,
27 medical and surgical expense as may be incurred in his examina-
28 tion, treatment and care.

29 In carrying out the provisions of this Act, the board may

1 enter into contracts or other arrangements with hospitals and
2 doctors located within the state for furnishing care on an annual
3 basis to persons entitled to benefits under this Act.

4 Sec. 7. In providing care for persons entitled to benefits
5 under this Act, the board shall provide the type and quality of
6 treatment which will restore the fisherman to health and produc-
7 tivity, if possible. In this connection the board may enter into
8 cooperative arrangements with state and federal agencies, including
9 the United States Public Health Service, and private clinics and
10 rehabilitation centers for the care and treatment of such persons.
11 Unless by the unanimous agreement of all members of the board and
12 for compelling reasons, no compensation shall be paid for the care
13 of any one person involving a single injury or disability beyond
14 a period of one year from the date of initial allowance; nor shall
15 compensation be paid for medical care or hospitalization rendered
16 prior to ascertainable time of an injury, or prior to authoriza-
17 tion in the case of disability caused by an occupational disease,
18 nor shall the total allowance for any one injury or disablement
19 exceed \$2,500.00.

20 Sec. 8. As used in this Act, "fisherman" shall be defined as
21 any person who is licensed by the state to engage in commercial
22 fishing and who at the time injury is sustained or illness con-
23 tracted is actually so engaged, or occupied in Alaska in preparing
24 or dismantling boats or gear used in such fishing; Provided, that
25 such commercial fishermen as are within the jurisdiction of the
26 Alaska Workmen's Compensation Act by reason of an employer-employee
27 relationship, or otherwise, or are eligible for and able to obtain
28 benefits under any federal act applicable in their respective
29 cases shall not be eligible for benefits under this Act.

1 Sec. 9. If any provisions of this Act, or the application
2 thereof to any person or circumstance is held invalid, the re-
3 mainder of the Act and such application to other persons or cir-
4 cumstances shall not be affected thereby.

5 Sec. 10. This Act shall take effect immediately upon its
6 passage and approval or upon its becoming law without such approval.

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