

HB

49

COMMITTEE REPORT

HOUSE

FURTHER:

1-24-79

Date: July 13, 1979

Mr. Speaker:

The Committee on RESOURCES has had HB 49

"An Act relating to the fisherman's fund."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 49 same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

CHAIRMAN

WHAT IS THE FISHERMEN'S FUND?

The Fishermen's Fund was established in 1951 to provide for the treatment and care of Alaska licensed commercial fishermen who are injured or become ill while engaged in commercial fishing activities on shore in Alaska or in the territorial waters of the State. The territorial waters were defined on January 23, 1976 by the Attorney General's Office

5 AAC 36.010. Description of Area. The International water area includes all waters outside Alaska's three mile limit, i.e., beyond those described in 5 AAC 39.075(13) means the waters north and west of the International Boundary at Dixon Entrance including those extending three miles seaward.

The Fund is supported by sixty percent of the money collected from each crewmember fishing license issued, an equal amount of the money derived by the State from each commercial fisherman who is issued a permit. It is administered under the supervision of the Commissioner of Labor and with the assistance of the Fishermen's Fund Advisory and Appeals Council. The Council is composed of the Commissioner of Labor or his designee, who acts as chairman, and five members appointed by the Governor to represent the following districts:

District 1: Wrangell and areas south.

District 2: Areas north of Wrangell to include Yakutat

District 3: Areas west of Yakutat to East Coast of Alaska Peninsula, including Prince William Sound, Cook Inlet, and Kodiak.

District 4: Areas west of Alaska Peninsula to Cape Newenham, including Bristol Bay.

District 5: Areas north of Cape Newenham, including Kuskokwim, Yukon, Kotzebue, and the Arctic.

WHO IS ELIGIBLE FOR FISHERMEN'S FUND BENEFITS?

Fishermen's Fund benefits are available to commercially licensed fishermen who sustain an injury or disability as the result of an accident directly connected with their work on the fishing grounds, tying up the boat, storing gear, or repairing the boat or gear. Shopping trips to town, transportation to the boat, and falls that occur when the fisherman is returning to the boat for the night's rest are not usually covered.

Benefits are also available to fishermen who suffer a disease which is considered to be occupational with respect to the commercial fishing profession.

These diseases include hernias, heart attacks, varicose veins of the legs, bronchitis, pleurisy, pneumonia, rheumatism, arthritis, and musculoskeletal ailments such as bursitis, traumatic sciatica and tenosynovitis.

Excluded from the occupational category are the common cold, influenza, strep throat, tonsillitis, emotional disorders, peptic ulcers, epilepsy, diseases not common to both sexes, venereal diseases and any condition arising from an attempt by a person to injure himself or another. The exceptions would be bug bites which become infected due to the fish slime and ear infections which are caused by diving to repair boats or gear. Benefits are not paid for colds that develop into ear infections through normal exposure.

WHAT IS THE PROCEDURE FOR FILING A CLAIM?

When a commercial fisherman sustains an injury or suffers an illness which he believes will entitle him to Fishermen's Fund benefits, he should tell the doctor who treats him so claim forms may be completed. If the fisherman reports first to an emergency or outpatient section of a hospital, he should advise hospital personnel that he may be entitled to benefits from Fishermen's Fund.

There are two Fishermen's Fund claim forms. One is the "Certificate of Eligibility" which the injured or ill fisherman completes and signs. The other is the "Physician's Report of Injury/Illness" which the doctor

completes with the assistance of the fisherman. These forms are printed on opposite sides of the same sheet of paper for convenience. See examples 1 and 2.

Most doctors and hospitals in Alaska have Fishermen's Fund forms which *must be completed to establish a claim*. If a fisherman is unable to obtain the proper forms in his area, he may write the Administrator of the Fishermen's Fund, P. O. Box 1149, Juneau, Alaska 99811.

At times it is necessary for the Administrator of the Fund to write a claimant to clarify a point concerning his claim. Usually such letters are necessary because the claim forms have not been completed with sufficient detail to establish the claimant's eligibility for benefits. It is essential for a claimant to respond as completely and promptly as possible to avoid delays in processing his claim.

All billings for expenses related to a claim should be sent to the Administrator of the Fishermen's Fund. If the claim is approved, benefits will be paid to the person, business, or institution which submitted the bills. If a fisherman pays for any expenses related to his injury or illness, he should obtain proper receipts and submit them to the Fund's Administrator for reimbursement. If expenses are advanced to the claimant and charged against his fishing settlement, a copy of the settlement could be accepted in lieu of any other receipt. Typical out-of-pocket expenses are transportation, prescriptions, and on occasion, hotel and meal costs.

In the event a claim is denied, all parties are notified with a written notice stating the reason for the denial. The denied claim is then scheduled for review at the next meeting of the Advisory and Appeals Council. The claimant is notified of the time and place of the Council's meeting in sufficient time to submit additional information supporting his claim. He may also make arrangements for a personal appearance before the Council.

Any inquiries concerning the Fishermen's Fund may be directed to the Commissioner of Labor, P. O. Box 1149, Juneau, Alaska 99811.

WHAT COVERAGE DOES THE FISHERMEN'S FUND PROVIDE?

Eligible fishermen are entitled to emergency treatment, transportation to the nearest place where approved medical facilities are available, medical, surgical and nursing care and hospitalization. They are entitled to reasonable transportation charges incurred to approved hospitalization and/or treatment including the cost of returning fishermen to their boat, home or another place that reasonably meets their convenience. A fisherman may also be entitled to assistance after discharge from the hospital during fishing season.

If dentures or eyeglasses are lost, they may not be replaced. However, if they are broken and physical injury is sustained necessitating medical attention, they may be replaced or repaired upon approval of the Fishermen's Fund Advisory and Appeals Council. If no physical injury is sustained and dentures or eye glasses are broken, replacement is not allowed.

Persons receiving benefits from the Fishermen's Fund shall be provided with the type and quality of treatment which will restore them to health and productivity, if possible. In this connection, the Department may enter into cooperative arrangements with State and Federal agencies, private clinics, and rehabilitation centers for the care and treatment of fishermen.

WHAT ARE THE LIMITS ON FISHERMEN'S FUND BENEFITS?

1. No benefits shall be paid for the care of any one person which involves a single injury or disability beyond a period of one year from the date of the initial allowance.
2. Benefits shall not be paid for medical care or hospitalization rendered prior to the ascertainable time of an injury, or prior to authorization in the case of disability by an occupational disease.
3. The total allowance for any one injury or disablement shall not exceed \$2,500.

Exceptions to the above stipulations may be granted by the Commissioner of Labor with the unanimous approval of the Fishermen's Fund Advisory and Appeals Council.

**CHAPTER 35. OCCUPATIONAL DISEASE
DISABILITY**

Article

1. Commercial Fishermen (§ § 23.35.010-23.35.150)

Article 1. Commercial Fishermen.

Section

10. Creation of Fishermen's Fund Advisory and Appeals Council
20. Appointment and composition of council
30. Commissioner or designee as chairman
40. Duties of commissioner and council
50. Adoption of orders, regulations
60. Creation and administration of Fishermen's Fund
70. Benefits
80. Emergency treatment for cardiovascular diseases
90. Assistance after discharge
100. Transportation, hospital, nursing, medical and surgical expenses
110. Contracts for care
120. Cooperation with other agencies
130. Duration of care
140. Limitations on benefits
150. Definitions

Sec. 23.35.010. Creation of Fishermen's Advisory and Appeals Council. There is within the Department of Labor a Fishermen's Fund Advisory and Appeals Council. (§ 13 ch 64 SLA 1959; am § 1 ch 93 SLA 1960)

Am. Jur. references. — 29 Am. Jur., Insurance, § 1069; 35 Am. Jur., Master and Servant, § § 106, 107.

Sec. 23.35.020. Appointment and composition of council. The council is composed of the commissioner of labor or a person designated by him and five members appointed by the governor for overlapping five year terms. The governor shall appoint one member from each of the following districts:

District 1: Wrangell and areas south;

District 2: Areas north of Wrangell to include Yakutat;

District 3: Areas west of Yakutat to East Coast of Alaska Peninsula, including Prince William Sound, Cook Inlet, and Kodiak;

District 4: Areas west of Alaska Peninsula to Cape Newenham, including Bristol Bay;

District 5: Areas north of Cape Newenham, including Kuskokwim, Yukon, Kotzebue, and the Arctic. (§ 13 ch 64 SLA 1959; am § 1 ch 93 SLA 1960; am § 1 ch 175 SLA 1976)

Effect of amendment. — The 1976 amendment, effective June 17, 1976, substituted "five members" for "four members" and "five year terms" for "four year terms" in the first sentence of the introductory paragraph, substituted "Areas north of Wrangell" for "Petersburg and areas north" in the District 2 paragraph, inserted "to Cape Newenham" in the District 4 paragraph, and added the District 5 paragraph.

Sec. 23.35.030. Commissioner or designee as chairman. The commissioner of labor or the person designated by him serves as the chairman of the council. (§ 13 ch 64 SLA 1959; am § 1 ch 93 SLA 1960,

Sec. 23.35.040. Duties of commissioner and council. The commissioner shall consult with the council before he makes a negative decision on an appeal filed with him in relation to the care of a sick and disabled fisherman. (§ 13 ch 64 SLA 1959; am § 1 ch 93 SLA 1960)

Sec. 23.35.050. Adoption of orders, regulations. The department may adopt orders, rules and regulations to carry out the purposes of § 510-150 of this chapter, including those which are necessary or advisable to protect the fund by limiting or suspending payments from the fund. The rules and regulations shall be uniform in application. (§ 2 ch 100 SLA 1951)

Sec. 23.35.060. Creation and Administration of Fishermen's Fund. There is created a fund, designated as the "fishermen's fund." The Department of Revenue is the custodian of the fund and the Department of Labor shall administer it. The fund shall be composed

File original
immediately after
first attendance.

ALASKA DEPARTMENT OF LABOR
FISHERMEN'S FUND
Poucl. XA, Juneau, Alaska 99811

The Original
Certificate of
Eligibility must
accompany this
report. See Reverse.

PHYSICIAN'S REPORT OF INJURY/ILLNESS

THE PATIENT	1. NAME		2. SEX	3. AGE	4. SOCIAL SECURITY NUMBER	
	5. STREET OR BOX NUMBER		6. CITY		7. STATE	8. ZIP
	9. LICENSE NUMBER AND DATE ISSUED		10. TYPE OF FISHING GEAR USED AT TIME OF INJURY (Check One) <input type="checkbox"/> Halibut <input type="checkbox"/> Scallop <input type="checkbox"/> Picker <input type="checkbox"/> Troll <input type="checkbox"/> Crab <input type="checkbox"/> Shrimp <input type="checkbox"/> Gillnet <input type="checkbox"/> Seine <input type="checkbox"/> Other (Specify)			
	11. NAME OF BOAT		12. IF REGISTERED - WHERE?			
	13. DATE AND HOUR OF INJURY OR EXPOSURE TO DISEASE			14. IS THIS CLAIM COVERED BY OTHER INSURANCE? NAME		
	15. STATE IN DETAIL WHERE AND HOW ACCIDENT/ILLNESS OCCURRED					
	16. GEOGRAPHIC LOCATION		17. WAS PATIENT <input type="checkbox"/> FISHING <input type="checkbox"/> WORKING ON BOAT/GEAR <input type="checkbox"/> OTHER (EXPLAIN)			
	18. NAME AND ADDRESS OF WITNESS					
	19. DATE OF FIRST TREATMENT.			20. GIVE ACCURATE DESCRIPTION OF NATURE AND EXTENT OF INJURY/ILLNESS AND STATE YOUR OBJECTIVE FINDINGS.		
	THE PHYSICIAN	21. IS ACCIDENT/ILLNESS REFERRED TO ABOVE THE ONLY CAUSE OF PATIENT'S CONDITION? IF NOT, STATE CONTRIBUTING CAUSES				
22. HAS NORMAL RECOVERY BEEN DELAYED FOR ANY REASON? GIVE PARTICULARS						
23. DOES PATIENT SUFFER FROM OR HAVE ANY PHYSICAL IMPAIRMENT DUE TO ANY OVERT ACCIDENT/ILLNESS OTHER THAN AS DESCRIBED IN ITEMS 18 AND 19? GIVE PARTICULARS						
24. DID THIS ACCIDENT/ILLNESS AGGRAVATE CONDITION DESCRIBED IN ITEM 22?						
25. DESCRIBE TREATMENT GIVEN BY YOU						
26. WERE X RAYS TAKEN? IF SO, WHEN AND BY WHOM? GIVE DIAGNOSIS						
27. WAS PATIENT TREATED BY ANYONE ELSE? IF SO, WHEN AND BY WHOM?						
28. NAME AND ADDRESS OF HOSPITAL IF ANY		<input type="checkbox"/> OUTPATIENT <input type="checkbox"/> INPATIENT		ADMISSION DATE AND DISCHARGE DATE		
29. IS FURTHER TREATMENT NEEDED? IF SO, HOW LONG?						
30. I AM A DULY LICENSED PHYSICIAN IN THE STATE OF			31. SIGNATURE			
32. PRINTED NAME AND ADDRESS			33. IN DAYS (IF THIS REPORT)			

of 60 percent of the money derived by the state from each crewmember fishing license issued under AS 16.05.480, an equal amount of the money derived by the state from each commercial fisherman who is issued a permit under AS 16.43, and money appropriated to carry out the purpose of §§ 10-150 of this chapter. (§ 4 ch 100 SLA 1951; am § 1 ch 99 SLA 1955) (§ 1 ch 105 SLA 1977).

Cross reference. — For provisions as to special funds. see AS 37.05.155.

Sec. 23.35.070. Benefits. A fisherman, upon becoming disabled, is entitled to receive benefits as follows: Immediately after he sustains an injury or disability arising out of an accident directly connected with his operation as a fisherman, either ashore in the state or in the territorial waters of the state, or suffers an occupational disease, the fisherman is entitled to emergency treatment, transportation to the nearest place where approved medical facilities are available, medical care and hospitalization (§ 5 ch 100 SLA 1951, am § 2 ch 99 SLA 1955; am § 1 ch 59 SLA 1957)

Sec. 23.35.080. Emergency treatment for cardio-vascular diseases. The department may pay the costs, within the maximum limitations, of emergency treatment, transportation, medical care and hospitalization, necessitated by a cardio-vascular disease, if the department determines that the disease is attributable, directly or indirectly, to the fishing endeavor. (§ 5 ch SLA 1951; am § 2 ch 99 SLA 1955, am § 1 ch 59 SLA 1957)

Sec. 23.35.090. Assistance after discharge. A fisherman is also entitled to such assistance after discharge from the hospital during period of convalescence as the department allows in consideration of the condition of the fund. (§ ch 100 SLA 1951, am § 2 ch 99 SLA 1955; am § 1 ch 59 SLA 1957)

Sec. 23.35.100. Transportation, hospital, nursing, medical and surgical expenses. The department may pay out of the fund all reasonable transportation charges incurred under §§ 80 and 90 of this chapter, including cost of returning the fisherman to his boat, to his home or to another place which reasonably meets with his

convenience, and the reasonable hospital, nursing, medical and surgical expenses incurred in his examination, treatment and care. (§ 6 ch 100 SLA 1951)

Money cannot be expended from the sick and disabled fishermen's fund for the payment of charges for medicine prescribed by chiropractors. 1961 Op. Att'y Gen., No. 23.

Since chiropractor cannot prescribe drugs or medicine. — It is illegal and criminal for a chiropractor, without additional qualifications, to prescribe drugs or medicine to sick or injured persons. 1961 Op. Att'y Gen., No. 23.

Sec. 23.35.110. Contracts for care. In carrying out §§ 10-150 of this chapter, the department may enter into contracts or other arrangements with hospitals and doctors in the state for furnishing care on an annual basis to persons entitled to benefits. (§ 6 ch 100 SLA 1951)

Sec. 23.35.120. Cooperation with other agencies. In providing care the department shall provide the type and quality of treatment which will restore the fisherman to health and productivity, if possible. The department may enter into cooperative arrangements with agencies of the federal government, other states and territories, and private clinics and rehabilitation centers for the care and treatment of fishermen. (§ 7 ch 100 SLA 1951)

Sec. 23.35.130. Duration of care. Except for compelling reasons, no compensation may be paid for the care of any one persons involving a single injury or disability beyond a period of one year from the date of initial allowance. (§ 7 ch 100 SLA 1951)

Liberal interpretation. — The legislature intended a relatively liberal interpretation of the act. 1959 Op. Att'y Gen., No. 5.

Scope of term "compelling reasons". — See 1959 Op. Att'y Gen., No. 5.

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

(1) no compensation may be paid for medical care

or hospitalization furnished before the ascertainable time of injury, or before authorization in the case of disability caused by an occupational disease:

(2) the total allowance for any one injury or disablement is \$2,500.

(b) The total allowance for any one heart attack is \$2,500. (§ 7 ch 100 SLA 1951, am § 1 ch 103 SLA 1965; am § 1 ch 166 SLA 1968)

Effect of amendments. — The 1965 amendment rewrote this section.

Prior to the 1968 amendment this section consisted of the language now contained in subsection (a).

Benefits in excess of \$2,500. — There might be many very "compelling reasons" to raise the benefits above \$2,500 under some circumstances. 1959 Op. Att'y Gen., No. 5.

Sec. 23.35.150. Definitions. In this chapter

(1) "commissioner" means the commissioner of labor;

(2) "council" means the Fishermen's Fund Advisory and Appeals Council.

(3) "department" means the Department of Labor.

(4) "fisherman" means a person who is licensed by the state to engage in commercial fishing under AS 16.05.480 or who is the holder of a permit issued under AS 16.43 and who, at the time injury is sustained or illness is contracted, is actually so engaged or is occupied in Alaska in preparing or dismantling boats or gear used in commercial fishing;

(5) "fund" means the Fishermen's Fund

(6) "occupational disease" means hernia, varicose veins of the leg, the respiratory diseases, bronchitis, pleurisy, and pneumonia caused by or aggravated by the fishing endeavor, but excluding the common cold and influenza, rheumatism, arthritis and those musculoskeletal diseases (such as bursitis, traumatic sciatica, and tenosynovitis) directly caused by or

aggravated by the fishing endeavor; and does not include a disease not common to both sexes, venereal disease, or a condition arising out of an attempt of a fisherman to injure himself or another.

(7) "approved medical facilities" and "medical care" include the facilities of, or the care and treatment prescribed or performed by, a practitioner or chiropractic licensed by the state under AS 08.20. (5 13 ch 64 SLA 1959; am 5 1 ch 93 SLA 1960; 5 4 ch 100 SLA 1951; am 5 1 ch 99 SLA 1955; 5 5 ch 100 SLA 1951; am 5 2 ch 99 SLA 1955; am 5 1 ch 59 SLA 1957; 5 8 ch 100 SLA 1951; am 5 1 ch 77 SLA 1962; am 5 1 ch 51 SLA 1972)

Effect of amendment. - The 1972 amendment added paragraph. (7).

CHAPTER 55. FISHERMEN'S FUND

Section

- 10. Benefits
- 20. Pleadings
- 30. Appeals
- 40. Definitions

8 AAC 55.010. BENEFITS. (a) To be eligible for benefits from the fund a person must be a fisherman who, at the time an injury is sustained or illness is contracted, is licensed in his own name by the State of Alaska to engage in commercial fishing, and who is actually so engaged in Alaska or is occupied in Alaska in preparing or dismantling boats or gear used in commercial fishing.

(b) Benefits for respiratory diseases are limited to bronchitis, pleurisy and pneumonia caused by or aggravated by fishing endeavor.

(c) Unless required as a result of accidental bodily injury caused by the fishing endeavor, benefits may not be awarded for the following items:

- (1) the services of a dentist.
- (2) dental prosthetic appliances or the fitting of them.

(3) eye refractions and hearing examinations; or

(4) eye glasses and hearing aides or the fitting of them. (Eff. 3/28/74, Reg. 49)

Authority: AS 23.35.050

AS 23.35.070

AS 23.35.150(6)

8 AAC 55.020. PLEADINGS. (a) Proceedings before the council are commenced by filing an application, with the administrator, in writing which consists of the following:

(1) a certificate of eligibility completed by the fisherman on a form prescribed by the administrator; and

(2) a physician's report of injury or illness completed by the attending physician on a form prescribed by the administrator.

(b) A separate application shall be filed for each separate and independent occupational injury or occupational illness for which benefits are claimed.

(c) In addition to the restrictions provided by sec. 10 of this chapter, benefits may not be awarded unless

(1) applications are submitted within 60 days of the date of occupational injury or onset of occupational illness.

(2) responses to inquiries seeking clarification of and items on an application or of any item on a billing for services performed or goods supplied are submitted within 90 days after the date of inquiry, and

(3) price lists and fee determinations are submitted to the administrator within 30 days of the date requested.

(d) A request for an extension of duration of care, waiver of benefit limitations, assistance after discharge from a hospital or additional transportation allowances is called a petition. Petitions for extension of duration of care or waiver of benefit limitations shall cite those reasons believed to be sufficiently compelling to justify

granting the relief sought. Petitions for assistance after discharge from the hospital shall include the dates during which hospitalization occurred. Petitions for additional transportation allowances may be considered only for the purpose of providing specialized medical skills unavailable at the nearest approved medical facility. The petition shall include a written statement from the attending physician clearly defining the required specialized medical skill and the nearest place where it is available.

(e) Petitions under (d) of this section shall be submitted to the council for review and recommendations. (Eff. 3/28/74, Reg. 49).

Authority: AS 23.30.050

8 AAC 55.030. APPEALS. (a) The administrator shall submit a written notice to each fisherman whose application is denied stating the reasons for the denial.

(b) The council shall review each application which has been denied or referred to the council by the administrator. Each fisherman who has an application pending before the council shall be notified in writing, by the administrator of the time and place of a council session at least ten days prior to the session. Each fisherman may submit additional evidence to the council in support of his claim in writing, by personal appearance, or both.

(c) The administrator shall notify, in writing, each fisherman who has an application before the council of the council's decision on his application. The decision of the council is final. (Eff. 3/28/74, Reg. 49)

Authority: AS 23.30.040
AS 23.35.050

8 AAC 55.040. DEFINITIONS. In this chapter unless the context requires otherwise

(1) "administrator" means the individual responsible for the administration of the Fishermen's Fund program;

(2) "council" means the Fishermen's Fund Advisory and Appeals Council;

(3) "fund" means the Fishermen's Fund. (Eff. 3/28/74, Reg. 49)

Authority: AS 23.35.050

CERTIFICATE OF ELIGIBILITY

I certify, under penalty of perjury, that I, _____
am a commercial fisherman in the State of Alaska
at _____
Geographic Location
occupation as a commercial fisherman; that on _____
fisherman license issued by the State of Alaska
the Fishermen's Fund.

- Are you Fishing independent _____
 Partner _____
 Share basis _____
 Other (Describe) _____

Dated at _____
Year State

Alaska Stat.

Article 1

Provision

Sec 23 35 070 Benefits A fisherman upon the
injury after he sustains an injury or illness
operating as a fisherman either on land or in the
waters of the State, the fisherman is entitled to
approved medical facilities or approved medical

Sec 23 35 140 Limitations on benefits. Payment
furnished before the ascertainable time of injury
or occupational disease. The total allowance for

14) "fisherman" means a person who is
at the time injury is sustained or illness
is appearing or demanding facts in or

15) "occupational disease" means meningitis,
pleurisy, and pneumonia caused by or as
cold and influenza, rheumatism, arthritis,
asthma, and tuberculosis directly and
include a disease not common to both
of a fisherman to injure himself or

PLEASE COMPLETE
PHYSICIAN'S REPORT OF INJURY
WITH THIS FORM
SEE

SECOND

OF SICK OR INJURED FISHERMAN

_____, have been engaged

Name

at while so engaged on _____

Date

_____ suffered injury or illness directly connected with my

_____ above date I possessed a current valid commercial

_____ by name; and that I am entitled to benefits from

Signature

Alaska Mailing Address

Permanent Mailing Address if
Different from Above

Commercial Fisherman License Number

_____ day of _____, 19____

23.30 010-100

Alaska Fisherman

... if disabled, is entitled to receive benefits as follows:
... being out of an accident directly connected with his
... in the territorial waters of the state, or suffers
... medical treatment, transportation to the nearest place
... and hospitalization.

... amount may be paid for medical care or hospitalization
... before authorization in the case of disability caused by
... one injury or disablement is \$2,500.

... by the state to engage in commercial fishing and wharf
... operated, is actually so engaged or is occupied in Alaska
... in commercial fishing.

... means of the leg; the respiratory diseases, bronchitis,
... and by the fishing endeavor, but excluding the common
... the musculoskeletal disease (such as lumbago, traumatic
... or aggravated by the fishing endeavor); and does not
... reveal disease, or a condition arising out of an attempt

**THIS ENTIRE FORM,
BY/ILLNESS MUST BE FILED
ESTABLISH A CLAIM.
VERSE**

XAMPLE

JAY S. HAMMOND, GOVERNOR



EDMUND N. ORBECK, Commissioner



**Alaska Department of Labor
P.O. Box 1149
Juneau, Alaska 99811**

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LABOR

OFFICE OF THE COMMISSIONER

BOX 1149 - JUNEAU 99811

February 16, 1979

The Honorable Alvin Osterback
Pouch V
Juneau, AK 99811

Dear Representative Osterback:

During the Resources Committee hearing on Tuesday, February 13, 1979, for House Bill No. 49, "An Act relating to the fishermen's fund," the committee requested additional information on the number of claims filed for injuries or illnesses occurring outside the three-mile limit or the "territorial waters." This information is attached.

Also, language for amending the bill to pay claims retroactively has been drafted which is as follows:

Change Title - ; and providing for an effective date.

Add:

*Section 2. The provisions of Section 1 of this Act apply retroactively to all claimants who filed timely claims for fishermen's fund benefits on or after January 23, 1976.

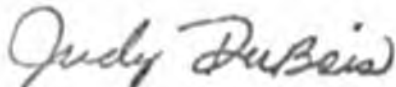
*Section 3. This Act takes effect immediately in accordance with the provisions of AS 01.10.070.

A proposed committee substitute of the bill is attached.

The Fiscal Note submitted for this bill has been reviewed and no changes are necessary at this time.

Thank you for the opportunity to comment. If you have any questions, please contact me at 465-2700 or Grace Wilson, Fishermen's Fund Officer, at 465-2790.

Sincerely,



Judy DuBois
Legislative Liaison

PROPOSED

Original sponsor: Rules/Governor

Introduced: 1/24/79

Referred: Resources

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IN THE HOUSE

BY THE RESOURCES COMMITTEE

CS FOR HOUSE BILL NO. 49

IN THE LEGISLATURE OF THE STATE OF ALASKA

ELEVENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the fishermen's fund; and providing for an effective date."

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

Section 1. AS 23.35.070 is amended to read:

Sec. 23.35.070. BENEFITS. A fisherman, upon becoming disabled, is entitled to receive benefits as follows: Immediately after he sustains an injury or disability arising out of an accident directly connected with his operation as a fisherman, either within the state or in Alaska water [THE TERRITORIAL WATERS OF THE STATE], or suffers an occupational disease, the fisherman is entitled to emergency treatment, transportation to the nearest place where approved medical facilities are available, medical care and hospitalization. As used in this section, "Alaska water" means the land and territorial water of the state and the fishery conservation zone adjacent to the state established by sec. 101 of the Fishery Conservation and Management Act of 1976, Public Law 94-265 (16 U.S.C. 1801 et seq.)

~~Section 2. The provisions of section 1 of this act shall be retroactively effective to the date the bill was filed with the clerk for the session on or after January 23, 1979.~~

~~Section 3. This act shall become effective on the date of the passage of the provisions of AS 01.10.070.~~

*Passed CS
Repealing sec.
2 & 3 with
those proposed
by Ken
Jensen*

but changing act. 1 to Sept. 1 for new application deadline

1979 Claims Pending Payment

<u>DATE OF ACCIDENT</u>	<u>CASE NUMBER</u>	<u>MEDICAL BILLS IN THE FILE 02/14/79</u>	<u>DOCUMENTED VESSEL</u>	<u>OTHER INFORMATION</u>
07-10-78	79-0025	\$ 232.00		
10-01-78	79-0425	99.70	Documented Vessel	
09-26-78	79-0439	40.00		
05-09-78	79-0710	72.00	Documented Vessel	Late claim
07-07-78	79-0077	No bills	Documented Vessel	
09-19-78	79-0453	No bills	Documented Vessel	
07-19-78	79-0123	30.00	Documented Vessel	
09-26-78	79-0728	No Bills	Documented Vessel	Canada, running to Alaska
09-24-78	79-0517	No Bills	Documented Vessel	
01-10-78	78-0725	63.00		Filed April 19, 1978
07-11-78	79-0570	332.50		Occurred in Seattle
08-12-78	79-0272	149.00		
09-20-78	79-0668	5,818.00	Documented Vessel	
10-12-78	79-0697	190.50	Documented Vessel	

The claims itemized above would be eligible for payment from Fishermen's Fund total of \$3,708.70.

However, some of these claims may have been paid by Public Health or Protection and Indemnity Insurance and therefore will not be a cost to Fishermen's Fund.

Prior Claims Denied by Fishermen's Fund

<u>DATE OF ACCIDENT</u>	<u>CASE NUMBER</u>	<u>Medical bills in the File 02/14/79</u>	<u>Documented Vessel</u>	<u>Other Information</u>
09-18-75	76-0347	\$ No bills	Documented Vessel	Smashed finger.
05-24-77	77-0631	3,003.00	Documented Vessel	
02-14-77	77-0518	503.00	Documented Vessel	P&I settlement of \$27,000
01-24-77	77-0506	930.75	Documented Vessel	
10-30-76	77-0445	590.00	Documented Vessel	Claim submitted by P&I
04-11-77	77-0571	15,624.75	Documented Vessel	Automobile accident also submitted.
04-21-76	77-0393	525.00	Documented Vessel	Convalescence Benefits; No Medical bills
12-15-76	77-0678	75.00	Documented Vessel	
05-25-78	78-0705	33.00		
01-16-78	-0564	890.00	Documented Vessel	
04-01-78	78-0713	213.50		
10-10-77	78-0644	1,310.40	Documented Vessel	Claim submitted by P&I; Filed late.
04-26-78	78-0728	20.00		
04-20-78	78-0729	19.00		
07-07-77	78-0010	No bills	Documented Vessel	

The Claims Itemized above would be eligible for reimbursement from Fishermen's Fund total \$10,109.65. However, many of these claims have been paid by Public Health or Protection and Indemnity Insurance and therefore would not be a cost to Fishermen's Fund.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 19, 1979

SUBJECT: HB 49 Fishermen's Fund
TO: House Resources Committee
FROM: Kenneth E. Vassar
Legislative Counsel *KEV*

You have requested a suggestion for language which would make the benefits provided in HB 49 applicable to fishermen who were disabled before the effective date of the bill. In accordance with your request, I would suggest the following:

* Sec. 2. A fisherman who sustains an injury or disability arising out of an accident which (1) was directly connected with his operations as a fisherman; (2) occurred in the fishery conservation zone adjacent to the state established by sec. 101 of the Fishery Conservation and Management Act of 1976, P.L. 94-265 (16 U.S.C. 1801 et seq.); and (3) occurred on or after January 23, 1976, and before July 1, 1979, is entitled to benefits under AS 23.35.070 if he files an application with the administrator of the Fishermen's Fund established in AS 23.35.060 before October 1, 1979.

* Sec. 3. This Act takes effect July 1, 1979.

KEV:jdn

STATE OF ALASKA

DEPARTMENT OF LABOR

OFFICE OF THE COMMISSIONER

4849
JAY S. HAMMOND, GOVERNOR

BOX 1149 - JUNEAU 99811

February 16, 1979

The Honorable Alvin Osterback
Pouch V
Juneau, AK 99811

Dear Representative Osterback:

During the Resources Committee hearing on Tuesday, February 13, 1979, for House Bill No. 49, "An Act relating to the fishermen's fund," the committee requested additional information on the number of claims filed for injuries or illnesses occurring outside the three-mile limit or the "territorial waters." This information is attached.

Also, language for amending the bill to pay claims retroactively has been drafted which is as follows:

Change Title - ; and providing for an effective date.

Add:

*Section 2. The provisions of Section 1 of this Act apply retroactively to all claimants who filed timely claims for fishermen's fund benefits on or after January 23, 1976.


*Section 3. This Act takes effect immediately in accordance with the provisions of AS 01.10.070.

A proposed committee substitute of the bill is attached.

The Fiscal Note submitted for this bill has been reviewed and no changes are necessary at this time.

Thank you for the opportunity to comment. If you have any questions, please contact me at 465-2700 or Grace Wilson, Fishermen's Fund Officer, at 465-2790.

Sincerely,



Judy DuBois
Legislative Liaison

1979 Claims Pending Payment

<u>DATE OF ACCIDENT</u>	<u>CASE NUMBER</u>	<u>MEDICAL BILLS IN THE FILE 02/14/79</u>	<u>DOCUMENTED VESSEL</u>	<u>OTHER INFORMATION</u>
07-10-78	79-0025	\$ 232.00		
10-01-78	79-0425	99.70	Documented Vessel	
09-26-78	79-0439	40.00		
05-09-78	79-0710	72.00	Documented Vessel	Late claim
07-07-78	79-0077	No bills	Documented Vessel	
09-19-78	79-0453	No bills	Documented Vessel	
07-19-78	79-0123	30.00	Documented Vessel	
09-26-78	79-0728	No Bills	Documented Vessel	Canada, running to Alaska
09-24-78	79-0517	No Bills	Documented Vessel	
01-10-78	78-0725	63.00		Filed April 19, 1978
07-11-78	79-0570	332.50		Occurred in Seattle
08-12-78	79-0272	149.00		
09-20-78	79-0668	5,818.00	Documented Vessel	
10-12-78	79-0697	190.50	Documented Vessel	

The claims itemized above would be eligible for payment from Fishermen's Fund total of \$3,708.70.

However, some of these claims may have been paid by Public Health or Protection and Indemnity Insurance and therefore will not be a cost to Fishermen's Fund.

Prior Claims Denied by Fishermen's Fund

<u>DATE OF ACCIDENT</u>	<u>CASE NUMBER</u>	<u>Medical bills in the File 02/14/79</u>	<u>Documented Vessel</u>	<u>Other information</u>
09-18-75	76-0347	\$ No bills	Documented Vessel	Smashed finger.
05-24-77	77-0631	3,003.00	Documented Vessel	
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01-24-77	77-0506	930.75	Documented Vessel	
10-30-76	77-0445	590.00	Documented Vessel	Claim submitted by P&I
04-11-77	77-0571	15,624.75	Documented Vessel	Automobile accident also submitted.
04-21-76	77-0393	525.00	Documented Vessel	Convalescence Benefits; No Medical bills
12-15-76	77-0478	75.00	Documented Vessel	
05-25-78	78-0705	33.00		
01-16-78	78-0564	890.00	Documented Vessel	
04-01-78	78-0713	213.50		
10-10-77	78-0644	1,310.40	Documented Vessel	Claim submitted by P&I; Filed late.
04-26-78	78-0728	20.00		
04-20-78	78-0729	19.00		
07-07-77	78-0010	No bills	Documented Vessel	

The Claims itemized above would be eligible for reimbursement from Fishermen's Fund total \$10,109.65. However, many of these claims have been paid by Public Health or Protection and Indemnity Insurance and therefore would not be a cost to Fishermen's Fund.

No. 3

HOUSE JOURNAL
SUPPLEMENT

January 24, 1979

HB
49

FISCAL NOTE

I. REQUEST
Bill/Resolution No. J-77-113-79 HOUSE BILL NO. 49
Title "An Act relating to Fishermen's Fund"
Requested by the Governor Date 12-13-78

II. FISCAL DETAIL
Agency Affected Labor
Program Category Affected Worker Protection
Budget Request Unit(s) Affected Fishermen's Fund

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	15.0	35.0	40.0	45.0	50.0	55.0
TOTAL	15.0	35.0	40.0	45.0	50.0	55.0

FINANCING (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						
Richard Disabled Fishermen's Fund	15.0	35.0	40.0	45.0	50.0	55.0

POSITIONS

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section I')

Three years ago the Attorney General's Office ruled that the "territorial voter" of the state is limited to three miles seaward. In the three years expiring approximately \$15,000 of claims have been denied by Fishermen's Fund. However, we do not believe this is an accurate history because knowledge of the law has stopped many claims from being filed.

It is our experience that the additional area will bring more large claims as those occurring on the high seas tend to be more serious in nature. Therefore, we are estimating that the program costs will be \$5.0 for the remainder of the FY79 and could rise as much as \$35,000 in the FY80 and \$5,000 each succeeding year.

No new positions are requested and administrative costs should not increase beyond the inflationary costs.

Funding is provided by the revenue collected from the sale of commercial fishing licenses and an equal amount from permit holders, titled the Sick and Disabled Fishermen's Fund.

Glen H. Wilson

IV. DATE 12-13-78 PREPARED BY Glen H. Wilson
AGENCY Labor-Fishermen's Fund
PHONE 463-2291
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (if not Legislator Nominated)

STATE OF ALASKA
Inter-Department Route Slip

TO:
MAIL STATION NUMBER 3100
DEPARTMENT Legislative Affairs
ATTENTION House Resources Committee

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| <input type="checkbox"/> Approval | <input type="checkbox"/> Note & Return |
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| <input type="checkbox"/> Contact Me | <input type="checkbox"/> Return For Approval |
| <input type="checkbox"/> Prepare Reply | <input type="checkbox"/> Necessary Action |
| <input type="checkbox"/> For Your File | <input type="checkbox"/> Your Information |

Remarks:

FROM:
MAIL STATION NUMBER _____

DEPARTMENT Labor
BY Judy DuBois DATE 2/5/79

02-002 (REV. 10/73)

LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. J-77-113-79
 Title "an Act relating to Fishermen's Fund"
 Requested by the Governor Date 12-11-78

II. FISCAL DETAIL
 Agency Affected Labor
 Program Category Affected Worker Protection
 Budget Request Unit(s) Affected Fishermen's Fund

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	15.0	35.0	40.0	45.0	50.0	55.0
TOTAL	15.0	35.0	40.0	45.0	50.0	55.0

FUNDING (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						
Sick and Disabled Fishermen's Fund	15.0	35.0	40.0	45.0	50.0	55.0

POSITIONS

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Three years ago the Attorney General's Office ruled that the "territorial water" of the state is limited to three miles seaward. In the three years experience approximately \$11,000 of claims have been denied by Fishermen's Fund. However, we do not believe this is an accurate history because knowledge of the law has stopped many claims from being filed.

It is our experience that the additional area will bring more large claims as those occurring on the high seas tend to be more serious in nature. Therefore, we are estimating that the program costs will be 15.0 for the remainder of the FY79 and could rise as much as \$35,000 in the FY80 and \$5,000 each succeeding year.

No new positions are requested and administrative costs should not increase beyond the inflationary costs.

Funding is provided by the revenue collected from the sale of crewmember fishing licenses and an equal amount from permit holders, titled the Sick and Disabled Fishermen's Fund.

Grace H. Wilson

IV. DATE 12-15-78 PREPARED BY Grace H. Wilson
 AGENCY Labor-Fishermen's Fund
 PHONE 465-2792

Original: Legislative Finance
 Budget and Management
 Public Spouse (First Legislator Named)

HB49

January 15, 1979

Speaker of the House
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18 of the Alaska Constitution, I am transmitting a bill relating to the fisherman's fund. Under the benefit provisions of the fisherman's fund as they currently exist, AS 23.35.010 - 23.35.150, an injured or disabled fisherman is only entitled to receive benefits if the fishing-related accident leading to his injury or disability occurred ashore in Alaska or within "the territorial waters of the state", which traditionally have been defined as extending only to the three-mile limit. In recognition of the facts that many Alaska-licensed fishermen fish offshore from Alaska but beyond the three-mile limit and that the federal government has now extended its fisheries jurisdiction to 200 miles offshore, I am proposing that AS 23.35.070 be amended to extend benefits to cover fishing-related accidents that occur inside the 200-mile fisheries conservation zone established under the Fishery Conservation and Management Act of 1976, P.L. 94-265.

Sincerely,



Jay S. Hammond
Governor

ALASKA & FEDERAL BENEFIT FUNDS WORK SHEET

DAY	ITEM (Description)	Fm. 1009 No.		DEPOSITS & ADJUSTMENTS			CHECKS ISSUED			BPA'S CHARGES			DAILY BALANCES (Close of Office Hours)		
		CKS	BPA	UCFE-X	UI	TOTAL	UCFE-X	UI	TOTAL	UCFE-X	UI	TOTAL	UCFE-X	UI	TOTAL
	Beginning Balances	XXXX	XXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX			
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Rep. Osterback