

Kevin Meyer  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
WWW.LTGOV.ALASKA.GOV




530 West 7<sup>th</sup> Ave, Suite 1700  
Anchorage, Alaska 99501  
907.269.7460  
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Becky Weimer  
Department of Labor and Workforce Development

**FROM:** April Simpson, Office of the Lieutenant Governor   
465.4081

**DATE:** April 21, 2021

**RE:** Filed Permanent Regulations: Department of Labor and Workforce Development  
  
Department of Labor and Workforce Development regulations re: fishermen's fund  
claims and deductibles (8 AAC 55.010)

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Attorney General File:	2021200014
Regulation Filed:	4/21/2021
Effective Date:	5/21/2021
Print:	238, July 2021

cc with enclosures: Harry Hale, Department of Law  
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS  
OF DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

The attached one page of regulations, dealing with Fishermen's Fund benefits, are adopted and certified to be a correct copy of the regulation changes that the Department of Labor and Workforce Development, adopts under the authority of AS 23.35.040 and AS 23.35.050 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Labor and Workforce Development paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 3/5/2021

DocuSigned by:  
  
Dr. Tanika L. Ledbetter, Commissioner

*April Simpson, for*

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

April 21, 2021, at 11:18a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

*for*   
Lieutenant Governor *Kevin Meyer*

Effective: May 21, 2021

Register: 238, July 2021

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,  
designate the following state employees to perform the Administrative Procedures Act  
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff  
Kady Levale, Notary Administrator  
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have  
signed and affixed the Seal of the State of  
Alaska, in Juneau, on December 11th,  
2018.**



*K. Meyer*  
.....

**KEVIN MEYER  
LIEUTENANT GOVERNOR**

Register 238, July 2021 LABOR AND WORKFORCE DEV.

8 AAC 55.010(d) is amended to read:

~~(d) Benefits may not be awarded unless the following conditions are either met or, in a~~

~~review under AS 23.35.040(a)(1), excused by the council for just cause:~~

(1) the fisherman receives initial treatment no later than 120 [60] days after the date of injury;

8 AAC 55.010(g) is amended to add a new paragraph to read:

(3) If a claim ~~is~~ reaches or exceeds deductible amount, the fisherman shall file a claim with the protection and indemnity insurer.

~~8 AAC 55.010(g) is amended to add a new paragraph to read:~~

(4) for payments credited to meeting deductible the Fund may only reimburse expenses covering medical treatment. The Fund may not reimburse expenses for paid wages.


(Eff. 3/28/74, Register 49; am 4/11/81, Register 78; am 7/28/93, Register 127; am 3/22/2003, Register 165; am 7/13/2012, Register 203; am 5 / 21 / 2021, Register 238)

**Authority:** AS 23.35.050 AS 23.35.100 AS 23.35.150  
AS 23.35.070 AS 23.35.145

# MEMORANDUM

## State of Alaska Department of Law

**To:** The Honorable Kevin Meyer  
Lieutenant Governor

**Thru:** Susan R. Pollard   
Chief Assistant Attorney General  
and Regulations Attorney  
Legislation and Regulations Section

**Date:** April 15, 2021

**File No.:** 2021200014

**Tel. No.:** 465-3600

**From:** Steven C. Weaver *SCW*  
Senior Assistant Attorney General  
Legislation and Regulations Section

**Re:** Department of Labor and Workforce  
Development regulations re:  
fishermen's fund claims and  
deductibles (8 AAC 55.010)

The Department of Law has reviewed the attached regulations of the Department of Labor and Workforce Development against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Labor and Workforce Development after the close of the public comment period. The regulations extend the time a fisherman has to file a claim from the fishermen's fund from 60 days to 120 days and clarify what payments toward a deductible are reimbursable.

The January 22, 2021 public notice and the March 5, 2021 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Honorable Kevin Meyer, Lieutenant Governor  
File No. 2021200014

April 15, 2021  
Page 2 of 2

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

cc w/enc: Hon. Dr. Tamika L. Ledbetter, Commissioner  
Department of Labor and Workforce Development

Becky Weimer, Acting Regulations Contact  
Division of Labor Standards and Safety  
Department of Labor and Workforce Development

Velma Thomas, Program Coordinator  
Division of Workers' Compensation - Fishermen's Fund  
Department of Labor and Workforce Development

Charles E. "Ned" Brasington, Assistant Attorney General  
Labor and State Affairs Section

NOTICE OF PROPOSED CHANGES ON BENEFITS IN THE REGULATIONS OF THE  
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT AND THE  
FISHERMEN'S FUND ADVISORY AND APPEALS COUNCIL

BRIEF DESCRIPTION

The Department of Labor and Workforce Development, Fishermen's Fund Advisory and Appeals Council proposes to change regulations on Benefits.

The Department of Labor and Workforce Development, Fishermen's Fund Advisory and Appeals Council proposes to adopt regulation changes in 8 AAC 55.010 of the Alaska Administrative Code, dealing with Benefits, including the following:

- (1) 8 AAC 55.010(d) is proposed to be changed as follows: changing days after the date of injury from 60 to 120.
- (2) 8 AAC 55.010(g) is proposed to be changed as follows: adding new sections 3 and 4 in regards to deductible amount and limitation.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Velma Thomas, P.O. Box 115512, Juneau, AK 99811. Additionally, the Fishermen's Fund administrator will accept comments by facsimile at (907) 465-5345 and by electronic mail at [FishFund@Alaska.gov](mailto:FishFund@Alaska.gov) (please put Public Comment - Proposed Regulation Changes in the subject box). Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the comment link. The comments must be received not later than 4:30pm on February 23, 2021.

You may submit written questions relevant to the proposed action to Velma Thomas by e-mail at [velma.thomas@alaska.gov](mailto:velma.thomas@alaska.gov) and mailing address at PO Box 115512, Juneau, AK 99811-5512. The questions must be received at least 10 days before the end of the public comment period. The Fund Administrator will aggregate responses to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and agency website located here: <https://labor.alaska.gov/wc/home.htm>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Fund Administrator, Velma Thomas by e-mail at [velma.thomas@alaska.gov](mailto:velma.thomas@alaska.gov) and phone number (907) 465-6045 not later than February 12, 2021, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Velma Thomas by e-mail at [velma.thomas@alaska.gov](mailto:velma.thomas@alaska.gov) or by phone (907) 465-6045.

A copy of material proposed for adoption by reference is available on the Alaska Online Public Notice System or through the electronic link to the complete text. A copy of material proposed for adoption by reference may be viewed at the agency's website at <https://labor.alaska.gov/wc/home.htm>.

After the public comment period ends, the Fishermen's Fund administration and the Fishermen's Fund Advisory & Appeals Council will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

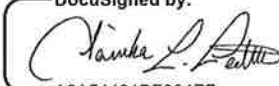
**Statutory authority:** AS 23.35.030; AS 23.35.050

**Statutes being implemented, interpreted, or made specific:** AS 23.35.050; AS 23.35.070; AS 23.35.100; AS 23.35.145; AS 23.35.150

**Fiscal information:** The proposed regulation changes are not expected to require an increased appropriation.

The Workers' Compensation Division keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the agency/division notices of proposed regulation changes. To be added to or removed from the list, send a request to the Fishermen's Fund Administrator at [velma.thomas@alaska.gov](mailto:velma.thomas@alaska.gov), giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Date: 1/20/2021

DocuSigned by:  
  
A9A54431D7664E7...

Dr. Tamika L. Ledbetter, Commissioner  
Department of Labor and Workforce Development



ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))

1. Adopting agency: Department of Labor and Workforce Development, Fishermen's Fund Advisory and Appeals Council
2. General subject of regulation: Benefits
3. Citation of regulation (may be grouped): 8 AAC 55.010
4. Department of Law file number, if any: \_\_\_\_\_

5. Reason for the proposed action:

( ) Compliance with federal law or action (identify): \_\_\_\_\_

( ) Compliance with new or changed state statute

( ) Compliance with federal or state court decision (identify): \_\_\_\_\_

(X) Development of program standards

(X) Other (identify): Provide clarity on requirements.

6. Appropriation/Allocation: FY2021 073500063 - Fund 1032 - \$1,409,900

7. Estimated annual cost to comply with the proposed action to:

A private person: \$0.00

Another state agency: \$0.00

A municipality: \$0.00

8. Cost of implementation to the state agency and available funding (in thousands of dollars): The Fund estimates an additional \$50,000 in expenses per fiscal year.

	Initial Year FY <u>2021</u>	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ <u>0</u>	\$ <u>0</u>
1003 General fund match	\$ <u>0</u>	\$ <u>0</u>
1004 General fund	\$ <u>0</u>	\$ <u>0</u>
1005 General fund/ program	\$ <u>0</u>	\$ <u>0</u>
Other (identify)	\$ <u>0</u>	\$ <u>0</u>

9. The name of the contact person for the regulation:

Name: Velma Thomas  
Title: Program Coordinator I  
Address: PO Box 115512, Juneau AK  
Telephone: (907) 465-6045  
E-mail address: velma.thomas@alaska.gov

10. The origin of the proposed action:

☐ Staff of state agency  
☐ Federal government  
☐ General public  
☐ Petition for regulation change<sup>7</sup>  
☒ Other (identify): Fishermen's Fund Appeals & Advisory Council & Admin.

11. Date: January 14, 2012

Prepared by: \_\_\_\_\_  
[signature]

DocuSigned by:  
*Velma Thomas*  
8E450793CC6B42D...

Name (printed): Velma Thomas  
Title (printed): Program Coordinator I  
Telephone (907) 465-6045

# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 390837 ST OF AK/ DIV OF WORKERS COMPENSATION  
PO BOX 115512, JUNEAU, AK 99811

Order #: W0020122

Cost: \$453.22

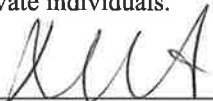
STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the afore-said place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

01/22/2021

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed



Subscribed and sworn to before me  
this 2nd day of April 2021.

Notary Public in and for  
The State of Alaska.  
Third Division  
Anchorage, Alaska

MY COMMISSION EXPIRES

4/14/2021

ANGELA M SIMMONS  
NOTARY PUBLIC  
State of Alaska  
My Commission Expires Apr. 14, 2021

### NOTICE OF PROPOSED CHANGES ON BENEFITS IN THE REGULATIONS OF THE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT AND THE FISHERMEN'S FUND ADVISORY AND APPEALS COUNCIL

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Date: 1/20/2021

/S/  
Dr. Tamika L. Ledbetter, Commissioner  
Department of Labor and Workforce Development

Pub: January 22, 2021

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION  
AND FURNISHING OF ADDITIONAL INFORMATION

I, Velma Thomas, Program Coordinator I, of Workers' Compensation Division, under penalty of perjury, certify the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 8 AAC 55.010. Benefits has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1).

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: March 2, 2021

DocuSigned by:  
*Velma Thomas*  
8E450793CC6B42D...

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password-protected electronic signature  
Velma Thomas, Program Coordinator I

State of Alaska  
Juneau, City & Borough of Juneau

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Velma Thomas, Program Coordinator I, for the Department of Labor and Workforce Development, Workers' Compensation Division, under penalty of perjury, state the following:

In compliance with AS 44.62.215, the Department of Labor and Workforce Development, Workers' Compensation Division, has kept a record of its use or rejection of factual or other substantive information that was submitted in writing and orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Fishermen's Fund regulation on Benefits.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: March 23, 2021

DocuSigned by:  
*Velma Thomas*  
8E450793CC8B42D...

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Velma Thomas, Program Coordinator I

State of Alaska  
Juneau, City & Borough of Juneau, Alaska