

Alaska State Legislature

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Sponsor Statement

SB 103 Workers' Compensation for Firefighters

In 2008, the Alaska Legislature passed statutory changes to the Workers' Compensation program to provide firefighters with the presumption of compensability for certain diseases that are documented to occur as a result of occupational exposures to smoke and chemicals in the performance of their duties. It was the intent of the legislature that this benefit be available to firefighters who had served for seven years and who had received any required physical examinations during that seven year period. However, a wording change made by one committee had the unanticipated effect of narrowing the scope of covered firefighters only to those who had had an initial physical exam at the time of hire. This effect was not intentional and was never discussed in that committee or in any following committees. Instead, it became an issue when the Workers' Compensation Board established program regulations.

Recognizing the problem, the Workers' Compensation Board passed a resolution supporting an amendment to the law to allow any firefighter who entered active service as a firefighter prior to the effective date of AS 23.30.121 the presumption of compensability if during the years prior to enactment, the firefighter received all required examinations and those examinations did not show evidence of the diseases in the first seven years of employment. In addition, the National Council on Compensation Insurance has reviewed the bill for cost impact and indicated that this change is not anticipated to have a cost impact and in fact may save possible litigation costs that might otherwise arise.

The second change the bill makes is to clarify that the law applies to state as well as municipal firefighting agencies. The original bill had referred to a definition by reference, and that definition did not specifically include state firefighters.

SB103 makes these important corrections, and I urge your support.

