

ALASKA STATE LEGISLATURE
SENATE LABOR AND COMMERCE STANDING COMMITTEE

May 5, 2006
8:16 a.m.

MEMBERS PRESENT

Senator Con Bunde, Chair
Senator Ben Stevens
Senator Johnny Ellis
Senator Bettye Davis

MEMBERS ABSENT

Senator Ralph Seekins, Vice Chair

COMMITTEE CALENDAR

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 31(FIN)
"An Act relating to the presumption of coverage for a workers' compensation claim for disability as a result of certain diseases for certain occupations."

MOVED SCS CSSSHB 31(L&C) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 31

SHORT TITLE: WORKERS' COMP: DISEASE PRESUMPTION

SPONSOR(S): REPRESENTATIVE(S) ANDERSON

01/10/05	(H)	PREFILE RELEASED 12/30/04
01/10/05	(H)	READ THE FIRST TIME - REFERRALS
01/10/05	(H)	L&C, HES, FIN
02/09/05	(H)	L&C AT 3:15 PM CAPITOL 17
02/09/05	(H)	Heard & Held
02/09/05	(H)	MINUTE(L&C)
03/04/05	(H)	SPONSOR SUBSTITUTE INTRODUCED
03/04/05	(H)	READ THE FIRST TIME - REFERRALS
03/04/05	(H)	L&C, HES, FIN
03/04/05	(H)	L&C AT 3:15 PM CAPITOL 17
03/04/05	(H)	Moved Out of Committee
03/04/05	(H)	MINUTE(L&C)
03/07/05	(H)	L&C RPT 4DP 3NR
03/07/05	(H)	DP: CRAWFORD, LYNN, GUTTENBERG, ANDERSON;
03/07/05	(H)	NR: KOTT, LEDOUX, ROKEBERG
03/29/05	(H)	HES AT 3:00 PM CAPITOL 106

03/29/05 (H) Moved Out of Committee
 03/29/05 (H) MINUTE(HES)
 04/01/05 (H) HES RPT 2DP 1DNP 1NR
 04/01/05 (H) DP: ANDERSON, MCGUIRE;
 04/01/05 (H) DNP: WILSON;
 04/01/05 (H) NR: KOHRING
 04/21/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519
 04/21/05 (H) Moved CSSSHB 31(FIN) Out of Committee
 04/21/05 (H) MINUTE(FIN)
 04/22/05 (H) FIN RPT CS(FIN) 3DP 4NR
 04/22/05 (H) DP: HAWKER, CROFT, STOLTZE;
 04/22/05 (H) NR: WEYHRAUCH, JOULE, KELLY, CHENAULT
 03/30/06 (H) TRANSMITTED TO (S)
 03/30/06 (H) VERSION: CSSSHB 31(FIN)
 03/31/06 (S) READ THE FIRST TIME - REFERRALS
 03/31/06 (S) L&C, FIN
 04/20/06 (S) L&C AT 1:30 PM BELTZ 211
 04/20/06 (S) Heard & Held
 04/20/06 (S) MINUTE(L&C)
 05/02/06 (S) L&C AT 1:30 PM BELTZ 211
 05/02/06 (S) Heard & Held
 05/02/06 (S) MINUTE(L&C)

WITNESS REGISTER

Heath Hilyard, Staff
 Alaska State Capitol
 Juneau, AK 99801-1182

POSITION STATEMENT: Explained changes in Senate Committee
 Substitute for HB 31.

ACTION NARRATIVE

CHAIR CON BUNDE called the Senate Labor and Commerce Standing
 Committee meeting to order at [8:16:58 AM](#). Present were Senators
 Johnny Ellis, Bettye Davis, and Chair Con Bunde. Senator Ben
 Stevens arrived shortly thereafter.

CSSSHB 31(FIN)-WORKERS' COMP: DISEASE PRESUMPTION

CHAIR CON BUNDE announced HB 31 to be up for consideration.

SENATOR JOHNNY ELLIS moved SCS CSSSHB 31, Version \S as the working document.

CHAIR BUNDE announced that without objection, Version S was before the committee and then recognized Mr. Hilyard.

8:17:37 AM

HEATH HILYARD, staff to Representative Anderson, explained that Version S addresses the concerns that were expressed previously. He said he would highlight where the specific issues were addressed.

First there was concern about the differentiation regarding the 10-year employment requirement. Originally that only applied to cancers and not to respiratory or cardiovascular issues. That is addressed on page 2, lines 17-20. The term "disease" replaces the term "cancer" and applies to all the diseases listed on page 2 so there would be a 10-year employment requirement for all the diseases listed. Also, lines 21-23 regarding qualifying medical examinations applies to all diseases and not just the cancers.

There was also question about the applicability of the presumptions with regard to peace officers versus firefighters. There was particular confusion on page 2, starting on line 29. That presumption applies to the contagious diseases listed on page 3. The presumption regarding cancers and respiratory diseases applies only to fire fighters and can be found on page 1, starting on line 13. The cancers and respiratory diseases apply only to fire fighters. The infectious diseases on page 3 apply to peace officers as well, he said.

The Department of Labor expressed concern at the lack of definition for firefighter. Page 3, line 28 clarifies that "fire fighter" has the same meaning is defined in AS 09.65.295. Mr. Hilyard read the following definition from subsection (c):

..."fire fighter" means a person employed by a municipal fire department or who is a member of a volunteer fire department registered with the state fire marshal, or a person registered for purposes of workers' compensation with the state fire marshal as a member of a volunteer fire department.

MR. HILYARD said his last point is in reference to a previous response he had given to Senator Seekins related to the presumptions and applicability of the infectious diseases. He clarified that Section 1 provides that all the presumptions are rebuttable and that a number of factors such as weight, lifestyle, tobacco use, and hereditary factors may be taken into consideration.

[8:21:09 AM](#)

CHAIR BUNDE noted that Senator Ben Stevens had arrived shortly after the meeting convened.

SENATOR BUNDE reiterated that all the claims are rebuttable. Workers' compensation wouldn't be automatic even if, for example, a person worked for the fire department for 10-years and then contracted a listed disease or a cancer. The person would be required to go through a particular process to show some nexus between the illness and the employment.

MR. HILYARD agreed; a qualifying medical examination would be required and absent that the presumption would be absent.

[8:22:15 AM](#)

CHAIR BUNDE closed public testimony and stated that with the aforementioned changes the bill could move from committee with reduced concern about the impacts to municipalities and workers' compensation. He asked for a motion.

[8:22:32 AM](#)

SENATOR ELLIS moved to report SCS CSSH B 31(L&C) and attached zero and indeterminate fiscal notes from committee with individual recommendations. Senator Davis, Senator Ben Stevens, Senator Ellis, and Chair Bunde voted yea and it was so ordered.

There being no further business to come before the committee, Chair Bunde adjourned the meeting at [8:25:29 AM](#).