

CS FOR HOUSE BILL NO. 538 (FINANCE) am
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 5/8/92
Offered: 5/6/92

Sponsor(s): REPRESENTATIVES ELLIS, Donley, Finkelstein, Koponen, Gruenberg, B.Davis, Moyer, Bruckman, Foster

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to workers' compensation benefits for fire fighters; and providing for an
2 effective date."

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

4 * Section 1. FINDINGS. The legislature finds that fire fighters are

5 (1) required to work in conditions that result in exposure to smoke, fumes, and chemicals
6 that are carcinogenic, poisonous, or toxic;

7 (2) continually exposed to a vast and expanding field of hazardous substances;

8 (3) constantly entering uncontrolled environments to save lives and reduce property
9 damage;

10 (4) frequently not aware of the potential toxic and carcinogenic substances that they may
11 be exposed to;

12 (5) often exposed simultaneously to multiple carcinogens, unlike other workers;

13 (6) experiencing a rise in occupational heart disease, circulatory or respiratory problems,
14 and cancer related to the rapid proliferation of thousands of toxic substances;

1 (7) being exposed to agents that can result in the development of heart disease,
2 circulatory or respiratory problems, or cancer very slowly over a period of five to 40 years;

3 (8) experiencing heart disease, circulatory or respiratory problems, and cancer that arise
4 out of and in the course of employment.

5 * Sec. 2. AS 23.30.120 is amended by adding a new subsection to read:

6 (d) In a proceeding under this chapter, a preliminary link between the employment and
7 the injury may not be required of a claimant before the presumption of compensability
8 established in (a) of this section applies if the injury consists of heart disease, circulatory disease,
9 respiratory disease, or cancer and the claimant was employed as a fire fighter for ten or more
10 years before the onset of the disease. In this subsection, "cancer" means cancer of a type caused
11 by exposure to heat, radiation, or a known carcinogen, as defined by the International Agency
12 for Research on Cancer; and "fire fighter" includes a volunteer fire fighter.

13 * Sec. 3. AS 23.30.243 (a) is amended to read:

14 (a) For the purposes of workers' compensation any injury, disability or death incurred by
15 a fire fighter by reason of the fire fighter's participation in training, proceeding to or engaging
16 in a fire suppression or rescue operation, or the protection or preservation of life or property,
17 anywhere in the state is considered to have arisen out of and been sustained in the course of
18 employment, and the fire department or regularly organized volunteer fire department of the fire
19 fighter's primary employment or registration is considered to be the employer, except when the
20 injured, at the time of injury or death, is acting for compensation from another person or when
21 the regularly organized volunteer fire department is not located within a municipality. If
22 the regularly organized volunteer fire department is not located within a municipality, the
23 state shall be considered the employer for purposes of this chapter.

24 * Sec. 4. This Act takes effect July 1, 1992.