

HB538

# HOUSE COMMITTEE REPORT

(11)

Date Referred: April 14, 1992

FURTHER REFERRALS:

Date of Committee Action: 5/5/94

The FINANCE Committee considered:

HB 538

HOUSE BILL NO. 538

DISABILITY/COMP BENEFITS: FIREFIGHTERS

"An Act relating to workers' compensation and occupational disability benefits for firefighters; and providing for an effective date."

**RECOMMENDATIONS:**

be replaced with CS HB 538 (Fin)  the same title  
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

fiscal impact \_\_\_\_\_

fiscal note(s) DOA 4/6/92

zero fiscal note \_\_\_\_\_

zero fiscal note(s) Labor 4/6/92

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Mark N. Boyer</i>	<input checked="" type="checkbox"/>	<i>Mike Yevane</i> Navarre		<input checked="" type="checkbox"/>	
<i>Koponen</i>	<input checked="" type="checkbox"/>	<i>Tay Brown</i> Brown		<input checked="" type="checkbox"/>	
		<i>James Barnes</i> Barnes		<input checked="" type="checkbox"/>	
		<i>Bob Sharp</i> Sharp		<input checked="" type="checkbox"/>	
		<i>Phillips</i> Phillips		<input checked="" type="checkbox"/>	
		<i>Ronald J. Larson</i> Larson		<input checked="" type="checkbox"/>	
		<i>Ulmer</i> Ulmer		<input checked="" type="checkbox"/>	

*Mike Yevane*  
 \_\_\_\_\_  
 CHAIRMAN'S SIGNATURE

FISCAL NOTE

No. 1  
 Bill Version: CSHB 538 (HES)  
 (H) Publish Date: 4-6-92

STATE OF ALASKA  
 1992 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
 Title: An Act relating to workers' compensation and occupational disability benefits for fire fighters  
 Sponsor: Ellis Donley, Finkelstein  
 Requestor: \_\_\_\_\_

Department Affected: Administration  
 BRU: Risk Management  
 Component: Risk Management

COMPONENT SERIAL NO. 0 0 7 1

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	300.0	500.0	700.0	900.0	1,200.0	1,500.0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	300.0	500.0	700.0	900.0	1,200.0	1,500.0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE: 1007	300.0	500.0	700.0	900.0	1,200.0	1,500.0
TOTAL	300.0	500.0	700.0	900.0	1,200.0	1,500.0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)  
 See Attached.

Prepared by: Don Hitchcock, Director  
 Division: Risk Management

Phone: 465-2180  
 Date: February 28, 1992

Approved by Commissioner: Nancy Bear Usera  
 Agency: Administration

Date: 3/24/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, CMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

*FN 300.0 Administration*

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. HB 538

ANALYSIS:

HB 538 creates a new and very broad presumption that any form of heart or respiratory disease or cancer affecting an individual with more than five years of fire fighting exposure arises from their work experience. This presumption is further expanded to apply for an additional 20 years beyond the last date the individual was employed as a fire fighter.

The terms "heart disease, respiratory disease and cancer" are very broad and will be construed to extend this presumption such that any form of the many variations of these diseases will be deemed caused by work rather than personal exposures.

The fiscal impact for this bill is difficult to estimate as it will extend not only to the 175 regular full-time fire fighters employed by the State, but also to the 130 regular seasonal fire fighters engaged by the Department of Natural Resources (average of 5.3 months per year) and possibly to the 600-800 emergency fire fighting crews that are hired for anywhere between 3 weeks to 2 months a year.

Conservative cost estimates (medical and wage loss) range between \$240,000 and \$400,000 for each potential permanent disability claim. We project future claims to increase each year due to the very broad language and 20-year extension period. Even by very conservative estimates we anticipate several cases in the early years, with ever increasing obligations even beyond our five-year projection.

Since the Division of Risk Management claims funds are collected entirely through interagency receipts, if enacted premium allocations to the employing agencies would be increased to meet this additional exposure.

COMMITTEE COPY

**FISCAL NOTE**

**STATE OF ALASKA**  
**1992 LEGISLATIVE SESSION**

**BILL NO :** CSHB 538 (HES)

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to workers' compensation ... for firefighters ..."  
 Sponsor: Representative Ellis  
 Requestor: House Labor & Commerce

Department Affected: Labor  
 BRU: Workers' Compensation  
 Component: Workers' Compensation  
 COMPONENT SERIAL NO. 344

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL</b>						
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<b>REVENUE FUND SOURCE:</b>						
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: John A. Abshire, Deputy Commissioner

Division: Commissioners' Office

Phone: 465-2700

Date: 4/7/92

Approved by Commissioner: C. W. Mahlen

Agency: Department of Labor

Date: 4/7/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

HE 538

7-181816J  
Ford  
5/1/92

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

BY

Offered:  
Referred:

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 five 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. This Act takes effect July 1, 1992.

**BILL NO:** CS for House Bill No. 538(HES)

**DATE:** April 9, 1992

**TITLE:** Disability/Comp Benefits:  
Firefighters

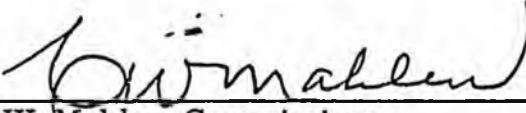
**CONTACT:** Arbe Williams  
465-2700

Committee Substitute for House Bill No. 538 (HES) amends the Alaska Workers' Compensation Act to include the presumption that heart disease, respiratory disease, or cancer suffered by a fire fighter is work-related if the disease occurs during employment as a fire fighter. This presumption is maintained for twenty years after termination of employment as a fire fighter if the fire fighter has been employed continuously as a fire fighter for five years before the onset of the disease.

It is not anticipated that this bill will affect the department's administration of the Alaska Workers' Compensation Act. However, the Act already creates a presumption, in the absence of substantial evidence to the contrary, that the injury or illness is work-related. It is additionally provided that there is no time limitation for filing a claim for workers' compensation coverage in the case of latent defects pertinent to and causing compensable disability.

The Department of Labor does not support CS for House Bill No. 538 (HES). In effect, this legislation would grant preferred status to a specific group of workers and would place an undue burden on certain employers. Workers are adequately protected by the presumption currently in law.

APPROVED:

  
\_\_\_\_\_  
C. W. Mahlen, Commissioner  
Department of Labor

**POSITION PAPER/Department of Labor**

# ALASKA STATE HOUSE

3111 C STREET, SUITE 455  
ANCHORAGE, ALASKA 99503  
(907) 561-7628

WHILE IN SESSION  
P.O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-3704



CHAIR  
RULES COMMITTEE

JUDICIARY

SPECIAL COMMITTEE ON INTERNATIONAL  
TRADE & TOURISM

LEGISLATIVE COUNCIL

REPRESENTATIVE JOHNNY ELLIS

## SPONSOR STATEMENT

### House Bill 538

Firefighters face occupational dangers that are unique to their work. They rush into uncontrolled environments where they are exposed to carcinogenic, poisonous or toxic smoke or fumes. They are also exposed to a growing list of hazardous chemicals, the effects of which are not fully known. The effects of exposure may not manifest itself until long after the exposure occurred.

House Bill 538 was introduced due to the unique hazards faced by firefighters. Under the state workers compensation program, this bill changes the burden of proof from the firefighter to the state, that any heart disease, respiratory disease, cancer or circulatory problems that the firefighter develops was not due to the firefighter's employment.

Alaska is one of the few states that has not established this presumption in regard to occupational diseases of firefighters. Forty-three other states have done so. House Bill 538 includes volunteer firefighters.





# ANCHORAGE FIRE FIGHTERS UNION

LOCAL 1264  
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS  
AFL-CIO

1200 E. 76TH #1227  
ANCHORAGE, ALASKA 99518



February 13, 1992

To The Honorable Members of the Alaska Legislature:

Representative Ellis is sponsoring legislation that would provide Alaskan firefighters with a rebuttable presumption of causation between occupational hazards associated with firefighting and certain diseases prevalent among active and retired firefighters. Specifically, the diseases covered by the presumption include heart and respiratory disease and cancer.

The presumption is necessary in order to ensure that firefighters will qualify for medical cost reimbursement, disability payments and death benefits associated with such illnesses. Under existing Alaska law, firefighters bear the legal burden of proving that such illnesses are occupationally related.

It should be noted that Alaska is one of only a few states that have not established a presumption with regard to occupational diseases. According to information recently received from the International Association of Firefighters, approximately 43 states have statutes establishing a presumption with regard to occupational diseases. The scope of the presumption varies from state to state.

Recognizing that most communities in Alaska have volunteer fire departments, this legislation would extend the benefit of the presumption to any firefighter, volunteer or paid, with five or more years active service.

We look forward to working with the Seventeenth Legislature for passage of this critically important legislation and will be happy to meet with members individually or in committee to foster its advancement. This legislation is the Anchorage Firefighters Union's number one legislative priority.

We respectfully encourage all legislators to consider co-sponsorship and would be happy to provide you with additional information and answer any questions you or your staff may have.

Sincerely,

Tim Cornelius  
President

# Injured Soldotna firefighter now battles for air

Times 7-12-91



ASSOCIATED PRESS

Lung damage from a Soldotna blaze keeps firefighter Rusty Grilley constantly on oxygen.

ASSOCIATED PRESS

KENAI — A brief breath of toxic smoke has brought Soldotna fireman Rusty Grilley face to face with a deadly lung disease. Now he's not fighting fires, he's fighting for his life.

Grilley, 33, injured his lungs during a fire in January at Alaska Fast Foto in Soldotna. With other firefighters from Central Emergency Services, he was outside the small store when an unexpected gust blew fumes containing photo processing chemicals into his face.

After two visits to a Denver hospital specializing in respiratory problems, Grilley was diagnosed with bronchiolitis obliterans, a disease in which white cells, fighting infection in the lungs, produce scar tissue that closes off the lungs' smallest airways.

In his case, Grilley's lungs admit only 40 percent of the needed oxygen into the blood stream. He is on oxygen 24 hours a day to avoid any organ or brain damage.

Since doctors have little experience combatting the relatively rare lung disease, the effectiveness of his treatment is something of an unknown.

"The problem is, there's no scientific data on this kind of treatment," Grilley said as he inhaled oxygen through a tube secured around his nose. "I'm waiting to be written up."

Grilley is taking steroids to fight the inflammation in his lungs, which constantly burn, he said. The steroids, however, increase the amount of white cells in the lungs which cause the scar tissue, so he must also take chemotherapy pills to counterbalance the increase.

Doctors will not know if the steroids and chemotherapy are working for another three to six months, Grilley said. And if they do work, it will require at least another year of treatment and the oxygen.

Unfortunately, his lungs feel like they are getting worse. Others who have had similar but more severe diseased lungs have died within six

weeks, he said.

Grilley is confined to a breathing cord connected to a machine that boosts his intake of oxygen. His daily, 15-minute walk outside with a portable oxygen tank tires him substantially.

The situation has also been hard on his family. His wife, Cherie, and his three sons, David, 6, Daniel, 13, and Stephen, 16, have had to pick up the slack on tasks he used to do around the house. He cannot work, but he will receive a full-time salary for up to a year from the date of the fire.

Fire Chief Greg Barclay said Grilley's injury in the line of duty is the most severe in his memory.

Since the fire, the fire department has revised its procedures for working around toxic smoke. Firefighters now have better breathing apparatuses, and use a detector that determines the concentrations of carbon dioxide and other chemicals at a fire site.

# RASMUSSEN'S MUSIC MART

LEO, ERNA, AMANDA & KRISTINA  
P. O. BOX 2 - 77 FEDERAL WAY  
NOME, ALASKA 99762-0002

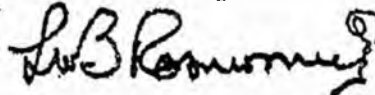
AK. BUS. LIC. 1033362  
NOTARY PUBLIC  
LEO

6 April 1992

Rep. Richard Foster  
FAX #465-3242  
JUNEAU, ALASKA

Dear Richard,

Noticed that House Bill No. 538 was due to be discussed in the near future and wanted you to know after having been on a Volunteer Fire Dept. here in Nome for 25 years, that I support the concept of protecting those that protect so many others. Workman's Compensation Benefits for the Volunteer Fireman has been a long time in coming. The Volunteer Fireman serves the public in no less form than does the Paid Fireman. They serve the public at full exposure to financial loss to their families for those diseases and dangers that effect all Firemen. Although I am inside as a Fireman, I suspect from my other backgrounds that Volunteer Departments would attract more Firemen towards Volunteering if they had the security afforded them thru Workman's Compensation.  
Thanks for your time.



LEO B. RASMUSSEN NVPD Lt. 1967-Pres.  
Mayor of Nome, 1977-1985

Appointed: "Alaska's Goodwill Ambassador to Chukotka"  
"Iditarod National Historic Trail Advisory Council"  
"Alaska Special Task Force on Governmental Roles"

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21 March  
"The RAVIL MOUNTAIN RUN"  
8am - 4th of July

Board of Trade Inc.

P.O. BOX 967  
NOME, ALASKA 99762

4.7.92

Re: Richard Lister  
Dunsmuir AK  
Fax # 465-3242

Dear R. Lister,

This letter is in support of HB 538  
I hope that is Bill will pass as it has  
served the Alaska Volunteer Fire Dept. for  
the past 10 years and I know that  
life / health insurance is the occupation  
is a great concern. We receive annually  
more 250<sup>00</sup> / 300<sup>00</sup> which is not enough to  
to cover the expenses.

Again I support HB 538

Thank you  
J. W. F.  
Tom LUBST, Jr  
10 KAN-NUFD Member

(907) 443-2355



NOME MACHINE WORKS  
AUTO - TRUCK REPAIR

DOUGLAS A. DOYLE  
Owner

FIRST & METTLER  
P.O. BOX 863  
NOME, ALASKA 99762

FAX (907) 443-3125

DATE 4-7-92

TO REP FOSTER

FROM Doug Doyle

PAGE 1 of 1

I encourage the passage of  
HB 538 - I cannot believe  
the position of the AML -

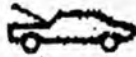
As far as fire fighters being  
compensated, I am paid about  
\$300<sup>00</sup> annually to put my life  
and health on the line for the  
people of the STATE OF ALASKA

21 YR VOLUNTEER FIRE  
Fighter - Nome

S/

Douglas A. Doyle

(907) 443-2355



NOME MACHINE WORKS  
AUTO - TRUCK REPAIR

DOUGLAS A. DOYLE  
Owner

FIRST & METTLER  
P.O. BOX 881  
NOME, ALASKA 99762

FAX (907) 443-3125

DATE 4-7-92

To Rep Foster

FROM HOMER WHITE

PAGE 1 of 1

I am in favor of House Bill

538.

H. O. A.

HOMER G. WHITE

Fairbanks AK.

911 - Emergency



## Bethel Fire Department

Mark R. Barker, Fire Chief  
P. O. Box 388, Bethel, Alaska 99559  
Phone: (907) 543-2131

Rep. Dave Donley,  
House Judiciary Chairman  
Alaska Legislature  
Juneau, Alaska 99811

April 9, 1992

Subject: Support of HB538

Dear Rep. Donley;

This letter, written on behalf of the paid and volunteer firefighters of my department and the Board of Directors and membership of the Alaska Fire Chiefs Association, urges your support and passage of House Bill #538, which will soon be heard by your committee.

As written, HB538 would present Alaskan firefighters with a twenty year post-retirement window for the appearance of any disease of a presumably occupational nature, during which time an afflicted member could apply for the workers compensation benefits to which he or she is entitled. This bill does not increase or decrease the benefit itself; rather, it simply smooths the path for deserving members who become ill because of their service as firefighters. Cost to the system is not really affected, as what is proposed merely eliminates the spectacle of sick people having to retain expensive counsel to receive fair treatment. This bill will shift the burden of proof from the afflicted individual to the compensation system.

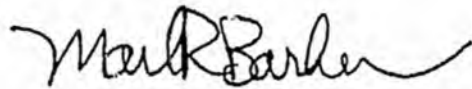
As you are probably well aware, firefighters today face a growing threat in the tremendous proliferation of synthetic chemicals. As technology relies more on artificial substances in the quest to make our lives easier, the resultant rise in toxic smoke created when these things burn makes firefighter's lives more dangerous. What is ominous for firefighters is that their cancer death rate has more than doubled in the last 30 years, providing an parallel with the increase in synthetic substances.

HB538;Donley

The insidious nature and long incubation periods of many of the illnesses covered under the bill, mandate the 20 year window and as written would provide the necessary protection for these caring and dedicated people.

Thank you for your support. If you have any questions please feel free to contact me or your local Fire Chief for more information.

Sincerely,



Mark R. Barker  
Fire Chief  
1st Vice President,  
Alaska Fire Chiefs Assn.

cc. Pres.; AFCA  
Bethel City Manager

PLEASE MICROFILM TOP PAGE ONLY

DOCUMENTS WHICH HAVE NOT BEEN  
FILMED BUT ARE AVAILABLE IN THE  
ORIGINAL FILE INCLUDE:

→ letters of support - City of Kodiak Fire Dept.  
(11 letters)