

ASSEMBLY BILL

No. 1670

Introduced by Assembly Member Morrissey

January 14, 1998

An act to add Section 3212.11 to the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1670, as introduced, Morrissey. Workers' compensation: firefighters.

Under existing law, a person injured in the course of employment is generally entitled to receive workers' compensation on account of that injury. Existing law provides that, in the case of certain state and local firefighting and law enforcement personnel, the term "injury" includes various medical conditions, including cancer, that are developed or manifested during a period while the member is in the service of the office, staff, department, or unit, and establishes a disputable presumption in this regard.

This bill would provide that in the case of certain state and local firefighting personnel, the term "injury" also includes leukemia that develops or manifests itself during a period while the member is in the service of that office, staff, department, or unit. The bill would establish an indisputable presumption that leukemia developing or manifesting itself during the service period arose out of and in the course of employment or service. The indisputable presumption would extend to a person covered by the bill for a period of time

based on years of service, but not to exceed 60 months beginning with the last day worked.

The bill would impose a state-mandated local program by expanding the scope of workers’ compensation liability for certain local entities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3212.11 is added to the Labor
2 Code, to read:
3 3212.11. In the case of active firefighting members of
4 fire departments of cities, counties, cities and counties,
5 districts, or other public or municipal corporations or
6 political subdivisions, and active firefighting members of
7 the fire departments of the University of California and
8 the California State University, whether these members
9 are volunteers, partly paid, or fully paid, and in the case
10 of active firefighting members of the Department of
11 Forestry and Fire Protection, or of any county forestry or
12 firefighting department or unit, whether volunteers,
13 partly paid, or fully paid, the term “injury” as used in this
14 division includes leukemia that develops or manifests
15 itself during a period while the member is in the service
16 of the department or unit.
17 The compensation that is awarded for leukemia shall
18 include full hospital, surgical, medical treatment,



1 disability indemnity, and death benefits, as provided by
2 this division.

3 The leukemia so developing or manifesting itself in
4 these cases shall be presumed to arise out of and in the
5 course of the employment. This presumption is not
6 disputable, and the appeals board is bound to find in
7 accordance with it. This presumption shall be extended
8 to a member following termination of service for a period
9 of three calendar months for each full year of the requisite
10 service, but not to exceed 60 months in any circumstance,
11 commencing with the last date actually worked in the
12 specified capacity.

13 SEC. 2. Notwithstanding Section 17610 of the
14 Government Code, if the Commission on State Mandates
15 determines that this act contains costs mandated by the
16 state, reimbursement to local agencies and school
17 districts for those costs shall be made pursuant to Part 7
18 (commencing with Section 17500) of Division 4 of Title
19 2 of the Government Code. If the statewide cost of the
20 claim for reimbursement does not exceed one million
21 dollars (\$1,000,000), reimbursement shall be made from
22 the State Mandates Claims Fund.

23 Notwithstanding Section 17580 of the Government
24 Code, unless otherwise specified, the provisions of this act
25 shall become operative on the same date that the act
26 takes effect pursuant to the California Constitution.

