

ARIZONA STATE LEGISLATURE

SENATE COMMERCE AND WORKFORCE DEVELOPMENT AND HOUSE INSURANCE COMMITTEE OF REFERENCE FOR THE LEGISLATIVE PROPOSAL OF: ESTABLISHING A PRESUMPTION OF COMPENSABILITY FOR CARDIOVASCULAR DISEASE FOR FIREFIGHTERS AND PEACE OFFICERS EXPANDING THE CANCER PRESUMPTION OF COMPENSABILITY FOR FIREFIGHTERS AND PEACE OFFICERS

Minutes of the Meeting
December 6, 2016
10:30 a.m., Senate Hearing Room 1

Members Present:

Senator Kimberly Yee, Co-Chair
Senator David C. Farnsworth
Senator Robert Meza
Senator Bob Worsley

Representative Karen Fann, Co-Chair
Representative Doug Coleman

Members Absent:

Senator Olivia Cajero Bedford

Representative Jonathan R. Larkin
Representative Phil Lovas
Representative Lisa A. Otondo

Staff:

Grant Hanna, Senate Research Analyst

Co-Chairman Yee called the meeting to order at 10:57 a.m. and attendance was taken.

Legislative Proposal Establishing a Presumption of Compensability for Cardiovascular Disease for Firefighters and Peace Officers and Expanding the Cancer Presumption of Compensability for Firefighters and Peace Officers

Grant Hanna, Senate Research Analyst, distributed a report entitled "Legislative Report Prepared for the Joint Legislative Audit Committee in Compliance with ARS 23-1102 through 23-1104 Regarding the Addition of Cardiac Presumption Legislation" (Attachment A) and "Legislative Report Prepared for the Joint Legislative Audit Committee in Compliance with ARS 23-1102 through 23-1104 Regarding the Amendment of Current Legislation and Expansion of Arizona Cancer Presumption Legislation 23-901.01" (Attachment B).

Public Testimony

Brian Jeffries, President, Professional Firefighters of Arizona, gave an overview of and need for presumptive compensability legislation regarding cancer and cardiovascular disease in first responders.

David Rehnke, retired Firefighter, City of Peoria, testified in support of presumptive compensation legislation for firefighters regarding cancer and cardiovascular disease.

Leah Carter, representing herself, spouse of deceased Firefighter, explained financial hardships experienced by her family in the wake of her husband's death.

Danny Senese, representing himself, Firefighter, City of Glendale, gave an overview of his medical situation and testified in support of presumptive compensability legislation.

John Vardaian, Firefighter, representing himself, gave an overview of his medical situation and testified in support of presumptive compensability legislation.

Gilbert Aguirre, Firefighter/Paramedic, City of Goodyear, gave an overview of his medical situation and testified in support of presumptive compensability legislation.

Michael Patten, Glendale Firefighter, gave an overview of his medical situation and testified in support of presumptive compensability legislation.

Kepra Jack, representing herself, testified regarding heart disease and cancer in firefighters and the need for presumptive compensability legislation to correct medical care in workman's compensation cases.

Alex Vidal, League of Arizona Cities and Towns, gave an overview of his background and explained various views regarding the reports submitted to the Committee. Mr. Vidal referenced the following emails he sent to the Committee members (Attachment C), a table entitled "Table II; Odds Ratios for Various Cancers Among Firefighters – All Races Combined, California, 1988-2007" (Attachment D) and a report entitled "National League of Cities; Assessing State Firefighter Cancer Presumption Laws And Current Firefighter Cancer Research April 2009" (Attachment E). Mr. Vidal testified in opposition to presumptive compensability legislation and answered questions posed by the Committee.

Marc Osborn, Property Casualty Insurers Association of America, testified in opposition to presumptive compensability legislation and answered questions posed by the Committee.

Mark Kendall, CopperPoint Mutual Insurance, testified in opposition to presumptive compensability legislation.

Jessie Armendt, Arizona Self-Insurers Association, testified in opposition to presumptive compensability legislation and the financial danger to municipalities.

Michael Gardner, Professional Fire Fighters of Arizona, testified in support of presumptive compensability legislation and his willingness to work with other stakeholders to reach a compromise.

Discussion and Recommendations by the COR

Representative Fann made statements regarding unintended consequences and the need for more stakeholder meetings.

Senator Yee made statements regarding moving the discussion forward and the need to have more discussions before a formal recommendation can be moved.

Representative Fann moved that the Committee of Reference make the recommendation that the Legislature consider a comprehensive review of any causal relationship between the firefighting profession and cancer and cardiovascular disease in the 2017 session. We note that the report does not provide evidence for peace officers. The Committee encourages stakeholders, including the Industrial Commission of Arizona to craft a proposal that balances scientific evidence supporting the presumption including any findings from the University of Arizona study with cost impacts on the insurance system and local governments. The parties should also review ways for the Industrial Commission to systematically review existing presumptions to verify that the current science supports their continuation. The motion CARRIED by voice vote.

Attached are the forms noting the individuals who submitted a Speaker slip on the agenda items (Attachment F).

Attached is a list noting the individuals who registered their position on the agenda items (Attachment G)

There being no further business, the meeting was adjourned at 2:22 p.m.

Respectfully submitted,

Shelley Ponce
Committee Secretary

(Audio recordings and attachments are on file in the Secretary of the Senate's Office/Resource Center, Room 115. Audio archives are available at <http://www.azleg.gov>)