

SESSION OF 2014

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2023**

As Recommended by Senate Committee on
Commerce

Brief*

Senate Sub. for HB 2023 would provide an exemption, starting July 1, 2014, to the prohibition placed on the recovery of workers compensation in cases involving coronary disease, coronary artery disease, or cerebrovascular injury during the course of usual work performed by firefighters or law enforcement officers. In order to prove a claim, the injured public safety employee would need to show the injury was caused by a specific event that occurred in the course and scope of employment, the coronary or cerebrovascular injury occurred within 24 hours of the specific event, and the specific event was the prevailing factor in causing the disease or injury.

Background

Introduced during the 2013 Session, HB 2023 pertained to paycheck deductions for political activities. The Senate Committee on Commerce amended the bill by deleting the contents and inserting the contents of SB 398 and further amended those provisions. The Senate Committee recommended the adoption of a substitute bill to incorporate the revised provisions of SB 398. The remainder of this supplemental note describes the background of SB 398.

Representatives of the Department of Labor and various associations of public safety personnel spoke in favor of the

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

bill at the Senate Committee hearing, stating the removal of the unusual exertion test in limited circumstances is necessary to rectify an unintended result, a result where nonpublic safety employees may receive worker compensation benefits for heart attack or stroke but public safety personnel are not able to overcome the unusual exertion test.

Representatives of the Kansas Chamber, the Kansas Society of Human Resource Management, the Kansas Self-insurers Association, the Kansas Association of Counties, and the League of Kansas Municipalities provided neutral testimony, expressing concern this exemption could become a precedent in the future, which would lead to higher worker compensation and employment costs.

There was no opponent testimony.

The Senate Committee on Commerce amended the contents of SB 398 to delete inclusion of corrections and juvenile corrections officers in the exemption. The Committee also added the requirement the coronary or cerebrovascular injury occurred within 24 hours of the specific event.

According to the fiscal note prepared by the Division of the Budget, in consultation with the Department of Labor, SB 398, as introduced, has the potential to increase the number of workers compensation cases that would have administrative hearings. Data provided to the Department by local units of government indicate that, on average, one or two cases would be compensated per year. The Department indicates operational costs associated with hearings would be negligible and absorbed within existing resources. The bill would have no fiscal effect on the State Self Insurance Fund or the Insurance Department.