

Honolulu, Hawaii
February 10, 2015RE: H.B. No. 435
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 435 entitled:

"A BILL FOR AN ACT RELATING TO FIREFIGHTERS,"

begs leave to report as follows:

The purpose of this measure is to support firefighters who are exposed to hazardous substances and situations by, among other things:

- (1) Establishing a rebuttable presumption under Hawaii's workers' compensation law that a firefighter who suffers from cancer, a blood-borne infectious disease, or exposure to a biochemical substance, contracted the condition in the course of employment (Rebuttable Presumption);
- (2) Requiring the Hawaii State Fire Council to:
 - (A) Develop minimum standards and procedures to ensure the health and safety of firefighters and first responders who are or may be exposed to hazardous materials or situations in the course of their duties;
 - (B) Take steps to ensure personnel are trained regularly with respect to these minimum standards and procedures;



- (C) Urge county fire departments to conduct an inventory of fire stations to ensure that fire stations meet environmental health and safety standards to mitigate the long-term health effects on personnel; and
- (D) Require each fire station to employ best practices limiting an employee's exposure to hazardous materials.

The Hawaii Fire Fighters Association and an individual testified in support of this measure. The Hawaii Insurance Council testified in opposition to this measure. The Department of Labor and Industrial Relations; Department of Human Resources Development; Hawaii State Fire Council; Honolulu Fire Department; Department of Human Resources of the City and County of Honolulu; County of Hawaii Fire Department; Department of Fire and Public Safety, County of Maui; and the State of Hawaii Organization of Police Officers commented on this measure.

Your Committee has amended this measure by:

- (1) Removing the Rebuttal Presumption and instead providing firefighters the opportunity to collectively bargain for expanded employee benefits to mitigate long-term health effects that may result from work-related exposure to hazardous materials;
- (2) Requiring the county fire departments, instead of the Hawaii State Fire Council, to:
 - (A) Ensure that fire and first responder personnel are trained regularly with regard to minimum standards and procedures developed by the Hawaii State Fire Council;
 - (B) Conduct an inventory of fire stations to identify and designate deficiencies to ensure that fire stations meet environmental health and safety standards to mitigate the long-term health effects on fire department and first responder personnel; and



- (C) Require each fire station to employ best practices limiting an employee's exposure to hazardous materials;
- (3) Requiring the Hawaii State Fire Council to submit its report to the Legislature no later than 20 days before the convening of the Regular Session of 2016; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 435, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 435, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Labor & Public
Employment,


MARK M. NAKASHIMA, Chair



State of Hawaii
House of Representatives
The Twenty-eighth Legislature

HJR 95

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: HB 435	Committee Referral: LAB, JUD, FIN	Date: 2/6/15		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	/			
2. KEOHOKALOLE, Jarrett (VC)	/			
3. AQUINO, Henry J.C.				/
4. HAR, Sharon E.	/			
5. ICHIYAMA, Linda	/			
6. JOHANSON, Aaron Ling	/			
7. LOPRESTI, Matthew S.	/			
8. SAN BUENAVENTURA, Joy A.	/			
9. TAKAYAMA, Gregg	/			
10. TAKUMI, Roy M.	/			
11. YAMASHITA, Kyle T.	/			
12. TUPOLA, Andria P.L.	/			
TOTAL (12)	11			1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				