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FISCAL IMPACT REPORT

BILL NUMBER: House Bill 128

SHORT TITLE: Firefighter Occupational Disease Disablement

SPONSOR: Rep. Szczepanski/Sen. Nava

LAST UPDATE: _____ **ORIGINAL DATE:** 2/3/2026 **ANALYST:** Simon

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
EMNRD -- Workers' Compensation Insurance Costs	No fiscal impact	No fiscal impact	See fiscal implications		Recurring	General Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Relates to House Bill 132

Sources of Information

LFC Files

Agency or Agencies Providing Analysis

Energy, Minerals and Natural Resources Department

Workers' Compensation Administration

General Services Department

Homeland Security and Emergency Management Department

SUMMARY

Synopsis of House Bill 128

House Bill 128 (HB 128) would reduce the time period after which certain medical conditions are presumed to be proximately caused by a firefighter's employment; the bill would shorten the required service period to five years, compared with current requirements ranging from five to twelve years for most covered cancer types.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, which is May 20, 2026.

FISCAL IMPLICATIONS

HB128 could increase workers compensation and disability costs of public entities that employ firefighters, including the state Energy, Minerals and Natural Resources Department (EMNRD) and local governments that maintain a fire department. Analysis from the Workers' Compensation Administration (WCA) notes that under current law firefighters are already able to file a workers' compensation claims even if there is no presumption the medical condition was caused by the firefighter's service. As a result, WCA anticipates additional workload to be minimal.

The General Services Department, which manages the state's workers' compensation fund, notes the bill would likely lead to additional workers' compensation costs by decreasing the length of service needed for the presumption of causality and by increasing the number of conditions with a presumption. The analysis notes possible additional costs are unknown, but could be substantial.

For the state, additional costs are likely to be somewhat limited in the context of overall personnel costs for employees. The state employs relatively few firefighters; however, EMNRD has recently created several wildland firefighter positions. As of February, 47 people were employed as wildland firefighters, with 20 positions vacant. Analysis from EMNRD notes the potential for additional costs but does not project the amount of those costs.

Workers' compensation costs for EMNRD's Healthy Forest Program have been increasing in recent years, likely a reflection of additional exposure to possible claims in the program. GSD sets workers' compensation rates for state agencies based on an actuarial analysis of each agency's claims history and exposure. For FY27, rates set by GSD total \$23.6 million, a 13.8 percent increase from FY23. Over that same time, rates for EMNRD have increased by nearly 250 percent, while the share of EMNRD's premium budgeted within the Health Forest Program have increased 390 percent. However, in the context of EMNRD's total personnel budget, (\$69.2 million for FY27, based on the House Appropriations and Finance Committee Substitute for House Bills 2 and 3) the \$115 thousand increase in workers' compensation premiums over five years represents a relatively minor cost driver.

**Workers' Compensation Premiums
(in thousands)**

Year	Healthy Forest Program	EMNRD Total	Statewide Total
FY23	\$29.6	\$176.3	\$20,780.4
FY24	\$62.5	\$372.2	\$24,387.2
FY25	\$78.0	\$322.3	\$21,521.4
FY26	\$123.1	\$512.8	\$28,342.3
FY27	\$145.2	\$616.0	\$23,649.1

Source: LFC Files

Based on available analysis, the potential additional costs for local government entities that employ firefighters are uncertain, though likely significantly larger than possible exposure of state agencies.

SIGNIFICANT ISSUES

Current law provides that a firefighter who develops certain medical conditions is presumed to have developed that condition from his or her service as a firefighter. Analysis from EMNRD notes the federal Environmental Protection Agency and Occupational Safety and Health Administration have issued warning about exposure to cancer-causing chemicals released in toxic smoke when wildfires burn homes and buildings.

Medical Conditions Presumed to be Proximately Caused by Employment as a Firefighter

Condition	Service Length	
	Current Law	Proposal
Brain cancer	10 years	5 years
Bladder cancer	12 years	5 years
Kidney cancer	15 years	5 years
Colorectal cancer	10 years	5 years
Non-Hodgkin's lymphoma	15 years	5 years
Lukemia	5 years	5 years
Urteter cancer	12 years	5 years
Testicular cancer	5 years	5 years
Breast cancer	5 years	5 years
Esophageal cancer	10 years	5 years
Multiple myeloma	15 years	5 years
Cervical cancer	No presumption	5 years
Lung cancer	No presumption	5 years
Malignant melanoma	No presumption	5 years
Mesothelioma	No presumption	5 years
Ovarian cancer	No presumption	5 years
Prostate cancer	No presumption	5 years
Skin cancer	No presumption	5 years
Stomach cancer	No presumption	5 years
Thyroid cancer	No presumption	5 years

Source: HB128

Both current law and the bill allow the presumption a medical condition was caused by employment to be rebutted by a preponderance of the evidence.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 132 addresses medical conditions potentially faced by police officers and creates a presumption that certain medical conditions are proximately caused by employment as a police officer.