

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: July 1, 2008
POSITION: Oppose

BILL NUMBER: SB 726
AUTHOR: E. Alquist

BILL SUMMARY: Workers' Compensation: Benefits:RetroactivePresumption

This bill allows for retroactive application of the workers' compensation law that grants certain public safety personnel the right to a disputable presumption that any case of blood-borne infectious disease rose out of, and in the course of, employment. This would apply only to retroactive claims for benefits in Santa Clara County that were filed after April 1, 1995, but the claimant would have only a one-year window of opportunity to initiate the claim.

FISCAL SUMMARY

This bill would not have a fiscal impact on the state, but could have a significant fiscal impact on local government jurisdictions within Santa Clara County.

COMMENTS

The Department of Finance is opposed to this bill for the following reasons:

- The Legislature intentionally did not make the blood-borne illness presumption retroactive when enacting the bill in 2001.
- This bill would place pressure on the Legislature to provide the same retroactive benefits to other counties.
- Significant hardships could be placed on cities, schools and other local jurisdictions in the County of Santa Clara, such as:
 - Defending claims where the files dealing with the matter may have been closed and evidence lost or degraded over time.
 - Increased, unanticipated costs for prior years' liabilities that would have to be paid from already strained current resources.

Code/Department Agency or Revenue Type	(Fiscal Impact by Fiscal Year)							Fund Code
	(Dollars in Thousands)							
	SO	LA	CO	PROP	FC	FC	FC	
9901/Var Depts	SO	No					----- No/Minor Fiscal Impact -----	0001

Analyst/Principal (0241) K. Shelton	Date	Program Budget Manager Todd Jerue	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

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