

SENATOR WESELY: No, again, I thought Senator Kristensen summarized his position and my position quite well. We are not here to ask you to repeal an amendment (interruption).

SPEAKER WITHEM: One minute, by the way.

SENATOR WESELY: What we are asking is that we delay for a year to give the cities a chance to do actuarial studies to assess whether or not this is a significant issue or not. If it isn't, no problem; the amendment is in place, it takes effect. If there is a problem, we will have a chance to review it next session. I ask your support for the amendment. Thank you.

SPEAKER WITHEM: Thank you, Senator Wesely. Would like to recognize some guests of the Legislature. We have guests of Senator Kristensen and Schmitt. They are Betty Alderman, from St. Paul, and Doris Maurer, from Kearney. They are former teachers of Senator Schmitt, although I don't know if they would want to admit that or not, but they are, and they are also cousins of Senator Schrock. So if you'd please stand and be recognized. On the motion to return, Senator Will, followed by Senators Wickersham, Klein, Kristensen, Wesely, and Maurstad.

SENATOR WILL: Thank you. Mr. Speaker, members of the body, the issue before us right now is to delay the implementation date of an amendment that I got adopted to LB 1076 last week. The amendment would recognize exposure to cancer as a prima facie case for a firefighter to be able to get into the pension program. And I would emphasize to the body that, as I explained last week, this was a bill that I introduced last year, LB 361. As originally introduced, this exposure to cancer would be a rebuttable presumption that a firefighters cancer was caused by his exposure, his or her exposure to known carcinogens, after jumping through a few hoops to get to that point. The bill was amended by the Retirement Committee, was advanced without a dissenting vote, but was amended to remove "rebuttable presumption" from the text of the bill and reduced that to "prima facie evidence", which is a huge change. This is a huge change. A rebuttable presumption puts the onus on the local subdivision, on the entity that is having to pay the firefighters' pension to prove that that exposure to a carcinogen was not caused by that substance. Prima facie evidence simply gets the firefighter into court. It simply gets them a seat at the table to prove their case that, yes, if I can