

body. Thank you, Senator Maurstad. You said some of the things that I was going to say, but I have a couple of questions I'd like to ask Senator Wickersham, if he would answer them for me.

SPEAKER WITHEM: Senator Wickersham.

SENATOR WICKERSHAM: Yes.

SENATOR JANSSEN: All right, what would happen right now if an employee, a firefighter, which is an employee of the city, would contract cancer now? I mean, is there an avenue where they can take their retirement if they are unable to work? Or if he became disabled?

SENATOR WICKERSHAM: They could still attempt to have that issue litigated. It would be in my understanding, I am really not a litigator, Senator Janssen, so maybe others will correct what I say,...

SENATOR JANSSEN: Well, you fooled me.

SENATOR WICKERSHAM: ...but they would have, what they do is they get to have their day in court. Without this amendment, they are far more susceptible just having the action rejected up front.

SENATOR JANSSEN: All right, what if it would be some other condition, say, stroke, heart attack, something like that, what happens then?

SENATOR WICKERSHAM: Well, it's interesting that you ask, because in cases that are associated with respiratory diseases or a respiratory defect or disease, if it is one of those items, then there is a rebuttable presumption that it was incurred within the line of duty. That has been on the books since 1969. It would have been very interesting to be here for the debate on those bills because that's a much stronger test, and I would suspect, as regards to firefighters, probably a more common cause of disability than potentially cancer, but we give them the benefit of a doubt with respiratory diseases, and that's a rebuttable presumption, a much stronger position to argue from than the prima facie evidence grounds that would be given to them under Senator Will's amendment.