

amendment. Number one, the firefighter was not identified as having cancer via a physical examination going into firefighting service; secondly, that that firefighter was exposed to a known carcinogen in the line of duty; and, third, that that firefighter has contracted cancer that is known or suspected to be caused by that type of carcinogen, and all that does is get the firefighter into court on prima facie evidence. That's it. There is a huge difference, as Senator Wickersham has outlined, between that and the rebuttable presumption that exists for respiratory, heart, hypertension, those types of diseases. So we're not...we are not taking a drastic step. What we are doing with my amendment is taking a step to give firefighters peace of mind, and, frankly, to give their families peace of mind, because, you know what, a lot of these guys and women are dead. They are dead. They died of cancer or they are dying of cancer, and by the time their pension kicks in, they are not going to benefit, but their families are, and I say let their family start benefitting June 1st, 1996, instead of June 1st, 1997. Thank you.

SPEAKER WITHEM: Senator Vrtiska.

SENATOR VRTISKA: Thank you, Mr. Speaker, members of the body. If I could ask Senator Wickersham a question.

SPEAKER WITHEM: Senator Wickersham.

SENATOR WICKERSHAM: Yes.

SENATOR VRTISKA: Senator Wickersham, I was listening to your discussion with my friend, Senator Janssen, over here and I guess I got a little confused in your discussion about the...about the things that are already in the statute that protect the firefighter in the case of heart trouble, I mean certain specific things that you outlined.

SENATOR WICKERSHAM: Okay, the section in question is 18-1723, and it is applicable to deaths or disabilities incurred prior to December 25, 1969, but it is my understanding that the courts have continued to apply the standard that is set out in the statute, and that is that if you've served a total of five years, and you have...you suffer death or disability as a result of hypertension or heart or respiratory defect or disease, there is a rebuttable presumption that such death or disability