

PRELIMINARY

1999-2000

LRB-2584/3

STATE OF WISCONSIN

APPENDIX TO 1999 ASSEMBLY BILL 455

REPORT OF JOINT SURVEY COMMITTEE ON RETIREMENT SYSTEMS

(Introduced by Representatives Spillner, Brandemuehl, Freese, Goetsch, Gunderson, Hahn, Handrick, Hasenohrl, Kelso, Ladwig, Lassa, Miller, Musser, Olsen, Schneider, Sykora and Waukau; cosponsored by Senators Plache, Robson, Roessler and Schultz.)

An Act to renumber and amend 891.45; to amend 891.455 (1) and 891.455 (2); and to create 891.45 (1) of the statutes; relating to: establishing a presumption for employment-connected disease for state and county fire fighters.

EXTRACT OF COMMITTEE'S RECOMMENDATION ON THIS BILL

The Joint Survey Committee on Retirement Systems finds that Assembly Bill 455 [represents good public policy, and the Committee recommends its passage] [does not represent good public policy, and the Committee does not recommend its passage].

PURPOSE OF THE BILL

The purpose of this bill is to extend to *state and county fire fighters* the protections granted by 1997 Wisconsin Act 173 to municipal fire fighters. Under Act 173, in any proceeding that involves an application by a municipal fire fighter or his or her beneficiary for disability or death benefits, if at the time of death or filing the application the fire fighter had served a total of *10 years* as a fire fighter and a qualifying medical examination *before* he or she joined the fire department showed no evidence of cancer, and if the disability or death is found to have been caused by cancer, the finding will be presumptive evidence that the cancer was caused by his or her employment as a fire fighter.

This presumption applies to cancers affecting the skin, breasts, central nervous system or lymphatic digestive hematological urinary skeletal, oral or reproductive systems.

In any proceeding involving the application by a municipal fire fighter or his or her beneficiary for disability or death benefits, if at the time of death or filing the application for benefits the fire fighter had served a total of *five years* as a fire fighter and a qualifying medical examination given *before* he or she joined the fire department showed no evidence of heart or respiratory

impairment or disease and the disability or death of the fire fighter is found to have been caused by heart or respiratory impairment or disease, this finding is presumptive evidence that the impairment or disease was caused by his or her employment as a fire fighter. Act 173 extended those protections only to municipal fire fighters.

This bill creates the same presumptions for county fire fighters and state fire fighters.

ACTUARIAL EFFECT

This bill would have no material actuarial effect on the Wisconsin Retirement System (WRS).

PROBABLE COSTS

The estimate of the probable cost for the bill is approximately \$40,000 of which \$36,000 would be paid for by the state and \$4,000 by the counties. James Scearcy, Actuary for the Group Insurance Board, estimated the cost of 1997 Senate Bill 329 (which became Act 173) to be about .24% of the payroll for covered fire fighters. Estimating that payroll to be \$131.7 million in 1999 results in an estimated cost to employers of \$316,000. Since this cost estimate included *all* fire fighters and state and county fire fighters are estimated to cost about 20% of the total costs, this results in an estimated initial cost of approximately \$63,200 for this bill. The cost should remain at about .24% of payroll for fire fighters for a period of 14 years and then decrease to about .14% of payroll, which is the equivalent of \$40,000 annually.

PUBLIC POLICY

As noted in the 1997 report on Senate Bill 329, at least 17 states have adopted cancer presumption laws for fire fighters including Minnesota and Illinois. The report also noted research on the exposure of fire fighters to carcinogenic agents in the course of their duties has found damaging levels of numerous known and suspected carcinogens present at fires and in fire houses as well. Chief among these are benzene and other aromatic hydrocarbons, asbestos, formaldehyde, chemicals present in diesel exhaust, PCBs, styrene, methylene chloride and other organic chemicals.

One 1995 review of 19 epidemiological studies of cancer in fire fighters concludes that "the data shows that employment as a fire fighter increases the risk of developing and dying from certain specific cancers: leukemia, non-Hodgkin's lymphoma, multiple myeloma and cancers to the brain, urinary bladder, and, possibly, prostate, large intestine and skin." ("The Risk of Cancer in Fire Fighters," *Occupational Medicine*, Volume 10, No. 4, October-December 1995.)

Face masks and protective clothing are often inadequate protection for a fire fighter, notably in situations where their use interferes with performing the job and, as a result, they are not used. Many harmful chemicals are absorbed through the skin as well as by inhalation and a fire fighter may receive harmful doses of carcinogens as a result. Diesel exhaust from fire trucks present in the air at fire houses has also been determined to be a major cause of increased cancer risk for fire fighters. Based on the studies surveyed in the research paper cited above, for which significance was found in the data to support the conclusion of increased cancer risk for fire fighters, estimates were made for six types of cancer to answer this question: "What percentages

of the cancers occurring in the sampled fire fighters would not have occurred if they were not fire fighters"? Here are the results:

<i>Type of Cancer</i>	<i>Percentage of Cancers Estimated to be Due to Additional Occupational Risk of Cancer</i>
Brain Cancer	54%
Leukemia	68%
Bladder Cancer	54%
Prostate Cancer	62%
Rectal Cancer	36%
Skin Cancer	59%

RECOMMENDATION

The Joint Survey Committee on Retirement Systems finds that 1999 Assembly Bill 455 [represents good public policy, and the Committee recommends its passage] [does not represent good public policy, and the Committee does not recommend its passage].

3/6/00

- Ken @ pin - AB 800

- WFT - ~~MEAC~~ - Support

- ARB 800 - Bob & Dan

- both chair other committees

Shella.

- no FE prepared, why has this been eliminated

- Council would continue to do this

- Gordon Skill part of

- Ed Kern - Coalition of Annuitants

SB 412 -

1

SP invest performance driven

- Opt. Ret. Program

ACT 11-

- we welcome to support changes

- that will improve the function

- Note. Commission Uniform State Laws - objective review

* Promote regular and continuous activity or RR 2

- adequate input to leg. process

- slippery slope, lots of variable

2

(3)

- Strengths & limitations of process

- Laura Rose - Stella - current

Positive impact at council

- Vukas - open, accessible, what kind of assurance

Rose - you gave for this - fits well w/ current formation - very open any one can come in on any time

Hankler - designated to do only this?

Peter First is to start WRC + RR

(4)

- Approval of Minutes

V Vukas - approved

- Stella - James Gruentzel -

- ETT elected am. then

Jensen - Leg. Council

- not independent, why cant the

- be willing to sacrifice from pension fund

- Gene Lehman -

- opposed - hire new director who has strong focus

- on public policy - public hearings & financial analysis

(5)

- Risky - one step forward
2 steps back

- Jensen - what's
"likely negative"

- O'Steen - impact of this bill?

- Eliminates FE requirement

- Vratkas - full SD2 of bills
last time and not
have FE

- D'Steven - do a study?

(6)

- Martin - new person
@ Council may take some
time - but when will
Gordon retire

- SB 97

- EFT abstaining

- not voting on AB 800

- Vira

- 8 ayes, 1 abstaining

- AB 455 - what it does

- Pres. created for municipalities

- cancer ACT 173

- extends to city & state
firefighters

- Vratkas, moved, which -

SB 325 -

(7)

- ~~SB 325~~ Status
- ~~SB 325~~ part status
- FTE amendment makes it not retroactive
- Probate, civil, Family, juvenile criminal
- SC Order 97-10
- disciplines, etc. F.S. Court Commission for
- used to think they had job security order makes it clear they are approx
- SB rules require financial disclosure

SB 345 - Gordon FTE

(8)

- < How many ppl like more than 100 hours?
- For FTE's no problem,
- ~~SB 345~~ Done Co has many court commissioners
- How many outleaded by 1/3 time?
- Stella - are there same not covered under this bill
- 43
- would affect all eds and all who meet 100-hr test
- ~~Stella~~ - Keppel
- Mary Beth Keppel.

(9)

- Stella - judges are elected
- ex ec. - You serve as
- Pleasure of
- Annual evals.
- Stella - DA's are state emps paid by state
- DA's could have been in similar
- Judges switched to state employees in 78

STATE OF WISCONSIN

JOINT SURVEY COMMITTEE ON RETIREMENT SYSTEMS

MONDAY, MARCH 6, 2000

11:00 A.M.

ROOM 417 NORTH (GAR), STATE CAPITOL BLDG.

A G E N D A

1. Call to Order and Roll Call.
2. Consideration of the Minutes of the February 21, 2000 Meeting.
3. Senate Bill 365 relating to executive participating employe status under the Wisconsin retirement system for certain court commissioners. (Public Hearing)
4. Assembly Bill 800 relating to staff support for the joint survey committee on retirement systems and the retirement research committee and making an appropriation. (Public Hearing and Executive Session)
5. Senate Bill 97 relating to increasing the membership of the employe trust funds board. (Executive Session)
6. Assembly Bill 455 relating to establishing a presumption for employment-connected disease for state and county fire fighters. (Executive Session)
7. Senate Bill 142 relating to classifying county jailers as protective occupation participants for the purposes of the Wisconsin retirement system. (Executive Session)
8. Assembly Bill 48 relating to classifying county jailers as protective occupation participants for the purposes of the Wisconsin retirement system. (Executive Session)
9. Other Matters.
10. Adjournment.

STATE OF WISCONSIN
JOINT SURVEY COMMITTEE ON RETIREMENT SYSTEMS
MONDAY, FEBRUARY 21, 2000
11:00 A.M.
ROOM 417 NORTH (GAR), STATE CAPITOL BLDG.

A G E N D A

1. Call to Order and Roll Call.
 2. Consideration of the Minutes of the January 24, 2000 Meeting.
 3. **Assembly Bill 9** relating to granting creditable service under the Wisconsin retirement system for service in the federal peace corps or VISTA public service programs or in any national service program under the federal National and Community Service Act of 1990.
 4. **Assembly Bill 124** relating to creditable military service under the Wisconsin retirement system.
 5. **Senate Bill 88** relating to creditable military service under the Wisconsin retirement system.
 6. **Assembly Bill 145** relating to granting creditable service under the Wisconsin retirement system for service in the federal public health service.
 7. **Senate Bill 105** relating to classifying certain teachers employed by the state as protective occupation participants under the Wisconsin retirement system.
 8. **Senate Bill 211** relating to classifying certain nurses employed by the state as protective occupation participants under the Wisconsin retirement system.
 9. **Assembly Bill 388** relating to the normal retirement date under the Wisconsin retirement system for individuals employed by certain school districts.
 10. **Assembly Bill 426** relating to death benefits provided under the Wisconsin retirement system and making an appropriation.
 11. **Assembly Bill 455** relating to establishing a presumption for employment-connected disease for state and county fire fighters.
 12. **Assembly Bill 656** relating to granting creditable service under the Wisconsin retirement system to certain assistant district attorneys formerly employed by Milwaukee County and making an appropriation.
- (An Executive Session may be held during or immediately following the public hearing on the above and/or any other items pending before the Committee)*
13. Other Matters.
 14. Adjournment.