

2001 DRAFTING REQUEST

Bill

Received: 12/01/2000

Received By: **champra**

Wanted: **As time permits**

Identical to LRB:

For: **Joan Wade (608) 266-7746**

By/Representing: **Jason**

This file may be shown to any legislator: **NO**

Drafter: **champra**

May Contact:

Alt. Drafters: **nelsorp1**

Subject: **Employ Pub - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Establishing a presumption for employment-connected disease for state and county fire fighters

Instructions:

Redraft 1999 AB 455

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	champra 12/01/2000	jdye 12/04/2000		_____			S&L Retire
/1			pgreensl 12/05/2000	_____	lrb_docadmin 12/05/2000	lrb_docadmin 12/07/2000	

FE Sent For: 01/16/2001, 01/16/2001.

<END>

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1?	champra	1 12/4 JLD	12/5 DG	12/5 DG/RS			

FE Sent For:

<END>



State of Wisconsin
1999-2000 LEGISLATURE

LRB-2584/3

RAC:jlg:mrc

2001-03/2

2001

LRB-129311

RAC & RPN

1999 ASSEMBLY BILL 455

September 14, 1999 - 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. Referred to Committee on Labor and Employment.

gen. cat.

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

Analysis by the Legislative Reference Bureau

Under current law, in any proceeding involving the application by a municipal fire fighter or his or her beneficiary for disability or death benefits, where at the time of death or filing of application for disability benefits the fire fighter had served a total of ten years as a fire fighter and a qualifying medical examination given before the time of his or her joining the fire department showed no evidence of cancer, and where the disability or death is found to be caused by cancer, this finding shall be presumptive evidence that the cancer was caused by his or her employment as a fire fighter. Current law provides that this presumption only applies to cancers affecting the skin, breasts, central nervous system or lymphatic, digestive, hematological, urinary, skeletal, oral or reproductive systems.

In addition, under current law, in any proceeding involving the application by a municipal fire fighter or his or her beneficiary for disability or death benefits, where at the time of death or filing of application for disability benefits the fire fighter had served a total of five years as a fire fighter and a qualifying medical examination given before the time of his or her joining the fire department showed no evidence of heart or respiratory impairment or disease, and where the disability or death is found to be caused by heart or respiratory impairment or disease, this

ASSEMBLY BILL 455

finding shall be presumptive evidence that the impairment or disease was caused by his or her employment as a fire fighter.

This bill extends the coverage of these presumptions to state and county fire fighters.

This bill will be referred to the joint survey committee on retirement systems for a detailed analysis, which will be printed as an appendix to this bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 891.45[✓] of the statutes is renumbered 891.45 (2) and amended to read:

891.45 (2) In any proceeding involving the application by a state, county, or³ municipal fire fighter or his or her beneficiary for disability or death benefits under ~~s. 66.191, 1981 stats., or s. 40.65 (2)~~ or any pension or retirement system applicable to fire fighters, where at the time of death or filing of application for disability benefits the deceased or disabled ~~municipal~~ fire fighter had served a total of 5 years as a state, county, or³ municipal fire fighter and a qualifying medical examination given prior to the time of his or her ~~joining the department~~ becoming a state, county,³ or municipal fire fighter showed no evidence of heart or respiratory impairment or disease, and where the disability or death is found to be caused by heart or respiratory impairment or disease, such finding shall be presumptive evidence that such impairment or disease was caused by such employment. ~~In this section, "municipal fire fighter" includes any person designated as primarily a fire fighter under s. 61.66 (2) and any person under s. 61.66 whose duties as a fire fighter during the 5-year qualifying period took up at least two-thirds of his or her working hours.~~

SECTION 2. 891.45[✓] (1) of the statutes is created to read:

891.45 (1) In this section:[✓]

Handwritten notes on the left margin: a vertical line with numbers 1-18, a circled '3' next to line 3, a circled '9' next to line 9, and the letters 'RWF' written vertically.

ASSEMBLY BILL 455

1 (a) "County fire fighter" means any person employed by a county whose duties
2 primarily include active fire suppression or prevention.

3 (b) "Municipal fire fighter" includes any person designated as primarily a fire
4 fighter under s. 61.66 (2) and any person under s. 61.66 whose duties as a fire fighter
5 during the 5-year qualifying period took up at least two-thirds of his or her working
6 hours.

7 (c) "State fire fighter" means any person employed by the state whose duties
8 primarily include active fire suppression or prevention and who is a protective
9 occupation participant, as defined in s. 40.02 (48).

10 SECTION 3. 891.455 (1) of the statutes is amended to read:

11 891.455 (1) In this section, "state, county, or municipal fire fighter" means a
12 ~~municipal~~ fire fighter who is covered under s. 891.45 and any person under s. 61.66
13 whose duties as a fire fighter during the 10-year qualifying period specified in sub.
14 (2) took up at least two-thirds of his or her working hours.

15 SECTION 4. 891.455 (2) of the statutes is amended to read:

16 891.455 (2) ~~Beginning with applications submitted by a municipal fire fighter~~
17 ~~or his or her beneficiary on May 12, 1998, in~~ In any proceeding involving an
18 application by a state, county, or municipal fire fighter or his or her beneficiary for
19 disability or death benefits under s. ~~66.191, 1981 stats., or~~ s. 40.65 (2) or any pension
20 or retirement system applicable to fire fighters, where at the time of death or filing
21 of application for disability benefits the deceased or disabled ~~municipal~~ fire fighter
22 had served a total of 10 years as a state, county, or municipal fire fighter and a
23 qualifying medical examination given prior to the time of his or her ~~joining the~~
24 department becoming a state, county, or municipal fire fighter showed no evidence
25 of cancer, and where the disability or death is found to be caused by cancer, such

Pw/F

ASSEMBLY BILL 455

1 finding shall be presumptive evidence that the cancer was caused by such
2 employment.

3 **SECTION 5. Initial applicability.**

4 (1) This act first applies to applications submitted by a state, county³ or
5 municipal fire fighter or his or her beneficiary in any proceeding involving disability
6 or death benefits on the effective date of this subsection.

7 (END)

RWF
1
2



STEPHEN R. MILLER
CHIEF

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

LEGAL SECTION:
LEGAL FAX:

(608) 266-3561
(608) 264-6948

December 5, 2000

MEMORANDUM

To: Representative ~~Spillner~~ Wade

From: Rick A. Champagne, Senior Attorney

Re: LRB-1293 Establishing a presumption for employment-connected disease for state and county fire fighters

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-9930 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.