

2009 DRAFTING REQUEST

Bill

Received: 07/14/2009

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Jim Sullivan (608) 266-2512

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: Courts - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Sen.Sullivan@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Presumption for infectious diseases

Instructions:

See attached email of 7-14-09 and 7-27-09

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>
/?				_____			State
/P1	phurley 08/03/2009	wjackson 08/20/2009	mduchek 08/20/2009	_____	cduerst 08/20/2009		State
/1	phurley 10/02/2009	wjackson 10/02/2009	mduchek 10/02/2009	_____	cduerst 10/02/2009		State Retire
/2	phurley 10/15/2009	wjackson 10/15/2009	mduchek 10/15/2009	_____	cduerst 10/15/2009	lparisi 12/08/2009	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

*at
intro*

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FE Sent For:

1/2 WLj 10/15

M 10/15

J. Duerst 10/15

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FE Sent For: /1 WLj 10/2 M 10/2 <END>

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/?	phurley	/pl wlj 8/20	WD 8/20	_____			

FE Sent For:

<END>

HB532

Infectious disease presumption; emergency declaration by Governor.

2008 session of the Virginia General Assembly

Infectious disease presumption; emergency declaration by Governor. Authorizes the Governor to declare that a communicable, contagious or infectious disease, or any condition that leads to the disease, is a disease or condition that is covered by the existing infectious disease presumption for firefighters, paramedics, emergency medical technicians, and certain law-enforcement officers under the Virginia Workers Compensation Act. The presumption currently exists for hepatitis, meningococcal meningitis, tuberculosis, and HIV. Such a declaration may be made after the Board of Health has issued an order for the purpose of suppressing the outbreak of the disease and the Governor has declared a state of emergency due to an outbreak of the disease that poses a danger to the life and health of the public.

DHS 145.03(4)



(4) "Communicable disease" means a disease or condition listed in Appendix A of this chapter.

DHS 145 Appendix A



Chapter DHS 145

7/13/2009

31201
Dodge, Tamara

From: Hudzinski, Nicole
Sent: Tuesday, July 14, 2009 1:29 PM
To: Dodge, Tamara
Subject: legislation re: communicable diseases

Silk

Tamara,

As we just discussed on the phone, we would like to draft legislation similar to 2003 LRB 2385/3. We want the legislation to:

1. Created a rebuttable presumption for infectious diseases under Chapter 891 of the Wisconsin State Statutes, which deals with presumptions;
2. This presumption should apply to fire fighters, law enforcement officers, and county jailers;
3. There should be no "qualifying period" that an individual should have to work in order to benefit from this legislation. This is in contrast to the ss. 891.455 heart and lung disability presumptions, for example, which require a 10-year qualifying period due to the time it takes for these diseases to develop.
4. We want to enumerate the specific diseases that one could contract to utilize this benefit. They should be HIV/AIDS; Tuberculosis; Hepatitis- A, B, C, D; Diphtheria, Meningococcal Meningitis, Metchicillin-resistant Staphylococcus Aureus; and Severe Acute Respiratory Syndrome.

Please let me know if you have questions,
Nicole

Hurley, Peggy

From: Hudzinski, Nicole
Sent: Sunday, July 26, 2009 1:47 PM
To: Hurley, Peggy
Subject: FW: HB532 Infectious Disease
Attachments: HB532.tif

Hi Peggy, for our communicable disease legislation, we would also like to allow the Governor to declare an emergency declaration if needed. Please see the attached sample language from Virginia. Thanks.

From: jstrohl@pffw.org [mailto:jstrohl@pffw.org]
Sent: Tuesday, July 14, 2009 7:23 PM
To: Hudzinski, Nicole
Subject: Fw: HB532 Infectious Disease

*t/c to Nicole
8-3-09! c.i. already
allows, + AB 316 has
even broader emergency
powers. will leave out
of draft for now.*

Nicole,
Attached is the VA language. Thanks
Joe

Joseph A. Strohl
Government Relations
7 N. Pinckney Suite 200
Madison, WI. 53703
Phone: (608) 251-0900
Fax: (608) 251-8707
Cell: (414) 429-2589
Email: jstrohl@pffw.org

----- Original Message -----
From: PFFW Office
To: 'Strohl'
Sent: Tuesday, July 14, 2009 2:39 PM
Subject: HB532 Infectious Disease



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

8-30-09

Today please

Gen Cat

- 1 AN ACT ~~...~~; relating to: establishing a presumption for employment-connected
- 2 communicable diseases for fire fighters, law enforcement officers, and certain
- 3 county jail employees.

Analysis by the Legislative Reference Bureau

* Under current law in a proceeding regarding the benefits for a fire fighter who dies or is disabled as the result of a heart or respiratory impairment or disease or of cancer, there is a presumption that the impairment or disease was caused by the employment as a fire fighter if the fire fighter served a minimum term in that employment (five years for a heart or respiratory impairment or disease and ten years for cancer) and the qualifying medical examination given before his or her joining the fire department showed no evidence of the impairment or disease.

Under this bill, in a proceeding regarding benefits for a fire fighter, law enforcement officer, or a correctional officer who dies or is disabled as a result of certain infectious diseases, there is a presumption that the disease was caused by the person's employment as a fire fighter, law enforcement officer, or correctional officer if the person's qualifying medical examination showed no evidence of the disease. The bill does not require a minimum term of employment to qualify for the presumption.

examination

qualify

For further information see the *state* 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:

1 SECTION 1. 891.45 (2) of the statutes is amended to read:

2 891.45 (2) ~~In~~ Except as provided in s. 891.453, in any proceeding involving the
3 application by a state, county, or municipal fire fighter or his or her beneficiary for
4 disability or death benefits under s. 40.65 (2) or any pension or retirement system
5 applicable to fire fighters, where at the time of death or filing of application for
6 disability benefits the deceased or disabled fire fighter had served a total of 5 years
7 as a state, county, or municipal fire fighter and a qualifying medical examination
8 given prior to the time of his or her becoming a state, county, or municipal fire fighter
9 showed no evidence of heart or respiratory impairment or disease, and where the
10 disability or death is found to be caused by heart or respiratory impairment or
11 disease, such finding shall be presumptive evidence that such impairment or disease
12 was caused by such employment.

History: 1977 c. 83; 1981 c. 278 s. 6; 1983 a. 191 s. 6; 1987 a. 399; 1987 a. 403 s. 256; 1997 a. 173; 2001 a. 16.

13 SECTION 2. 891.453 of the statutes is created to read:

14 **891.453 Presumption of employment-connected disease; infectious**
15 **disease.** (1) In this section:

16 (a) "Correctional officer" means any person employed by the state or any
17 political subdivision as a guard or officer whose principal duties are the supervision
18 and discipline of inmates.

19 (b) "Fire fighter" means any person employed by the state or any political
20 subdivision whose duties primarily include active fire suppression or prevention and
21 who is a protective occupation participant, as defined in s. 40.02 (48).

1 (c) “Law enforcement officer” means any person employed by the state or any
2 political subdivision for the purpose of detecting and preventing crime and enforcing
3 laws or ordinances, who is authorized to make arrests for violations of the laws or
4 ordinances which he or she is employed to enforce.

5 (2) (a) In this subsection, “infectious disease” includes the human
6 immunodeficiency virus, acquired immunodeficiency syndrome, tuberculosis,
7 hepatitis A, hepatitis B, hepatitis C, hepatitis D, diphtheria, meningococcal
8 meningitis, methicillin-resistant staphylococcus aureus, and severe acute
9 respiratory syndrome.

10 (b) In any proceeding involving the application by a correctional officer, fire
11 fighter, or law enforcement officer or his or her beneficiary for disability or death
12 benefits under s. 40.65 (2) or any pension or retirement system applicable to
13 correctional officers, fire fighters, or law enforcement officers, if a qualifying medical
14 examination given prior to the time of his or her becoming a correctional officer, fire
15 fighter, or law enforcement officer showed no evidence of an infectious disease, and
16 if the disability or death is found to be caused by an infectious disease, the finding
17 shall be presumptive evidence that the infectious disease was caused by the
18 employment.

19 **History:** 1977 c. 83; 1981 c. 278 s. 6; 1983 a. 191 s. 6; 1987 a. 399; 1987 a. 403 s. 256; 1997 a. 173; 2001 a. 16.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

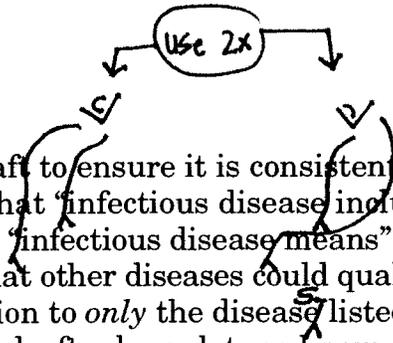
LRB-31297/n

PJH:.....

WLy

Date

Nicole ☺



Please review this draft to ensure it is consistent with your intent. Please note that, in the draft, I wrote that "infectious disease includes" the diseases you referenced in your request, not that "infectious disease means" those diseases. This wording leaves open the possibility that other diseases could qualify for the presumption. If you want to limit the presumption to *only* the disease listed, or if you have any other questions or concerns about the draft, please let me know. *

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3129/P1dn
PJH:wlj:md

August 20, 2009

Nicole:

Please review this draft to ensure it is consistent with your intent. Please note that, in the draft, I wrote that “infectious disease’ includes” the diseases you referenced in your request, not that “infectious disease’ means” those diseases. This wording leaves open the possibility that other diseases could qualify for the presumption. If you want to limit the presumption to *only* the diseases listed, or if you have any other questions or concerns about the draft, please let me know.

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.wisconsin.gov



1
MR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

today
10-2-09

1 AN ACT ^{Regen} to amend 891.45 (2); and to create 891.453 of the statutes; relating to:
2 establishing a presumption for employment-connected communicable diseases
3 for fire fighters, law enforcement officers, and certain county jail employees.

Analysis by the Legislative Reference Bureau

Under current law, in a proceeding regarding the benefits for a fire fighter who dies or is disabled as the result of a heart or respiratory impairment or disease or of cancer, there is a presumption that the impairment or disease was caused by the employment as a fire fighter if the fire fighter served a minimum term in that employment (five years for a heart or respiratory impairment or disease and ten years for cancer) and the qualifying medical examination given before his or her joining the fire department showed no evidence of the impairment or disease.

Under this bill, in a proceeding regarding benefits for a fire fighter, a law enforcement officer, or a correctional officer who dies or is disabled as a result of certain infectious diseases, there is a presumption that the disease was caused by the person's employment as a fire fighter, law enforcement officer, or correctional officer if the person's qualifying medical examination showed no evidence of the disease. The bill does not require a minimum term of employment to qualify for the presumption.

For further information see the *state* 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:

1 **SECTION 1.** 891.45 (2) of the statutes is amended to read:

2 891.45 (2) ~~In~~ Except as provided in s. 891.453, in any proceeding involving the
3 application by a state, county, or municipal fire fighter or his or her beneficiary for
4 disability or death benefits under s. 40.65 (2) or any pension or retirement system
5 applicable to fire fighters, where at the time of death or filing of application for
6 disability benefits the deceased or disabled fire fighter had served a total of 5 years
7 as a state, county, or municipal fire fighter and a qualifying medical examination
8 given prior to the time of his or her becoming a state, county, or municipal fire fighter
9 showed no evidence of heart or respiratory impairment or disease, and where the
10 disability or death is found to be caused by heart or respiratory impairment or
11 disease, such finding shall be presumptive evidence that such impairment or disease
12 was caused by such employment.

13 **SECTION 2.** 891.453 of the statutes is created to read:

14 **891.453 Presumption of employment-connected disease; infectious**
15 **disease. (1)** In this section:

16 (a) “Correctional officer” means any person employed by the state or any
17 political subdivision as a guard or officer whose principal duties are the supervision
18 and discipline of inmates.

19 (b) “Fire fighter” means any person employed by the state or any political
20 subdivision whose duties primarily include active fire suppression or prevention and
21 who is a protective occupation participant, as defined in s. 40.02 (48).



2
mr

↑
stays

2009 BILL

today
11-15

Regen

emergency medical service providers

state, county or municipal

1 AN ACT to amend 891.45 (2); and to create 891.453 of the statutes; relating to:
2 establishing a presumption for employment-connected communicable diseases
3 for fire fighters, law enforcement officers, and certain county jail employees.

correctional

Analysis by the Legislative Reference Bureau

Under current law, in a proceeding regarding the benefits for a fire fighter who dies or is disabled as the result of a heart or respiratory impairment or disease or of cancer, there is a presumption that the impairment or disease was caused by the employment as a fire fighter if the fire fighter served a minimum term in that employment (five years for a heart or respiratory impairment or disease and ten years for cancer) and the qualifying medical examination given before his or her joining the fire department showed no evidence of the impairment or disease.

Under this bill, in a proceeding regarding benefits for a fire fighter, a law enforcement officer, or a correctional officer who dies or is disabled as a result of certain infectious diseases, there is a presumption that the disease was caused by the person's employment as a fire fighter, law enforcement officer, or correctional officer if the person's qualifying medical examination showed no evidence of the disease. The bill does not require a minimum term of employment to qualify for the presumption.

State, County or Municipal

an emergency medical service providers

an emergency medical service providers

BILL

Insert analysis

For further information see the *state* 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:

Insert 2.1

1 SECTION 1. 891.45 (2) of the statutes is amended to read:

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3 application by a state, county, or municipal fire fighter or his or her beneficiary for
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7 as a state, county, or municipal fire fighter and a qualifying medical examination
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10 disability or death is found to be caused by heart or respiratory impairment or
11 disease, such finding shall be presumptive evidence that such impairment or disease
12 was caused by such employment.

13 SECTION 2. 891.453 of the statutes is created to read:

14 **891.453 Presumption of employment-connected disease; infectious**
15 **disease.** (1) In this section:

16 (a) "Correctional officer" means any person employed by the state ^a or any
17 political subdivision ~~or by a county or municipality~~ as a guard or officer whose principal duties are the supervision
18 and discipline of inmates.

19 (b) "Fire fighter" means any person employed by the state or any political
20 subdivision whose duties primarily include active fire suppression or prevention and
21 who is a protective occupation participant, as defined in s. 40.02 (48).

Insert 2.2

BILL

(d)

1 ~~§~~ "Law enforcement officer" means any person employed by the state or any
2 political subdivision ^{or by a county or a municipality} for the purpose of detecting and preventing crime and enforcing
3 laws or ordinances, who is authorized to make arrests for violations of the laws or
4 ordinances which he or she is employed to enforce. ^

5 (2) (a) In this subsection, "infectious disease" includes the human
6 immunodeficiency virus, acquired immunodeficiency syndrome, tuberculosis,
7 hepatitis A, hepatitis B, hepatitis C, hepatitis D, diphtheria, meningococcal
8 meningitis, methicillin-resistant staphylococcus aureus, and severe acute
9 respiratory syndrome.

10 (b) In any proceeding involving the application by a correctional officer, ^a fire
11 fighter, or ^a law enforcement officer or his or her beneficiary for disability or death
12 benefits under s. 40.65 (2) or any pension or retirement system applicable to
13 correctional officers, ^a fire fighters, or law enforcement officers, if a qualifying medical
14 examination given prior to the time of his or her becoming a correctional officer, ^a fire
15 fighter, or ^a law enforcement officer showed no evidence of an infectious disease, and
16 if the disability or death is found to be caused by an infectious disease, the finding
17 shall be presumptive evidence that the infectious disease was caused by the
18 employment.

an emergency medical service provider

emergency
medical
service
providers ^

(END)

↓
insert
3.4

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3129/lins
PJH:wlj:md

LPS: Please
check spaces.

INSERT ANALYSIS:

Because this bill relates to public employee retirement or pensions, it may be referred to the Joint Survey Committee on Retirement Systems for a report to be printed as an appendix to the bill.

INSERT 2.1:

SECTION ~~#~~ 61.66 (2) of the statutes is amended to read:

61.66 (2) The governing body of a village acting under sub. (1) may designate any person required to perform police protection and fire protection duties under sub. (1) as primarily a police officer or fire fighter for purposes of s. 891.45, 891.453, or 891.455. 1987 a. 399; 1997 a. 173; 2005 a. 3.

INSERT 2.21:

(b) "Emergency medical service provider" means a person employed ^{by} the state or by a county or municipality and who is an emergency medical technician under s. 256.01 (5) or a first responder under s. 256.01 (~~3~~). ⁹

(c) "Fire fighter" means a state, county, or municipal fire fighter who is covered under s. 891.45 and any person under s. 61.66 whose duties as a fire fighter took up at least two-thirds of his or her working hours.

INSERT 3.4:

¹² Law enforcement officer ¹² includes a person under s. 61.66 whose duties as a police officer took up at least two-thirds of his or her working hours.

No. 11

Basford, Sarah

From: Gage, Andrea
Sent: Tuesday, December 08, 2009 12:54 PM
To: LRB.Legal
Subject: Bill jacket for LRB 3129/1

Could you please send a bill jacket to the Sullivan office for LRB 3129/1, related to establishing a presumption for employment-related infectious diseases for firefighters, police officers, and corrections officers?

Thanks,
Andrea

Andrea Gage
Communications Director
Office of State Senator Jim Sullivan
608-266-2512 work
414-213-3717 cell
andrea.gage@legis.wi.gov
SenatorSullivan.com