

SENATOR WILL: ...to be able to recover under the pension system. It is just ridiculous that we delay this implementation date. There is no excuse for that. Thank you.

SPEAKER WITHEM: Thank you, Senator Will. Senator Wickersham.

SENATOR WICKERSHAM: Thank you, Mr. Speaker. I take it from Senator Will's comments that he opposes the motion. This is, of course, another retirement issue. I'm going to suggest to you that if the cities want to delay this issue so that they can tell us what the potential cost of Senator Will's amendment to 1076 is, I'm going to suggest that from my standpoint, I don't know how they're going to do that. As you know, our rules would normally require us to have an actuarial study for a bill that was going to change a benefit in a retirement...in a public retirement system. We did not have an actuarial study prepared for this bill. It is my personal belief that you could not because you do not have any idea how many people might be affected, you don't have any idea whether they will be able to meet the tests that are set forth in the amendment, and even beyond that, if you've met the tests, it still doesn't mean that you are entitled to any kind of a benefit under the bill. You still have to...there is still a burden of proof that has to be met. So I don't know that an actuarial study, quite frankly, could be done. We did not have one done. It is my personal opinion that you couldn't do one with any great degree of reliability. If somehow that is magically able to appear, perhaps that would be beneficial, but my personal opinion is that, given the variables that are present, it just simply could not be done. The...now you may be able to have some cost estimates, but I don't think it is going to amount to an actuarial study that has any significant validity. I just frankly do not believe that. The change that was present in the committee amendments from a "rebuttable presumption" to a "prima facie case" was a significant change, as indicated by Senator Will. A rebuttable presumption does indeed place a burden on the cities to prove to the contrary the assertion. We don't believe a prima facie case does that. The firefighter still has the burden. The city may, indeed, have a burden to come forward and show that there is no association between the carcin...between the carcinogen or carcinogens that the firefighter has been exposed to and the type of cancer that has been contracted, but that...they both have...they both continue to have burdens of proof in going forward. So it is not...it is