MINUTES

SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE:	Thursday, February 20, 2014
TIME:	1:30 P.M.
PLACE:	Room WW54
MEMBERS PRESENT:	Chairman Tippets, Vice Chairman Patrick, Senators Cameron, Goedde, Guthrie, Martin, Lakey, Schmidt and Ward-Engelking
ABSENT/ EXCUSED:	None
NOTE:	The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
CONVENED:	**Chairman Tippets** called the meeting to order at 1:30 p.m. and welcomed all to the meeting.
S 1244	**Relating to the State Insurance Fund - Power to Sue and Be Sued** was presented by Senator Goedde. **Senator Goedde** said that in 1998, the Idaho Legislature made major changes in statutes dealing with the Idaho Insurance Fund (Fund). It came under the oversight of the Idaho Department of Insurance (DOI) and was directed to operate as an insurance company. The operation became hindered by statutes which originally created the Fund in 1917 and created conflicting requirements. This bill repeals most of the code passed in 1917 dealing with the Fund and allows it to operate as intended in the 1998 amendments.
MOTION:	**Senator Martin** moved that **S 1244** be sent to the floor with a **do pass** recommendation. **Senator Lakey** seconded the motion.
TESTIMONY:	**Don Lojek**, Attorney, representing a class of policy holders insured by the Fund. The policy holders filed a lawsuit against the Fund and are in the process of negotiating a settlement. **Mr. Lojek** said Idaho Code § 72-921 allows for reinsurance and Idaho Code § 72-914 speaks to setting up reserves adequate to meet losses and were of concern to him. The loss to the Fund will be in the neighborhood of $50 million. He said he was unsure of what the bill does. He questioned whether the bill takes away the duty of the manager of the Fund and allows for reinsurance or "does it set up adequate reserves to meet losses." He commented there should be an opinion from the Attorney General's office whether this would impact the ability of the Fund to meet its present obligations. **Chairman Tippets** asked Mr. Lojek if he would identify certain sections that concerned him. **Mr. Lojek** said he was concerned about Idaho Code § 72-921 and Idaho Code § 72-914. He said Senator Goedde said this change would not affect any settlement in pending litigation. If it does not impact the lawsuit, then he would have no objection. **Senator Cameron** said Idaho Code § 72-921 was permissive language. He said that the manager "may" purchase reinsurance. He said the new statutes gave the authority under the rewrite. Idaho Code § 72-914 says that the manager shall keep an account of the monies paid in the premiums and he believes that is in current statute under the rewrite and the language was redundant to have it there. **Senator Goedde** commented that every insurance company operating under the auspices of the DOI, looks at purchasing reinsurance and maintaining adequate reserves. The DOI has an audit staff that reviews those reserves for adequacy. He sits on the Board of the Fund and he is aware of the reinsurance they purchase and of the reserves they have set aside for future claims. **Chairman Tippets** asked if

the Fund supported this bill. **Senator Goedde** said the language was written by the legal staff at the Fund, it was reviewed by the board of the Fund and he believes there was official action to support this legislation.

The motion carried by **voice vote**. Senator Goedde will carry the bill on the floor of the Senate.

S 1242 **Relating to Health Reimbursement Arrangements (HRA)-Voluntary Employees Beneficiary Association Plan (VEBA)** was presented by Senator Goedde, who yielded to former Senator Jim Hammond. **Senator Hammond** said this was a bill he has been working on with the Department of Administration (DOA). He said that an HRA-VEBA provides the employer an opportunity to reduce premium costs, while providing the employee an opportunity to grow funds for un-reimbursed health care costs. The funds are deposited into an employee-managed trust. The funds are tax free going in and going out. This strategy, while reducing employer costs, provides the employee the opportunity to build a substantial fund for health care costs upon retirement. HRA-VEBAs have to adhere to Internal Revenue Service (IRS) standards and rules. Should the State institute this program, there is potential for substantial long-term savings due to lower premiums and better health care management. Start up costs would be less than $5,000. Ongoing costs can vary. Currently, the costs per participant per month range from $1.50 to $7.50.

Chairman Tippets said that on line 12, "the DOA may offer a health reimbursement arrangement as an approved benefit for all state employees or officers whose employer chooses to offer such a benefit to its employees or officers" and he was not comfortable that in all cases we know who the employer is for a Department of Health and Welfare employee or for a State Highway patrolman. He said he understood we were not saying the State of Idaho and all of its employees, but the intent was to allow some flexibility that subdivisions of state government could make that election. If that is correct, how do we know who we are talking about when we say "employer." **Senator Hammond** replied that technically, the State of Idaho is the employer for any institution or any department or division. In other states, the IRS has allowed divisions within the State, for example, the state patrol or the state police, to have a VEBA as a demonstration model before they move to larger groups. **Chairman Tippets** asked if the effect of this legislation would be that for the State of Idaho, either everyone participates or no one participates. **Senator Hammond** said that was correct.

Senator Lakey asked if this is an all or nothing for the State and not varying by department. **Senator Hammond** said that was correct, according to the law, because everyone within the State of Idaho who is employed, whether it is directly or indirectly, are all state employees. **Senator Lakey** said he understood the all or nothing on the part of the State, but then the plan was not optional for the employees. **Senator Hammond** said that is the way the IRS allows this to work, and we are complying with what the IRS would require.

Chairman Tippets said he understood that the employer has to choose whether to offer the health reimbursement arrangement, so the impact of this legislation would provide the option. There would still need to be some affirmative action on the part of the Legislature to say we are going to exercise this option. This legislation does not say we are moving to a VEBA, but it allows the option. He asked what would have to happen for the State to move forward with the VEBA. **Senator Hammond** said this legislation allows the DOA to decide whether they want to move forward. The DOA has an Insurance Committee (Committee) whose makeup is representative of many different segments of employees within the State of Idaho. That group would consider HSAs, HRAs, and other forms of health savings accounts. The Committee is already aware that the current model is probably not sustainable and they want to look at other models to see what

they can do to have a strong health care benefits program that is affordable and sustainable for the long-term. **Chairman Tippets** referred to the language starting on the end of line 13, "All state employees or officers shall, for themselves and their eligible dependents, participate in a health reimbursement arrangement if the employer of such employees and officers chooses to offer the health reimbursement arrangement" and said it was apparent to him that this statute is not the trigger that implements the health reimbursement arrangement. He does not consider the DOA to be the employer of state employees. **Chairman Tippets** said when he reads about the employer of State employees, whoever that is, the language says "there has to be further action taken" and he feels it has to be someone other than the DOA. **Senator Hammond** said the DOA serves under the Governor. **Chairman Tippets** said he thought that would work as long as we are assuming and intending that the Governor makes that decision.

Senator Cameron said it was his understanding that the DOA acts as an agent for the State and its employees. The DOA is the entity designated to act as the employer and the State of Idaho is the employer. Someone has to act as the employer to sign contracts on behalf of the State of Idaho and the DOA acts in that capacity. The first question is whether or not the State offers a VEBA or offers a similar type of arrangement. The rewards are based on the employee's performance of stopping smoking or participating in the voluntary option. The idea is that by encouraging the employees to participate in healthy behaviors, it helps to lower the overall health care costs for the entire pool. He asked Senator Hammond to respond. **Senator Hammond** said there were several ways to fund a trust of an HRA-VEBA, which is just a health reimbursement arrangement. The employees own this trust because they all have their funds invested in this trust. One way to fund the trust is to readjust co-pays, deductibles, and coinsurance, to create a lower premium. The employee can leave the money in the account to grow, or the employees can reimburse themselves for IRS-approved medical expenses. Another way to fund the trust is for the employer to provide funds if employees attend different kinds of health wellness classes. If the employee changes their behavior by stopping smoking or diets to lower blood pressure or other health issues, then the employer will put funds in the account specifically for the individual employee and the funds can grow. Because the good behavior is being rewarded, the employees see their premium rates hold, rather than increase, which creates the long-term savings.

Senator Cameron said an HSA would require a separate type of insurance plan in order to qualify for the tax deductible nature. This program would not require any employee to participate or to pick a specific plan currently available under the state's offering, and would not violate grandfather status. **Senator Hammond** commented that was correct. HSAs have a limit on how much you can accumulate within the plan. HRAs have no limit and they can be used with the current plan. There is no limit as to how much can be accumulated over the life span of employment. The other value is the HRAs go in tax free; the investments grow tax free, they come out tax free. Even if an employee leaves, the funds still belong to the employee until they are used.

Chairman Tippets stated "we are mandating that if the State exercises this option, that all state employees will for themselves and their eligible dependents participate in the HRA." The State may choose to contribute to an HRA for an employee, but an employee may have eligible dependents for which he or she chooses not to purchase insurance. Maybe they are insured elsewhere. They are eligible, but they are not covered by choice. He wanted to make sure that we really want to mandate that all employees and all eligible dependents are required to participate. Are there times when someone may choose not to have an VEBA? **Senator Hammond** replied that when talking about mandating that all employees participate, if an employee chooses not to insure their dependents or themselves because they choose to let their spouse's employer insure all of the family, that would make no difference relative to a VEBA program. It would not affect them one way or another because the employer is making the contribution, not the employee.

Senator Martin asked if testimony would be received from the DOA. **Senator Hammond** said the Director specified she would have liked to testify on behalf of the bill, but was unable to attend the meeting. **Chairman Tippets** indicated there was someone present from the DOA to testify.

Senator Cameron said it was his understanding that under IRS rule, in order for the employer to receive the tax-qualified status, if the employer offers a VEBA, the employer must make it available to all employees and their dependents. He said to think of the VEBAs as accounts and this allows the DOA to establish an account. For example, if the employer says if the employee will go online and take a health evaluation assessment, the employer will put $10 in the employee's account. He gave another example. If an employee joined a health club, the employer will put $20 in the employee's account. The voluntary part comes from the action of the employee, but as a state we have to make it available to all eligible employees.

Chairman Tippets said there is a difference between making a VEBA available to all dependents and requiring all dependents to participate. However, if there is no contribution from the employee, he said he did not know why we would not want all dependents to participate anyway.

Senator Hammond said the employee cannot contribute to the account and that only the employer can contribute. **Senator Lakey** stated the money the State would put into the account would be solely based on the employee choosing to participate in the incentives and there is no requirement that the employee put in any money into the account. **Senator Hammond** said that was correct.

Senator Schmidt asked if there was any research on VEBAs that he could examine. **Senator Hammond** said he could provide Senator Schmidt with some of the information and anecdotal evidence from local communities where VEBA programs have been effective.

TESTIMONY: **Keith Reynolds**, representing the DOA, said that the Group Insurance Advisory Committee (Committee) has seen presentations on VEBAs. With the increases in the cost of group insurance the DOA welcomes every tool that may be available to address the increasing costs of group insurance. He stated the effect of this legislation would give the DOA a green light to study VEBAs. Because VEBAs require a trust which would require funding, they would be reviewed in the Joint Finance-Appropriations Committee (JFAC).

MOTION: **Senator Goedde** moved that **S 1242** be sent to the floor with a **do pass** recommendation. **Vice Chairman Patrick** seconded the motion. The motion carried by **voice vote**. Senator Goedde will carry the bill on the floor.

S 1282 **Relating to the Legal Rate of Interest** was presented by Senator Goedde. **Senator Goedde** explained that in 1981, the Idaho Legislature set prejudgment interest at 12 percent. This rate is no longer reasonable, and the legislation would use the same formula currently in Idaho Code for post judgment interest as the rating mechanism for prejudgment interest. He said that a 12 percent interest rate in today's environment is unfair. Currently, fixed mortgage rates range from 4.1 to 4.5 percent and inflation is less than 1 percent. **Senator Goedde** said that he originally intended this legislation to address the prejudgment interest piece, but the majority leader decided we needed to expand the language. If this moves forward, he would suggest that it move to the Amending Order. The amendment we had agreement on was to change the 12 cents on line 10, to 7.5 cents and to get rid of the new language inserted at the bottom of the page. While looking at interest rates allowable in statute and 30-year fixed mortgages, the 7.5 percent would be more like 3.5 percent.

Chairman Tippets asked where the interest rates applied. **Senator Goedde** explained that on lines 1 through 6, the statutory fixed interest rate applies. He gave an example that if there is no interest rate expressed in a contract, and if he loaned $1,000 to someone for a year and they paid it back, the balance due would be $1,120. He said he thought 95 percent of the public has no idea that is on record.

Senator Cameron referred to line 10 of the bill relating to 12 cents. He wanted to know if the intention was to leave that amount in the bill. **Senator Goedde** said that if this bill is sent to the amending order, that is where 7.5 percent would be inserted. **Senator Cameron** referred to line 21 and questioned whether the 5 percent would stay in place. **Senator Goedde** said that was correct.

Chairman Tippets said that in a prior conversation, it was mentioned to him that this change could impact lawsuits. "Was this bill designed with any specific situation in mind?" **Senator Goedde** disclosed that he sits on the Board of the State Insurance Fund (Fund). He said he came before this body as an individual because he saw a problem and wanted the problem corrected. The Fund has taken no position on this bill.

Senator Cameron commented that this bill was not retroactive. Any case previously settled, or any contract previously let, or any entity where we would have been obligated to pay interest under this statute previous to the effective date of this statute of July 1, would still be garnered under the old 12 percent rate. **Senator Goedde** confirmed this statement. He also pointed out that this does not apply to post-judgment interest. Post-judgment interest is figured on a percentage of treasuries and that has not changed.

TESTIMONY: **Don Lojek** said that as long as this bill is not retroactive, he didn't think it would affect the situation existing in the lawsuit where he represents 20,000 people in each of the senators' districts. He commented there was no fiscal impact outlined in the bill and he pointed out that the Department of Health and Welfare and the Department of Corrections each will receive $1 million from the lawsuit. He said there will be a fiscal impact to the State the way the bill was drafted.

Phillip Gordon, Attorney, said he has been representing policyholders in litigation against the Fund, which was commenced in 2006. In 2009, there was a bill to repeal Idaho Code § 72-915, which was the statute under which the Fund was authorized to pay dividends. He protested the retroactivity aspect and explained that it violated the contracts clause of the Idaho Constitution. In the past, he has taken cases to the Idaho Supreme Court, and they were proven right by a unanimous court. He said it would make a lot better sense if the bill, when amended, would clarify that it would only apply prospectively. He said he thought that having a higher

rate of interest is an incentive for people to pay their bills. The higher interest is a disincentive to litigation, which, he said he thought was good due to overcrowded courts. He said he was not suggesting that 7.5 percent is a disincentive, but he questioned whether or not any disincentive was such a great idea.

Woody Richards, representing American Family, All State and Farm Bureau insurance companies said he was involved in a group who represented different interests, debtors, those who represented lenders, banks, creditors, the Idaho Trial Lawyers Association, as well as insurance companies. They were involved in studying the proposed bill, including the rate of interest and the retroactive piece. He said the legislation would not preclude the entering into a contract for a different contract interest rate. This is a default interest rate in the absence of a contract rate. There are other ways of encouraging settlement, which are already built into the law. He gave examples of the cost of litigation and bad faith claims. We do not want the interest to be at such a rate that it discourages the litigation of legitimate issues. Sometimes decisions on whether litigation continues is made on the basis of principal and not on the basis of an interest rate. The compromise the group arrived at was 7.5 percent. He encouraged the Senators to adopt the proposed amendments to the bill.

Michael Kane, representing the Property and Casualty Insurers Association of America, said he wanted to focus on the retroactivity and that the Idaho Supreme Court says that statutes passed in the middle of litigation do not affect substantive rights in litigation. There are no objections to adding another sentence in the Amending Order. The amount of interest has never been an issue in settlement, but rather the amount of money that is paid out is the focus.

Heather Cunningham, Attorney with Davison and Copple, said her practice focuses on private property rights, specifically condemnation work. She said she thought the statute has many hidden implications. She gave an example in condemnation cases, where the rate is set that a condemnor has to pay for taking private property. The rate applies from the date the complaint is filed to the date of the judgment. The rate does not apply to any amounts that the condemnor puts on deposit with the court. She referred to the letter she sent earlier. She said that when a property owner is able to ultimately obtain a judgment in excess of the amount deposited, essentially proving that the condemnor's offer fell short of the just compensation, our Constitution requires, a condemnor must pay interest on the difference between the deposit and the judgment at 12 percent, from the time the complaint is filed to the time of judgment. She gave another example of a condemnor who has an appraisal that just compensation is $82,000 and chooses to deposit some additional monies in the amount of $85,000. The case takes four years to resolve and a jury ultimately awards $800,000 as just compensation. The condemnor pays interest at 12 percent on $715,000, which is $85,800 per year. Over four years this is $343,200. That is the only compensation the owner receives for the delay, his lost opportunity for cost, the fact that his property has been encumbered by pending litigation, and the fact he has not received the benefit of the appreciation in the real estate market over those four years, since the value is fixed at the time of the complaint. The condemnor could have avoided the interest payment by making a higher deposit or resolving the case before judgment is entered, but when a condemnor does not make a fair assessment of just compensation and an owner has to go all the way through the process to prove that a higher amount is owing, the 12 percent interest rate is very reasonable. She said the 12 percent protects property owners.

Senator Schmidt said he was trying to understand the condemnation interest awards, because he thought that would fall under language in the beginning of the statute or under Subsection 2. **Ms. Cunningham** said the 12 percent interest rate has always been applied and been upheld by the Idaho Supreme Court.

MOTION: **Senator Cameron** moved that **S 1282** be sent to the 14th Order for amendment. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**. Senator Goedde will carry the bill on the floor.

S 1273 **Relating to Worker's Compensation-Firefighters** was presented by Rob Shoplock, Executive Vice President of the Professional Firefighters of Idaho. **Mr. Shoplock** said he was there representing 1,100 firefighters from the State of Idaho. He gave a brief history of the bill. **Senator Cameron** asked if the last time the bill was brought forward was in 2013. **Mr. Shoplock** replied "no."

Senator Lakey said this has been building over three years with stakeholders getting together, and asked how the volunteer firefighters had been involved in the discussion. **Mr. Shoplock** said he had been involved over the past five years and started conversations with the volunteer firefighters from the beginning. He said he was unaware they opposed this bill. He said last year he spent a week in Washington, D.C. with the president and a board member of their association, and when he left they said they did not have the funding source for physicals and they wanted to be left out. He said he believed there were some other reasons for the sudden change, but he would like to see the volunteers included in this legislation.

Senator Goedde asked the Industrial Commission (Commission) for some history on worker's compensation claims. He stated that in the last 20 years, there were six claims in this arena and there were three deemed non-compensable. One was settled prior to the hearing, one was dismissed, and one was deceased. Of those six claims, if this statute had been in place, would any of them had been awarded benefits? **Mr. Shoplock** said there was only one, to the best of his knowledge. **Senator Goedde** said two of the claims were shown to be due to cancer.

Senator Cameron asked Mr. Shoplock to discuss the fiscal impact of the bill. **Mr. Shoplock** said the National Council on Compensation Insurance (NCCI) estimates that "The impact on Idaho's worker's compensation system costs is expected to be negligible since the occupational class directly targeted by this proposal, professional firefighters, represents a relatively small portion of Idaho's total system benefits." Their original analysis estimated an increase of 2.3 percent to 7.8 percent in worker's compensation premiums for employers of firefighters. Of the budgets affected, the average impact on overall department budgets would be approximately 0.1 percent to 0.44 percent. Based on this original NCCI estimate, the effect of this bill would be approximately $48,500 to $165,000 total on government entities spread over all the cities and fire districts in the state. There is no impact to the General Fund. **Mr. Shoplock** said in 2007 the State of New Mexico had passed this kind of legislation, but there was no increase in worker's compensation premiums. His department has a $5 million budget and there would be a $5,000 increase in their worker's compensation premium. **Senator Cameron** mentioned the impact would be felt by cities and not by the State and that is why there is no impact to the General Fund listed. **Mr. Shoplock** said that was correct.

Senator Goedde said that if this legislation moves forward, the worker's compensation carrier will have to prove that if one of the firefighters comes down with one of these diseases, that there is something in his private life that was the cause. Otherwise, it will be presumed to be compensable under worker's compensation. There is a cost of investigation and defense. That cost is not included in the specific rates for the firefighters, so that would be spread across

the entire population of the policyholders of the Fund. It may not be much, but it is an undisclosed cost.

TESTIMONY: **Travis Woolford**, testified that he has been a career firefighter with the Boise Fire Department for almost 21 years. He has been married for 27 years and has six children. He said it has been hard to come to terms with the possibility that his career choice may have caused his cancer and may affect the livelihood of his family. He said his cancer was quite a surprise when he was diagnosed in 2007. He had an upper endoscopy done and on December 10, 2007, he was told by his doctors he had a fast moving esophageal cancer. The financial impact of his treatment wiped out their savings and they had to take out a second mortgage on their home. He said that he has had no other option than to try to keep on going until he is able to collect Public Employees Retirement System of Idaho (PERSI) funds. The other means to meet the livelihood of his family would be by death if cancer visited him again. If he had the option of worker's compensation, it would be a lot easier. He said in the future, more professional firefighters will be diagnosed with debilitating diseases such as cancer. He thanked the Committee for their consideration and time.

Richard Owen, Attorney from Nampa, said he has represented injured claimants since 1980 and he hoped to offer some wisdom to the Committee to illustrate exactly what a presumption is, and how it would affect a worker's obligation under the worker's compensation law. A presumption only changes when a plaintiff is required to prove his case. He explained an occupational disease case. He said if the case was not listed in Idaho Code § 72-438, one had to prove five basic things: 1) prove exposure to the risk at work; 2) prove the risk of injury was peculiar to your trade, employment or occupation; 3) prove that you were exposed to the risk for at least 60 days; 4) prove that after the disease became known to you , that you gave notice to your employer within 60 days; 5) prove that what you did at work actually caused your injury. If your occupational disease is listed in the existing Idaho Code § 72-438, you don't have to prove all five elements. You get a pass on the first two. Presumptions are not hard to rebut and there are other presumptions that change the burden of proof between the parties. If an employee gets pain medication and becomes addicted to the medication, chances are very slim that addiction treatment will be compensated under worker's compensation. Presumptions in this bill only talk about specific diseases that firefighters have that are backed up by science.

Senator Cameron questioned Subsection 3, line 48, page 2, the presumption says the language created in this Subsection may be rebutted by medical evidence showing the firefighter's disease was not proximately caused by his or her duties of employment, which he understood. However, he said the next sentence says if the presumption is rebutted by medical evidence, then the firefighter or the beneficiaries must prove that the firefighter's disease was caused by his or her duties of employment. He said that if the first sentence was true, how can the second sentence apply. **Mr. Owen** said that this presumption does address causation. The presumption regarding causation can be done away with completely by a doctor's letter that says this person's cancer is not caused by work. In that case, the firefighter starts over, and this sentence allows the firefighter to proceed by showing his cancer was indeed caused by his work. **Senator Cameron** stated that if the worker's compensation company provided a letter from a doctor stating the cancer was caused by something else, that would be rebutted. "How can the beneficiaries or the firefighter be able to provide evidence to the contrary? Does the second sentence trump the first sentence?" **Mr. Owen** said he thought the second sentence simply allows the fireman to go forward and say to the Commission judges that his medical evidence is better and he wants the Commission to believe his evidence. That is the flat ground of causation and there is no presumption in play. It allows the firefighter to proceed with his case without the benefit of the presumption.

Senator Cameron said that neither side would have a leg up on the other side and **Mr. Owen** said that was correct. **Senator Cameron** questioned line 9 on page 3 where it said the presumption shall not apply to any specific disease diagnosed more than ten years following the last date on which the firefighter actually worked. As he looks over the schedule, there are several diseases listed after 10 years. **Mr. Owen** said the language in Subsection (e) is more in the fashion of the statute of limitations. This presumption will not help a firefighter if they try to bring it more than ten years after they leave the department. **Senator Cameron** asked if he left the department ten years ago and after 12 years he finds out that he has kidney cancer, is he out of luck? **Mr. Owen** said the presumption would not help.

Senator Goedde indicated he had to leave the meeting and he wanted the action on this bill postponed until the next meeting. **Chairman Tippets** said the action would be postponed.

Doctor Rob Hilvers said he was a family physician with a sports medicine background and a full-time Emergency Room doctor at St. Luke's. In 2004 he was asked to take care of the Boise Fire Special Operations Team. Currently, he takes care of approximately 80 percent of southern Idaho firefighters doing annual comprehensive and entry level examinations. The research is compelling. Due to his background, he looks at firefighters differently. He thinks the risks are real. He summarized by saying building products are better, but the combustion of the products is more toxic, so firefighters get higher levels of chemical exposure when fighting fires. The protective wear is inadequate and the dermal exposures are significant, with the smell lingering on their bodies for as long as three days. This lines up with the data showing multiple myeloma and non-Hodgkins lymphoma, certain types of prostate, colon, and gastrointestinal cancers. He said "if you ask firefighters to be firefighters, is it their responsibility to take the increased risk of cancers?"

ADJOURNED: There being no further business, **Chairman Tippets** adjourned the meeting at 3:05 p.m.

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Senator Tippets
Chair

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Linda Kambeitz
Secretary