



**House  
Legislative  
Analysis  
Section**

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**WORKERS' COMPENSATION HEARINGS  
RECEIVED**

House Bill 4162 as introduced  
First Analysis (2-26-87) Floor Copy

APR 08 1987

Sponsor: Rep. Juanita Watkins  
Committee: Labor

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H.B. 4162 (2-26-87)

***THE APPARENT PROBLEM:***

Hearings under the Worker's Compensation Act were exempted from those parts of the Administrative Procedures Act of 1969 (APA) that govern hearings and appeals because workers' compensation procedures generally are more formal and stringent than those of other agencies subject to the APA. In addition, appeals in workers' compensation cases go directly to the Court of Appeals rather than to the county circuit court as is the case under the APA.

Section 115 of the APA exempts the Bureau of Worker's Disability Compensation and the Worker's Compensation Appeal Board from the hearings and appeal provisions of the act. However, in 1985 the legislature removed the hearing function from the bureau and the appeal function from the appeal board, investing them instead in a newly created Board of Magistrates and an Appellate Commission respectively. The Department of Labor has asked for legislation amending the language of the APA to reflect these recent changes.

***THE CONTENT OF THE BILL:***

The bill would amend the Administrative Procedures Act of 1969 to continue the exemption of workers' compensation proceedings from the provisions of the act (MCL 24.315).

***FISCAL IMPLICATIONS:***

The Department of Labor says that the bill would have no fiscal implications for the state (2-24-87).

***ARGUMENTS:***

***For:***

Since the new Workers' Compensation Board of Magistrates and the new Appellate Commission are not mentioned in the Administrative Procedures Act of 1969, the present exemption of workers' compensation hearings from the requirements of the act could be challenged. If successful, such a challenge could reduce the standards for workers' compensation hearings, since such hearings currently are conducted under standards more stringent than those set forth under the APA. The bill would make it clear that all hearings held under the Workers' Compensation Act would be exempted from the APA, just as they have been in the past.

***POSITIONS:***

The Department of Labor supports the bill (2-24-87).

The Michigan Manufacturers Association supports the bill (2-25-87).