

HOUSE BILL No. 4626

March 21, 1991, Introduced by Reps. Murphy, Bartnik, Clack, Harrison, Hunter, Bennane, Leland, Hertel, Bennett, Pitoniak, Griffin, Wozniak, Perry Bullard, Law, Stopczynski, Owen, DeMars, Stallworth, Saunders, Kilpatrick, Scott, Varga, Weeks, Anthony, Joe Young, Jr., Byrum, Baade, Wallace, Dobronski, Palamara, Profit, Clarke, Hood, O'Neill, Hollister, DeBeaussaert, Hickner, Ciaramitaro, Barns, Porreca, Brown, Jondahl, Kosteva, Gubow and Gire and referred to the Committee on Labor.

A bill to amend section 405 of Act No. 317 of the Public Acts of 1969, entitled as amended

"Worker's disability compensation act of 1969,"

as amended by Act No. 457 of the Public Acts of 1980, being section 418.405 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 405 of Act No. 317 of the Public Acts of
2 1969, as amended by Act No. 457 of the Public Acts of 1980, being
3 section 418.405 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 405. (1) In the case of a member of a ~~full~~ FULLY
6 paid fire department of an airport run by a county ~~road commis-~~
7 ~~sion in counties of 1,000,000 population or more~~ OR A PUBLIC
8 AIRPORT AUTHORITY, or by a state university or college; ~~—~~ or of
9 a ~~full~~ FULLY paid fire or police department of a city,

1 township, or incorporated village employed and compensated upon a
2 full-time basis; ~~/~~ a county sheriff and the deputies of the
3 county sheriff; ~~/~~ members of the state police; ~~/~~ conservation
4 officers; ~~/~~ and OFFICERS OF THE motor carrier ~~inspectors of~~
5 ~~the Michigan public service commission~~ ENFORCEMENT DIVISION OF
6 THE DEPARTMENT OF STATE POLICE, "personal injury" shall be con-
7 strued to include ~~respiratory~~ ALL OF THE FOLLOWING, AS
8 APPLICABLE:

9 (A) RESPIRATORY and heart diseases, or illnesses resulting
10 therefrom, which develop or manifest themselves during a period
11 while the member of the department is in the active service of
12 the department and THAT result from the performance of duties for
13 the department.

14 (B) FOR MEMBERS OF FULLY PAID FIRE DEPARTMENTS DESCRIBED IN
15 THIS SUBSECTION, OCCUPATIONAL CANCER OR ILLNESSES RESULTING
16 THEREFROM. AS USED IN THIS SUBDIVISION, "OCCUPATIONAL CANCER"
17 MEANS CANCER CAUSED BY EXPOSURE TO SMOKE, FUMES, OR CARCINOGENIC,
18 POISONOUS, TOXIC, OR CHEMICAL SUBSTANCES WHILE IN THE PERFORMANCE
19 OF DUTIES FOR THE FIRE DEPARTMENT.

20 (2) Such respiratory and heart diseases ~~or~~ AND illnesses
21 resulting therefrom, AND OCCUPATIONAL CANCER AND ILLNESSES
22 RESULTING THEREFROM are deemed to arise out of and in the course
23 of employment in the absence of evidence to the contrary.

24 (3) As a condition precedent to filing an application for
25 benefits, the claimant, if he or she is one of those enumerated
26 in subsection (1), shall first make application for, and do all
27 things necessary to qualify for any pension benefits which he or

1 she, or his or her decedent, may be entitled to. If a final
2 determination is made that pension benefits shall not be awarded,
3 then the presumption of "personal injury" as provided in this
4 section shall apply. The employer or employee may request 2
5 copies of the determination denying pension benefits, 1 copy of
6 which may be filed with the bureau.