

SENATE BILL No. 242

April 9, 1991, Introduced by Senators DILLINGHAM and
CHERRY 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 sec-
tion 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 ~~read 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 VOLUNTEER FIRE DEPARTMENT OF A CITY, TOWN-
3 SHIP, OR INCORPORATED VILLAGE; a county sheriff and the deputies
4 of the county sheriff; ~~—~~ members of the state police; ~~—~~ con-
5 servation officers; ~~—~~ and OFFICERS OF THE motor carrier
6 ~~inspectors of the Michigan public service commission~~
7 ENFORCEMENT DIVISION OF THE DEPARTMENT OF STATE POLICE, "personal
8 injury" shall be construed to include ~~respiratory~~ ALL OF THE
9 FOLLOWING, AS APPLICABLE:

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

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

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

25 (3) As a condition precedent to filing an application for
26 benefits, the claimant, if he or she is one of those enumerated
27 in subsection (1), shall first ~~make application~~ APPLY for, and

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