

SENATE BILL NO. 789

November 5, 1997, Introduced by Senators ROGERS,
DE BEAUSSAERT, STILLE and STEIL and referred to the
Committee on Human Resources, Labor and Veterans Affairs.

A bill to amend 1969 PA 317, entitled
"Worker's disability compensation act of 1969,"
by amending section 405 (MCL 418.405), as amended by 1980 PA
457.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 405. (1) In the case of a member of a ~~full~~ FULLY
2 paid fire department of an airport run by a county ~~road commis-~~
3 ~~sion in counties of 1,000,000 population or more~~ OR A PUBLIC
4 AIRPORT AUTHORITY, or by a state university or college; ~~—~~ or of
5 a ~~full~~ FULLY paid fire or police department of a city, town-
6 ship, or incorporated village employed and compensated upon a
7 full-time basis; ~~—~~ a county sheriff and the deputies of the
8 county sheriff; ~~—~~ members of the state police; ~~—~~ conservation
9 officers; ~~—~~ and OFFICERS OF THE motor carrier ~~inspectors of~~
10 ~~the Michigan public service commission~~ ENFORCEMENT DIVISION OF

SB 789 as amended by the Senate and House
[House amendments (May 27, 1998) in brackets]

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1 THE DEPARTMENT OF STATE POLICE, "personal injury" shall be
2 construed to include respiratory and heart diseases, or illnesses
3 resulting therefrom, which develop or manifest themselves during
4 a period while the member of the department is in the active
5 service of the department and THAT result from the performance of
6 duties for the department.

7 (2) FOR MEMBERS OF FULLY PAID FIRE DEPARTMENTS EMPLOYED [24]
8 MONTHS OR MORE, "PERSONAL
9 INJURY" SHALL BE CONSTRUED TO INCLUDE ALL RESPIRATORY TRACT,
10 BLADDER, SKIN, BRAIN, KIDNEY, BLOOD, AND LYMPHATIC CANCERS.

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14 (3) ~~-(2)-~~ Such respiratory and heart diseases ~~or~~ AND ill-
15 nesses resulting therefrom, AND ALL RESPIRATORY TRACT, BLADDER,
16 SKIN, BRAIN, KIDNEY, BLOOD, AND LYMPHATIC CANCERS AND ILLNESSES
17 RESULTING THEREFROM are deemed to arise out of and in the course
18 of employment in the absence of evidence to the contrary.

18 RESPIRATORY TRACT, BLADDER, SKIN, BRAIN, KIDNEY, BLOOD, AND
19 LYMPHATIC CANCERS AND ILLNESSES RESULTING THEREFROM OF A MEMBER
20 OF A FULLY PAID FIRE DEPARTMENT ARE NOT DEEMED TO ARISE OUT OF
21 AND IN THE COURSE OF EMPLOYMENT IF EVIDENCE IS SHOWN THAT THE
22 MEMBER OF THE FULLY PAID FIRE DEPARTMENT WAS A CONSISTENT SMOKER
23 OF CIGARETTES OR OTHER TOBACCO PRODUCTS WITHIN THE 5 YEARS IMME-
24 DIATELY PRECEDING THE DATE OF FILING A CLAIM UNDER THIS ACT.

24 (4) ~~-(3)-~~ As a condition precedent to filing an application
25 for benefits, the claimant, if he or she is one of those enumer-
26 ated in subsection (1) OR (2), shall first make application for,
27 and do all things necessary to qualify for any pension benefits

SB 789 as amended by the Senate

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1 which he or she, or his or her decedent, may be entitled to. If
2 a final determination is made that pension benefits shall not be
3 awarded, then the presumption of "personal injury" as provided in
4 this 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.

(5) THE BUREAU OF WORKERS' COMPENSATION SHALL RESEARCH THE
FINANCIAL AND PROCEDURAL IMPLICATIONS OF APPLYING A CANCER
PRESUMPTION TO VOLUNTEER FIREFIGHTERS. THE STUDY SHALL INCLUDE A
DESCRIPTION OF HOW THE WORKERS' COMPENSATION ACT MUST BE AMENDED TO
APPLY A CANCER PRESUMPTION ON AN EQUAL BASIS TO ALL CLASSIFICATIONS
OF FIREFIGHTERS. THE REPORT SHALL BE PROVIDED TO THE CHAIR AND
VICE-CHAIR OF THE SENATE HUMAN RESOURCE, LABOR AND VETERANS AFFAIRS
COMMITTEE AND THE CHAIR AND VICE-CHAIR OF THE HOUSE LABOR AND
OCCUPATIONAL SAFETY COMMITTEE BY JUNE 30, 1999.