

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 158 (Substitute S-1)

Sponsor: Senator Mike Rogers

Committee: Human Resources, Labor, Senior Citizens and Veterans Affairs

Date Completed: 4-29-99

CONTENT

The bill would amend the Worker's Disability Compensation Act to specify that weekly benefits under the Act would not be payable to an employee for a claim based on an injury that was caused by or resulted from the employee's "impaired ability to perform his or her job due to the influence of intoxicating liquor or a controlled substance not prescribed by a physician", or a combination of liquor and a nonprescribed controlled substance.

"Impaired ability to perform his or her job due to the influence of intoxicating liquor or a controlled substance not prescribed by a physician" would mean that, due to an employee's drinking, ingesting, smoking, or otherwise consuming liquor or a nonprescribed controlled substance, the employee's senses were impaired to the point that the ability to perform his or her normal employment duties was diminished from what it normally would be had the employee not consumed the liquor or controlled substance. A person would be presumed to have an impaired ability to perform his or her job if, under the standards prescribed for drunk driving in the Michigan Vehicle Code, a presumption would arise that his or her ability to operate a vehicle was impaired (MCL 257.625a).

Under the Vehicle Code, the amount of alcohol in a driver's blood, breath, or urine, as shown by chemical analysis, gives rise to the following presumptions:

- If there were .07 of a gram or less of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, it is presumed that the person's ability to operate a vehicle was not impaired due to the consumption of liquor and that he or she was not under the influence of liquor.
- If there were more than .07 of a gram but less than .10 of a gram of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, it is presumed that the person's ability to operate a vehicle was impaired due to the consumption of liquor.
- If there were .10 of a gram or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, it is presumed that the person was under the influence of liquor.

MCL 418.306

Legislative Analyst: P. Affholter

FISCAL IMPACT

According to the Department of Consumer and Industry Services, this bill would create a new defense for employers being sued for workers' compensation benefits. This new defense could create additional appeals, which are handled by the Board of Magistrates and the Appellate Commission, both of which are funded with General Fund dollars. The fiscal impact of this bill is indeterminate as the number of new appeals is not known. However, if the number exceeded the current level to the extent that additional staff and resources would be necessary, then an increase in this appropriation could be necessary.

Fiscal Analyst: M. Tyszkiewicz

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.