

HOUSE BILL No. 5190

October 11, 2001, Introduced by Reps. Raczkowski, Richardville, Neumann, Bishop, Vander Veen, Rivet, Ruth Johnson, Pappageorge, George, Gilbert, Pumford, Jelinek, Ehardt, Shackleton, Kowall, Mortimer, Stewart, Toy, Richner, Faunce and Lemmons and referred to the Committee on Employment Relations, Training and Safety.

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

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

7 (2) FOR MEMBERS OF FULLY PAID FIRE DEPARTMENTS EMPLOYED 24
8 MONTHS OR MORE WHOSE PRIMARY DUTY FOR 24 MONTHS OR MORE WAS
9 FIGHTING FIRES OR INSPECTING FIRE SCENES, "PERSONAL INJURY" SHALL
10 BE CONSTRUED TO INCLUDE ALL RESPIRATORY TRACT, BLADDER, SKIN,
11 BRAIN, KIDNEY, BLOOD, AND LYMPHATIC CANCERS.

12 (3) ~~(2)~~ Such respiratory and heart diseases ~~or~~ AND ill-
13 nesses resulting therefrom, AND RESPIRATORY TRACT, BLADDER, SKIN,
14 BRAIN, KIDNEY, BLOOD, AND LYMPHATIC CANCERS are deemed to arise
15 out of and in the course of employment in the absence of evidence
16 to the contrary. RESPIRATORY TRACT, BLADDER, SKIN, BRAIN,
17 KIDNEY, BLOOD, AND LYMPHATIC CANCERS OF A MEMBER OF A FULLY PAID
18 FIRE DEPARTMENT ARE NOT DEEMED TO ARISE OUT OF AND IN THE COURSE
19 OF EMPLOYMENT IF EVIDENCE IS SHOWN THAT THE MEMBER OF THE FULLY
20 PAID FIRE DEPARTMENT WAS A CONSISTENT SMOKER OF CIGARETTES OR
21 OTHER TOBACCO PRODUCTS WITHIN THE 5 YEARS IMMEDIATELY PRECEDING
22 THE DATE OF FILING A CLAIM UNDER THIS ACT.

23 (4) ~~(3)~~ As a condition precedent to filing an application
24 for benefits, the claimant, if he or she is one of those enumer-
25 ated in subsection (1) OR (2), shall first make application for,
26 and do all things necessary to qualify for any pension benefits
27 which he or she, or his or her decedent, may be entitled to. If

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

6 (5) THE BUREAU SHALL RESEARCH THE FINANCIAL AND PROCEDURAL
7 IMPLICATIONS OF APPLYING A CANCER PRESUMPTION TO VOLUNTEER
8 FIREFIGHTERS. THE STUDY SHALL INCLUDE A DESCRIPTION OF THE NEC-
9 ESSARY AMENDMENTS TO THIS ACT IN ORDER TO APPLY A CANCER PRESUMP-
10 TION ON AN EQUAL BASIS TO ALL CLASSIFICATIONS OF FIREFIGHTERS.
11 THE REPORT SHALL BE PROVIDED TO THE CHAIR AND VICE-CHAIR OF THE
12 SENATE AND HOUSE COMMITTEES THAT CONSIDER WORKER'S COMPENSATION
13 LEGISLATION BY JUNE 30, 2002.