

# HOUSE BILL No. 5489

April 29, 2014, Introduced by Rep. Jacobsen and referred to the Committee on Commerce.

A bill to amend 1969 PA 317, entitled  
"Worker's disability compensation act of 1969,"  
by amending section 537 (MCL 418.537), as amended by 1992 PA 269.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 537. (1) The trustees may authorize payments from the  
2 self-insurers' security fund upon request to the fund's  
3 administrator by a disabled employee or a dependent of the disabled  
4 employee as ~~defined~~**DESCRIBED** in section 331 who is receiving or is  
5 entitled to receive worker's compensation benefits from a private  
6 self-insurer who becomes insolvent after November 16, 1971, and is  
7 unable to continue the payments.

8       (2) If an employee becomes disabled or dies because of a  
9 compensable injury or disease while in the employ of a private  
10 self-insurer who has become insolvent and who is unable to make

1 compensation payments, the employee or a dependent of the employee  
2 as ~~defined~~**DESCRIBED** in section 331 may seek payment from the self-  
3 insurers' security fund either by request through the fund's  
4 administrator or by filing a petition for hearing with the bureau.

5 (3) Payments shall not be made from the self-insurers'  
6 security fund to an employee or a dependent of the employee as  
7 ~~defined~~**DESCRIBED** in section 331 for any period of disability that  
8 is before the date of the request to the administrator or the date  
9 of the petition for hearing before the bureau.

10 (4) If there is an apportionment as provided in section 435,  
11 the trustees may reimburse subsequent employers.

12 (5) **NOTWITHSTANDING ANYTHING ELSE IN THIS SECTION, THE**  
13 **TRUSTEES MAY AUTHORIZE PAYMENTS FROM THE SELF-INSURERS' SECURITY**  
14 **FUND THAT ARE REQUESTED BY A DISABLED EMPLOYEE OR A DEPENDENT OF A**  
15 **DISABLED EMPLOYEE, AS DESCRIBED IN SECTION 331, OF DELPHI**  
16 **CORPORATION OR THE DELPHI AUTOMOTIVE SYSTEMS CORPORATION, WHO IS**  
17 **ENTITLED TO WORKER'S COMPENSATION BENEFITS ARISING OUT OF**  
18 **EMPLOYMENT DURING THE PERIOD FROM MAY 28, 1999 TO OCTOBER 7, 2009.**  
19 **THE SELF-INSURERS' SECURITY FUND MAY REDEEM ANY CLAIM BY A FORMER**  
20 **EMPLOYEE AGAINST DELPHI CORPORATION OR DELPHI AUTOMOTIVE SYSTEMS**  
21 **CORPORATION IF THE CLAIMANT VOLUNTARILY AGREES. NO OTHER PARTY MAY**  
22 **OBJECT TO THAT REDEMPTION. UPON A BINDING FINAL JUDGMENT BY ANY**  
23 **STATE COURT OR TRIBUNAL OR A FEDERAL COURT THAT ANY CARRIER IS**  
24 **RESPONSIBLE FOR THE WORKER'S COMPENSATION BENEFIT PAYMENTS TO A**  
25 **DISABLED EMPLOYEE OR DEPENDENT OF A DISABLED EMPLOYEE, AS DESCRIBED**  
26 **IN SECTION 331, OF DELPHI CORPORATION OR THE DELPHI AUTOMOTIVE**  
27 **SYSTEMS CORPORATION, THE SELF-INSURERS' SECURITY FUND IS ENTITLED**

1 TO REIMBURSEMENT FROM THAT CARRIER FOR ANY AND ALL BENEFITS  
2 PAYMENTS IT MAKES TO THE EMPLOYEE OR DEPENDENT UNDER THIS ACT.

3 Enacting section 1. This amendatory act does not take effect  
4 unless Senate Bill No. \_\_\_\_ or House Bill No. 5487 (request no.  
5 03971'13 \*\*\*\*) of the 97th Legislature is enacted into law.