

HOUSE BILL No. 4997

June 28, 2001, Introduced by Reps. Basham, Bernero, Bovin and Lemmons and referred to the Committee on Insurance and Financial Services.

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 a
5 ~~full~~ FULLY paid fire or police department of a city, township,
6 or incorporated village employed and compensated upon a full-time
7 basis OR VOLUNTEER FIREFIGHTERS OF A CITY, TOWNSHIP, OR INCORPO-
8 RATED VILLAGE; ~~—~~, a county sheriff and the deputies of the
9 county sheriff; ~~—~~, members of the state police; ~~—~~, conservation
10 officers; ~~—~~, and OFFICERS OF THE motor carrier ~~inspectors of~~

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

8 (2) ~~Such respiratory~~ RESPIRATORY and heart diseases ~~or~~
9 AND illnesses resulting therefrom are ~~deemed~~ CONSIDERED to
10 arise out of and in the course of employment in the absence of
11 evidence to the contrary.

12 (3) As a condition precedent to filing an application for
13 benefits, the claimant, if he or she is one of those enumerated
14 in subsection (1), shall first make application for, and do all
15 things necessary to qualify for any pension benefits which he or
16 she, or his or her decedent, may be entitled to. If a final
17 determination is made that pension benefits shall not be awarded,
18 then the presumption of "personal injury" as provided in this
19 section ~~shall apply~~ APPLIES. The employer or employee may
20 request 2 copies of the determination denying pension benefits, 1
21 copy of which may be filed with the bureau.