

# HOUSE BILL No. 4399

March 9, 1999, Introduced by Reps. Basham, Schermesser, Hale, Scott, Gielegem and Bogardus 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 paid fire  
2 department of an airport run by a county road commission in coun-  
3 ties of 1,000,000 population or more or by a state university or  
4 college, ~~or of~~ a full paid fire or police department of a city,  
5 township, or incorporated village employed and compensated upon a  
6 full-time basis OR VOLUNTEER FIREFIGHTERS OF A CITY, TOWNSHIP, OR  
7 INCORPORATED VILLAGE, a county sheriff and the deputies of the  
8 county sheriff, members of the state police, conservation  
9 officers, and motor carrier inspectors of the Michigan public  
10 service commission, "personal injury" shall be construed to

1 include respiratory and heart diseases or illnesses resulting  
2 therefrom which develop or manifest themselves during a period  
3 while the member of the department is in the active service of  
4 the department and result from the performance of duties for the  
5 department.

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

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