

# SENATE BILL No. 77

January 28, 2003, Introduced by Senators BASHAM, LELAND and CHERRY and referred to the Committee on Commerce and Labor.

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:

SENATE BILL No. 77

1        Sec. 405. (1) ~~In the case of~~ **For** a member of a ~~full~~  
 2 **fully** paid fire department of an airport run by a county ~~read~~  
 3 ~~commission in counties of 1,000,000 population or more~~ **or a**  
 4 **public airport authority**, or by a state university or college; or  
 5 of a ~~full~~ **fully** paid fire or police department of a city,  
 6 township, or incorporated village employed and compensated upon a  
 7 full-time basis **or volunteer firefighters of a city, township, or**  
 8 **incorporated village; —** a county sheriff and the deputies of  
 9 the county sheriff; **—** members of the state police; **—**  
 10 conservation officers; **—** and **officers of the** motor carrier

1 ~~inspectors of the Michigan public service commission~~  
 2 **enforcement division of the department of state police**, "personal  
 3 injury" shall be construed to include respiratory and heart  
 4 diseases or illnesses resulting therefrom ~~which~~ **that** develop or  
 5 manifest themselves during a period while the member of the  
 6 department is in the active service of the department and **that**  
 7 result from the performance 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~~ **a** claimant ~~, if he or she is one of those~~  
 14 ~~enumerated~~ **listed** in subsection (1), shall first make  
 15 application for, and do all things necessary to qualify for any  
 16 pension benefits ~~which~~ **that** he or she, or his or her decedent,  
 17 may be entitled to. If a final determination is made that  
 18 pension benefits shall not be awarded, then the presumption of  
 19 "personal injury" as provided in this section ~~shall apply~~  
 20 **applies**. The employer or employee may request 2 copies of the  
 21 determination denying pension benefits, 1 copy of which may be  
 22 filed with the bureau.