

HOUSE BILL No. 6462

September 12, 2006, Introduced by Reps. Tobocman, Polidori, Kathleen Law, Condino, Gillard, Kolb, Alma Smith, Zelenko, Farrah, Steil, Jones, Kooiman, Byrnes, Hunter, Bieda, Miller, Sak, Whitmer, Mayes, Accavitti, Donigan, Gonzales, Cushingberry, Sheltroun, Vagnozzi, Angerer, Hildenbrand, Palsrok, Huizenga, Pavlov, McDowell, Leland, McConico, Stakoe, Nofs, Stewart, Shaffer, Amos, Farhat, Proos, Green, Ward, Wenke, Spade, Schuitmaker, Gaffney, Casperson, Meyer, Kahn, David Law, LaJoy, Baxter, Emmons, Marleau, Cheeks and Lemmons, III 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** paid
 2 fire department of an airport run by a county ~~road commission in~~
 3 ~~counties of 1,000,000 population or more~~ **OR A PUBLIC AIRPORT**
 4 **AUTHORITY**, or by a state university or college; ~~—~~ or of a ~~full~~
 5 **FULLY** paid fire or police department of a city, township, or
 6 incorporated village employed and compensated upon a full-time
 7 basis; ~~—~~ a county sheriff and the deputies of the county sheriff;
 8 ~~— members~~ **A MEMBER** of the state police; ~~—~~ conservation

1 officers; ~~—, and~~ **AN OFFICER OF THE** motor carrier ~~inspectors of~~
 2 ~~the Michigan public service commission~~ **ENFORCEMENT DIVISION OF THE**
 3 **DEPARTMENT OF STATE POLICE**, "personal injury" ~~shall be construed~~
 4 ~~to include~~ **INCLUDES** respiratory and heart diseases, or illnesses
 5 resulting therefrom, ~~which~~ **THAT** develop or manifest themselves
 6 during a period while the member of the department is in the active
 7 service of the department and **THAT** result from the performance of
 8 duties for the department.

9 **(2) FOR MEMBERS OF FULLY PAID FIRE DEPARTMENTS EMPLOYED 24**
 10 **MONTHS OR MORE WHOSE PRIMARY DUTY FOR 24 MONTHS OR MORE WAS**
 11 **FIGHTING FIRES OR INSPECTING FIRE SCENES, "PERSONAL INJURY"**
 12 **INCLUDES ALL RESPIRATORY TRACT, BLADDER, SKIN, BRAIN, KIDNEY,**
 13 **BLOOD, AND LYMPHATIC CANCERS.**

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

25 **(4) ~~—(3)—~~ As a condition precedent to filing an application**
 26 **for benefits, the claimant, if he or she is one of those enumerated**
 27 **in subsection (1) OR (2), shall first make application for, and do**

1 all things necessary to qualify for any pension benefits which he
2 or she, or his or her decedent, may be entitled to. If a final
3 determination is made that pension benefits shall not be awarded,
4 then the presumption of "personal injury" as provided in this
5 section ~~shall apply~~ **APPLIES**. The employer or employee may request
6 2 copies of the determination denying pension benefits, 1 copy of
7 which may be filed with the ~~bureau~~ **WORKERS' COMPENSATION AGENCY**.

8 **(5) THE WORKERS' COMPENSATION AGENCY SHALL RESEARCH THE**
9 **FINANCIAL AND PROCEDURAL IMPLICATIONS OF APPLYING A CANCER**
10 **PRESUMPTION TO VOLUNTEER FIREFIGHTERS. THE STUDY SHALL INCLUDE A**
11 **DESCRIPTION OF THE NECESSARY AMENDMENTS TO THIS ACT IN ORDER TO**
12 **APPLY A CANCER PRESUMPTION ON AN EQUAL BASIS TO ALL CLASSIFICATIONS**
13 **OF FIREFIGHTERS. THE REPORT SHALL BE PROVIDED TO THE CHAIR AND**
14 **VICE-CHAIR OF THE SENATE AND HOUSE COMMITTEES THAT CONSIDER**
15 **WORKER'S COMPENSATION LEGISLATION BY JUNE 30, 2006.**