

Act No. 114
Public Acts of 1989
Approved by the Governor
June 22, 1989
Filed with the Secretary of State
June 23, 1989

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1989**

Introduced by Senators Dillingham, Cropsey, Schwarz and DiNello

ENROLLED SENATE BILL No. 419

AN ACT to amend Act No. 317 of the Public Acts of 1969, entitled as amended "An act to revise and consolidate the laws relating to worker's disability compensation; to increase the administrative efficiency of the adjudicative processes of the worker's compensation system; to improve the qualifications of the persons having adjudicative functions within the worker's compensation system; to prescribe certain powers and duties; to create the board of worker's compensation magistrates and the worker's compensation appellate commission; to provide certain procedures for the resolution of claims, including mediation and arbitration; to prescribe certain benefits for persons suffering a personal injury under the act; to prescribe certain limitations on obtaining benefits under the act; and to repeal certain acts and parts of acts," as amended, being sections 418.101 to 418.941 of the Michigan Compiled Laws, by adding section 252; and to repeal certain parts of the act on specific dates.

The People of the State of Michigan enact:

Section 1. Act No. 317 of the Public Acts of 1969, as amended, being sections 418.101 to 418.941 of the Michigan Compiled Laws, is amended by adding section 252 to read as follows:

Sec. 252. (1) Beginning July 1, 1989, a worker's compensation appeal board is created, referred to in this act as the board. The board shall consist of 45 members, a majority of whom shall be attorneys at law who are members in good standing with the state bar of Michigan. Of the board members, 5 shall be representative of employee interests in the state, 5 members shall be representative of employer interests of the state, and 35 members shall be representative of the general public. A member of the board shall devote his or her entire time to and personally perform the duties of the office and shall not engage in other business or professional activity. The governor, with the advice and consent of the senate, shall appoint the members for a term ending June 30, 1991. A vacancy shall be filled for an unexpired term in the same manner as the original appointment. A person appointed to fill a vacancy who has not previously served as a member of an appeal board under this act before July 1, 1989 shall not be subject to the productivity standards of this section until the first full period of the standards occurring after his or her appointment. The governor shall designate the chairperson of the board from among the members to serve at the pleasure of the governor. A member of the appeal board may be removed by the governor for good cause. However, except as otherwise provided in this subsection, a member shall no longer be qualified to serve as a member of the board created by this section if the chairperson certifies that the member has not met the standards provided in this section. Beginning July 1, 1989, each member of the board, with the exception of the chair, shall be required to produce 36 written opinions, decisions, or dissents each 6-month period, and shall be required to participate as a second or third panel member on additional cases during each respective period as directed by the chairperson. The minimum productivity standard requirement shall be reduced proportionately for any member who is absent from work for 2 weeks or more due to illness or disability resulting from pregnancy, childbirth, or any other medical conditions. The chairperson shall, at the end of each 6-month period, certify whether or not each member has met the productivity standards provided in this section.

(2) This section is repealed as provided for in section 266.

Section 2. This amendatory act shall not take effect unless all of the following bills of the 85th Legislature are enacted into law:

- (a) Senate Bill No. 421.
- (b) Senate Bill No. 420.
- (c) Senate Bill No. 422.

This act is ordered to take immediate effect.

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Secretary of the Senate.

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Clerk of the House of Representatives.

Approved.....

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Governor.