

Act No. 116
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, Cruce, Cropsey, Schwarz and DiNello

ENROLLED SENATE BILL No. 421

AN ACT to amend section 261 of 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 by Act No. 103 of the Public Acts of 1985, being section 418.261 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 261 of Act No. 317 of the Public Acts of 1969, as amended by Act No. 103 of the Public Acts of 1985, being section 418.261 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 261. (1) The chairperson of the board shall employ a chief administrative officer for the board. The chairperson shall have general supervisory control of and be in charge of the assignment and reassignment of the work of the board and the board's employees, including the scheduling of the docket; establishing office hours and procedures; setting productivity standards; and encouraging the use of arbitration, if appropriate. The board may promulgate rules on administrative appellate procedure.

(2) Except as otherwise provided for in this act, a matter pending review before the appeal board shall be assigned to a panel of 2 members of the board for disposition, with each panel comprised of 1 member each from the employee and employer representatives, the employee and general public representatives, the employer and general public representatives, or 2 members representative of the general public. The decision reached by the assigned members of a panel shall be the final decision of the board. If the members of a panel cannot reach a decision, the chairperson of the board shall assign a third panel member to review the matter. The third member shall be from a designated representative group that is not already represented on the panel, except for a panel of 2 members representative of the general public in which case the third member shall be a representative of the general public. The decision of the third member shall be controlling and shall be considered to be the final decision of the board.

(3) In addition to other duties of the chairperson prescribed in this section, he or she shall preliminarily review matters before the appeal board to determine if those matters may be disposed of by arbitration or in some expeditious manner by the appeal board.

(4) The chairperson shall exercise his or her powers and duties under this section for the purpose of disposing of the cases to be heard by the appeal board as constituted pursuant to section 252 not later than June 30, 1991 and shall annually report to the governor and the legislature regarding the disposition or lack thereof of these cases.

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

Section 2. This amendatory act shall take effect July 1, 1989.

Section 3. 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. 419.

(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.