

SENATE BILL No. 577

June 8, 2005, Introduced by Senators BASHAM, JACOBS and PRUSI 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:

1 Sec. 405. (1) ~~In the case of~~ **FOR** a member of a ~~full~~ **FULLY**
 2 paid fire department of an airport run by a county ~~road commission~~
 3 ~~in counties of 1,000,000 population or more~~ **OR A PUBLIC AIRPORT**
 4 **AUTHORITY**, or by a state university or college; or **A MEMBER** of a
 5 ~~full~~ **FULLY** paid fire or police department of a city, township, or
 6 incorporated village employed and compensated upon a full-time
 7 basis **OR A VOLUNTEER FIREFIGHTER OF A CITY, TOWNSHIP, OR**
 8 **INCORPORATED VILLAGE**; ~~—~~ a county sheriff and the deputies of the
 9 county sheriff; ~~—, members~~ **A MEMBER** of the state police; ~~—~~

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

9 (2) ~~Such respiratory~~ **RESPIRATORY** and heart diseases ~~or~~ **AND**
10 illnesses resulting therefrom are ~~deemed~~ **CONSIDERED** to arise out
11 of and in the course of employment in the absence of evidence to
12 the contrary.

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