

Act No. 6  
Public Acts of 1991  
Approved by the Governor  
April 10, 1991  
Filed with the Secretary of State  
April 11, 1991

**STATE OF MICHIGAN  
86TH LEGISLATURE  
REGULAR SESSION OF 1991**

Introduced by Reps. Emerson, Murphy, Jonker, Scott, Gubow, Berman, Hollister, Anthony, Gilmer,  
Perry Bullard, Gire, Jondahl and DeMars

# **ENROLLED HOUSE BILL No. 4484**

AN ACT to amend section 55 of Act No. 154 of the Public Acts of 1974, entitled as amended "An act to prescribe and regulate working conditions; to prescribe the duties of employers and employees as to places and conditions of employment; to create certain boards, commissions, committees, and divisions relative to occupational and construction health and safety; to prescribe their powers and duties and powers and duties of the department of labor and department of public health; to prescribe certain powers and duties of the directors of the departments of labor, public health, and agriculture; to impose an annual levy to provide revenue for the safety education and training division; to provide remedies and penalties; to repeal certain acts and parts of acts; and to repeal certain acts and parts of act on specific dates," as amended by Act No. 24 of the Public Acts of 1986, being section 408.1055 of the Michigan Compiled Laws; and to add section 14n.

*The People of the State of Michigan enact:*

Section 1. Section 55 of Act No. 154 of the Public Acts of 1974, as amended by Act No. 24 of the Public Acts of 1986, being section 408.1055 of the Michigan Compiled Laws, is amended and section 14n is added to read as follows:

Sec. 14n. (1) The occupational safety and health field sanitation standard that has been adopted or promulgated by the United States department of labor and has been codified at 29 C.F.R. 1928.110 as of April 1, 1991 is incorporated by reference until October 1, 1991 and supersedes the occupational health field sanitation standard as prescribed in R 325.61751 to R 325.61757 of the Michigan administrative code until October 1, 1991, and, until that time, has the same force and effect as a rule promulgated pursuant to this act.

(2) The department of public health shall administer and enforce the standard incorporated by reference in subsection (1) in a manner that is consistent with the administration and enforcement of the standard by the federal occupational safety and health administration.

(3) The department of public health shall make copies of the standard described in subsection (1) available to the public at cost.

Sec. 55. (1) A safety education and training fund is created. Except as provided in subsection (2), the fund shall be used to accomplish the objectives outlined in sections 54 and 56. The state treasurer shall be custodian of the fund and may invest the surplus of the fund in investments as in the state treasurer's judgment are in the best interest of the state. Earnings from those investments shall be credited to the fund. The state treasurer shall notify the director of labor, the director of public health, and the legislature of interest credited and the balance of the safety education and training fund as of December 31 of each year.

(2) On April 1, 1991, \$1,300,000.00 is transferred from the safety education and training fund to the state general fund, thus allowing the programs to operate through September 30, 1991, the remainder of the fiscal year.

(3) The director of labor shall supervise and administer the fund. Except as provided in subsection (4), the director shall annually assess a levy based on the total annual worker's disability compensation losses, excluding medical payments, paid in the immediately preceding calendar year by employers under the worker's disability compensation act of 1969, Act No. 317 of the Public Acts of 1969, as amended, being sections 418.101 to 418.941 of the Michigan Compiled Laws. As soon as practicable after January 1, 1986, and each year thereafter, the director, except as provided in this section, shall assess upon and collect from each carrier, self-insured employer, and the state accident fund a sum equal to that proportion of 50% of the current fiscal year appropriation of safety education and training funds which the total worker's disability compensation benefits, exclusive of medical payments, paid by each carrier, the state accident fund, or each self-insured employer bears to the total of the compensation benefits paid by all carriers, self-insured employers, and the state accident fund during the immediately preceding calendar year, except the total amount levied annually shall not exceed 3/4 of 1% of the total of the compensation benefits paid by all carriers, self-insured employers, and the state accident fund during the immediately preceding calendar year. Funds that are unexpended at the end of each fiscal year shall be returned to the safety education and training fund.

(4) The director of labor shall not assess a levy as described in subsection (3) upon any carrier, self-insured employer, or the state accident fund for the 1990-91 fiscal year.

(5) If at any time during the fiscal year in which the assessment required by subsection (3) is made the balance of money in the safety education and training fund is less than \$1,500,000.00, the assessment shall equal the total fiscal year appropriation of safety education and training funds.

(6) Notice of the assessments shall be sent by the director of labor by mail to each carrier. Payment of assessments shall be received in the principal office of the department of labor before a date specified uniformly in the notice, but not less than 90 days after the date of mailing.

(7) The levy assessments shall constitute an element of loss for the purpose of establishing rates for worker's disability compensation insurance. Funds derived from this levy shall be deposited in the safety education and training fund and shall be appropriated by the legislature for the operation of this program.

(8) To enable full and complete legislative review of the assessment process, the department of labor, not later than September 30, 1991, shall submit to the legislature and the house and senate committees that consider labor matters a written report on the status of the safety education and training assessment required by this section. The report shall include, but is not limited to, information on the amount of the assessment, the percentage of the assessment as compared to losses, and the balance of money in the safety education and training fund.

Section 2. This amendatory act shall take effect April 1, 1991.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved .....

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Governor.