

Act No. 105
Public Acts of 1991
Approved by the Governor
October 2, 1991
Filed with the Secretary of State
October 3, 1991

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

Introduced by Senators Honigman and N. Smith

ENROLLED SENATE BILL No. 459

AN ACT to amend sections 14, 14n, 15, 16, 18, 19, 21, 23, 24, 35, 36, and 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," section 14n as added and section 55 as amended by Act No. 6 of the Public Acts of 1991 and section 36 as amended by Act No. 24 of the Public Acts of 1986, being sections 408.1014, 408.1014n, 408.1015, 408.1016, 408.1018, 408.1019, 408.1021, 408.1023, 408.1024, 408.1035, 408.1036, and 408.1055 of the Michigan Compiled Laws; to add section 35a; to repeal certain parts of the act; and to repeal certain parts of the act on a specific date.

The People of the State of Michigan enact:

Section 1. Sections 14, 14n, 15, 16, 18, 19, 21, 23, 24, 35, 36, and 55 of Act No. 154 of the Public Acts of 1974, section 14n as added and section 55 as amended by Act No. 6 of the Public Acts of 1991 and section 36 as amended by Act No. 24 of the Public Acts of 1986, being sections 408.1014, 408.1014n, 408.1015, 408.1016, 408.1018, 408.1019, 408.1021, 408.1023, 408.1024, 408.1035, 408.1036, and 408.1055 of the Michigan Compiled Laws, are amended and section 35a is added to read as follows:

Sec. 14. (1) Except as otherwise provided in subsection (3), the occupational safety and health standards that have been adopted or promulgated by the United States department of labor under the occupational safety and health act of 1970, Public Law 91-596, 84 Stat. 1590, and that are in effect on January 1, 1975 are incorporated by reference and have the same force and effect as a rule promulgated pursuant to this act. A standard that is incorporated by reference pursuant to this subsection remains in effect until either of the following conditions occurs:

- (a) A standard is promulgated pursuant to this act that covers the same or a similar subject.
- (b) The standard is rescinded by rule promulgated pursuant to this act.

(2) When a rule or standard that is continued pursuant to section 24(3) conflicts with or covers the same or similar subject as a standard incorporated by reference pursuant to subsection (1), the federal standard incorporated by reference governs and the state rule or standard continued pursuant to section 24(3) shall be rescinded.

(3) When a rule or standard that is continued in effect under this act pursuant to section 21(1) covers the same subject as a federal standard, subsection (1) does not apply.

(4) The department of labor and the department of public health shall determine which of them is responsible for administering and enforcing each of the standards incorporated by reference pursuant to subsection (1).

(5) The department of labor or the department of public health, whichever is responsible for administering and enforcing a standard incorporated by reference pursuant to subsection (1), shall make copies of the standard available to the public at cost.

(6) Beginning April 1, 1992, not later than 10 working days after the date that the United States department of labor adopts or promulgates an occupational safety and health standard under the occupational safety and health act of 1970, Public Law 91-596, 84 Stat. 1590, the director of labor or the director of public health, or both, shall initiate the processing of an administrative rule that is substantially similar to the federal occupational safety and health standard. The proposed administrative rule shall be presented to the joint committee on administrative rules unless 1 of the following occurs:

(a) The general industry safety standards commission determines and certifies that the federal standard is clearly inconsistent with the criteria set forth in sections 9 and 16.

(b) The construction safety standards commission determines and certifies that the federal standard is clearly inconsistent with the criteria set forth in sections 9 and 19.

(c) The occupational health standards commission determines and certifies that the federal standard is clearly inconsistent with the criteria set forth in sections 9 and 24.

(7) Beginning April 1, 1992, a proposed administrative rule that would address a matter not addressed by 1 or more federal standards shall not be processed and presented to the joint committee on administrative rules unless the appropriate standards commission determines and certifies that there is a clear and convincing need for the standard to meet the criteria set forth, as appropriate, in sections 9, 16, 19, and 24.

(8) The administrative rules described in subsections (6) and (7) shall be promulgated pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

Sec. 14n. (1) Except as provided in subsections (2) and (3), 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 and supersedes the occupational health field sanitation standard as prescribed in R 325.61751 to R 325.61757 of the Michigan administrative code, and has the same force and effect as a rule promulgated pursuant to this act.

(2) An agricultural employer shall provide, at no cost to the agricultural employee, potable water in locations that are readily accessible to all agricultural employees.

(3) An agricultural employer employing less than 11 agricultural employees shall ensure that an available toilet facility and hand-washing facility is either provided by the agricultural employer or available to the agricultural employee.

(4) 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.

(5) The department of public health shall make copies of the standard described in subsection (1) and the requirements of subsections (2) and (3) available to the public at cost.

Sec. 15. (1) The general industry safety standards commission is created in the department of labor.

(2) The general industry safety standards commission consists of the director of labor ex officio without vote who shall serve as secretary of the general industry safety standards commission and 9 members appointed by the governor by and with the advice and consent of the senate. The term of each appointed member shall be for 3 years or until his or her successor is appointed and qualified. Of those members initially appointed, 2 persons who represent labor and 2 persons who represent management shall be appointed for terms of 3 years; 1 person who represents labor, 1 person who represents management, and 1 person who represents the general public shall be appointed for terms of 2 years; and 1 person who represents labor and 1 person who represents management shall be appointed for terms of 1 year. A vacancy shall be filled by appointment for the balance of the unexpired term by the governor in the same manner as original appointments.

(3) Four members of the general industry safety standards commission shall represent the management of principal industries in the state, 1 of which shall represent a company with 200 or fewer employees, and 1 of

which shall represent public employers of this state. Four members shall represent labor with not more than 1 from the same international union, 1 of which shall represent the public employees of this state. One member shall be a member at large representing the general public.

(4) The general industry safety standards commission shall elect 1 member as chairperson and elect other officers as it considers necessary.

(5) A majority of the general industry safety standards commission members constitutes a quorum if at least 1 representative of management and 1 representative of labor are in attendance. The general industry safety standards commission shall meet not less than 4 times in a calendar year at the call of the chairperson or the director of labor, or upon the request of 4 members.

(6) The per diem compensation of the general industry safety standards commission members, other than the secretary, and the schedule for reimbursement of expenses shall be established annually by the legislature.

Sec. 16. (1) The general industry safety standards commission may promulgate standards in accordance with this act to prevent accidents in places of employment and to protect the life and safety of employees. Where another state agency has rules promulgated before the effective date of this act which regulate a place of employment relative to the safety of the public, the rules of the other state agency apply only to the safety of the public. If practicable, the standards promulgated shall be expressed in terms of objective criteria and of the performance desired.

(2) Until April 1, 1992, adoption of a standard shall be by a majority of the members present if a quorum is present. Beginning April 1, 1992, any action taken by the general industry safety standards commission requires an affirmative vote of not less than 4 members of the commission, including at least 1 representative of labor and 1 representative of management.

Sec. 18. (1) The construction safety standards commission is created in the department of labor.

(2) The construction safety standards commission consists of the director of labor ex officio without vote who shall serve as secretary of the construction safety standards commission and 9 members appointed by the governor by and with the advice and consent of the senate. The terms of the members shall be for 3 years or until his or her successor is appointed and qualified. Of those members initially appointed, 2 persons who represent labor and 2 persons who represent management shall be appointed for terms of 3 years; 1 person who represents labor, 1 person who represents management, and 1 person who represents the general public shall be appointed for terms of 2 years; and 1 person who represents labor and 1 person who represents management shall be appointed for terms of 1 year. Vacancies shall be filled by appointment for the balance of the unexpired term by the governor in the same manner as original appointments.

(3) Four members of the construction safety standards commission shall be actively engaged in construction operations on the management level, 1 of which shall represent public employers of this state. Four members shall be actively engaged in construction operations on the employee level, 1 of which shall represent public employees of this state. One member shall be a member at large representing the general public.

(4) A majority of the members of the construction safety standards commission constitutes a quorum if at least 1 representative of management and 1 representative of labor are in attendance. The construction safety standards commission shall meet not less than 4 times in a calendar year at the call of the chairperson or the director of labor, or upon the request of 4 members.

(5) The construction safety standards commission shall elect 1 member as chairperson and elect other officers as it considers necessary.

(6) The per diem compensation of the construction safety standards commission members, other than the secretary, and the schedule for reimbursement of expenses shall be established annually by the legislature.

Sec. 19. (1) The construction safety standards commission may promulgate construction safety standards in accordance with this act and based upon, but not limited to, generally accepted nationwide engineering standards and practices designed to prevent accidents and to protect the life and safety of employees engaged in construction operations. If practicable, the standards promulgated shall be expressed in terms of objective criteria and of the performance desired.

(2) Until April 1, 1992, adoption of a standard shall be by a majority of the members present if a quorum is present. Beginning April 1, 1992, any action taken by the construction safety standards commission requires an affirmative vote of not less than 4 members of the commission, including at least 1 representative of labor and 1 representative of management.

Sec. 21. (1) Standards promulgated by the general industry safety standards commission under the authority of former Act No. 282 of the Public Acts of 1967, and standards promulgated by the construction safety

standards commission under the authority of former Act No. 89 of the Public Acts of 1968, which are in effect on January 1, 1975 are continued under section 31 of the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being section 24.231 of the Michigan Compiled Laws.

(2) Before a proposed standard, except an emergency standard, is promulgated, the appropriate commission shall appoint and consult with an advisory committee which shall be representative of the major interests affected by the proposed standard. The members of an advisory committee shall be selected on the basis of their experience and competence in the subject of the proposed standard. At least 1 member of each advisory committee shall be a person who devotes a major portion of time to safety functions.

(3) The per diem compensation and the schedule for reimbursement of expenses of members of the general industry safety standards advisory committees and the construction safety standards advisory committees shall be established annually by the legislature.

(4) The director of labor shall promulgate an emergency standard in compliance with section 48 of Act No. 306 of the Public Acts of 1969, as amended, being section 24.248 of the Michigan Compiled Laws, when the emergency standard is necessary to protect employees. If the director of labor is promulgating an emergency standard on a matter addressed by a federal standard, the director of labor shall promulgate a standard that is substantially similar to the federal standard unless he or she determines and certifies that the federal standard is clearly inconsistent with the criteria set forth in section 9, 16, or 19, or a combination thereof.

(5) Except for a standard adopted by reference pursuant to section 14, a standard approved by the appropriate commission pursuant to section 16 or 19 shall be promulgated pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

Sec. 23. (1) The occupational health standards commission is created in the department of public health.

(2) The occupational health standards commission consists of the director of public health ex officio without vote who shall serve as secretary of the occupational health standards commission and 9 members appointed by the governor by and with the advice and consent of the senate. The terms of the members shall be for 3 years or until his or her successor is appointed and qualified. Of those members initially appointed, 2 persons who represent labor and 2 persons who represent management shall be appointed for terms of 3 years; 1 person who represents labor, 1 person who represents management, and 1 person who represents the general public shall be appointed for terms of 2 years; and 1 person who represents labor and 1 person who represents management shall be appointed for terms of 1 year. A vacancy shall be filled for the balance of the unexpired term in the same manner as the original appointments.

(3) Four members shall represent the management of principal industries in the state, 1 of which shall represent a company with 200 or less employees, and 1 of which shall represent the public employers of this state. Four members shall represent labor with not more than 1 from the same international union, 1 of which shall represent the public employees of this state. One member shall represent the general public.

(4) The occupational health standards commission shall elect 1 member as chairperson and elect other officers as it considers necessary.

(5) A majority of the occupational health standards commission constitutes a quorum if at least 1 representative of management and 1 representative of labor are in attendance. The occupational health standards commission shall meet not less than 4 times in a calendar year at the call of the chairperson or the director of public health, or upon request of 4 members.

(6) The per diem compensation of the occupational health standards commission members, other than the secretary, and the schedule for reimbursement of expenses shall be established annually by the legislature.

Sec. 24. (1) Before a proposed standard, except an emergency standard, is promulgated, the commission shall appoint and consult with an advisory committee which shall be representative of the major interests affected by the proposed standard. The members of the advisory committee shall be selected on the basis of their experience and competence in the subject of the proposed standard. At least 1 member of each advisory committee shall be a person who devotes a major portion of time to occupational health functions.

(2) The per diem compensation and the schedule for reimbursement of expenses for members of the occupational health standards advisory committees shall be established annually by the legislature.

(3) Standards governing occupational health promulgated by the director of public health that are in effect on January 1, 1975 are continued under section 31 of the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being section 24.231 of the Michigan Compiled Laws.

(4) The occupational health standards commission shall promulgate an occupational health standard pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws, except for standards adopted by reference pursuant to section 14. Until April 1, 1992, adoption

of a standard shall be by a majority of the members present if a quorum is present. Beginning April 1, 1992, any action taken by the occupational health standards commission requires an affirmative vote of not less than 4 members of the commission, including at least 1 representative of labor and 1 representative of management.

(5) When promulgating occupational health standards, the occupational health standards commission shall promulgate a standard that most adequately assures, to the extent feasible and on the basis of the best available evidence, that an employee will not suffer material impairment of health or functional capacity, even if the employee has regular exposure to a hazard dealt with by the standard for the period of his or her working life.

(6) The director of public health shall promulgate an emergency standard pursuant to section 48 of Act No. 306 of the Public Acts of 1969, as amended, being section 24.248 of the Michigan Compiled Laws, when the director finds that employees are exposed to substances or agents determined to be toxic or physically harmful and the emergency standard is necessary to protect employees from that danger. If the director of public health is promulgating an emergency standard on a matter addressed by a federal standard, the director of public health shall promulgate a standard that is substantially similar to the federal standard unless he or she determines and certifies that the federal standard is clearly inconsistent with the criteria set forth in section 9 or 24, or both.

(7) A standard shall prescribe appropriate forms of warning that are necessary to insure that employees are apprised of health hazards to which they are exposed, relevant symptoms, and the conditions and precautions for safe use or exposure, including appropriate emergency treatment. If appropriate, a standard shall prescribe suitable protective equipment, control, or technological procedures to be used and shall require an employer to monitor or measure employee exposure, to allow employees or their representatives to observe the monitoring and have access to the records of the monitoring, and to conduct the monitoring in a manner that is necessary for the protection of the employees' health. Former employees shall have access to the records indicating their exposure to toxic materials and harmful physical agents.

(8) If appropriate, the occupational health standards commission shall prescribe by standard that medical examinations or tests are made available, at the employer's cost, to employees to determine if they are adversely affected by exposure to health hazards. If the examination is performed by a physician other than a physician who is retained for that purpose by the employer, the employer is responsible only for the reasonable costs of the examination, and only for costs related to the performance of the examination required by the standard. The results of the examinations or tests shall be furnished to the employer, the employee, and upon request of the employee, to the employee's personal physician, and upon request of the director of public health, to the director of public health by the employer. However, this act does not authorize or require medical examinations, immunizations, or treatments for those who object to them on religious grounds, except where necessary for the protection of the health or safety of others.

Sec. 35. (1) An employer who receives a citation for a serious violation of this act, an order issued pursuant to this act, or a rule or standard promulgated under this act shall be assessed a civil penalty of not more than \$7,000.00 for each violation.

(2) An employer who fails to correct a violation for which a citation was issued within the period permitted for its correction may be assessed a civil penalty of not more than \$7,000.00 for each day during which the failure or violation continues. A period permitted for corrections does not begin to run until the date of the final order of the board if a review proceeding before a board is initiated by the employer in good faith and not solely for delay or avoidance of a penalty.

(3) An employer who receives a citation for a violation of this act, an order issued pursuant to this act, or a rule or standard promulgated under this act, which violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of not more than \$7,000.00 for each violation.

(4) An employer who willfully or repeatedly violates this act, an order issued pursuant to this act, or a rule or standard promulgated under this act may be assessed a civil penalty of not more than \$70,000.00 for each violation, but not less than \$5,000.00 for each willful violation.

(5) An employer who willfully violates this act, an order issued pursuant to this act, or a rule or standard promulgated under this act which causes the death of an employee is guilty of a felony and shall be fined not more than \$10,000.00, or imprisoned for not more than 1 year, or both. If the conviction is the second under this act, the person shall be fined not more than \$20,000.00, or imprisoned for not more than 3 years, or both.

(6) An employer who violates a posting requirement prescribed under this act shall be assessed a civil penalty of not more than \$7,000.00 for each violation.

(7) A person who knowingly makes a false statement, representation, or certification in an application, record, report, plan, or other document filed or required to be maintained pursuant to this act, or who fails to maintain or transmit a record or report as required under section 61, is guilty of a misdemeanor and shall be fined not more than \$10,000.00, or imprisoned for not more than 6 months, or both.

(8) A person who gives advance notice of an investigation or an inspection to be conducted under this act without authority from the appropriate director or the designee of the director is guilty of a misdemeanor and shall be fined not more than \$1,000.00, or imprisoned for not more than 6 months, or both.

(9) The department of labor or the department of public health, if the employer is a public employer, instead of applying a civil penalty otherwise applicable to an employer under this section, may request that the attorney general seek a writ of mandamus in the appropriate circuit court to compel compliance with a citation, including the terms of abatement.

(10) A person shall not assault a department representative or other person charged with enforcement of this act in the performance of that person's legal duty to enforce this act. A person who violates this subsection is guilty of a misdemeanor. A prosecuting attorney having jurisdiction of this matter and the attorney general knowing of a violation of this section may prosecute the violator.

(11) The increases in the civil penalties of subsections (1), (2), (3), (4), and (6) made pursuant to the 1991 amendatory act that added this subsection shall take effect April 1, 1992.

Sec. 35a. (1) An employer who receives a citation for a serious violation of this act, an order issued pursuant to this act, or a rule or standard promulgated under this act shall be assessed a civil penalty of not more than \$1,000.00 for each violation.

(2) An employer who fails to correct a violation for which a citation was issued within the period permitted for its correction may be assessed a civil penalty of not more than \$1,000.00 for each day during which the failure or violation continues. A period permitted for corrections does not begin to run until the date of the final order of the board if a review proceeding before a board is initiated by the employer in good faith and not solely for delay or avoidance of a penalty.

(3) An employer who receives a citation for a violation of this act, an order issued pursuant to this act, or a rule or standard promulgated under this act, which violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of not more than \$1,000.00 for each violation.

(4) An employer who willfully or repeatedly violates this act, an order issued pursuant to this act, or a rule or standard promulgated under this act may be assessed a civil penalty of not more than \$10,000.00 for each violation.

(5) An employer who willfully violates this act, an order issued pursuant to this act, or a rule or standard promulgated under this act which causes the death of an employee is guilty of a felony and shall be fined not more than \$10,000.00, or imprisoned for not more than 1 year, or both. If the conviction is the second under this act, the person shall be fined not more than \$20,000.00, or imprisoned for not more than 3 years, or both.

(6) An employer who violates a posting requirement prescribed under this act shall be assessed a civil penalty of not more than \$1,000.00 for each violation.

(7) A person who knowingly makes a false statement, representation, or certification in an application, record, report, plan, or other document filed or required to be maintained pursuant to this act, or who fails to maintain or transmit a record or report as required under section 61, is guilty of a misdemeanor and shall be fined not more than \$10,000.00, or imprisoned for not more than 6 months, or both.

(8) A person who gives advance notice of an investigation or an inspection to be conducted under this act without authority from the appropriate director or the designee of the director is guilty of a misdemeanor and shall be fined not more than \$1,000.00, or imprisoned for not more than 6 months, or both.

(9) The department of labor or the department of public health, if the employer is a public employer, instead of applying a civil penalty otherwise applicable to an employer under this section, may request that the attorney general seek a writ of mandamus in the appropriate circuit court to compel compliance with a citation, including the terms of abatement.

(10) A person shall not assault a department representative or other person charged with enforcement of this act in the performance of that person's legal duty to enforce this act. A person who violates this subsection is guilty of a misdemeanor. A prosecuting attorney having jurisdiction of this matter and the attorney general knowing of a violation of this section may prosecute the violator.

Sec. 36. (1) The board shall assess civil penalties, considering the size of the business, the seriousness of the violation, the good faith efforts of the employer, and the history of previous citations, and may establish a schedule of civil penalties.

(2) Beginning April 1, 1992, the department of labor and the department of public health shall administer and enforce the assessment of civil penalties in a manner that is consistent with the administration and enforcement of civil penalties by the federal occupational safety and health administration.

(3) A civil penalty owed under this act shall be paid to the department of labor or the department of public health, whichever is appropriate, within 15 working days after the date the penalty becomes a final order of the

board, not subject to further agency or judicial review. Beginning April 1, 1992, a civil penalty shall be credited to the state general fund.

(4) If a civil penalty remains unpaid beyond the period of time specified in subsection (3), the department of labor or the department of public health, whichever is appropriate, shall issue a letter to the employer demanding payment within 20 days after the date of the letter.

(5) If the penalty remains unpaid following the period specified in subsection (4), the appropriate department shall transmit information on the amount of the penalty and the name and address of the employer owing the penalty to the department of treasury.

(6) The department of treasury shall institute proceedings to collect the amount assessed as a civil penalty. The department of treasury shall offset the amount of the penalty against money owed by the state to the employer. The department of treasury shall request that the attorney general recover the amount of the penalty remaining unpaid, after offsets, by instituting a civil action in the circuit court for the county in which the violation occurred or in the circuit court for the county in which the employer owing the penalty has its principal place of business.

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 October 1, 1991, \$2,300,000.00 is transferred from the safety education and training fund to the state general fund for the operation of the programs specified in this act.

(3) The director of labor shall supervise and administer the fund. Except as provided in this section, 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. Except as provided in this section, each year the director 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. However, 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) 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.

(5) 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.

(6) 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.

(7) To enable full and complete legislative review of the assessment process, the department of labor, not later than September 30 of each year, shall submit to the regulatory subcommittees of the house and senate appropriations committees 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, an explanation of all expenditures from the safety education and training fund, and the balance of money in the safety education and training fund.

Section 2. Sections 57, 57a, 58, 58e, 59, 59a, 59c, 59d, 59e, 60, 60a, 60b, 60c, and 60d of Act No. 154 of the Public Acts of 1974, being sections 408.1057, 408.1057a, 408.1058, 408.1058e, 408.1059a, 408.1059c, 408.1059d, 408.1059e, 408.1060, 408.1060a, 408.1060b, 408.1060c, and 408.1060d of the Michigan Compiled Laws, are repealed on the effective date of rules establishing a state asbestos construction standard that are promulgated pursuant to section 14(6).

Section 3. Sections 60e and 60f of Act No. 154 of the Public Acts of 1974, being sections 408.1060e and 408.1060f of the Michigan Compiled Laws, are repealed.

Section 4. If any provision of section 14 of this amendatory act is held to be unconstitutional by a court of competent jurisdiction and the allowable time for filing an appeal has expired or the appellant has exhausted all of his or her avenues of appeal, section 35 of Act No. 154 of the Public Acts of 1974, being section 408.1035 of the Michigan Compiled Laws, is repealed.

Section 5. Section 35a of this amendatory act shall not take effect unless the condition described in enacting section 4 is met and section 35 of Act No. 154 of the Public Acts of 1974, being section 408.1035 of the Michigan Compiled Laws, is repealed.

Section 6. This amendatory act shall take effect October 1, 1991.

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.