



SENATE BILL No. 50

January 26, 1993, Introduced by Senator WARTNER and referred to the Committee on Commerce.

A bill to amend section 55 of Act No. 154 of the Public Acts of 1974, entitled as amended

"The Michigan occupational safety and health act,"

as amended by Act No. 105 of the Public Acts of 1991, being section 408.1055 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 55 of Act No. 154 of the Public Acts of
2 1974, as amended by Act No. 105 of the Public Acts of 1991, being
3 section 408.1055 of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 55. (1) A safety education and training fund is
6 created. Except as provided in subsection (2), the fund shall be
7 used to accomplish the objectives outlined in sections 54 and
8 56. The state treasurer shall be custodian of the fund and may
9 invest the surplus of the fund in investments as in the state

1 treasurer's judgment are in the best interest of the state.
2 Earnings from those investments shall be credited to the fund.
3 The state treasurer shall notify the director of labor, the
4 director of public health, and the legislature of interest cred-
5 ited and the balance of the safety education and training fund as
6 of December 31 of each year.

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

10 (3) The director of labor shall supervise and administer the
11 fund. Except as provided in this section, the director shall
12 annually assess a levy based on the total annual worker's dis-
13 ability compensation losses, excluding medical payments, paid in
14 the immediately preceding calendar year by employers under the
15 worker's disability compensation act of 1969, Act No. 317 of the
16 Public Acts of 1969, as amended, being sections 418.101 to
17 418.941 of the Michigan Compiled Laws. Except as provided in
18 this section, each year the director shall assess upon and col-
19 lect from each carrier ~~—~~ AND self-insured employer ~~—, and the~~
20 ~~state accident fund~~ a sum equal to that proportion of 50% of the
21 current fiscal year appropriation of safety education and train-
22 ing funds which the total worker's disability compensation bene-
23 fits, exclusive of medical payments, paid by each carrier ~~—, the~~
24 ~~state accident fund,~~ or each self-insured employer bears to the
25 total of the compensation benefits paid by all carriers ~~—~~ AND
26 self-insured employers ~~—, and the state accident fund~~ during the
27 immediately preceding calendar year. However, the total amount

1 levied annually shall not exceed 3/4 of 1% of the total of the
2 compensation benefits paid by all carriers ~~—~~ AND self-insured
3 employers ~~— and the state accident fund~~ during the immediately
4 preceding calendar year. Funds that are unexpended at the end of
5 each fiscal year shall be returned to the safety education and
6 training fund.

7 (4) If at any time during the fiscal year in which the
8 assessment required by subsection (3) is made the balance of
9 money in the safety education and training fund is less than
10 \$1,500,000.00, the assessment shall equal the total fiscal year
11 appropriation of safety education and training funds.

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

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

23 (7) To enable full and complete legislative review of the
24 assessment process, the department of labor, not later than
25 September 30 of each year, shall submit to the regulatory subcom-
26 mittees of the house and senate appropriations committees and the
27 house and senate committees that consider labor matters a written

1 report on the status of the safety education and training
2 assessment required by this section. The report shall include,
3 but is not limited to, information on the amount of the assess-
4 ment, the percentage of the assessment as compared to losses, an
5 explanation of all expenditures from the safety education and
6 training fund, and the balance of money in the safety education
7 and training fund.

8 Section 2. This amendatory act shall not take effect unless
9 the state administrative board certifies in writing to the secre-
10 tary of state by December 31, 1994 that an agreement for the
11 transfer of all or substantially all of the assets and the
12 assumption of all or substantially all of the liabilities of the
13 state accident fund has been consummated with a permitted trans-
14 feree pursuant to the requirements of section 701a of the
15 worker's disability compensation act of 1969, Act No. 317 of the
16 Public Acts of 1969, being section 418.701a of the Michigan
17 Compiled Laws.

18 Section 3. This amendatory act shall not take effect unless
19 all of the following bills of the 87th Legislature are enacted
20 into law:

21 (a) Senate Bill No. _____ or House Bill No. _____ (request
22 no. 00449'93).

23 (b) Senate Bill No. 48.

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25 (c) Senate Bill No. 49.

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1 (d) Senate Bill No. 51.

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3 (e) Senate Bill No. 52.

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5 (f) Senate Bill No. _____ or House Bill No. _____ (request
6 no. 00450'93).