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BILL



ANALYSIS

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Senate Bill 1335 (Substitute S-1 as reported)
Senate Bill 1336 (as reported without amendment)
Sponsor: Senator Tonya Schuitmaker (S.B. 1335)
Senator Patrick J. Colbeck (S.B. 1336)
Committee: Reforms, Restructuring and Reinventing

CONTENT

Senate Bill 1335 (S-1) would amend the Michigan Occupational Safety and Health Act to do the following:

- Require the Director of the Department of Licensing and Regulatory Affairs (LARA) to provide a statement of specific facts establishing a clear and convincing need when processing an administrative rule that would go beyond Federal standards.
- Require a proposed rule to be presented to the Joint Committee on Administrative Rules unless the Director determined that a Federal standard was inconsistent with statutory criteria.

Currently, if a proposed rule would address a matter not addressed by a Federal standard, the rule may not be processed and presented to the Joint Committee on Administrative Rules unless the appropriate standards commission determines that there is a clear and convincing need for the standard to meet criteria set forth in the Act. The bill would refer to the Director, rather than the appropriate standards commission.

The bill would require the Director, when processing and presenting the administrative rule, to include a statement of the specific facts establishing the clear and convincing need. The statement would have to 1) explain the unique characteristics of industry in the State that necessitated the standard, or 2) demonstrate that the standard was requested by a broad consensus of union and nonunion employers and employees in the specific industry affected by the standard.

Senate Bill 1336 would repeal a section of the Act creating the Occupational Health Standards Commission, and would amend the Act to do the following:

- Require the LARA Director, rather than the Commission, to promulgate an occupational health standard.
- Delete the requirement that an advisory committee be appointed before an occupational health standard is promulgated.
- Incorporate by reference the Federal occupational safety and health hazard communication standard that was adopted or promulgated as of May 25, 2012.
- Identify a classification of employers subject to the requirements of that standard.

The bills are tie-barred to each other and to House Bills 5917 and 5922 (or equivalent Senate bills). Those bills would repeal sections of the Act that create the Construction Safety Standards Commission and the General Industry Safety Standards Commission. The

bills also would delete provisions of the Act authorizing those Commissions and the Occupational Health Standards Commission to promulgate standards; would authorize the LARA Director to promulgate construction safety standards and standards to prevent accidents in places of employment and protect employees; and would delete a requirement for the appointment of an advisory committee before a standard is promulgated.

MCL 408.1014 (S.B. 1335)
408.1005 et al. (S.B. 1336)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

Senate Bill 1335 (S-1) would have no fiscal impact on State or local government.

Senate Bill 1336 would have an indeterminate, but likely very minor positive impact on State finances. The bill would no longer require the Occupational Health Standards Commission to appoint an advisory committee before considering new safety standards. Statute currently allows the committees to be reimbursed for their expenses according to a schedule established annually by the Legislature, but it appears that such a schedule has not been established recently. To the extent that employees of the Department of Licensing and Regulatory Affairs are appointed to these committees as part of their official duties, costs associated with that staff time could be reduced.

Date Completed: 10-17-12

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.