

HOUSE BILL No. 5617

March 19, 1990, Introduced by Rep. Kosteva and referred to the Committee on Labor.

A bill to amend sections 2 and 4 of Act No. 154 of the Public Acts of 1974, entitled as amended "Michigan occupational safety and health act," being sections 408.1002 and 408.1004 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2 and 4 of Act No. 154 of the Public
2 Acts of 1974, being sections 408.1002 and 408.1004 of the
3 Michigan Compiled Laws, are amended to read as follows:

4 Sec. 2. (1) This act shall apply to all places of employ-
5 ment in the state, except in domestic employment and, EXCEPT AS
6 OTHERWISE PROVIDED IN SECTION 4, in mines as defined in section
7 4.

8 (2) Nothing in this act shall be construed to supersede or
9 in any manner affect any workers' compensation law, or to enlarge

1 or diminish or affect in any other manner the common law or
2 statutory rights, duties, or liabilities of employers and employ-
3 ees under any law with respect to injuries, diseases, or death of
4 employees arising out of, or in the course of, employment.

5 Sec. 4. (1) "Agricultural operations" means the work
6 activity designated in major groups 01 and 02 of the standard
7 industrial classification manual, United States bureau of the
8 budget, 1972 edition. Agricultural operations include any prac-
9 tices performed by a farmer or on a farm as an incident to or in
10 conjunction with farming operations including preparation for
11 market delivery to storage or market or to carriers for transpor-
12 tation to market.

13 (2) "Authorized employee representative" or "representative
14 of employee" means a person designated by a labor organization
15 certified by the national labor relations board or employment
16 relations commission as defined in section 2(c) of Act No. 176
17 of the Public Acts of 1939, as amended, being section 423.2 of
18 the Michigan Compiled Laws, as the bargaining representative for
19 the affected employees. In the absence of certification, it
20 shall be a person designated by the organization having a collec-
21 tive bargaining relationship with the employer and designated as
22 having a collective bargaining relationship with the employer by
23 the affected employees. If a labor organization has not been
24 certified, or if no organization has a collective bargaining
25 relationship with the employer, "authorized employee
26 representative" or "representative of employee" means a person

1 designated by the affected employees to represent them for the
2 purpose of proceedings under this act.

3 (3) "Board" means the board of health and safety compliance
4 and appeals created in section 46.

5 (4) "Construction operations" means the work activity design-
6 nated in major groups 15, 16, and 17 of the standard industrial
7 classification manual, United States bureau of the budget, 1972
8 edition.

9 (5) "Department attorney" means the attorney general or the
10 authorized representative of the attorney general.

11 (6) "Domestic employment" means that employment involving an
12 employee specifically employed by a householder to engage in work
13 or an activity relating to the operation of a household and its
14 surroundings, whether or not the employee resides in the
15 household.

16 (7) "Mines", except as provided in subdivision (d), means
17 all of the following:

18 (a) An area of land from which minerals are extracted in
19 nonliquid form, or if in liquid form, are extracted with workers
20 underground.

21 (b) Private ways and roads appurtenant to an area of land
22 described in subdivision (a).

23 (c) Lands, excavations, underground passageways, shafts,
24 slopes, tunnels and workings, structures, facilities, equipment,
25 machines, tools, or other property, including impoundments,
26 retention dams, and tailings ponds, on the surface or
27 underground, used in, or to be used in, or resulting from, the

1 work of extracting minerals from their natural deposits in
2 nonliquid form, or if in liquid form, with workers underground,
3 or used in, or to be used in, the milling of minerals, or the
4 work of preparing coal or other minerals, and includes custom
5 coal preparation facilities.

6 (d) This subsection does not include industrial borrow pits,
7 or sand, gravel, or crushed and dimension stone quarrying opera-
8 tions, or surface construction operations. THIS SUBSECTION DOES
9 NOT INCLUDE ANY OF THE REAL OR PERSONAL PROPERTY DESCRIBED IN
10 SUBDIVISIONS (A) TO (C) IF THE PROPERTY IS CURRENTLY USED FOR
11 PURPOSES OTHER THAN THOSE DESCRIBED IN SUBDIVISIONS (A) TO (C).