

HOUSE BILL No. 4307

February 22, 2011, Introduced by Reps. Bumstead, Cotter, Huuki, McBroom, Johnson, Hughes, Wayne Schmidt, Foster, Agema, MacMaster, Price, Hooker, Potvin, Rendon and Pettalia and referred to the Committee on Regulatory Reform.

A bill to amend 1974 PA 154, entitled
"Michigan occupational safety and health act,"
by amending section 4 (MCL 408.1004).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) "Agricultural operations" means the work activity
2 designated in major groups 01 and 02 of the standard industrial
3 classification manual, United States bureau of the budget, 1972
4 edition, **AND INCLUDES WORK ACTIVITY ASSOCIATED WITH CULTIVATED**
5 **CHRISTMAS TREES**. Agricultural operations include any practices
6 performed by a farmer or on a farm as an incident to or in
7 conjunction with farming operations including preparation for
8 market delivery to storage or market or to carriers for
9 transportation to market.

1 (2) "Authorized employee representative" or "representative of
2 employee" means a person designated by a labor organization
3 certified by the national labor relations board or employment
4 relations commission ~~as defined in section 2(c) of Act No. 176 of~~
5 ~~the Public Acts of 1939, as amended, being section 423.2 of the~~
6 ~~Michigan Compiled Laws~~ **CREATED IN SECTION 3 OF 1939 PA 176, MCL**
7 **423.3**, as the bargaining representative for the affected employees.
8 In the absence of certification, it shall be a person designated by
9 the organization having a collective bargaining relationship with
10 the employer and designated as having a collective bargaining
11 relationship with the employer by the affected employees. If a
12 labor organization has not been certified, or if no organization
13 has a collective bargaining relationship with the employer,
14 "authorized employee representative" or "representative of
15 employee" means a person designated by the affected employees to
16 represent them for the purpose of proceedings under this act.

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

19 (4) "Construction operations" means the work activity
20 designated in major groups 15, 16, and 17 of the standard
21 industrial classification manual, United States bureau of the
22 budget, 1972 edition.

23 (5) "Department attorney" means the attorney general or the
24 authorized representative of the attorney general.

25 (6) "Domestic employment" means that employment involving an
26 employee specifically employed by a householder to engage in work
27 or an activity relating to the operation of a household and its

1 surroundings, whether or not the employee resides in the household.

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

4 (a) An area of land from which minerals are extracted in
5 nonliquid form, or if in liquid form, are extracted with workers
6 underground.

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

9 (c) Lands, excavations, underground passageways, shafts,
10 slopes, tunnels and workings, structures, facilities, equipment,
11 machines, tools, or other property, including impoundments,
12 retention dams, and tailings ponds, on the surface or underground,
13 used in, or to be used in, or resulting from, the work of
14 extracting minerals from their natural deposits in nonliquid form,
15 or if in liquid form, with workers underground, or used in, or to
16 be used in, the milling of minerals, or the work of preparing coal
17 or other minerals, and includes custom coal preparation facilities.

18 (d) This subsection does not include industrial borrow pits,
19 or sand, gravel, or crushed and dimension stone quarrying
20 operations, or surface construction operations.