



Senate Fiscal Agency  
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Senate Bills 829 and 830 (as reported without amendment)  
Sponsor: Senator John Cherry  
Committee: Labor

### **CONTENT**

Senate Bill 830 would amend the Michigan Occupational Safety and Health Act to do the following:

- Transfer the powers, duties, and responsibilities of the Act to the Department of Labor and Economic Opportunity (LEO) in accordance with Executive Order 2019-13.
- Exempt from disclosure under the Freedom of Information Act reports that LEO created or otherwise obtained in connection with an employer's request for consultation with LEO.
- Align State penalties for violations of the Act with their equivalent Federal penalties.
- Repeal Section 1035a of the Act, which prescribes civil and criminal penalties for violations of the Act that would take effect only if the requirement that Federal occupational safety and health standards be promulgated were found unconstitutional.

Senate Bill 829 would delete sentencing guidelines in the Code of Criminal Procedure in accordance with the repeal of Section 1035a of the Michigan Occupational Safety and Health Act as proposed by Senate Bill 830.

MCL 408.1004 et al. (S.B. 830); MCL 777.14b (S.B. 829)

### **BRIEF RATIONALE**

The Federal Occupational Health and Safety Administration (OSHA) authorizes State Plans for administration of workplace safety and health programs. A requirement of a State Plan is that it must be "at least as effective" as a workplace safety and health program operated by OSHA. Some people believe that aligning State penalties with their Federal equivalent penalties for workplace health and safety violations would keep Michigan OSHA compliant with the "at least as effective" Federal requirement.

Legislative Analyst: Alex Krabill

### **FISCAL IMPACT**

The bills would have no fiscal impact on local government and an indeterminate fiscal impact on the State because of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge*, in which the Court ruled that the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

The bills would have a fiscal impact on LEO to support implementation, administration, and fulfillment of their reporting requirements. These costs should be supported by current appropriations. The bills would have no fiscal impact on courts or the Attorney General's office.

Date Completed: 6-18-24

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Bill Analysis @ [www.senate.michigan.gov/sfa](http://www.senate.michigan.gov/sfa)

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