

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4752

A bill to amend 1965 PA 290, entitled
"Boiler act of 1965,"
by amending sections 2, 4a, and 13d (MCL 408.752, 408.754a, and
408.763d), sections 2 and 4a as amended and section 13d as added by
2008 PA 159.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Antique steam boiler" means a boiler that is no longer
3 used in production applications and is used to demonstrate the
4 historical significance of steam boilers in American history.

5 (b) "Approved apprenticeship program" means a training program
6 for boiler operators or stationary engineers **THAT IS** certified by
7 or ~~meeting~~ **MEETS** the standards of the United States department of
8 labor bureau of apprenticeship training and **IS** approved by the

1 board.

2 (C) "ARMED FORCES" MEANS THAT TERM AS DEFINED IN SECTION 2 OF
3 THE VETERAN RIGHT TO EMPLOYMENT SERVICES ACT, 1994 PA 39, MCL
4 35.1092.

5 (D) ~~(e)~~—"Associated auxiliaries" means equipment that is
6 required in the operation of a boiler that includes, but is not
7 limited to, pumps, regulators, feedwater heaters, superheaters, de-
8 superheaters, economizers, air preheaters, draft fans, combustion
9 and pollution control equipment, and prime movers.

10 (E) ~~(d)~~—"Board" means the board of boiler rules created in
11 section 3.

12 (F) ~~(e)~~—"Boiler" means a closed vessel in which water is
13 heated, steam is generated, OR steam is superheated, or a
14 combination thereof, **OF THOSE ACTIONS OCCUR**, under pressure or
15 vacuum by the application of heat from combustible fuels,
16 electricity, or nuclear energy. Boiler does not include facilities
17 of an integral part of a continuous processing unit but does
18 include a fired unit for heating or vaporizing liquids other than
19 water, if the unit is separate from a processing system and is
20 complete within itself.

21 (G) ~~(f)~~—"Boiler for agricultural purposes" means a portable
22 boiler used in a field or similar open area for the sole purpose of
23 operating farm equipment or farm machinery.

24 (H) ~~(g)~~—"Boiler operator" or "stationary engineer" means a
25 ~~person~~ **AN INDIVIDUAL WHO IS** engaged in the operation of boilers and
26 associated auxiliaries.

27 (I) ~~(h)~~—"Certificate inspection" means an inspection ~~, the~~

1 **THAT IS CONDUCTED FOR PURPOSES OF PREPARING A** report ~~of which is~~
 2 ~~used by the chief inspector to decide whether a certificate, as~~
 3 ~~provided by~~ **DESCRIBED IN** section 20. ~~, shall be issued.~~ The
 4 certificate inspection shall be an internal inspection if
 5 construction allows; otherwise the certificate inspection shall be
 6 as complete an inspection as possible.

7 **(J) "DEPARTMENT" MEANS THE DEPARTMENT OF LICENSING AND**
 8 **REGULATORY AFFAIRS.**

9 **(K)** ~~(i)~~ "Director" means the director of the department ~~of~~
 10 ~~labor and economic growth~~ or a representative designated by the
 11 director.

12 **(I)** ~~(j)~~ "External inspection" means an inspection that does not
 13 involve examination of the internal surfaces of the pressure parts
 14 of the boiler.

15 **(M)** ~~(k)~~ "Heating surface" means the heating surface determined
 16 by the boiler manufacturer and recorded in the manufacturer's data
 17 report or by rules established by the board for a boiler if the
 18 manufacturer's data report is not available or the boiler is not
 19 stamped with its heating surface.

20 **(N)** ~~(l)~~ "High pressure, high temperature water boiler" means a
 21 water heating boiler operating at pressure ~~exceeding~~ **THAT EXCEEDS**
 22 160 p.s.i.g. or temperatures ~~exceeding~~ **THAT EXCEED** 250 degrees
 23 Fahrenheit.

24 **(O)** ~~(m)~~ "Low pressure boiler" means a steam boiler operated at
 25 pressures **THAT DO** not ~~exceeding~~ **EXCEED** 15 p.s.i.g., or a hot water
 26 heating boiler operated at pressures **THAT DO** not ~~exceeding~~ **EXCEED**
 27 160 p.s.i.g. or temperatures **THAT DO** not ~~exceeding~~ **EXCEED** 250

1 degrees Fahrenheit.

2 (P) ~~(n)~~—"P.S.I.G." means pounds per square inch gauge.

3 (Q) ~~(e)~~—"Power boiler" means a closed vessel in which steam or
4 other vapor is generated at a pressure of more than 15 p.s.i.g. by
5 the direct application of heat.

6 (R) ~~(p)~~—"Process boiler" means a boiler **THAT IS** operated at a
7 pressure or temperature from which more than 10% of the boiler's
8 capacity is used for direct steam humidification or direct process
9 work.

10 (S) ~~(q)~~—"Qualified technical education program" means an
11 educational program **THAT IS** approved by the board **AND** that has a
12 minimum of 350 contact hours in classroom hands-on training, field
13 training, or supervised plant visits for high pressure boiler
14 operators. The board may establish lesser standards for an
15 educational program for low pressure operator training or other
16 entry level training positions only.

17 (T) ~~(r)~~—"Qualified training program" means ~~either~~ **ANY** of the
18 following:

19 (i) An in-house training program approved by the board and
20 offered to boiler operators and stationary engineers by an
21 employer.

22 (ii) An in-house training program implemented or developed by a
23 utility and offered to boiler operators and stationary engineers by
24 an employer as a result of negotiations between an employer and its
25 employees.

26 (iii) **A TRAINING PROGRAM OFFERED TO ACTIVE DUTY BOILER OPERATORS**
27 **AND STATIONARY ENGINEERS BY A BRANCH OF THE ARMED FORCES.**

1 (U) ~~(s)~~ "Rule" means a rule promulgated pursuant to ~~UNDER~~ the
 2 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
 3 24.328.

4 (V) ~~(t)~~ "Secondhand boiler" means a boiler that has changed
 5 ownership and location after initial use.

6 Sec. 4a. (1) The department, in consultation with the board,
 7 shall promulgate rules to establish the fee schedules for licenses,
 8 permits, certificates, registrations, examinations, and inspections
 9 **UNDER THIS SECTION**. The fees shall reflect the actual costs and
 10 expenses for the department ~~of labor and economic growth~~ in issuing
 11 licenses, permits, registrations, examinations, and certificates
 12 and in conducting inspections.

13 (2) **THE DEPARTMENT SHALL WAIVE THE INITIAL LICENSE OR**
 14 **REGISTRATION FEE REQUIRED UNDER THIS SECTION IF THE APPLICANT IS AN**
 15 **INDIVIDUAL WHO SERVED IN THE ARMED FORCES AND HE OR SHE PROVIDES TO**
 16 **THE DEPARTMENT A FORM DD214, FORM DD215, OR ANY OTHER FORM THAT IS**
 17 **SATISFACTORY TO THE DEPARTMENT THAT DEMONSTRATES HE OR SHE WAS**
 18 **SEPARATED FROM THAT SERVICE WITH AN HONORABLE CHARACTER OF SERVICE**
 19 **OR UNDER HONORABLE CONDITIONS (GENERAL) CHARACTER OF SERVICE.**

20 (3) ~~(2)~~ Beginning July 23, 2004, the department ~~of labor and~~
 21 ~~economic growth~~ shall issue an initial or renewal license, permit,
 22 or registration, not later than 90 days after the applicant files a
 23 completed application. ~~Receipt~~ **THE DATE OF RECEIPT** of the
 24 application is considered the date the application is received by
 25 any **DEPARTMENT OR** agency ~~or department of the~~ **THIS** state. ~~of~~
 26 ~~Michigan.~~ If the application is considered incomplete by the
 27 department, ~~of labor and economic growth,~~ the department ~~of labor~~

1 ~~and economic growth~~ shall notify the applicant in writing, or make
2 the information electronically available, within 30 days after
3 receipt of the incomplete application, describing the deficiency
4 and requesting the additional information. The 90-day period is
5 tolled ~~upon~~ **FROM THE DATE OF** notification by the department ~~of~~
6 ~~labor and economic growth~~ of a deficiency until the date the
7 requested information is received by the department. ~~of labor and~~
8 ~~economic growth~~. The determination of the completeness of an
9 application does not operate as an approval of the application for
10 the registration, license, or permit and does not confer
11 eligibility of an applicant determined otherwise ineligible for
12 issuance of a registration, license, or permit.

13 (4) ~~(3)~~ If the department ~~of labor and economic growth~~ fails
14 to issue or deny a registration, license, or permit within the time
15 required by this section, the department ~~of labor and economic~~
16 ~~growth~~ shall return the registration, license, or permit fee and
17 shall reduce the registration, license, or permit fee for the
18 applicant's next renewal application, if any, by 15%. The failure
19 to issue a registration, license, or permit within the time
20 required under this subsection does not allow the department to
21 otherwise delay the processing of the application, and ~~that~~
22 ~~application, upon~~ **ON** completion, ~~shall be placed~~ **THE DEPARTMENT**
23 **SHALL PLACE THE APPLICATION** in sequence with other completed
24 applications received at that same time. The department ~~of labor~~
25 ~~and economic growth~~ shall not discriminate against an applicant in
26 the processing of the application based ~~upon~~ **ON** the fact that the
27 registration, license, or permit fee was refunded or discounted

1 under this subsection.

2 (5) ~~(4)~~ Beginning October 1, 2005, the director shall submit a
3 report by December 1 of each year to the standing committees and
4 appropriations subcommittees of the senate and house of
5 representatives concerned with occupational issues. The director
6 shall include all of the following information in the report
7 concerning the preceding fiscal year:

8 (a) The number of initial and renewal applications the
9 department ~~of labor and economic growth~~ received and completed
10 within the 90-day time period described in subsection ~~(2)~~ **(3)**.

11 (b) The number of applications **THE DEPARTMENT** denied.

12 (c) The number of applicants **THAT WERE** not issued a permit,
13 registration, or license within the 90-day time period **DESCRIBED IN**
14 **SUBSECTION (3)** and the amount of money returned to licensees,
15 permittees, and registrants under **THAT** subsection. ~~(3)~~.

16 (6) ~~(5)~~ To accomplish the objectives of this section and this
17 act, a state boiler inspection fund is created as a restricted fund
18 in the state treasury. The state treasurer is the custodian of the
19 fund and may invest the surplus of the fund. Earnings from those
20 investments shall be credited to the fund. The state treasurer
21 shall notify the director and the legislature of interest credited
22 and the balance of the fund as of September 30 of each year. The
23 director shall supervise and administer the fund. Fees received by
24 the department ~~of labor and economic growth~~ and money collected
25 under this act shall be deposited in the state boiler inspection
26 fund and shall be appropriated by the legislature for the
27 operations of the boiler division and indirect overhead expenses in

1 the department. ~~of labor and economic growth.~~ Funds that are
 2 unexpended at the end of each fiscal year shall not lapse to the
 3 general fund and shall be returned to the state boiler inspection
 4 fund.

5 (7) ~~(6)~~ As used in this section, "completed application" means
 6 an application **THAT IS** complete on its face and **IS** submitted with
 7 any applicable registration, licensing, or permit fees ~~as well as~~
 8 **AND WITH** any other information, records, approval, security, or
 9 similar item required by law or rule from a local unit of
 10 government, a federal agency, or a private entity but not from
 11 another department or agency of ~~the~~ **THIS** state. ~~of Michigan.~~

12 Sec. 13d. (1) The director shall not issue a registration for
 13 a title described in section 13a(2) unless the applicant meets the
 14 requirements for the classification ~~as prescribed in~~ **UNDER**
 15 subsections (2) to (6).

16 (2) An applicant for a low pressure boiler operator
 17 registration shall have ~~not less than~~ **AT LEAST** 1 year of experience
 18 operating or maintaining low or high pressure boilers, steam prime
 19 movers, or associated auxiliaries.

20 (3) An applicant for a high pressure boiler operator
 21 registration shall have 1 or more of the following:

22 (a) ~~Not less than~~ **AT LEAST** 2 years of experience in the
 23 operation of a high pressure boiler.

24 (b) A low pressure boiler operator's registration and ~~not less~~
 25 ~~than~~ **AT LEAST** 1 year of experience in the operation of a low
 26 pressure boiler.

27 (c) ~~Not less than~~ **AT LEAST** 1 year of either a qualified

1 training program, a qualified technical education program, or an
2 approved apprenticeship program.

3 (4) An applicant for a third-class stationary engineer
4 registration shall meet 1 or more of the following requirements:

5 (a) ~~Be~~**IS** registered as a high pressure boiler operator and
6 have ~~not less than~~**AT LEAST** 1 year of experience in the operation
7 of a high pressure boiler.

8 (b) ~~Be~~**IS** registered as a low pressure boiler operator, ~~have~~
9 ~~not less than~~**HAS AT LEAST** 1 year of experience in the operation of
10 a low pressure boiler, and ~~have not less than~~**HAS AT LEAST** 1 year
11 of maintenance experience on high pressure boilers and associated
12 auxiliaries.

13 (c) ~~Be~~**IS** registered as a high pressure boiler operator and
14 ~~have not less than~~**HAS AT LEAST** 1 year of boiler maintenance
15 experience or ~~not less than~~**AT LEAST** 1 year as an apprentice in an
16 approved training program in a high pressure boiler plant ~~having~~
17 **THAT HAS** an aggregate heating surface of more than 4,000 square
18 feet.

19 (d) Have ~~not less than~~**AT LEAST** 3 years of experience in the
20 operation of boilers in a high pressure boiler plant ~~having~~**THAT**
21 **HAVE** an aggregate heating surface of more than 4,000 square feet.

22 (e) Have ~~not less than~~**AT LEAST** 1 year of experience in the
23 operation of boilers in a high pressure boiler plant ~~having~~**THAT**
24 **HAVE** an aggregate heating surface of more than 4,000 square feet
25 along with sufficient experience operating steam prime movers in
26 excess of 10 horsepower for a combined total of ~~not less than~~**AT**
27 **LEAST** 3 years of experience.

1 (f) Have an associate degree in energy technology or a related
2 field, as determined by the board, with a power engineering option
3 from a 2-year college whose program is approved by the board and
4 employment or cooperative education experience of ~~not less than~~ **AT**
5 **LEAST** 360 hours as a power engineer, boiler operator, or stationary
6 engineer in a steam electric generation plant or a high pressure
7 steam heating or process plant.

8 (5) An applicant for a second-class stationary engineer
9 registration shall meet 1 or more of the following requirements:

10 (a) ~~Be~~ **IS** registered as a third-class stationary engineer and
11 ~~have not less than~~ **HAS AT LEAST** 1 year of experience as a third-
12 class stationary engineer.

13 (b) Have a bachelor's degree in engineering, engineering
14 technology, heating/power technology, or energy technology from a
15 college or university whose program is approved by the board and
16 employment experience as an engineer in the engineering or research
17 division of a steam electric power generating plant for ~~not less~~
18 ~~than~~ **AT LEAST** 1 year.

19 (c) Have ~~not less than~~ **AT LEAST** 4 years of experience in the
20 operation of boilers in a high pressure boiler plant ~~having~~ **THAT**
21 **HAVE** an aggregate heating surface of more than 7,500 square feet.

22 (d) Have ~~not less than~~ **AT LEAST** 1 year of experience in the
23 operation of boilers in a high pressure boiler plant ~~having~~ **THAT**
24 **HAVE** an aggregate heating surface of more than 7,500 square feet
25 along with sufficient experience operating steam prime movers in
26 excess of 100 horsepower for a combined total of ~~not less than~~ **AT**
27 **LEAST** 4 years of experience.

1 (e) Have ~~not less than~~ **AT LEAST** 1 year of experience in the
2 operation of boilers in a high pressure boiler plant ~~having~~ **THAT**
3 **HAVE** an aggregate heating surface of more than 7,500 square feet
4 along with sufficient experience operating boilers in a high
5 pressure boiler plant ~~having~~ **THAT HAVE** an aggregate heating surface
6 of more than 4,000 square feet for a combined total of ~~not less~~
7 ~~than~~ **AT LEAST** 4 years of experience.

8 (6) An applicant for a first-class stationary engineer
9 registration shall meet 1 or more of the following requirements:

10 (a) ~~Be~~ **IS** registered as a second-class stationary engineer and
11 ~~have not less than~~ **HAS AT LEAST** 2 years of experience as a second-
12 class stationary engineer.

13 (b) Have ~~not less than~~ **AT LEAST** 6 years of experience in the
14 operation of boilers in a high pressure boiler plant ~~having~~ **THAT**
15 **HAVE** an aggregate heating surface of more than 20,000 square feet.

16 (c) Have ~~not less than~~ **AT LEAST** 2 years of experience in the
17 operation of boilers in a high pressure boiler plant ~~having~~ **THAT**
18 **HAVE** an aggregate heating surface of more than 20,000 square feet
19 along with sufficient experience operating steam prime movers in
20 excess of 200 horsepower for a combined total of ~~not less than~~ **AT**
21 **LEAST** 6 years of experience.

22 (d) Have ~~not less than~~ **AT LEAST** 2 years of experience in the
23 operation of boilers in a high pressure boiler plant ~~having~~ **THAT**
24 **HAVE** an aggregate heating surface of more than 20,000 square feet
25 along with sufficient experience in the operation of boilers in a
26 high pressure boiler plant ~~having~~ **THAT HAVE** an aggregate heating
27 surface of more than 7,500 square feet of heating surface for a

1 combined total of ~~not less than~~ **AT LEAST** 6 years of experience.

2 (e) Complete a 4-year approved apprenticeship program or a 4-
3 year qualified training program.

4 (f) Complete a 4-year program with a bachelor's degree from a
5 college or university in engineering, engineering technology,
6 heating/power technology, or energy technology whose program is
7 approved by the board and which includes a hands-on power option
8 from a 2-year community college program or the equivalent, as
9 determined by the board, and not less than 1 year of employment,
10 internship, or cooperative education experience in a steam electric
11 generation plant or high pressure steam heating process plant.

12 (7) AS USED IN THIS SECTION, "EXPERIENCE" INCLUDES EXPERIENCE
13 ACQUIRED WHILE SERVING IN THE ARMED FORCES BY AN INDIVIDUAL WHO WAS
14 SEPARATED FROM THAT SERVICE, AND PROVIDES TO THE DEPARTMENT A FORM
15 DD214, FORM DD215, OR ANY OTHER FORM THAT IS SATISFACTORY TO THE
16 DEPARTMENT THAT DEMONSTRATES THAT HE OR SHE WAS SEPARATED FROM THAT
17 SERVICE, WITH AN HONORABLE CHARACTER OF SERVICE OR UNDER HONORABLE
18 CONDITIONS (GENERAL) CHARACTER OF SERVICE.

19 (8) AN INDIVIDUAL DESCRIBED IN SUBSECTION (7) SHALL SUBMIT
20 WITH HIS OR HER APPLICATION FOR REGISTRATION AN AFFIDAVIT OR LETTER
21 SIGNED BY A COMMANDING OFFICER, SUPERVISOR, OR MILITARY SUPERIOR
22 WITH DIRECT KNOWLEDGE OF THE APPLICANT'S SERVICE THAT DESCRIBES HIS
23 OR HER EXPERIENCE AS A BOILER OPERATOR OR STATIONARY ENGINEER IN 1
24 OR MORE OF THE CLASSIFICATIONS DESCRIBED IN SECTION 13B.

25 Enacting section 1. This amendatory act takes effect upon the
26 expiration of 90 days after the date it is enacted into law.