

HOUSE BILL No. 5904

May 12, 2004, Introduced by Reps. Pastor, Richardville, Shackleton, Stahl, Palsrok, Voorhees, Amos, Taub, LaJoy, Meyer, Garfield, Nitz, Milosch, DeRoche, Pumford, Hummel, Koetje, Steil, Bisbee, Hune, Tabor, Shaffer, DeRossett, Ehardt, Gaffney, Newell, Caswell, Walker, Moolenaar, Acciavatti, Kooiman, Hoogendyk, Huizenga, Caul, Nofs and Sheen and referred to the Committee on Commerce.

A bill to amend 1965 PA 290, entitled
"Boiler act of 1965,"
by amending section 4a (MCL 408.754a), as amended by 1986 PA
277.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4a. (1) The board, with the advice of the director,
2 shall promulgate rules pursuant to the administrative procedures
3 act of 1969, ~~Act No. 306 of the Public Acts of 1969, as~~
4 ~~amended, being sections 24.201 to 24.328 of the Michigan Compiled~~
5 ~~Laws 1969 PA 306, MCL 24.201 to 24.328~~, to establish the fee
6 schedules for licenses, permits, certificates, and inspections.
7 The fees shall reflect the actual costs and expenses for the
8 department of labor **and economic growth** in issuing licenses,
9 permits, and certificates and in conducting inspections.

10 (2) Beginning the effective date of the amendatory act that

1 added subsection (3), the department of labor and economic growth
2 shall issue an initial or renewal license to install or repair a
3 boiler or a permit for the installation or repair of a boiler not
4 later than 6 months after the applicant files a completed
5 application. If the application is considered incomplete by the
6 department of labor and economic growth, the department of labor
7 and economic growth shall notify the applicant in writing within
8 10 days after receipt of the incomplete application, describing
9 the deficiency and requesting the additional information. The
10 6-month period is tolled upon notification by the department of
11 labor and economic growth of a deficiency until the date the
12 requested information is received by the department of labor and
13 economic growth.

14 (3) If the department of labor and economic growth fails to
15 issue or deny a license or permit within the time required by
16 this section, the department of labor and economic growth shall
17 return the license or permit fee and shall reduce the license or
18 permit fee for the applicant's next renewal application, if any,
19 by 15%. The department of labor and economic growth shall not
20 discriminate against an applicant in the processing of the
21 application based upon the fact that the application fee was
22 refunded or discounted under this subsection.

23 (4) Beginning January 31, 2005, the director shall submit a
24 report by January 31 of each year to the standing committees and
25 appropriations subcommittees of the senate and house of
26 representatives concerned with occupational issues. The director
27 shall include all of the following information in the report

1 concerning the preceding calendar year:

2 (a) The number of initial and renewal applications the
3 department received and completed within the 6-month time period
4 described in subsection (2).

5 (b) The number of applications requiring a request for
6 additional information.

7 (c) The average time for an applicant to respond to a request
8 for additional information.

9 (d) The number of applications rejected, categorized by
10 reason for rejection.

11 (e) The amount of money returned to licensees and registrants
12 under subsection (3).

13 (f) The number of applications not issued within the 6-month
14 period.

15 (g) The average processing time for initial and renewal
16 applications.

17 (5) ~~-(2)-~~ To accomplish the objectives of this section and
18 this act, a state boiler inspection fund is created **in the state**
19 **treasury**. The state treasurer ~~shall be~~ **is** the custodian of the
20 fund and may invest the surplus of the fund. ~~in investments as~~
21 ~~in the state treasurer's judgment are in the best interest of the~~
22 ~~fund.~~ Earnings from those investments shall be credited to the
23 fund. The state treasurer shall notify the director and the
24 Legislature of interest credited and the balance of the fund as
25 of September 30 of each year. The director shall supervise and
26 administer the fund. Fees received by the department of labor
27 **and economic growth** and money collected under this act shall be

1 deposited in the state boiler inspection fund and shall be
2 appropriated by the Legislature for the operations of the boiler
3 division and indirect overhead expenses in the department of
4 labor **and economic growth**. Funds that are unexpended at the end
5 of each fiscal year shall **not lapse to the general fund and shall**
6 be returned to the state boiler inspection fund.