

RECEIVED

SFA



BILL ANALYSIS

JAN 25 1988

Senate Fiscal Agency

Lansing, Michigan 48909

(517) 373-5383 Mich. State Law Library

**Senate Bill 354 (as passed by the Senate)**

Sponsor: Senator Doug Cruce

Committee: Regulatory Affairs

Date Completed: 11-24-87

**RATIONALE**

The Board of Mechanical Rules consists of the State Fire Marshall and 14 members appointed by the Governor with the advice and consent of the Senate. The Board can make recommendations to the State Construction Code Commission regarding the design, construction, and installation of heating and cooling systems, revoke or suspend licenses of mechanical contractors, and review and approve the form and content of licensing examinations. Currently, the appointed members include a person from the general public, a professional mechanical engineer, a member of organized labor representing mechanical trades, a representative from an energy-producing public utility, two chief mechanical inspectors, and a "representative" from each of the eight work classifications listed under the Act that creates the Board (the Forbes Mechanical Contractors Act).

According to testimony before the Regulatory Affairs Committee, since passage of the Act in 1984, there has been a question of whether the "representatives" of the eight work classifications were required to be licensed mechanical contractors of the classification they were to represent, or were simply representatives "from the classification". An Attorney General Opinion requested by the Department of Labor regarding composition of the Board, issued in December 1986, states that persons appointed to represent a classification must be licensed as a contractor in that classification. The Opinion points out that the State Constitution provides, "A majority of the members of an appointed examining or licensing board of a profession shall be members of that profession", and that since seven of the 15 members are required under the Act to be other than licensed contractors, the eight representing the work classification must be licensed contractors.

**CONTENT**

The bill would amend the Forbes Mechanical Contractors Act to specify that on the 15-member Board of Mechanical Rules, the eight persons who represent the eight State licensed work classifications would have to be "contractor" representatives.

MCL 338.972 and 338.973

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

**ARGUMENTS****Supporting Argument**

The bill would correct an oversight in the Act. Because the Act currently doesn't specify that members of the Board

of Mechanical Rules have to be licensed contractors of the work classification they have been appointed to represent, appointees may have not been properly qualified to represent the profession they were appointed to represent, or may not properly represent it in the future. By following the Attorney General's Opinion and requiring that licensed contractors represent the various work classifications, the bill would simply ensure that a majority of the Board, which oversees the licensure of the eight work classifications, consisted of persons licensed in those classifications.

Legislative Analyst: G. Towne

Fiscal Analyst: L. Burghardt

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

S.B. 354 (11-24-87)