



SENATE BILL No. 1106

April 20, 1994, Introduced by Senators WARTNER, WELBORN and
MC MANUS and referred to the Committee on Commerce

A bill to amend sections 103 and 303 of Act No 299 of the
Public Acts of 1980, entitled as amended
"Occupational code,"
section 303 as amended by Act No 269 of the Public Acts of 1990,
being sections 339 103 and 339 303 of the Michigan Compiled Laws
and to repeal certain parts of the act

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 103 and 303 of Act No 299 of the
2 Public Acts of 1980 section 303 as amended by Act No 269 of the
3 Public Acts of 1990, being sections 339 103 and 339 303 of the
4 Michigan Compiled Laws, are amended to read as follows

5 Sec 103 (1) "Board" means, in each article which deals
6 with a specific occupation, the agency created in that article
7 composed principally of members of the regulated occupation In

1 all other contexts, board means each agency ~~—, other than a~~
2 ~~commission,~~ created under this act

3 (2) "Censure" means an expression of disapproval of a
4 licensee's or registrant's professional conduct, which conduct is
5 not necessarily a violation of this act or a rule promulgated or
6 an order issued under this act

7 ~~(3) "Certificate of registration" means a document issued~~
8 ~~as evidence of authorization to use a designated title~~

9 ~~(4) "Commission" means an agency, other than a board which~~
10 ~~is appointed by the director~~

11 (3) ~~(5)~~ "Competence" means a degree of expertise which
12 enables a person to engage in an occupation at a level which
13 meets or exceeds minimal standards of acceptable practice for the
14 occupation

15 (4) ~~(6)~~ "Complaint" means an oral or written grievance

16 (5) ~~(7)~~ "Controlled substance" means a drug, substance, or
17 immediate precursor as set forth in section 7212 7214 7216,
18 7218, or 7220 of THE PUBLIC HEALTH CODE, Act No 368 of the
19 Public Acts of 1978, being sections 333 7212 333 7214 333 7216
20 333 7218, and 333 7220 of the Michigan Compiled Laws, not
21 excluded pursuant to section 7227 of Act No 368 of the Public
22 Acts of 1978, being section 333 7227 of the Michigan Compiled
23 Laws

24 Sec 303 (1) The term of a member appointed to a board
25 shall be 4 years ~~—However—~~ EXCEPT THAT an individual
26 appointed to fill a vacancy on a board which vacancy results from
27 a member's resignation, death, disability, or removal for cause

1 by the governor shall serve for the balance of the term of the
2 member replaced and may be reappointed for not more than 2 full
3 terms. A vacancy shall be filled in the same manner as the origi-
4 nal appointment was made. The governor shall appoint an indi-
5 vidual as a member of a board, subject to the advice and consent
6 of the senate, within 60 days after a vacancy occurs and within
7 60 days after the senate disapproves an appointment by the
8 governor. The governor may remove a member of a board ~~—~~
9 ~~commission,~~ or committee in accordance with section 10 of arti-
10 cle V of the state constitution of 1963.

11 (2) Except as provided in subsection (1), an individual
12 shall not be appointed to or serve for more than 2 consecutive
13 terms.

14 (3) Subject to subsection (4), for a board created or first
15 appointed on or after January 1, 1990, the governor may appoint,
16 as the initial members of the board who are required to be
17 licensed or registered, individuals who meet either or both of
18 the following qualifications:

19 (a) Are certified or otherwise approved by a national organ-
20 ization that certifies or otherwise approves individuals in the
21 occupation to be licensed or registered by the board.

22 (b) Have actively practiced the occupation licensed or reg-
23 istered by the board or taught in an educational institution
24 which prepares applicants for licensure or registration in that
25 occupation, or a combination of both, for not less than the 2
26 years immediately preceding their appointment.

1 (4) Within 3 years after ~~the effective date of this~~
2 ~~subsection~~ OCTOBER 17, 1990, each individual appointed under
3 subsection (3) shall be licensed or registered in the occupation
4 licensed or registered by the board to which the individual was
5 appointed

6 (5) Of the initial members of a board created or first
7 appointed after January 1, 1990, the terms of 3 of the members,
8 including 2 of the members who have a license or registration in
9 the occupation which the board monitors and 1 of the members rep-
10 resenting the general public, shall be 4 years the terms of 2 of
11 the members, including 1 of the members who has a license or reg-
12 istration in the occupation which the board monitors and 1 of the
13 members representing the general public, shall be 3 years the
14 terms of 2 of the members, including 1 of the members who has a
15 license or registration in the occupation which the board moni-
16 tors and 1 of the members who represents the general public,
17 shall be 2 years and the terms of the remaining members shall be
18 1 year

19 Section 2 Sections 215 and 216 of Act No 299 of the
20 Public Acts of 1980, being sections 339 215 and 339 216 of the
21 Michigan Compiled Laws, are repealed