

SUBSTITUTE FOR
SENATE BILL NO. 1234

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 90 days after the applicant files a completed
5 application. Receipt of the application is considered the date
6 the application is received by any agency or department of the
7 state of Michigan. If the application is considered incomplete
8 by the department of labor and economic growth, the department of
9 labor and economic growth shall notify the applicant in writing,
10 or make the information electronically available, within 30 days
11 after receipt of the incomplete application, describing the
12 deficiency and requesting the additional information. The 90-day
13 period is tolled upon notification by the department of labor and
14 economic growth of a deficiency until the date the requested
15 information is received by the department of labor and economic
16 growth. The determination of the completeness of an application
17 does not operate as an approval of the application for the
18 license or permit and does not confer eligibility of an applicant
19 determined otherwise ineligible for issuance of a license or
20 permit.

21 (3) If the department of labor and economic growth fails to
22 issue or deny a license or permit within the time required by
23 this section, the department of labor and economic growth shall
24 return the license or permit fee and shall reduce the license or
25 permit fee for the applicant's next renewal application, if any,
26 by 15%. The failure to issue a license or permit within the time
27 required under this subsection does not allow the department to

1 otherwise delay the processing of the application, and that
2 application, upon completion, shall be placed in sequence with
3 other completed applications received at that same time. The
4 department of labor and economic growth shall not discriminate
5 against an applicant in the processing of the application based
6 upon the fact that the license or permit fee was refunded or
7 discounted under this subsection.

8 (4) Beginning October 1, 2005, the director shall submit a
9 report by December 1 of each year to the standing committees and
10 appropriations subcommittees of the senate and house of
11 representatives concerned with occupational issues. The director
12 shall include all of the following information in the report
13 concerning the preceding fiscal year:

14 (a) The number of initial and renewal applications the
15 department received and completed within the 90-day time period
16 described in subsection (2).

17 (b) The number of applications denied.

18 (c) The number of applicants not issued a license within the
19 90-day time period and the amount of money returned to licensees
20 and registrants under subsection (3).

21 (5) ~~-(2)-~~ To accomplish the objectives of this section and
22 this act, a state boiler inspection fund is created **in the state**
23 **treasury**. The state treasurer ~~shall be~~ **is** the custodian of the
24 fund and may invest the surplus of the fund. ~~in investments as~~
25 ~~in the state treasurer's judgment are in the best interest of the~~
26 ~~fund.~~ Earnings from those investments shall be credited to the
27 fund. The state treasurer shall notify the director and the

1 Legislature of interest credited and the balance of the fund as
2 of September 30 of each year. The director shall supervise and
3 administer the fund. Fees received by the department of labor
4 **and economic growth** and money collected under this act shall be
5 deposited in the state boiler inspection fund and shall be
6 appropriated by the Legislature for the operations of the boiler
7 division and indirect overhead expenses in the department of
8 labor **and economic growth**. Funds that are unexpended at the end
9 of each fiscal year shall **not lapse to the general fund and shall**
10 be returned to the state boiler inspection fund.

11 (6) As used in this section, "completed application" means an
12 application complete on its face and submitted with any
13 applicable licensing or permit fees as well as any other
14 information, records, approval, security, or similar item
15 required by law or rule from a local unit of government, a
16 federal agency, or a private entity but not from another
17 department or agency of the state of Michigan.