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BILL



ANALYSIS

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House Bill 4134 (Substitute S-1)
Sponsor: Representative Tom Barrett
House Committee: Regulatory Reform
Senate Committee: Regulatory Reform

Date Completed: 10-14-15

CONTENT

The bill would amend the Boiler Act to do the following:

- **Revise provisions recognizing military training and experience as the basis for licensure or registration for certain classifications under the Act.**
- **Expand the rules that the Department of Licensing and Regulatory Affairs is required to promulgate, and allow the Department to adopt an existing published codification or national standards and any amendments and interpretations of the codification or standards.**
- **Delete requirements for rules pertaining to new construction and boilers that were in use before July 1, 1966.**

The bill would take effect 90 days after it was enacted.

Military Training & Experience

The Act specifies requirements an applicant must meet to be issued a registration in various boiler operator or stationary engineer classifications. The requirements generally include participation in a qualified training program and/or a certain amount of experience operating boilers or related machinery. Public Act 167 of 2013 amended the Boiler Act to include in the definition of "qualified training program" a training program offered to active duty boiler operators and stationary engineers by a branch of the armed forces.

Also, as amended by Public Act 167, the Boiler Act specifies that, for purposes of Section 13d (which provides for registration as a boiler operator or stationary engineer), "experience" includes experience acquired while serving in the armed forces by an individual who was separated from that service. The person must give the Department of Licensing and Regulatory Affairs (LARA) a form DD214, a form DD215, or other any other form satisfactory to LARA demonstrating that the applicant was separated from military service with an honorable character of service or under honorable conditions (general) character of service. The applicant also must submit with his or her registration application an affidavit or letter signed by a commanding officer, supervisor, or military superior with direct knowledge of the applicant's service, that describes his or her experience as a boiler operator or stationary engineer in one or more of the classifications described in the Act. The bill would delete those provisions.

The bill specifies that, as used in the Boiler Act and for purposes of any rules promulgated under it, in connection with any requirements for a license to inspect, install, or repair boilers or for registration as a boiler operator or stationary engineer in one or more of the

classifications described in the Act, "experience" would include any relevant experience acquired while serving in the armed forces by an individual who was separated from that service. To qualify, an applicant would have to give LARA a form DD214, a form DD215, or any other form satisfactory to the Department demonstrating that he or she was separated from military service with an honorable character of service or under honorable conditions (general) character of service. The applicant also would have to submit with his or her application for licensure or registration an affidavit or letter signed by a commanding officer, supervisor, or military superior with direct knowledge of the applicant's service, that described his or her experience designing, constructing, manufacturing, installing, inspecting, operating, repairing, or maintaining boilers and associated auxiliaries while serving in the armed forces.

(A form DD214 is a certificate of release or discharge from active duty in the military. A form DD215 is a correction to a form DD214.)

Rules & Promulgation

The Act requires the Department to promulgate rules for the safe construction, installation, inspection, operation, and repair of boilers in the State. The bill also would require LARA to promulgate rules pertaining to the safe alteration and servicing of boilers in the State. For the purpose of promulgating rules, the bill would allow the Department by rule to adopt an existing published codification or national standards and any amendments and interpretations of the codification or standards.

Under the Act, the rules for new construction must be based upon and follow the generally accepted nationwide engineering standards, formulae, and practices established and pertaining to boiler construction and safety. The Department, by rule, may adopt an existing published codification, known as the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers, with amendments and interpretation. The bill would delete these provisions.

The Act also requires LARA to promulgate rules for the safe inspection and maintenance of boilers that were in use in the State before July 1, 1966. The rules promulgated must be based upon and follow the generally accepted nationwide engineering standards and may be based upon an existing published codification known as the Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors. The bill would delete these provisions.

MCL 408.752 et al.

Legislative Analyst: Drew Krogulecki

FISCAL IMPACT

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

Fiscal Analyst: Josh Sefton

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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.