

# HOUSE BILL No. 4134

February 3, 2015, Introduced by Reps. Barrett, Glenn, Sheppard, Chatfield, Jacobsen, Kelly, Tedder, Hughes, Jenkins, Sarah Roberts, Johnson, Potvin, Webber, Pagan, Bizon and Faris and referred to the Committee on Regulatory Reform.

A bill to amend 1965 PA 290, entitled  
"Boiler act of 1965,"  
by amending sections 2 and 13d (MCL 408.752 and 408.763d), as  
amended by 2013 PA 167.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 2. (1) As used in this act:

2       (a) "Antique steam boiler" means a boiler that is no longer  
3       used in production applications and is used to demonstrate the  
4       historical significance of steam boilers in American history.

5       (b) "Approved apprenticeship program" means a training program  
6       for boiler operators or stationary engineers that is certified by  
7       or meets the standards of the United States ~~department of labor~~  
8       ~~bureau of apprenticeship training~~ **DEPARTMENT OF LABOR, BUREAU OF**  
9       **APPRENTICESHIP TRAINING** and is approved by the board.

1 (c) "Armed forces" means that term as defined in section 2 of  
2 the veteran right to employment services act, 1994 PA 39, MCL  
3 35.1092.

4 (d) "Associated auxiliaries" means equipment that is required  
5 in the operation of a boiler that includes, but is not limited to,  
6 pumps, regulators, feedwater heaters, superheaters, de-  
7 superheaters, economizers, air preheaters, draft fans, combustion  
8 and pollution control equipment, and prime movers.

9 (e) "Board" means the board of boiler rules created in section  
10 3.

11 (f) "Boiler" means a closed vessel in which water is heated,  
12 steam is generated, or steam is superheated, or a combination of  
13 those actions occur, under pressure or vacuum by the application of  
14 heat from combustible fuels, electricity, or nuclear energy. Boiler  
15 does not include facilities of an integral part of a continuous  
16 processing unit but does include a fired unit for heating or  
17 vaporizing liquids other than water, if the unit is separate from a  
18 processing system and is complete within itself.

19 (g) "Boiler for agricultural purposes" means a portable boiler  
20 used in a field or similar open area for the sole purpose of  
21 operating farm equipment or farm machinery.

22 (h) "Boiler operator" or "stationary engineer" means an  
23 individual who is engaged in the operation of boilers and  
24 associated auxiliaries.

25 (i) "Certificate inspection" means an inspection that is  
26 conducted for purposes of preparing a report described in section  
27 20. The certificate inspection shall be an internal inspection if

1 construction allows; otherwise the certificate inspection shall be  
2 as complete an inspection as possible.

3 (j) "Department" means the department of licensing and  
4 regulatory affairs.

5 (k) "Director" means the director of the department or a  
6 representative designated by the director.

7 (l) "External inspection" means an inspection that does not  
8 involve examination of the internal surfaces of the pressure parts  
9 of the boiler.

10 (m) "Heating surface" means the heating surface determined by  
11 the boiler manufacturer and recorded in the manufacturer's data  
12 report or by rules established by the board for a boiler if the  
13 manufacturer's data report is not available or the boiler is not  
14 stamped with its heating surface.

15 (n) "High pressure, high temperature water boiler" means a  
16 water heating boiler operating at pressure that exceeds 160  
17 p.s.i.g. or temperatures that exceed 250 degrees Fahrenheit.

18 (o) "Low pressure boiler" means a steam boiler operated at  
19 pressures that do not exceed 15 p.s.i.g., or a hot water heating  
20 boiler operated at pressures that do not exceed 160 p.s.i.g. or  
21 temperatures that do not exceed 250 degrees Fahrenheit.

22 (p) "P.S.I.G." means pounds per square inch gauge.

23 (q) "Power boiler" means a closed vessel in which steam or  
24 other vapor is generated at a pressure of more than 15 p.s.i.g. by  
25 the direct application of heat.

26 (r) "Process boiler" means a boiler that is operated at a  
27 pressure or temperature from which more than 10% of the boiler's

1 capacity is used for direct steam humidification or direct process  
2 work.

3 (s) "Qualified technical education program" means an  
4 educational program that is approved by the board and that has a  
5 minimum of 350 contact hours in classroom hands-on training, field  
6 training, or supervised plant visits for high pressure boiler  
7 operators. The board may establish lesser standards for an  
8 educational program for low pressure operator training or other  
9 entry level training positions only.

10 (t) "Qualified training program" means any of the following:

11 (i) An in-house training program approved by the board and  
12 offered to boiler operators and stationary engineers by an  
13 employer.

14 (ii) An in-house training program implemented or developed by a  
15 utility and offered to boiler operators and stationary engineers by  
16 an employer as a result of negotiations between an employer and its  
17 employees.

18 (iii) A training program offered to active duty boiler operators  
19 and stationary engineers by a branch of the armed forces.

20 (u) "Rule" means a rule promulgated under the administrative  
21 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

22 (v) "Secondhand boiler" means a boiler that has changed  
23 ownership and location after initial use.

24 (2) AS USED IN THIS ACT AND FOR PURPOSES OF ANY RULES  
25 PROMULGATED UNDER THIS ACT, IN CONNECTION WITH ANY REQUIREMENTS FOR  
26 A LICENSE TO INSPECT, INSTALL, OR REPAIR BOILERS OR FOR  
27 REGISTRATION AS A BOILER OPERATOR OR STATIONARY ENGINEER IN 1 OR

1 MORE OF THE CLASSIFICATIONS DESCRIBED IN SECTION 13B, "EXPERIENCE"  
2 INCLUDES ANY RELEVANT EXPERIENCE ACQUIRED WHILE SERVING IN THE  
3 ARMED FORCES BY AN INDIVIDUAL WHO WAS SEPARATED FROM THAT SERVICE  
4 IF ALL OF THE FOLLOWING ARE MET:

5 (A) THE APPLICANT PROVIDES TO THE DEPARTMENT A FORM DD214, A  
6 FORM DD215, OR ANY OTHER FORM THAT IS SATISFACTORY TO THE  
7 DEPARTMENT THAT DEMONSTRATES THAT HE OR SHE WAS SEPARATED FROM THAT  
8 SERVICE, WITH AN HONORABLE CHARACTER OF SERVICE OR UNDER HONORABLE  
9 CONDITIONS (GENERAL) CHARACTER OF SERVICE.

10 (B) THE APPLICANT SUBMITS WITH HIS OR HER APPLICATION FOR  
11 LICENSURE OR REGISTRATION AN AFFIDAVIT OR LETTER SIGNED BY A  
12 COMMANDING OFFICER, SUPERVISOR, OR MILITARY SUPERIOR WITH DIRECT  
13 KNOWLEDGE OF THE APPLICANT'S SERVICE THAT DESCRIBES HIS OR HER  
14 EXPERIENCE DESIGNING, CONSTRUCTING, MANUFACTURING, INSTALLING,  
15 INSPECTING, OPERATING, REPAIRING, OR MAINTAINING BOILERS AND  
16 ASSOCIATED AUXILIARIES WHILE SERVING IN THE ARMED FORCES.

17 Sec. 13d. (1) The director shall not issue a registration for  
18 a title described in section 13a(2) unless the applicant meets the  
19 requirements for the classification under subsections (2) to (6).

20 (2) An applicant for a low pressure boiler operator  
21 registration shall have at least 1 year of experience operating or  
22 maintaining low or high pressure boilers, steam prime movers, or  
23 associated auxiliaries.

24 (3) An applicant for a high pressure boiler operator  
25 registration shall have 1 or more of the following:

26 (a) At least 2 years of experience in the operation of a high  
27 pressure boiler.

1 (b) A low pressure boiler operator's registration and at least  
2 1 year of experience in the operation of a low pressure boiler.

3 (c) At least 1 year of either a qualified training program, a  
4 qualified technical education program, or an approved  
5 apprenticeship program.

6 (4) An applicant for a third-class stationary engineer  
7 registration shall meet 1 or more of the following requirements:

8 (a) Is registered as a high pressure boiler operator and have  
9 at least 1 year of experience in the operation of a high pressure  
10 boiler.

11 (b) Is registered as a low pressure boiler operator, has at  
12 least 1 year of experience in the operation of a low pressure  
13 boiler, and has at least 1 year of maintenance experience on high  
14 pressure boilers and associated auxiliaries.

15 (c) Is registered as a high pressure boiler operator and has  
16 at least 1 year of boiler maintenance experience or at least 1 year  
17 as an apprentice in an approved training program in a high pressure  
18 boiler plant that has an aggregate heating surface of more than  
19 4,000 square feet.

20 (d) Have at least 3 years of experience in the operation of  
21 boilers in a high pressure boiler plant that have an aggregate  
22 heating surface of more than 4,000 square feet.

23 (e) Have at least 1 year of experience in the operation of  
24 boilers in a high pressure boiler plant that have an aggregate  
25 heating surface of more than 4,000 square feet along with  
26 sufficient experience operating steam prime movers in excess of 10  
27 horsepower for a combined total of at least 3 years of experience.

1 (f) Have an associate degree in energy technology or a related  
2 field, as determined by the board, with a power engineering option  
3 from a 2-year college whose program is approved by the board and  
4 employment or cooperative education experience of at least 360  
5 hours as a power engineer, boiler operator, or stationary engineer  
6 in a steam electric generation plant or a high pressure steam  
7 heating or process plant.

8 (5) An applicant for a second-class stationary engineer  
9 registration shall meet 1 or more of the following requirements:

10 (a) Is registered as a third-class stationary engineer and has  
11 at least 1 year of experience as a third-class stationary engineer.

12 (b) Have a bachelor's degree in engineering, engineering  
13 technology, heating/power technology, or energy technology from a  
14 college or university whose program is approved by the board and  
15 employment experience as an engineer in the engineering or research  
16 division of a steam electric power generating plant for at least 1  
17 year.

18 (c) Have at least 4 years of experience in the operation of  
19 boilers in a high pressure boiler plant that have an aggregate  
20 heating surface of more than 7,500 square feet.

21 (d) Have at least 1 year of experience in the operation of  
22 boilers in a high pressure boiler plant that have an aggregate  
23 heating surface of more than 7,500 square feet along with  
24 sufficient experience operating steam prime movers in excess of 100  
25 horsepower for a combined total of at least 4 years of experience.

26 (e) Have at least 1 year of experience in the operation of  
27 boilers in a high pressure boiler plant that have an aggregate

1 heating surface of more than 7,500 square feet along with  
2 sufficient experience operating boilers in a high pressure boiler  
3 plant that have an aggregate heating surface of more than 4,000  
4 square feet for a combined total of at least 4 years of experience.

5 (6) An applicant for a first-class stationary engineer  
6 registration shall meet 1 or more of the following requirements:

7 (a) Is registered as a second-class stationary engineer and  
8 has at least 2 years of experience as a second-class stationary  
9 engineer.

10 (b) Have at least 6 years of experience in the operation of  
11 boilers in a high pressure boiler plant that have an aggregate  
12 heating surface of more than 20,000 square feet.

13 (c) Have at least 2 years of experience in the operation of  
14 boilers in a high pressure boiler plant that have an aggregate  
15 heating surface of more than 20,000 square feet along with  
16 sufficient experience operating steam prime movers in excess of 200  
17 horsepower for a combined total of at least 6 years of experience.

18 (d) Have at least 2 years of experience in the operation of  
19 boilers in a high pressure boiler plant that have an aggregate  
20 heating surface of more than 20,000 square feet along with  
21 sufficient experience in the operation of boilers in a high  
22 pressure boiler plant that have an aggregate heating surface of  
23 more than 7,500 square feet of heating surface for a combined total  
24 of at least 6 years of experience.

25 (e) Complete a 4-year approved apprenticeship program or a 4-  
26 year qualified training program.

27 (f) Complete a 4-year program with a bachelor's degree from a

1 college or university in engineering, engineering technology,  
2 heating/power technology, or energy technology whose program is  
3 approved by the board and which includes a hands-on power option  
4 from a 2-year community college program or the equivalent, as  
5 determined by the board, and not less than 1 year of employment,  
6 internship, or cooperative education experience in a steam electric  
7 generation plant or high pressure steam heating process plant.

8 ~~—— (7) As used in this section, "experience" includes experience~~  
9 ~~acquired while serving in the armed forces by an individual who was~~  
10 ~~separated from that service, and provides to the department a form~~  
11 ~~DD214, form DD215, or any other form that is satisfactory to the~~  
12 ~~department that demonstrates that he or she was separated from that~~  
13 ~~service, with an honorable character of service or under honorable~~  
14 ~~conditions (general) character of service.~~

15 ~~—— (8) An individual described in subsection (7) shall submit~~  
16 ~~with his or her application for registration an affidavit or letter~~  
17 ~~signed by a commanding officer, supervisor, or military superior~~  
18 ~~with direct knowledge of the applicant's service that describes his~~  
19 ~~or her experience as a boiler operator or stationary engineer in 1~~  
20 ~~or more of the classifications described in section 13b.~~

21 Enacting section 1. This amendatory act takes effect 90 days  
22 after the date it is enacted into law.