

SKILLED TRADES REGULATION ACT (EXCERPT)
Act 407 of 2016

ARTICLE 3
BOARDS GENERALLY

339.5301 Board; composition; membership; qualifications.

Sec. 301. Unless otherwise provided in a specific article of this act, all of the following apply to a board:

(a) A board shall consist of 9 voting members, as follows:

(i) Six of the members of a board shall be individuals who have a license or registration in the occupation or occupations that the board monitors.

(ii) Three members of a board shall represent the general public.

(iii) The director is an ex officio member without vote of a board, but is not a member for purposes of section 5 of article V of the state constitution of 1963 or for determining a quorum.

(b) A member of a board, in addition to fulfilling the requirements set forth in a specific article, shall be at least 18 years old and a resident of this state.

History: 2016, Act 407, Eff. Apr. 4, 2017.

339.5303 Board; appointment and nominations.

Sec. 303. Unless otherwise provided in a specific article of this act, each of the following applies to the appointment of board members:

(a) The governor shall appoint an individual as a member of a board with the advice and consent of the senate, including an individual appointed to fill a vacancy on a board.

(b) In making an appointment, the governor shall seek nominations from a wide range of interested groups and persons, including appropriate professional associations, consumer associations, labor unions, and other organizations or individuals.

History: 2016, Act 407, Eff. Apr. 4, 2017.

339.5305 Board; terms; vacancy; removal.

Sec. 305. Unless otherwise provided in a specific article of this act, all of the following apply to the members of a board:

(a) Except for a member described in subdivision (b), the term of a member who is appointed to a board is 4 years.

(b) An individual who is appointed to fill a vacancy on a board that is the result of a member's resignation, death, disability, or removal for cause by the governor shall serve for the balance of the term of the member he or she replaced and he or she may be reappointed for not more than 2 full terms.

(c) A vacancy is filled in the same manner as the original appointment was made. The governor shall appoint an individual as a member of a board, subject to the advice and consent of the senate under section 303, within 60 days after a vacancy occurs and within 60 days after the senate disapproves an appointment by the governor.

(d) The governor may remove a member of a board under section 10 of article V of the state constitution of 1963.

(e) Except as provided in subdivision (b), the governor shall not appoint an individual to serve for more than 2 consecutive terms.

(f) Of the initial members of a board created or first appointed, the terms of 3 of the members, including 2 of the members who have a license in an occupation that the board monitors and 1 of the members representing the general public, is 4 years; the terms of 2 of the members, including 1 of the members who has a license in an occupation that the board monitors and 1 of the members representing the general public, is 3 years; the terms of 2 of the members, including 1 of the members who has a license in an occupation that the board monitors and 1 of the members who represents the general public, is 2 years; and the terms of the remaining members are 1 year.

History: 2016, Act 407, Eff. Apr. 4, 2017.

339.5307 Board; commencement of term.

Sec. 307. The term of office of a member of a board shall commence on July 31 of the year he or she is appointed to the board.

History: 2016, Act 407, Eff. Apr. 4, 2017.

339.5309 Board; compensation and expenses.

Sec. 309. Annually, the legislature shall fix the per diem compensation of a member of a board. Travel or other expenses incurred by a member of a board in the performance of an official function is payable by the department under the standardized travel regulations of the department of technology, management, and budget.

History: 2016, Act 407, Eff. Apr. 4, 2017.

339.5311 Board; meetings.

Sec. 311. Unless otherwise provided in a specific article of this act, all of the following apply to the meetings of a board:

(a) A board shall meet as often as necessary to fulfill its duties under this act, but shall meet at least 2 times a year and at other dates set by the director.

(b) In addition to the meetings described in subdivision (a), special meetings of a board may be called by the chairperson or by a majority of members of the board. The department shall notify the members of the board of a special meeting at least 12 days before the date of the meeting.

(c) A majority of the members appointed and serving on a board constitute a quorum.

(d) A member of a board shall not vote by proxy.

(e) A board shall conduct its meetings pursuant to the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

History: 2016, Act 407, Eff. Apr. 4, 2017.

339.5313 Board; operation.

Sec. 313. Unless otherwise provided in a specific article of this act, all of the following apply to the operation of a board:

(a) Annually a board shall elect a chairperson, a vice-chairperson, and any other officers the board determines are necessary. A board may fill a vacancy in an office of the board for the balance of the 1-year term.

(b) A board may adopt bylaws for the regulation of its internal affairs.

(c) A board shall report its activities to the department annually and as often as the director orders.

History: 2016, Act 407, Eff. Apr. 4, 2017.

339.5315 Board; creation or continuation within department; duties; attendance of member at informal conference; assistance to department.

Sec. 315. (1) Each board created or continued under this act is created or continued within the department.

(2) A board's duties shall include the interpretation of a licensure or permit requirement of a specific article of this act, and, if necessary, the furnishing of aid in an investigation conducted under article 5. At the discretion of the board, a member of that board may attend an informal conference conducted under section 515. A board shall assist the department in the implementation of this act.

History: 2016, Act 407, Eff. Apr. 4, 2017.

339.5317 Hearing; assessment of penalty.

Sec. 317. After completion of a hearing conducted under section 519, a board shall assess a penalty or penalties under article 6.

History: 2016, Act 407, Eff. Apr. 4, 2017.

339.5319 Board; aiding department in interpreting license or permit requirement.

Sec. 319. A board shall aid the department in interpreting a licensure or permit requirement described in this act that is incomplete or subjective in nature to determine whether the person seeking a license or permit or a renewal has met the requirements for the issuance or renewal.

History: 2016, Act 407, Eff. Apr. 4, 2017.

339.5321 Development of examination or test; adoption of test prepared by another agency; consideration of material in closed session.

Sec. 321. (1) Unless otherwise provided in a specific article of this act, a board and the department shall develop an examination or test required in a specific article. The board and the department in developing an examination or test may adopt an examination or test prepared by another agency if the board and the department determine that the examination or test serves as a basis for determining whether an individual has the knowledge and skills to perform an occupation with competence.

(2) The material required by the board and the department to develop an examination or test may be considered by the board in a closed session, if the board meets the requirements of section 7 of the open

meetings act, 1976 PA 267, MCL 15.267.

History: 2016, Act 407, Eff. Apr. 4, 2017.

339.5323 Files of abolished board; surrender to department; use of personnel, office space, and items or equipment by successor board.

Sec. 323. (1) A board abolished under this act shall surrender control over and physical possession of any board files to the department.

(2) The successor board, until the department determines otherwise, shall utilize the personnel, office space, and items or equipment that were utilized by an abolished board and that are needed for the board to function.

History: 2016, Act 407, Eff. Apr. 4, 2017.