

STATE PLUMBING ACT (EXCERPT)
Act 733 of 2002

***** 338.3523 THIS SECTION IS REPEALED BY ACT 407 OF 2016 EFFECTIVE APRIL 4, 2017 *****

338.3523 State plumbing board; creation; membership; appointment; qualifications; terms; compensation; meetings; quorum; election of officers; public meeting; availability of writings; access to files; maintenance; rules; licensure examination.

Sec. 13. (1) There is created a state plumbing board within the department. The governor, with the advice and consent of the senate, shall appoint 5 United States citizens who are residents of the state, 2 of whom shall be licensed plumbing contractors who hold a master's license. One shall be a licensed master plumber securing permits, and 1 shall be a licensed journey plumber, each having 10 years' experience, and a person representative of the general public, who with the director of the department of environmental quality or his or her authorized representative, a member or employee of the drinking water and radiologic protection division of the department of environmental quality, selected by the director of the department of environmental quality as voting ex officio members, shall constitute the plumbing board. Upon the expiration of the term of office of each person so appointed, the governor shall, on or before July 1 in each year, appoint a successor to hold office for a term of 3 years.

(2) Per diem compensation of the members of the board, other than the director and the director of the department of environmental quality or their authorized representatives and the member or employee of the drinking water and radiologic protection division of the department of environmental quality, and the schedule for reimbursement of expenses shall be established annually by the legislature.

(3) The board shall meet as often as necessary to fulfill its duties under this act, but shall meet not less than 4 times a year. A majority of the members appointed and serving shall constitute a quorum. An approval, decision, or ruling of the board does not become effective unless supported by a majority of the members present constituting a quorum. A member of the board shall not vote by proxy.

(4) At the first meeting of each calendar year, the board shall elect 1 member as chairperson, another as vice-chairperson, another as secretary, and other officers as it determines appropriate, for the terms and with the duties and powers as the board determines. The chairperson, vice-chairperson, and secretary shall be elected from those members appointed to the board by the governor.

(5) The business which the board may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. A member of the board who intentionally violates this subsection is subject to the penalties prescribed in the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(6) A writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. The department shall maintain physical possession of the files of the board and shall ensure that applicable laws concerning public access to the files are met.

(7) The board shall recommend to the state construction code commission the promulgation of rules necessary for the safe design, construction, installation, alteration, and inspection of plumbing. The board may also recommend to the state construction code commission, after testing and evaluation, that it issue certificates of acceptability under the code for a material, product, method of manufacturing, or method of construction or installation of plumbing equipment.

(8) The department, in consultation with the board, shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the administration of this act and to effectuate the purposes of this act including, but not limited to, the establishing of standards for license classifications under this act; the examination and licensing of plumbing contractors, master plumbers, and journey plumbers; and for the registration of plumbers' apprentices. Before an examination or other test required under this act is administered, the board, in consultation with the department, shall review and approve the form and content of the examination or test. Each examination for a license as a plumbing contractor, master plumber, or journey plumber shall be conducted by the board and the department, acting jointly.

History: 2002, Act 733, Eff. Mar. 31, 2003.