



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 96 (as reported without amendment)
Sponsor: Senator Patricia L. Birkholz
Committee: Economic Development and Regulatory Reform

(as enrolled)

Date Completed: 2-19-09

RATIONALE

In 1965, the Boiler Act created the board of boiler rules within the former Department of Labor. The board was charged with formulating definitions, rules, and regulations for the safe construction, installation, inspection, and repair of boilers in Michigan. As a result of several Executive Reorganization Orders issued between 1996 and 2008, the board of boiler rules and its authority to promulgate rules have been transferred to the Department of Energy, Labor, and Economic Growth (DELEG). When 2008 legislation amended the Boiler Act to provide for the registration of boiler operators and stationary engineers, however, it included a requirement that the board of boiler rules promulgate rules designating the course content of educational programs for the registration of these operators and engineers. Since the board no longer has rule-making authority, it has been suggested that the Boiler Act should require DELEG, not the board, to promulgate the rules.

CONTENT

The bill would amend the Boiler Act to require the Department of Energy, Labor, and Economic Growth, rather than the board of boiler rules, to promulgate rules designating the course content for boiler operators and stationary engineers.

Under amendments enacted by Public Act 159 of 2008, the Boiler Act requires the board to promulgate rules designating the course content for qualified technical education programs for the various categories and classes of registration of boiler operators and stationary engineers.

The rules must provide that the course content of programs for entry-level registrants includes at least all of the subject matter areas listed in the Act. The board must provide that the course content for categories and classes other than entry-level registrants includes subject matter areas similar to those described in the Act in the degree of depth and difficulty appropriate for the category and class.

Under the bill, DELEG and not the board would have those responsibilities.

MCL 408.763c

BACKGROUND

In 1996, the Department of Labor was abolished by Executive Reorganization Order (ERO) 1996-2 and the board of boiler rules was transferred to the newly created Department of Consumer and Industry Services. That ERO also transferred to the new Department all statutory authority, powers, duties, functions, and responsibilities of the board related to the promulgation of rules. In 2003, ERO 2003-1 eliminated the Department of Consumer and Industry Services and transferred the board to the newly created Department of Labor and Economic Growth, which was renamed the Department of Energy, Labor, and Economic Growth by ERO 2008-4.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would make necessary changes to amendments enacted in 2008 to ensure the promulgation of rules designating course content of programs for the registration of boiler operators and stationary engineers. The 2008 legislation specifies that the board of boiler rules must promulgate the rules, but the board's authority to promulgate rules was transferred by a 1996 ERO to a newly created department, which has since been replaced. Subsequent EROs have resulted in the transfer of that rule-making authority to the Department of Energy, Labor, and Economic Growth. Therefore, the bill would require DELEG to promulgate the course-content rules.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Fiscal Analyst: Elizabeth Pratt
Maria Tyszkiewicz

A0910\96a

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.