

Michigan Office of Administrative Hearings and Rules

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REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file an RFR with the Michigan Office of Administrative Hearings and Rules (MOAHR) before initiating any changes or additions to the rules. Please submit the RFR to MOAHR-Rules@michigan.gov.

1. Agency Information:

Agency name:	Licensing and Regulatory Affairs
Division/Bureau/Office:	Bureau of Construction Codes
Name, title, phone number, and e-mail of <u>person completing this form</u> :	Amanda Johnson, Rules Analyst

2. Rule Set Information:

Title of proposed rule set:	Skilled Trades Regulation Rules
Rule number(s) or range of numbers:	R 339.5101 to R 339.5699
Included in agency's annual regulatory plan as rule to be processed in current year?	Yes

3. Estimated timetable for completion, or statutory deadline, if applicable:

Draft rules submitted in 2019.

4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

<p>The Skilled Trades Regulation Act, 2016 PA 407, MCL 339.5101 to MCL 339.6133, repealed the following acts:</p> <ul style="list-style-type: none">• The Boiler Act, 1965 PA 290, MCL 408.751 to 408.776.• The State Plumbing Act, 2002 PA 733, MCL 338.3511 to 338.3569.• The Forbes Mechanical Contractors Act, 1984 PA 192, MCL 338.971 to 338.988.• The Electrical Administrative Act, 1956 PA 217, MCL 338.881 to 338.892.• The Building Officials and Inspectors Registration Act, 1986 PA 54, MCL 338.2301 to 338.2313. <p>The repealed acts are outdated and do not provide uniform licensing, complaint investigation, and enforcement provisions for skilled trades licenses. This places a burden on the bureau administering these acts and creates an inefficient use of resources. Additionally, many licensees who are cross-licensed in multiple trades have expressed dissatisfaction with conflicting provisions in separate statutes. The Skilled Trades Regulation Act, 2016 PA 407, streamlines the processes for all license types included while providing for modernized provisions, such as electronic communication and third-party continuing education tracking options, and specifies violations for unlicensed activity as provided to other regulated professions. While the Skilled Trades Regulation Act repealed the five Acts that regulated certain skilled trades, this new Act includes provisions to regulate those same skilled trades. Consequently, the bureau is promulgating a new rule set to regulate these skilled trades, as provided under the new Act. In addition, the bureau has submitted separate RFRs to rescind the current rules that were promulgated under the authority of the five Acts that have been repealed</p>

5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.

Promulgation of the Skilled Trades Regulation rules is authorized under section 207 of the Skilled Trades Act, 2016 PA 407, MCL 339.5207; and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, MCL 445.2025 and MCL 445.2030. This authority replaces the previous rules promulgation authority under the five repealed Acts.

6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.

There are no similar rules or regulations adopted by the state or federal government.

7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo?

There is no subject matter of these rules currently contained in any guideline, handbook, manual, instructional bulletin, form with the instructions, or operational memoranda.

8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:

These rules will be promulgated under the full rulemaking process.

9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.

The Skilled Trades Regulation rules are not being reviewed by an advisory rules committee formed pursuant to Executive Order 2011-5 at this time.

10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.

There is no applicable decision record.

11. Reviewed by the following Departmental Regulatory Affairs Officer:

↓ To be completed by MOAHR ↓

Date RFR received:

Based on the information in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR.

MOAHR assigned rule set number:

Date of approval:

Based on the information in this RFR, MOAHR is not approving the RFR at this time.

Date of disapproval:

Explanation:

