

SUBSTITUTE FOR
HOUSE BILL NO. 5887

A bill to amend 1972 PA 295, entitled
"Forensic polygraph examiners act,"
by amending sections 7 and 15 (MCL 338.1707 and 338.1715).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) The ~~board~~ **department** shall promulgate rules
2 consistent with the provisions of this act for the dissemination,
3 retention and destruction of polygraph results to protect the
4 general public ~~—, in accordance with and subject to the~~
5 ~~provisions of Act No. 306 of the Public Acts of 1969, as~~
6 ~~amended, being sections 24.201 to 24.315 of the Compiled Laws of~~
7 ~~1948,~~ for the administration and enforcement of this act
8 **pursuant to the administrative procedures act of 1969, 1969 PA**
9 **306, MCL 24.201 to 24.328.** An application for an examination,
10 license, renewal or other provisions under this act shall ~~be~~
11 ~~filed in accordance~~ **comply** with the requirements of the

1 **department and** board and shall be accompanied by ~~any required~~
 2 **the license** fee, which ~~shall is~~ not ~~be~~ returnable ~~—~~ except
 3 by a showing of mistake, inadvertence, ~~or~~ error in the
 4 collection of the fee, **or pursuant to section 15(3).**

5 (2) An order or a certified copy, over the board seal and
 6 purporting to be signed by the board members or board ~~chairman~~
 7 **chair** shall be prima facie proof ~~thereof~~ **of the following:**

8 (a) That the signatures are the genuine signatures of the
 9 board members or the board ~~chairman~~ **chair.**

10 (b) That the board members or the ~~chairman~~ **chair** are duly
 11 appointed and qualified.

12 (c) That the board and **its** members are fully qualified to
 13 act.

14 (3) All fees collected under ~~the provisions of~~ this act
 15 shall be deposited to the credit of the general fund of the
 16 state. Funds necessary for the enforcement **and administration** of
 17 this act ~~and the administration of its provisions~~ shall be
 18 appropriated by the legislature within the budget of the
 19 department of ~~state police~~ **labor and economic growth.**

20 Sec. 15. **(1)** The ~~nonrefundable~~ fees to accompany
 21 applications under this act ~~shall be~~ **are** as follows:

22 (a) Private examiner's license, original, \$100.00; renewal,
 23 \$50.00.

24 (b) Public examiner's license, original, \$25.00; renewal,
 25 \$25.00.

26 (c) Temporary examiner's license, original and renewal:

27 (i) Residents applying under section 9, private examiners,

1 \$100.00; public examiners, \$25.00.

2 (ii) Nonresidents, 10-day license, \$100.00; annual license,
3 original and renewal, \$200.00.

4 (d) Intern's license, original and renewal, \$25.00.

5 (e) Duplication or alteration of license, \$5.00.

6 (f) Reinstatement fee, \$25.00.

7 (g) Licensing examination fee, \$50.00.

8 (2) Beginning the effective date of the amendatory act that
9 added this subsection, the department shall issue an initial or
10 renewal license not later than 90 days after the applicant files
11 a completed application. Receipt of the application is
12 considered the date the application is received by any agency or
13 department of the state of Michigan. If the application is
14 considered incomplete by the department, the department shall
15 notify the applicant in writing, or make the information
16 available electronically, within 30 days after receipt of the
17 incomplete application, describing the deficiency and requesting
18 the additional information. The 90-day period is tolled upon
19 notification by the department of a deficiency until the date the
20 requested information is received by the department. The
21 determination of the completeness of an application does not
22 operate as an approval of the application for the license and
23 does not confer eligibility of an applicant determined otherwise
24 ineligible for issuance of a license.

25 (3) If the department fails to issue or deny a license within
26 the time required by this section, the department shall return
27 the license fee and shall reduce the license fee for the

1 applicant's next renewal application, if any, by 15%. The
2 failure to issue a license within the time required under this
3 section does not allow the department to otherwise delay the
4 processing of the application, and that application, upon
5 completion, shall be placed in sequence with other completed
6 applications received at that same time. The department shall
7 not discriminate against an applicant in the processing of the
8 application based upon the fact that the license fee was refunded
9 or discounted under this subsection.

10 (4) Beginning October 1, 2005, the director of the department
11 shall submit a report by December 1 of each year to the standing
12 committees and appropriations subcommittees of the senate and
13 house of representatives concerned with occupational issues. The
14 director shall include all of the following information in the
15 report concerning the preceding fiscal year:

16 (a) The number of initial and renewal applications the
17 department received and completed within the 90-day time period
18 described in subsection (2).

19 (b) The number of applications denied.

20 (c) The number of applicants not issued a license within the
21 90-day time period and the amount of money returned to licensees
22 and registrants under subsection (3).

23 (5) As used in this section, "completed application" means an
24 application complete on its face and submitted with any
25 applicable licensing fees as well as any other information,
26 records, approval, security, or similar item required by law or
27 rule from a local unit of government, a federal agency, or a

1 private entity but not from another department or agency of the
2 state of Michigan.