

HOUSE BILL No. 5886

May 12, 2004, Introduced by Reps. DeRossett, Richardville, Shackleton, Stahl, Palsrok, Voorhees, Amos, Taub, LaJoy, Meyer, Garfield, Nitz, Milosch, DeRoche, Pumford, Hummel, Koetje, Steil, Bisbee, Hune, Tabor, Shaffer, Ehardt, Gaffney, Newell, Caswell, Walker, Moolenaar, Acciavatti, Kooiman, Hoogendyk, Huizenga, Caul, Nofs and Sheen and referred to the Committee on Government Operations.

A bill to amend 1988 PA 440, entitled "Asbestos workers accreditation act," by amending sections 11 and 14 (MCL 338.3411 and 338.3414), as amended by 1998 PA 133.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) A person desiring to sponsor a training course
2 or refresher training course for those disciplines required to be
3 accredited under this act may apply for department approval on
4 forms supplied by the department. The department shall approve a
5 training course or a refresher training course that meets the
6 requirements for the course as prescribed by section 6.

7 (2) An applicant desiring to sponsor a training course shall
8 submit for each course all of the following information and fees
9 to the department:

10 (a) The course sponsor's name, address, and telephone

1 number.

2 (b) A list of any states that currently approve the training
3 course, including information as to whether the training course
4 has been approved by the United States environmental protection
5 agency.

6 (c) The course curriculum.

7 (d) A letter from the training course sponsor clearly
8 indicating compliance of the course with the requirements of this
9 act for all of the following:

10 (i) The length of training in days.

11 (ii) The amount and type of hands-on training.

12 (iii) The length, format, and passing score of the
13 examination.

14 (iv) The topics covered in the course.

15 (e) A copy of all course materials, including student
16 manuals, instructor notebooks, handouts, and all other materials
17 that the department may request.

18 (f) A detailed statement about the development of the
19 examination used in the course.

20 (g) The names and qualifications of course instructors.

21 (h) A description and example of the certificate of
22 successful course completion issued to students who attend the
23 course and pass the examination that satisfies the requirements
24 of the asbestos model accreditation plan.

25 (i) An initial application fee of \$400.00 and, after the
26 initial year, an annual renewal fee of \$200.00. If the
27 application is for renewal, the application and annual fee shall

1 be submitted not earlier than 90 days before the course expires
2 but not later than 30 days before the course expires. An
3 application for renewal that is submitted later than the time
4 period specified in this subdivision shall be treated by the
5 director as an initial application for course renewal — and
6 shall require payment of the initial application fee, rather than
7 the renewal fee.

8 (3) An applicant desiring to sponsor a refresher training
9 course in a discipline required to be accredited under this act
10 shall supply all of the following information to the department:

11 (a) The length of training.

12 (b) The topics covered in the course.

13 (c) A copy of all course materials.

14 (d) The names and qualifications of course instructors.

15 (e) A description and an example of the certificate of
16 successful completion of the training course that satisfies the
17 requirements of the asbestos model accreditation plan.

18 (4) Within 60 calendar days after receipt of the appropriate
19 fee and a complete application from a person desiring to sponsor
20 training courses as specified in this section, the department
21 shall make a determination as to the approval or denial of the
22 application and shall notify the applicant in writing of its
23 determination.

24 (5) The instructor of a course offered under this section
25 shall have academic credentials or field experience, or both, in
26 asbestos abatement.

27 (6) **Beginning the effective date of the amendatory act that**

1 added this subsection, the department shall issue an initial or
2 renewal license within the time period prescribed by subsection
3 (4). If the application is considered incomplete by the
4 department, the department shall notify the applicant in writing
5 within 10 days after receipt of the incomplete application,
6 describing the deficiency and requesting the additional
7 information. The 60-day period described in subsection (4) is
8 tolled upon notification by the department of a deficiency until
9 the date the requested information is received by the
10 department.

11 (7) If the department fails to issue or deny a license within
12 the time required by subsection (4), the department shall return
13 the license fee and shall reduce the license fee for the
14 applicant's next renewal application, if any, by 15%. The
15 department shall not discriminate against an applicant in the
16 processing of the application based upon the fact that the
17 application fee was refunded or discounted under this
18 subsection.

19 (8) Beginning January 31, 2005, the director of the
20 department shall submit a report by January 31 of each year to
21 the standing committees and appropriations subcommittees of the
22 senate and house of representatives concerned with occupational
23 issues. The director shall include all of the following
24 information in the report concerning the preceding calendar
25 year:

26 (a) The number of initial and renewal applications the
27 department received and completed within the 60-day time period

1 described in subsection (4).

2 (b) The number of applications requiring a request for
3 additional information.

4 (c) The average time for an applicant to respond to a request
5 for additional information.

6 (d) The number of applications rejected in general
7 categories.

8 (e) The amount of money returned to licensees and registrants
9 under subsection (7).

10 (f) The number of applications not issued within the 60-day
11 period.

12 (g) The average processing time for initial and renewal
13 applications granted after the 60-day period.

14 Sec. 14. (1) A person desiring accreditation or
15 reaccreditation from the director under section 13 shall submit
16 to the department an application for accreditation or
17 reaccreditation on forms provided by the department. The
18 applicant shall include, with the application, payment of the
19 annual fee designated in subsection (3), **subject to any refund or**
20 **discount prescribed under section 11(7).**

21 (2) If the application is for reaccreditation, the
22 application and annual fee shall be submitted not earlier than 90
23 days before the accreditation expires but not later than 30 days
24 before the accreditation expires. An application for
25 reaccreditation that is submitted later than the time period
26 specified in this subsection shall be treated by the director as
27 an initial application for accreditation, and shall require

1 payment of the accreditation fee, rather than the reaccreditation
2 fee.

3 (3) The fee schedule for accreditation or reaccreditation is
4 as follows:

5		Accreditation	Reaccreditation
6	(a) Asbestos inspectors	\$150.00	\$75.00
7	(b) Asbestos management planners	\$150.00	\$75.00
8	(c) Asbestos abatement project		
9	designers	\$150.00	\$75.00
10	(d) Asbestos abatement		
11	contractors and		
12	supervisors	\$50.00	\$25.00
13	(e) Asbestos abatement workers	\$50.00	\$25.00

14 (4) Failure to submit the annual fee as part of the
15 application for accreditation constitutes just cause for the
16 director to deny issuance to a person of a certificate of
17 accreditation or reaccreditation under section 13.

18 (5) All fees collected by the department under subsection (1)
19 shall be deposited in the asbestos abatement fund created in
20 section 220 of the asbestos abatement contractors licensing act,
21 1986 PA 135, MCL 338.3220.