



HOUSE BILL No. 4788

May 13, 1993, Introduced by Reps. Joe Young, Jr., Jaye, Points, Rocca, Varga, Curtis, Wetters, Shepich, Schroer and Pitoniak and referred to the Committee on State Affairs.

A bill to amend section 13 of Act No. 152 of the Public Acts of 1979, entitled as amended

"State license fee act,"

as amended by Act No. 461 of the Public Acts of 1988, being section 338.2213 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 13 of Act No. 152 of the Public Acts of
2 1979, as amended by Act No. 461 of the Public Acts of 1988, being
3 section 338.2213 of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 13. (1) Fees for a person licensed or seeking licen-
6 sure as an architect under article 20 of the occupational code,
7 being sections 339.2001 to 339.2014 of the Michigan Compiled
8 Laws, are as follows:

- 1 (a) Application processing.....\$30.00
- 2 (b) Supplemental application processing.....20.00
- 3 (c) License fee, per year.....35.00

4 (2) Fees for a person licensed or seeking licensure as a
 5 professional engineer under article 20 of the occupational code,
 6 being sections 339.2001 to 339.2014 of the Michigan Compiled
 7 Laws, are as follows:

- 8 (a) Application processing fee.....\$30.00
- 9 (b) Supplemental application processing fee.....20.00
- 10 (c) License fee, per year.....20.00

11 (3) Fees for a person licensed or seeking licensure as a
 12 land surveyor under article 20 of the occupational code, being
 13 sections 339.2001 to 339.2014 of the Michigan Compiled Laws, are
 14 as follows:

- 15 (a) Application processing fee.....\$ 30.00
- 16 (b) Supplemental application processing fee..... 20.00
- 17 (c) Examination fees:
- 18 (i) Complete examination.....110.00
- 19 (ii) Part 1 of the examination (fundamentals)..... 55.00
- 20 (iii) Part 2a of the examination (principles and
 21 practice)..... 45.00
- 22 (iv) Part 2b of the examination (Michigan practice)..... 40.00
- 23 (d) Examination review..... 20.00
- 24 (e) License fee, per year..... 50.00

25 (4) A DESIGN PROFESSIONAL ENFORCEMENT FUND IS CREATED WITHIN
 26 THE DEPARTMENT OF COMMERCE. THE FUND SHALL ONLY BE USED FOR

1 INVESTIGATION AND ENFORCEMENT ACTIVITIES COVERED BY ARTICLE 20,
2 BE SELF-SUPPORTING, AND SHALL CONSIST OF ASSESSMENTS CHARGED TO
3 DESIGN PROFESSIONALS.

4 (5) WHEN APPLYING FOR RENEWAL LICENSURE AND WHEN APPLYING
5 FOR INITIAL LICENSURE, PERSONS SEEKING INITIAL LICENSURE OR
6 RENEWAL OF AN EXISTING LICENSE PURSUANT TO ARTICLE 20 SHALL BE
7 ASSESSED, IN ADDITION TO THE LICENSE FEE, A FEE ESTABLISHED BY
8 THE DESIGN PROFESSIONAL LICENSING BOARDS FOR DEPOSIT INTO THE
9 FUND.

10 (6) IF, ON JULY 1 OF ANY YEAR, THE BALANCE IN THE FUND IS
11 LESS THAN \$125,000.00, THE DIRECTOR SHALL REQUIRE AN ADDITIONAL
12 ASSESSMENT OR PAYMENT, NOT TO EXCEED \$50.00 FROM EACH OF THE PER-
13 SONS DESCRIBED IN ARTICLE 20, UNLESS, WITHIN 30 DAYS AFTER THE
14 DIRECTOR REQUIRES AN ADDITIONAL ASSESSMENT, THE BOARDS OF ARCHI-
15 TECTURE, PROFESSIONAL ENGINEERING, AND PROFESSIONAL SURVEYING
16 ACTING JOINTLY BY A MAJORITY VOTE OF THE MEMBERS APPOINTED AND
17 SERVING BY RECORD ROLL CALL VOTE ADOPT A RESOLUTION TO PROHIBIT
18 THE ADDITIONAL ASSESSMENT. IF THE BOARDS DO NOT ADOPT A RESOLU-
19 TION TO PROHIBIT THE ADDITIONAL ASSESSMENT WITHIN 30 DAYS, THE
20 LEGISLATURE WITHIN 30 LEGISLATIVE DAYS MAY, BY A MAJORITY VOTE OF
21 THE MEMBERS ELECTED AND SERVING IN BOTH HOUSES BY RECORD ROLL
22 CALL VOTE, ADOPT A CONCURRENT RESOLUTION TO PROHIBIT THE ADDI-
23 TIONAL ASSESSMENT. AS USED IN THIS SUBSECTION, "LEGISLATIVE DAY"
24 MEANS A DAY ON WHICH THE SENATE AND HOUSE ARE CALLED TO ORDER AND
25 A QUORUM OF THE SENATE AND HOUSE IS PRESENT.

26 (7) THE DIRECTOR OF THE DEPARTMENT SHALL MANAGE THE AFFAIRS
27 OF THE FUND. A DETAILED FINANCIAL STATEMENT OF THE CONDITION OF

1 THE FUND SHALL BE PUBLISHED BY THE DIRECTOR OF THE DEPARTMENT
2 ANNUALLY. THIS FUND SHALL BE SUBJECT TO AN ANNUAL AUDIT BY THE
3 AUDITOR GENERAL AND ITS FINDINGS SHALL BE MADE PUBLIC. THE STATE
4 TREASURER SHALL DEPOSIT OR INVEST MONEY FROM THE FUND, IN THE
5 SAME MANNER AND SUBJECT TO ALL PROVISIONS OF LAW WITH RESPECT TO
6 THE DEPOSIT OR INVESTMENT OF STATE FUNDS BY THE STATE TREASURER.
7 INTEREST EARNED FROM INVESTMENTS SHALL BE CREDITED TO THE FUND.
8 THE UNEXPENDED FUND BALANCE SHALL CARRY FORWARD TO THE NEW FISCAL
9 YEAR AT THE END OF EACH FISCAL YEAR.

10 (8) THE DEPARTMENT SHALL EMPLOY SUCH ADMINISTRATIVE HELP AND
11 CONTRACT FOR DESIGN PROFESSIONAL INVESTIGATORS AS ARE NECESSARY
12 TO CARRY OUT THE PURPOSES OF THE FUND. THE ATTORNEY GENERAL MAY
13 CONTRACT WITH THOSE PRIVATE ATTORNEYS AS ARE NECESSARY TO ADE-
14 QUATELY ENFORCE LICENSURE ACTIONS AGAINST THOSE INDIVIDUALS WHO
15 ARE PRACTICING ARCHITECTURE, PROFESSIONAL ENGINEERING, OR PROFES-
16 SIONAL SURVEYING WITHOUT A LICENSE OR WHO ARE DOING SO IN VIOLA-
17 TION OF ARTICLE 20. ALL WAGES, DESIGN PROFESSIONAL FEES, AND ANY
18 OTHER ADMINISTRATIVE EXPENDITURES NECESSARY FOR OPERATION OF THE
19 FUND INCLUDING LEGAL COUNSEL SHALL BE CHARGED TO AND PAYABLE FROM
20 THE FUND. EXCEPT AS PROVIDED IN THIS SUBSECTION, WAGES AND OTHER
21 ADMINISTRATIVE EXPENDITURES NECESSARY FOR THE OPERATION OF THE
22 FUND SHALL NOT EXCEED 35% OF FUNDS COLLECTED BY THE FUND IN THE
23 PREVIOUS YEAR. IF THE FEE IS NOT ASSESSED AGAINST LICENSE APPLI-
24 CATIONS AND RENEWALS DURING A YEAR UNDER THIS SECTION, THE LIMI-
25 TATION ON FUND EXPENDITURES PROVIDED IN THIS SECTION SHALL BE
26 CALCULATED ON THE BASIS OF THE CLOSEST PREVIOUS YEAR IN WHICH THE

1 FEE WAS ASSESSED AND COLLECTED FOR LICENSE APPLICATIONS AND
2 RENEWALS UNDER THIS SECTION.

3 (9) THIS STATE AND ANY OF ITS OFFICERS OR EMPLOYEES IN THE
4 ADMINISTRATION OF THIS ACT SHALL NOT BE PERSONALLY LIABLE TO ANY
5 PERSON FOR PAYMENT OF ANY SUM FOUND TO BE OWING IN CONNECTION
6 WITH A CONTRACT FOR SERVICES RENDERED, EXCEPT FROM THE FUND. IF
7 A PAYMENT IS MADE BY THE DEPARTMENT FROM THE FUND FOR ENFORCEMENT
8 OF ARTICLE 20, THE DEPARTMENT MAY MAINTAIN AN ACTION IN ITS NAME
9 AGAINST A PERSON FOR WHOM A FINAL ADMINISTRATIVE OR COURT ORDER
10 IS RENDERED AND APPLIES. ANY AMOUNT RECOVERED BY THE DEPARTMENT
11 FROM AN ADMINISTRATIVE FINE SHALL BE DEPOSITED IN THE STATE TREA-
12 SURY TO THE CREDIT OF THE DESIGN PROFESSIONAL ENFORCEMENT FUND.

13 Section 2. This amendatory act shall not take effect unless
14 Senate Bill No. _____ or House Bill No. 4787 (request
15 no. 02159'93) of the 87th Legislature is enacted into law.