

HOUSE BILL No. 5887

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

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

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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 6 months after the applicant files
11 a completed application. If the application is considered
12 incomplete by the department, the department shall notify the
13 applicant in writing within 10 days after receipt of the
14 incomplete application, describing the deficiency and requesting
15 the additional information. The 6-month period is tolled upon
16 notification by the department of a deficiency until the date the
17 requested information is received by the department.

18 (3) If the department fails to issue or deny a license within
19 the time required by this section, the department shall return
20 the license fee and shall reduce the license fee for the
21 applicant's next renewal application, if any, by 15%. The
22 department shall not discriminate against an applicant in the
23 processing of the application based upon the fact that the
24 application fee was refunded or discounted under this
25 subsection.

26 (4) Beginning January 31, 2005, the director of the
27 department shall submit a report by January 31 of each year to

1 the standing committees and appropriations subcommittees of the
2 senate and house of representatives concerned with occupational
3 issues. The director shall include all of the following
4 information in the report concerning the preceding calendar
5 year:

6 (a) The number of initial and renewal applications the
7 department received and completed within the 6-month time period
8 described in subsection (2).

9 (b) The number of applications requiring a request for
10 additional information.

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

13 (d) The number of applications rejected categorized by reason
14 for rejection.

15 (e) The amount of money returned to licensees and registrants
16 under subsection (3).

17 (f) The number of applications not issued within the 6-month
18 period.

19 (g) The average processing time for initial and renewal
20 applications.