

# Legislative Analysis

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## OCCUPATIONAL CODE EXEMPTIONS FOR MILITARY IN COMBAT ZONES

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**House Bill 5432 (Substitute H-1)**

**Sponsor: Rep. James Koetje**

**Committee: Veterans Affairs and Homeland Security**

**First Analysis (4-1-04)**

**BRIEF SUMMARY:** The bill would amend the Occupational Code to temporarily exempt a licensee under the code who is serving in a “combat zone” from the certain of the code’s requirements until 90 days after he or she returns from active duty.

**FISCAL IMPACT:** A fiscal analysis is in process.

### **THE APPARENT PROBLEM:**

There are many Michigan soldiers taking part in the war on terrorism in Iraq and Afghanistan. In an effort to help those soldiers, the House Republican Caucus, in April, unveiled a “Yellow Ribbon” package of legislation that is designed to assist soldiers and their families during these trying times. The package includes legislation that ensures that state employees don’t receive a pay cut when they serve, provides employers with certain incentives to provide “gap pay”, and allows soldiers’ families with extra time to file their state taxes, among others. In an extension of that package, legislation has been introduced that would provide soldiers who served in Iraq and who are licensed under the Occupational Code with the opportunity to complete various requirements under the act upon returning home from duty without being subject to any sanctions by the Department of Labor and Economic Growth.

### **THE CONTENT OF THE BILL:**

The bill would amend the Occupational Code (MCL 339.411) to temporarily exempt licensees or registrants who are on active duty in the armed forces in a “combat zone” from renewal license fees, continuing education requirements, and other related requirements. The licensee or registrant would have to fulfill requirements under the code within 90 days upon returning from active duty. The exemption would not exceed three years after the license or registration expires.

In order to claim the exemption, the individual would have to inform the Department of Labor and Economic Growth by written or electronic mail of his or her intention to claim the exemption and provide proof verifying the active duty status. If the individual supervise or oversees licensed activities, he or she would also have to provide the department with notice of how such supervision or oversight will continue in his or her absence.

## ***BACKGROUND INFORMATION:***

While not defined in the bill, a “combat zone” is generally any area designated by a presidential executive order as an area in which the U.S. Armed Forces are engaging or have engaged in combat. Executive Order 13239 designated the Afghanistan area (and the above airspace) as a combat zone beginning September 19, 2001. The Persian Gulf area (which includes the total land areas of Iraq, Kuwait, Saudi Arabia, Oman, Bahrain, Qatar, and the United Arab Emirates) was designated by Executive Order 12744, beginning January 17, 1991. [An amendment defining “combat zone” is expected.]

## ***ARGUMENTS:***

### ***For:***

The bill is necessary to provide individuals licensed under the Occupational Code (such as plumbers, ocularists, and cosmetologists) with some extra time in which to complete various requirements under the code upon their return from active duty. Individuals can be called into active duty to support the nation’s war on terrorism often for a year or more. During that time, they may have various requirements under the Occupational Code (such as continuing education and license renewal) that will not be met. The failure to meet the requirements under the code can result in license suspension or revocation and the imposition of substantial fines and fees. Given that individuals serving in the armed forces have practically no way to meet their obligations and are sacrificing their lives to defend the nation, it seems only fair to relieve them of the burden of the requirements under the code until they return from active duty.

### ***Response:***

The bill should be amended to include individuals called into active duty who are serving in Guantanamo Bay or in other mobilization/homeland security efforts that are not specifically “combat zones”. These are individuals who are also serving the country and have no means to reasonably meet any requirements for licensure under the Occupational Code.

## ***POSITIONS:***

The Department of Labor and Economic Growth indicated that it supports the bill. (3-30-04)

The Department of Military and Veterans Affairs indicated that it is supportive of the bill. (3-30-04).

The Michigan Home Builders Association indicated that it supports the bill. (3-30-04)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.