



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 742 (as introduced 1-22-14)
Sponsor: Senator Tonya Schuitmaker
Committee: Veterans, Military Affairs and Homeland Security

Date Completed: 2-24-14

CONTENT

The bill would amend the Occupational Code to allow the Department of Licensing and Regulatory Affairs (LARA) to do the following:

- **Grant a temporary occupational license or registration to a person licensed or registered in another jurisdiction who was married to an active duty member of the armed forces assigned to a duty station in Michigan.**
- **Require an applicant for a temporary license or registration to submit his or her fingerprints for a criminal history check.**
- **Require the Michigan Department of State Police (MSP) to conduct a criminal history check and request the FBI to conduct a national criminal history check.**
- **Allow the MSP to charge a reasonable fee to cover the cost of conducting a criminal history check.**

Currently, if a person has not previously been denied a license or certificate of registration, or had a license or registration revoked or suspended, LARA may grant a nonrenewable temporary license or registration to an applicant.

Under the bill, LARA also could grant a temporary license or certificate of registration for an occupation regulated under the Code, to an individual who met all of the following:

- Was married to a member of the armed forces of the United States who was on active duty.
- Held a current license or registration in the appropriate occupation issued by an equivalent licensing department, board, or authority in another state, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, another U.S. territory or protectorate, or a foreign country.
- Provided proof acceptable to LARA that his or her spouse was assigned to a duty station in Michigan and that the individual also was assigned to a duty station in Michigan under his or her spouse's official active duty military orders.
- Submitted his or her fingerprints to the MSP to have a criminal history check conducted, and requested that the MSP forward the fingerprints to the FBI for a national criminal history check.

The MSP would have to conduct a criminal history check and request the FBI to make a determination of the existence of any national criminal history pertaining to the applicant. The MSP would have to give LARA a written report of the criminal history check if it contained any criminal history record information. The MSP would have to forward the result of the FBI's determination to LARA within 30 days after the request was made. The MSP would have to notify the individual in writing of the type of crime disclosed on the FBI

determination without disclosing the details of the crime. The MSP could charge a reasonable fee to cover the cost of conducting the criminal history check.

Criminal history record information obtained under the bill could be used only for the purpose of evaluating an applicant's qualifications for the temporary license or registration for which he or she applied, and LARA could not disclose the report or its contents to any person who was not directly involved in evaluating the applicant's qualifications. Information obtained under the criminal history check requirement would be confidential and exempt from the Freedom of Information Act. It could not be disclosed to any person except for purposes of the bill or for law enforcement purposes.

A temporary license or registration issued under the bill would be valid for one year and could be renewed for additional one-year terms if LARA determined that the temporary licensee or registrant continued to meet the requirements described above.

MCL 339.213

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have a minor, but likely negative, fiscal impact on the Department of Licensing and Regulatory Affairs (LARA) and no fiscal impact on local units of government. Under the bill, LARA would have to establish a program that would grant temporary occupational licenses, and would incur some indeterminate costs in doing so. Additionally, it is not clear that LARA would be able to charge a fee for temporary licenses, so the program would result in some likely minor costs on an annual basis. The costs of the bill would be borne by existing Department resources. The bill also would require applicants to cover the costs of being fingerprinted. The fee charged is \$46.50 and covers the costs of the Department of State Police for performing the service.

Fiscal Analyst: Josh Sefton

S1314\s742sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.