

## OCCUPATIONAL REGULATION REPEALERS

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**House Bills 4374 & 4375**  
**Sponsor: Rep. Clint Kesto**

**House Bill 4378**  
**Sponsor: Rep. Andrea LaFontaine**

**House Bill 4376**  
**Sponsor: Rep. Ed McBroom**

**House Bills 4379-4381**  
**Sponsor: Rep. Hugh Crawford**

**House Bill 4377**  
**Sponsor: Rep. Tim Kelly**

**House Bill 4392**  
**Sponsor: Rep. Harold Haugh**

**Committee: Regulatory Reform**

**Complete to 3-18-13**

### A REVISED SUMMARY OF HOUSE BILLS 4374-4381 & 4392 AS INTRODUCED 3-6-13

Generally speaking, the bills in this package implement some of the recommendations made by the Office of Regulatory Reinvention regarding occupational licensing. Taken together the bills would deregulate the following occupations: immigration clerical assistants, proprietary school solicitors, professional community planners, interior designers, registered foresters, and ocularists (including ocularist apprentices).

House Bill 4374 would repeal the Immigration Clerical Assistant Act (2004 PA 161), which prohibits individuals from providing or offering to provide services, or acting as an *immigration clerical assistant*, unless that individual had been placed on a list established within the Department of Labor and Economic Growth (since renamed Licensing and Regulatory Affairs). The act is intended to provide individuals seeking assistance with immigration matters with a list of qualified and bonded individuals to choose from.

Under the act, "immigration clerical assistants" are defined as individuals who, for compensation, provide or offer to provide services relating to any immigration matter. "Immigration matter" means any matter affecting the immigrant status, nonimmigrant status, or citizenship status of any individual and includes, but is not limited to, federal or state administrative or court proceedings or the filing of accompanying documents in those proceedings, or both. The act establishes an initial fee of \$250 to be included on the list for three years, and a \$90 renewal fee. As of Fiscal Year 2011, there were six people on the list.

House Bill 4375 would remove the felony penalty for a violation of the *Immigration Clerical Assistant* Act from the sentencing guidelines of the Code of Criminal Procedure.

House Bill 4376 would repeal Public Act 40 of 1963, which requires an individual operating as a *proprietary school solicitor* to obtain a permit from the State Superintendent of Public Instruction. Solicitors are responsible for recruiting potential students to proprietary schools, which are schools that provide training in a specific trade, occupation or vocational field. Under the act, solicitors must be bonded and permits expire one year after they are issued. Proprietary schools are also required to be licensed, although this bill would not alter any of those licensing requirements.

House Bill 4377 would repeal Article 23 of the Occupational Code, which provides for the registration of *professional community planners*. The act defines community planners as persons qualified to prepare long-range proposals for the arrangement of land uses and which are intended primarily to guide government policy toward achieving orderly and coordinated development of the entire community. Currently, only individuals registered under Article 23 can use the title of community planner. The bill would also repeal Section 23 of the State Licensee Fee Act, which establishes a registration fee schedule for professional community planners. According to LARA's website there are approximately 132 professional community planners.

House Bill 4378 would repeal Section 601a of the Occupational Code that regulates *interior designers*. Currently, LARA is required to maintain a list of interior designers and make it available to the state and local units of government. To be included on the list, individuals have to successfully pass the National Council of Interior Design Qualification exam. Once on the list, individuals remain there indefinitely; there is no expiration contained in statute. Aside from maintaining the list of interior designers, LARA has no further oversight of the profession. As of Fiscal Year 2011, there were 1,295 people on the list.

House Bill 4379 would amend Part 511 (Commercial Forests) of the Natural Resources and Environmental Protection Act to eliminate reference to *registered foresters* and transfer those responsibilities to qualified foresters. Under the act, a qualified forester is someone recognized by the Department of Natural Resources (DNR) as having the education, knowledge, experience, and skills to identify, schedule, and implement appropriate forest management practices needed to achieve the purposes of Part 511, and also includes conservation district foresters. Generally speaking, under Part 511, registered foresters are hired to prepare forest management plans for land owners as part of the process of applying for a property tax exemption under the Commercial Forest Program. The bill is tie-barred to House Bills 4380 and 4381. As of Fiscal Year 2011, there were 211 registered foresters.

House Bill 4380 would amend the General Property Tax Act to eliminate reference to *registered foresters* in the operation of the Qualified Forest Program. Generally speaking, registered foresters are used to prepare forest management plans for land owners as part of the process of applying for a property tax exemption under the Qualified Forest Program. The responsibilities of registered foresters would be assumed by natural resources professionals, defined as persons recognized by the DNR as having the education, knowledge, experience, and skills to identify, schedule, and implement

appropriate forest management practices need to achieve the purposes of Part 511 of NREPA, and also includes conservation district foresters. The bill is tie-barred to House Bills 4379 and 4381

House Bill 4381 would repeal Article 21 of the Occupational Code, which provides for the *registration of foresters*. A forester is someone who by reason of his or her knowledge of the natural sciences, mathematics, and principles of forestry, acquired through education and practical experience, is qualified to engage in the practice of professional forestry. Individuals are prohibited from using the title of registered forester unless registered under Article 21. To be eligible for registration, individuals would have to have graduated from an accredited college or university, have two or more years of forestry work experience, and be of good moral character. The bill is tie-barred to House Bills 4379 and 4380.

House Bill 4392 would repeal Article 27 of the Occupational Code, which provides for the registration of *ocularists and ocularist apprentices*. Ocularism is (1) the design, fabrication, and fitting of ocular prosthetic appliances (artificial eyes); (2) the fitting of ocular prosthetic appliances; and (3) the performance of necessary procedures to provide an ocular prosthetic service for a patient in an ocularist's office or laboratory. An individual must be registered with LARA in order to use the title of ocularist or advertise as a registered ocularist. In order to be eligible for registration, an individual must be 18 years old, be a graduate of an accredited high school, be of good moral character, and one of the following: (1) successfully completed at least five years of apprenticeship training, (2) completed a prescribed course in ocularist training programs in an approved college or university, or (3) been engaged in the practice outside of the state for at least five years and been employed within the state as an ocularist for at least one year. As of Fiscal Year 2011, there were 14 registered ocularists in the state.

## **BACKGROUND INFORMATION:**

For background and fiscal information on the amount of fees collected by the Department of Licensing and Regulatory Affairs, see the following House Fiscal Agency report:

<http://www.house.mi.gov/hfa/PDFs/Occupational%20Licensing%20MEMO.pdf>

## **REVISED FISCAL IMPACT:**

House Bills 4374 through 4381 and 4392 would have a positive fiscal impact on the Corporations, Securities, and Commercial Licensing Bureau (CSCLB) within the Department of Licensing and Regulatory Affairs (LARA) to the extent that the revenues collected under the occupational licensing programs are insufficient to offset the attendant administrative expenditures.

LARA anticipates that deregulation of the occupational licensing programs under House Bills 4374 through 4381 and 4398 would result in reduced payroll expenses amounting to approximately 1.0 FTE.

The following table exhibits the number of license renewals, revenues generated via fees, expenditures, and net income (loss) associated with each of the occupational licensing programs deregulated under House Bills 4374 through 4381 and 4398.

<b>Deregulation of Select Occupational Licensing Programs</b>										
<b>Revenues &amp; Expenditures (FY 10 to FY 12)–REVISED</b>										
<b>Occupational Licensing Program</b>	<b>FY 12 Licensees</b>	<b>FY 2010</b>			<b>FY 2011</b>			<b>FY 2012</b>		
		<b>Rev</b>	<b>Exp</b>	<b>Rev-Exp</b>	<b>Rev</b>	<b>Exp</b>	<b>Rev-Exp</b>	<b>Rev</b>	<b>Exp</b>	<b>Rev-Exp</b>
Immigration Clerical Assistants	7	\$0	\$126,508	(\$126,508)	\$0	\$129,225	(\$129,225)	\$40	\$63,974	(\$63,934)
Proprietary School Solicitors	485	\$0	\$0	\$0	\$0	\$0	\$0	\$511,164	\$619,493	(\$108,329)
Community Planners	74	\$5,260	\$125,438	(\$120,178)	\$4,015	\$131,161	(\$127,146)	\$3,550	\$64,162	(\$60,612)
Interior Designers	1,269	\$60	\$122,771	(\$122,711)	\$20	\$134,052	(\$134,032)	\$40	\$68,895	(\$68,855)
Foresters	200	\$16,810	\$129,199	(\$112,389)	\$1,050	\$130,326	(\$129,276)	\$16,500	\$80,884	(\$64,384)
Ocularists	14	\$540	\$125,210	(\$124,670)	\$675	\$129,345	(\$128,670)	\$560	\$72,451	(\$71,891)
<b>TOTAL</b>	<b>2,049</b>	<b>\$22,670</b>	<b>\$629,126</b>	<b>(\$606,456)</b>	<b>\$5,760</b>	<b>\$654,109</b>	<b>(\$648,349)</b>	<b>\$531,854</b>	<b>\$969,859</b>	<b>(\$438,005)</b>

SOURCE: Department of Licensing and Regulatory Affairs, Office of Financial and Administrative Services

It is important to note that a substantial proportion of the expenditures exhibited in the above table consist of departmental administrative, property management, rent, and informational technology expenses, which are relatively fixed and thus would not entirely be eliminated through the deregulation of the associated occupational licensing programs, but rather reallocated amongst other occupational licensing programs within the CSCLB.

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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.