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CONSTITUTIONAL LAW: Title to acts.

MORTUARY SCIENCE: Exemption from payment of license fees during military service.

NURSES: Exemption from payment of license fees during military service.

STATUTES: Legislative intent.

STATUTES: Title to acts.

A title to an act is not constitutionally defective solely because it is broader than the act itself.

Mortuary science licensees on active duty in the armed forces of the United States, its auxiliaries or the merchant marine are not required to pay license renewal fees during the period of their service.

Nurses on active duty in the armed forces of the United States, its auxiliaries, the merchant marine or who are on war duty are not required to pay license renewal fees during the period of their service.

The primary object of statutory construction is to ascertain the intent of the legislature.

General terms used within an act are restricted in scope by the title of the act.

Opinion No. 4835

December 20, 1974.

State Board of Nursing
1033 South Washington Avenue
Lansing, Michigan 48926

Board of Examiners in Mortuary Science
1116 South Washington Avenue
Lansing, Michigan 48926

You have asked if the State Board of Nursing and the State Board of Examiners in Mortuary Science have the authority to waive payment of license renewal fees by persons on active duty in the armed forces of the United States. Your related questions regarding the administrative implementation of such a waiver need not be addressed herein as they raise no material issue of law.

Your concern regarding liability for annual professional or occupational license renewal fees was previously addressed by this office in OAG, 1945-1946, No 0-3618, p 374 (June 12, 1945). 1945 PA 189; MCLA 35.551 *et seq.*; MSA 4.1152(1) *et seq.*, was therein interpreted to exempt licensed dentists from the payment of annual registration fees while serving in the armed forces. The act provides a like exemption for any person duly licensed to engage in any profession or occupation by this state or who was registered in meeting the preliminary requirements for such licensure upon entry into one of the designated services.

1945 PA 189, § 1, *supra*, is the controlling legislation and provides as follows:

"The status of any member of the armed forces of the United

States, any auxiliary thereof, or the merchant marine or nurse, who was duly licensed to engage in any profession or occupation by this state, or was registered in meeting the preliminary requirements for any such license, at the time of induction or entering into any such service, shall remain unchanged and in full force and effect, without further action on the part of any such person, until discharged or until the leaving of any such service." MCLA 35.551; MSA 4.1152(1)

As the language indicates, section 1 preserves the status of persons licensed to engage in any profession or occupation and others registered to meet the requirements for licensure without further action on their part during the period of their active service in the designated categories. In order to determine the scope of the exemption, reference must be made to the title of 1945 PA 189, *supra*, which provides as follows:

"AN ACT relative to the status of members of the armed forces of the United States, any auxiliary thereof, or the merchant marine, or nurses or civilians on war duty, licensed to engage in any profession or occupation by this state, or registered in meeting the preliminary requirements for any such license."

Members of the armed forces of the United States and auxiliaries thereof or merchant marine are included within the title. The title also includes nurses or civilians on war duty. However, the legislature chose not to effectuate that part of the title which refers to civilians on war duty and the legislature did not, in section 1, employ the qualifying words, "on war duty" in referring to nurses.

The omission of civilians on war duty from section 1 was not contrary to constitutional requirements, specifically, Const 1963, art 4, § 24. A title to an act is not fatally defective solely because it is broader than the act itself. *Boyer v Grand Rapids Fire Insurance Co*, 124 Mich 455; 83 NW 124; 83 AS 338 (1900); *Jasnowski v Judge of Recorder's Court*, 192 Mich 139; 158 NW 229 (1916); *Liberty Highway Co v Michigan Public Utilities Comm*, 294 F 702 (ED, 1923).

The omission of the words, "on war duty" in 1945 PA 189, § 1, *supra*, in reference to nurses could generate a misunderstanding as to the scope of the nursing exemption. As indicated in section 1, the exemption begins, "at the time of induction or entering into any such service," and protects the individual "until discharged or until the leaving of any such service." Unless the words, "on war duty" modify the nurse exemption, reference to entering or leaving such service would be meaningless as to them. Moreover, the nurse exemption would apply to all nurses regardless of where employed in contrast to the other exemptions which are restricted to service for the federal government. It is settled law that the primary object of statutory construction is to ascertain the intent of the legislature. In achieving that purpose, words appearing in a statute are to be considered as applied to the subject matter and general scope and purpose of the whole act. *Whipple v Judge of Saginaw Circuit*, 26 Mich 342 (1873). It is equally settled that general terms used within an act are restricted in scope by the title. *Bissell v Wayne County Probate Judge*, 58 Mich 237; 24 NW 886 (1885). Applying those rules of statutory

construction to 1945 PA 189, § 1, *supra*, resolves all doubt as to the scope of the nurse exemption; it applies to nurses on war duty upon their entry into such service and continues until they leave the service. Of course, nurses might otherwise qualify for the exemption by, for example, serving on active duty in the armed forces of the United States.

Accordingly, in answer to your specific questions, the State Board of Nursing and the Board of Examiners in Mortuary Science have not only the authority but also a statutory duty to waive payment of license renewal fees by their licensees. Mortuary science licensees on active duty in the armed forces of the United States, its auxiliaries or the merchant marine are not required to pay license renewal fees during the period of their service. Nurses on active duty in the armed forces of the United States, its auxiliaries, the merchant marine or who are on war duty are not required to pay license renewal fees during the period of their service.

FRANK J. KELLEY,
Attorney General.

74 1220.2 _____

VETERANS: Michigan Veterans Facility.

CONSTITUTIONAL LAW: Durational residency requirements for admission to Veterans Facility.

The five-year durational residency requirement for admission to the Michigan Veterans Facility is unconstitutional.

Opinion No. 4849

December 20, 1974.

Mr. Joseph R. Sanson
Chairman, Board of Managers
Michigan Veterans Facility
3000 Monroe Avenue, N. W.
Grand Rapids, Michigan 49505

You have requested my opinion as to the validity of the five year durational residency requirement contained in the statute governing the operation of Michigan Veterans Facility. 1885 PA 152, §11, MLCA 36.11; MSA 4.878 in pertinent part states:

"No applicant shall be admitted to the facility unless . . . he has resided in the state of Michigan for at least five consecutive years next preceding the date of his application for admission to the facility."

As a specific instance of a veteran seeking admission to the facility without having fulfilled the durational residency requirement, you cited the case of a veteran who had entered the armed forces as a resident of another state and had not resided in Michigan until being transferred to the Veterans Administration Hospital in Ann Arbor. This veteran, however, has indicated in his application for admission to the Michigan Veterans Facility that his permanent address is in this state although the