Sixty-sixth Legislative Assembly of North Dakota

SENATE BILL NO. 2127

Introduced by

Senators Burckhard, Bekkedahl, Meyer

Representatives Nathe, Rohr, Satrom

- 1 A BILL for an Act to create and enact section 43-51-11.2 of the North Dakota Century Code,
- 2 relating to regulation of the practice of occupations and professions by military dependents; and
- 3 to amend and reenact sections 15.1-13-17, 27-11-01, 43-51-01, and 43-51-11.1 of the North
- 4 Dakota Century Code, relating to regulation of occupations and professions.

5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6 SECTION 1. AMENDMENT. Section 15.1-13-17 of the North Dakota Century Code is

7 amended and reenacted as follows:

8 **15.1-13-17. Teaching license - Requirements - Exceptions.**

- 9 1. An individual may not engage in the profession of teaching unless:
- 10 a. The individual holds a teaching license issued by the board; or
- 11 b. The individual is approved to teach by the board; or
- 12 c. The individual is a military dependent exempt under subsection 2 of section
 13 43-51-11.2.
- An individual may be approved to teach by the board only if the individual has
 previously held a North Dakota teaching certificate or license, holds a teaching
 certificate or license issued by another state, or has filed a completed application for
 licensure with the board.
- 3. The board shall adopt rules establishing the terms and conditions under which an
 individual may be approved to teach, as provided for in this section. The terms and
 conditions may include the payment of a fine to the board in an amount not exceeding
 two hundred fifty dollars per incident, enrollment in and completion of continuing
 education courses, and submission of a completed application for licensure by a date
 certain.

1	SECTION 2. AMENDMENT. Section 27-11-01 of the North Dakota Century Code is							
2	amended and reenacted as follows:							
3	27-11-01. Practicing law and serving on courts of record without certificate of							
4	admission and without payment of annual license fee prohibited - Penalty.							
5	Except as otherwise provided by state law or supreme court rule, including section							
6	43-51-11.2, a person may not practice law, act as an attorney or counselor at law in this state,							
7	or commence, conduct, or defend in any court of record of this state, any action or proceeding							
8	in which the person is not a party concerned, nor may a person be qualified to serve on a court							
9	of record unless that person has:							
10	1.	Sec	ured	from the supreme court a certificate of admission to the bar of this state; and				
11	2.	Sec	ured	an annual license therefor from the state board of law examiners.				
12	Any person whothat violates this section is guilty of a class A misdemeanor.							
13	SECTION 3. AMENDMENT. Section 43-51-01 of the North Dakota Century Code is							
14	amended and reenacted as follows:							
15	43-51-01. Definitions.							
16	As used in this chapter, unless the context indicates otherwise:							
17	1.	1. "Board" means a board, commission, or other agency of state government created or						
18		identified in this title to regulate a particular occupation or profession.						
19		a.	The	term does not include the:				
20			(1)	State board of accountancy;				
21			(2)	State electrical board;				
22			(3)	North Dakota real estate appraiser qualifications and ethics board;				
23			(4)	State real estate commission;				
24			(5)	Secretary of state with respect to contractor licensing;				
25			(6)	North Dakota board of medicine; and				
26			(7)	State board of dental examiners.				
27		b.	"Boa	ard" also includes any agency of state government which is created or				
28			ider	tified outside this title to regulate a particular occupation or profession if the				
29			age	ncy elects, by administrative rule, to invoke the authority in this chapter.				
30	2.	"Foreign practitioner" means an individual who currently holds and maintains a license						
31		in g	ood s	standing to engage in an occupation or profession in a state or jurisdiction				

- other than this state and who is not the subject of a pending disciplinary action in any
 state or jurisdiction.
- 3. "Good standing" means a foreign practitioner holds a current license that is not issued
 on a temporary or restricted basis, is not encumbered or on probation, and is not
 suspended or revoked.
- 4. "License" means a license, certificate, permit, or similar authorization to practice an
 occupation or profession which is issued by a government agency in another state or
 jurisdiction that imposes requirements for obtaining and maintaining a license which
 are at least as stringent as the requirements imposed in this state to obtain and
 maintain a license to practice the same profession or occupation.
- 5. "Military dependent" means a foreign practitioner who is a dependent of a member of
 the armed forces of the United States or a reserve component of the armed forces of
 the Unites States stationed in this state in accordance with military orders or stationed
 in this state before a temporary assignment to duties outside of this state. The term
 includes a military spouse.
- 6. "Military spouse" means a foreign practitioner who is the spouse of a member of the armed forces of the United States or a reserve component of the armed forces of the United States or a reserve component of the armed forces of the United States stationed in this state in accordance with military orders or stationed in this state before a temporary assignment to duties outside of this state.
- 20 6.7. "Occupation or profession" means activity for which a license is required from a board
 21 or similar activity for which a license is required in another state or jurisdiction.
- 22 SECTION 4. AMENDMENT. Section 43-51-11.1 of the North Dakota Century Code is
- 23 amended and reenacted as follows:
- 24

43-51-11.1. Military spouses - Licensure.

- A board shall adopt rules regarding licensure of a military spouse or shall grant on a
 case-by-case basis exceptions to the board's licensing standards to allow a military
 spouse to practice the occupation or profession in the state if upon application to the
 board:
- a. The military spouse demonstrates competency in the occupation or profession
 through methods or standards determined by the board which must include

1			experience in the occupation or profession for at least two of the four years		
2			preceding the date of application under this section;		
3		b.	The military spouse pays any fees required by the board from which the applicant		
4			is seeking a license; and		
5		C.	The board determines the exception will not substantially increase the risk of		
6			harm to the public.		
7	2.	Under subsection 1, a board may issue a provisional license or temporary permit to a			
8		military spouse for which one or more of the licensure requirements have not been			
9		met. A provisional license or temporary permit issued under this subsection remains			
10		valid while the military spouse is making progress toward satisfying the necessary			
11		unmet licensure requirements. A military spouse may practice under a provisional			
12		license or temporary permit issued under this subsection until any of the following			
13		occurs:			
14		a.	The board grants or denies the military spouse a North Dakota license under		
15			subsection 1 or grants a North Dakota license under the traditional licensure		
16			method;		
17		b.	The provisional license or temporary permit expires; or		
18		C.	The military spouse fails to comply with the terms of the provisional license or		
19			temporary permit.		
20	3.	A board that is exempted from this chapter under subdivision a of subsection 1 of			
21		sec	tion 43-51-01 may issue a license, provisional license, or temporary permit to a		
22		military spouse in the same manner as provided under subsections 1 and 2. A board			
23		that may elect to subject the board to this chapter under subdivision b of subsection 1			
24		of section 43-51-01 may issue a license, provisional license, or temporary permit to a			
25		mili	tary spouse in the same manner as provided under subsections 1 and 2 regardless		
26		of w	whether the board has adopted rules to subject the board to this chapter. The state		
27		boa	rd of architecture and landscape architecture is exempt from the mandate in		
28		subsection 1; however, the board voluntarily may issue a license, provisional license,			
29		or temporary permit under subsections 1 and 2.			
30	4.	A military spouse issued a license under this section has the same rights and duties as			
31		a lio	censee issued a license under the traditional licensure method. A military spouse		

1 who is exempt from board regulation under section 43-51-11.2 is not prohibited from 2 applying for licensure under this section. 3 SECTION 5. Section 43-51-11.2 of the North Dakota Century Code is created and enacted 4 as follows: 5 43-51-11.2. Military dependents - Licensure exemption - Labor commissioner. 6 For purposes of this section, the term "board" includes the boards exempted under 1. 7 subdivision a of subsection 1 of section 43-51-01, the education standards and 8 practices board, and the supreme court and state board of law examiners. 9 During the initial twenty-four months of residence in this state, a military dependent <u>2.</u> 10 who is a foreign practitioner is exempt from board regulation over the practice of the 11 occupation or profession for which the military dependent is licensed. 12 This subsection does not prohibit a military dependent from applying for licensure а. 13 in this state. 14 This subsection does not apply to a military dependent who holds a board-issued <u>b.</u> 15 license. 16 Sections 43-51-08, 43-51-09, and 43-51-10 do not apply to this subsection. <u>C.</u> 17 <u>d.</u> This subsection applies notwithstanding any other limitation in state law on the 18 practice of an occupation or profession. 19 A board may seek from the labor commissioner a partial or total exemption from this <u>3.</u> 20 section. The labor commissioner may not grant an exemption under this subsection 21 unless the labor commissioner determines the exemption is necessary to ensure the 22 health, safety, and welfare of the public.