

Sixty-sixth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2306

Introduced by

Senators Meyer, Anderson, Burckhard, Hogue

Representatives Nathe, M. Ruby

1 A BILL for an Act to create and enact a new section to chapter 43-51 of the North Dakota
2 Century Code, relating to occupational licensure of military members and military spouses; to
3 amend and reenact sections 43-51-01, 43-51-11, and 43-51-11.1 of the North Dakota Century
4 Code, relating to occupational licensure of military members and spouses; to provide for a
5 report to the legislative management; and to provide for a legislative management study.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 43-51-01 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **43-51-01. Definitions.**

10 As used in this chapter, unless the context indicates otherwise:

- 11 1. "Board" means a board, commission, or other agency of state government created or
12 identified in this titlecode to regulate a particular occupation or profession.
- 13 a. ~~The term does not include the:~~
- 14 (1) ~~State board of accountancy;~~
- 15 (2) ~~State electrical board;~~
- 16 (3) ~~North Dakota real estate appraiser qualifications and ethics board;~~
- 17 (4) ~~State real estate commission;~~
- 18 (5) ~~Secretary of state with respect to contractor licensing;~~
- 19 (6) ~~North Dakota board of medicine; and~~
- 20 (7) ~~State board of dental examiners.~~
- 21 b. ~~"Board" also includes any agency of state government which is created or~~
22 ~~identified outside this title to regulate a particular occupation or profession if the~~
23 ~~agency elects, by administrative rule, to invoke the authority in this chapter.~~

2. "Foreign practitioner" means an individual who currently holds and maintains a license in good 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~~ comparable to the requirements imposed in this state to obtain and maintain a license to practice the same profession or occupation.
5. "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 stationed in this state in accordance with military orders or stationed in this state before a temporary assignment to duties outside of this state.
6. "Occupation or profession" means activity for which a license is required from a board or similar activity for which a license is required in another state or jurisdiction.

SECTION 2. AMENDMENT. Section 43-51-11 of the North Dakota Century Code is amended and reenacted as follows:

43-51-11. Members of military - License renewal.

- ~~1.~~ A board shall adopt rules to provide for or shall grant on a case-by-case basis exceptions to the board's license renewal requirements in order to address renewal compliance hardships that may result from:
 - ~~a.~~ 1. Activation of more than thirty days of a licensee who is a member of the national guard or armed forces of the United States.
 - ~~b.~~ 2. Service in the theater or area of armed conflict by a licensee who is a member of the regular active duty armed forces of the United States.
- ~~2.~~ For purposes of this section, the term board includes the state board of accountancy, state electrical board, North Dakota real estate appraiser qualifications and ethics

board, state real estate commission, secretary of state with respect to contractor-
licensing, North Dakota board of medicine, and state board of dental examiners.

SECTION 3. AMENDMENT. Section 43-51-11.1 of the North Dakota Century Code is
amended and reenacted as follows:

43-51-11.1. Military spouses - Licensure.

1. 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 experience in the occupation or profession for at least two of the four years preceding the date of application under this section; and
 - b. ~~The military spouse pays any fees required by the board from which the applicant is seeking a license; and~~
 - c. The board determines the exception will not substantially increase the risk of harm to the public.
2. ~~Under subsection 1, a~~ A board ~~may~~shall issue a two-year provisional license or temporary permit to a military spouse for which one or more of the licensure requirements under subsection 1 have not been met. A provisional license or temporary permit issued under this subsection remains valid while the military spouse is making progress toward satisfying the necessary unmet licensure requirements. A military spouse may practice under a provisional license or temporary permit issued under this subsection until any of the following occurs:
 - a. The board grants or denies the military spouse a North Dakota license under subsection 1 or grants a North Dakota license under the traditional licensure method;
 - b. The provisional license or temporary permit expires; or
 - c. The military spouse fails to comply with the terms of the provisional license or temporary permit.

- 1 3. A board that is exempted from this chapter under subdivision a of subsection 1 of
2 section 43-51-01 may issue a license, provisional license, or temporary permit to a
3 military spouse in the same manner as provided under subsections 1 and 2. A board
4 that may elect to subject the board to this chapter under subdivision b of subsection 1
5 of section 43-51-01 may issue a license, provisional license, or temporary permit to a
6 military spouse in the same manner as provided under subsections 1 and 2 regardless
7 of whether the board has adopted rules to subject the board to this chapter. The state
8 board of architecture and landscape architecture is exempt from the mandate in
9 subsection 1; however, the board voluntarily may issue a license, provisional license,
10 or temporary permit under subsections 1 and 2. A board may not charge a military
11 spouse any fees for a provisional license or temporary permit under subsection 2.
- 12 4. A military spouse issued a license under this section has the same rights and duties as
13 a licensee issued a license under the traditional licensure method.

14 **SECTION 4.** A new section to chapter 43-51 of the North Dakota Century Code is created
15 and enacted as follows:

16 **Members of the military and military spouses - Licensure applications.**

17 On each licensure application and renewal form, a board shall inquire whether an applicant
18 or licensee is a member of the military or military spouse. If an applicant self-identifies as a
19 military spouse, the board immediately shall implement issuance of a license, provisional
20 license, or temporary permit under section 43-51-11.1.

21 **SECTION 5. OCCUPATIONAL LICENSURE BOARDS - REPORT TO LEGISLATIVE**
22 **MANAGEMENT.** During the 2019-20 interim, each occupational and professional board shall
23 review its licensure laws and rules to determine whether the laws and rules are consistent with
24 chapter 43-51. Before August 2020, each occupational and professional board shall submit a
25 report to the legislative management on the status and outcome of that board's review of its
26 laws and rules. Each board shall prepare and request introduction of a bill to the sixty-seventh
27 legislative assembly to make the board's laws consistent with chapter 43-51.

28 **SECTION 6. LEGISLATIVE MANAGEMENT STUDY.** During the 2019-20 interim, the
29 legislative management shall consider studying the state's occupational and professional laws
30 to determine whether there are barriers for military families practicing occupations and
31 professions in this state and steps the state might make to remove any barriers. The legislative

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- 1 management shall report its findings and recommendations, together with any legislation
- 2 necessary to implement the recommendations, to the sixty-seventh legislative assembly.