Adopted by the Workforce Development Committee
February 21, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2395

Introduced by

Senator Hogue

A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to ~~uniform~~universal licensure and board operations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new chapter to title 43 of the North Dakota Century Code is created and enacted as follows:

Definitions.

As used in this chapter:

1. "Applicant" means an individual who has submitted a completed application, including all documentation and fees necessary for the board to consider licensing the individual.
2. "Application" means the process and all required documentation necessary for the board to consider licensure of the applicant.
3. "Board" means a board, commission, or other agency of state government, excluding the secretary of state, created or identified in this title to regulate a particular occupation or profession, the education standards and practices board, and the state board of law examiners.
4. "Effective interstate compact" means the minimum number of states necessary for the interstate compact to become operative have enacted the interstate compact.
5. "Interstate compact" means a legislative enactment to recognize and facilitate the portability of occupational licenses across state lines.

6. "License" means the authorization by a board or the supreme court to practice an occupation or profession under state law or any other authority by which individuals are licensed in the state.

7. "Occupation or profession" means activity for which a license is required from a board or the supreme court or similar activity for which a license is required in another state or jurisdiction.

8. "Out-of-state licensee" means an individual who holds 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 in the United States which imposes requirements for obtaining and maintaining the license, certificate, or permit, which are comparable to the requirements imposed in this state to obtain and maintain a license to practice the same profession or occupation.

9. "Routine application" means an application that meets all the requirements for licensure with no derogatory or adverse information in the application.

~~Uniform Licensure~~Universal licensure.

1. Unless the ~~state~~board is part of an effective interstate compact, an executed license transfer, existing interstate mobility, or reciprocity agreement with another state, a board shall issue a license to an out-of-state licensee applicant to practice in this state if, upon application to the board, the applicant:

~~1.~~ a. Actively has used the license for two of the three years immediately preceding submitting an application under this section;

~~2.~~ b. Provides or demonstrates competency and education in the profession or occupation through methods determined by the board~~:~~;

~~3.~~ c. Has not committed any act that constitutes grounds for refusal, suspension, or revocation of a license to practice that profession or occupation in this state unless the board determines, in its discretion, the act is not an impediment to the granting of a license to practice in this state;

~~4.~~ d. Has not been disciplined in any jurisdiction in which the individual has held a license within the last ten years;

~~5.~~ e. Is not under an active investigation by another licensing or disciplinary authority or law enforcement authority in a state, federal, or foreign jurisdiction;

~~6.~~ f. Submits to a state and federal criminal background check, paid for by the applicant, and conducted in the manner provided under section 12-60-24 if required by the board and the board has statutory authority to repeat the background check; and

~~7.~~ g. Pays the fees established by the board.

2. Subdivision f of subsection 1 does not apply to the state board of law examiners, which may conduct a character and fitness investigation.

Board operations.

1. A board shall issue a license within ~~seven~~ten business days to an individual who submits a complete, unencumbered, routine application. This section does not apply to processing applications through an effective interstate compact or an executed license transfer agreement. Boards subject to an effective interstate compact shall issue a license in a timely manner.

2. A board may grant authority to staff or selected board members to issue a provisional or temporary license between board meetings to an applicant seeking permanent state licensure if the application is routine, complete, and meets all the requirements for licensure. To the extent this provision conflicts with any existing limitations on such delegated authority, this provision supersedes those limitations.

3. The licensing application form must be made available electronically.

4. As part of a complete application, a board may require an individual seeking licensure in this state to pass a jurisprudence examination on North Dakota law applicable to the licensed profession. If the examination is a requirement for licensure, and the examination is administered by the board, the examination must be made available at least once per month. The board may adopt limits on examination attempts.

5. By July thirty-first of ~~each year~~2026 and 2027, on forms developed by the department of labor and human rights, each board shall report to the labor commissioner data on the number of licenses granted, number of licenses denied, number of licenses that were not issued within the ~~seven-day~~ten-day timeline, and reason for the delay for licenses issued after the ~~seven-day~~ten-day timeline.

6. Unless already a member of an effective interstate compact, a board shall annually review available interstate compacts in professions it regulates to determine whether

joining the interstate compact would be in the best interest of the profession and state, giving consideration to workforce shortages and evolving trends in occupation licensure and technology. The review must be noted clearly in the board's agenda and meeting minutes and the board must provide the labor commissioner with a copy of the considered compact and the board's reason for determining that entering the interstate compact was not in the best interests of the profession.

7. A board may contract with an entity, another board, or an individual to obtain administrative and support services to assist in the operation of the board.

8. Unless otherwise specifically authorized by other laws ~~or~~, rules of the board, or national standards to practice, all continuing education requirements for licensure renewal must include the ability to complete all required continuing education hours by virtual or remote means.

9. A board may assist in providing education or resources for a licensee or an individual interested in pursuing the regulated occupation or profession.

10. ~~The department of labor and human rights shall maintain on its website information regarding board resources, board member and staff contact information, and a message board for members and staff to engage in discussion channels as needed to identify trends and best practices for occupational licensure.~~Unless otherwise provided by law, the governor shall appoint members of a board and may remove members for cause, misconduct, incapacity, or neglect of duty. After expiration of a term, a board member may continue to serve until the governor makes an appointment to fill the position.

11. An applicant aggrieved by a licensure delay first shall try to resolve the matter with the board. If the matter cannot be resolved, the applicant may bring the matter to the office of the governor. Each board shall provide information on its website or initial licensure application regarding how to contact the office of the governor if a matter between the applicant and the board cannot be resolved.

~~**Alternative pathways to licensure.**~~

~~Biennially, each board under title 43 shall consider options to provide limited licensing to an individual with relevant experience who has not previously held an equivalent license of the type issued by the board.~~