

Sixty-sixth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2306

Introduced by

Senators Meyer, Anderson, Burckhard, Hogue

Representatives Nathe, M. Ruby

A BILL for an Act to create and enact a new section to chapter 15.1-13, a new section to chapter 15.1-18, and a new section to chapter 43-51 of the North Dakota Century Code, relating to occupational licensure of military members and military spouses; to amend and reenact sections 15.1-13-13, 15.1-13-17, 43-51-01, 43-51-11, and 43-51-11.1 of the North Dakota Century Code, relating to occupational licensure of military members and spouses; to provide a statement of legislative intent; to provide for a report to the legislative management; and to provide for a legislative management study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-13-13 of the North Dakota Century Code is amended and reenacted as follows:

15.1-13-13. Provisional teaching license - Period of effectiveness - Renewal.

1. The board may issue a provisional teaching license to an applicant, pending completion of the background check required by section 15.1-13-14 or pending the receipt of official transcripts or other original, signed, or certified documents.

~~The~~ Except as otherwise provided under section 43-51-11.1, the provisional license is valid for a period of forty days and may be renewed with the approval of the board.

2. The board ~~may~~ shall adopt rules governing the issuance of a provisional teaching license. ~~An~~ Except as provided under section 43-51-11.1, an individual applying for a provisional teaching license may be charged a fee established by the board. However, an individual applying for the renewal of a provisional teaching license may not be charged a fee.

SECTION 2. AMENDMENT. Section 15.1-13-17 of the North Dakota Century Code is amended and reenacted as follows:

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

1. An individual may not engage in the profession of teaching unless:
 - a. The individual holds a teaching license issued by the board; or
 - b. The individual is approved to teach by the board.
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 grant a teaching license to an applicant who is a military spouse who meets the requirements of section 43-51-11.1.
4. 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.

SECTION 3. A new section to chapter 15.1-13 of the North Dakota Century Code is created and enacted as follows:

Members of the military - Military spouses.

1. Notwithstanding contrary provisions of this chapter regarding licensure and licensure renewal, sections 43-51-11 and 43-51-11.1, regarding licensure renewal of a military member and licensure of a military spouse, apply to a license issued or renewed under this chapter.
2. Rules adopted by the board under this chapter must comply with sections 43-51-11 and 43-51-11.1.

SECTION 4. A new section to chapter 15.1-18 of the North Dakota Century Code is created and enacted as follows:

Military spouses.

Notwithstanding contrary provisions of this chapter regarding licensure qualifications, section 43-51-11.1, regarding licensure of a military spouse, applies to an applicant's qualifications for licensure.

SECTION 5. AMENDMENT. Section 43-51-01 of the North Dakota Century Code is amended and reenacted as follows:

43-51-01. Definitions.

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

1. "Board" means a board, commission, or other agency of state government created or identified in this ~~title code~~ to regulate a particular occupation or profession and the education standards and practices board.
 - a. ~~The term does not include the:~~
 - (1) ~~State board of accountancy;~~
 - (2) ~~State electrical board;~~
 - (3) ~~North Dakota real estate appraiser qualifications and ethics board;~~
 - (4) ~~State real estate commission;~~
 - (5) ~~Secretary of state with respect to contractor licensing;~~
 - (6) ~~North Dakota board of medicine; and~~
 - (7) ~~State board of dental examiners.~~
 - b. ~~"Board" also~~ The term includes any other agency of state government which is created or identified outside this title to regulate a particular occupation or profession if the 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 6. 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.

4. 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 7. 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~~

e. The board determines the exception will not substantially increase the risk of harm to the public. A board with authority to require an applicant to submit to a statewide and national criminal history record check under section 12-60-24 may order such a record check under this subdivision.

2. ~~Under subsection 1, 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 board may not charge a military spouse any fees for a provisional license or temporary permit under this subsection. 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; or

d. The board revokes the provisional license or temporary permit based on a determination revocation is necessary to protect the health and safety of the residents of the state.

3. ~~A board that is exempted from this chapter under subdivision a of subsection 1 of section 43-51-01 may issue a license, provisional license, or temporary permit to a military spouse in the same manner as provided under subsections 1 and 2.~~ A board that may elect to subject the board to this chapter under subdivision b of subsection 1 of section 43-51-01 may issue a license, provisional license, or temporary permit to a military spouse in the same manner as provided under subsections 1 and 2 regardless of whether the board has adopted rules to subject the board to this chapter. ~~The state~~

1 board of architecture and landscape architecture is exempt from the mandate in-
2 subsection 1; however, the board voluntarily may issue a license, provisional license,
3 or temporary permit under subsections 1 and 2. ~~A board may not charge a military~~
4 ~~spouse any fees for a provisional license or temporary permit under subsection 2.~~

5 4. A military spouse issued a license under this section has the same rights and duties as
6 a licensee issued a license under the traditional licensure method.

7 **SECTION 8.** A new section to chapter 43-51 of the North Dakota Century Code is created
8 and enacted as follows:

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

10 On each licensure application and renewal form, a board shall inquire and maintain a record
11 of whether an applicant or licensee is a member of the military or military spouse. If an applicant
12 self-identifies as and provides the board with satisfactory proof of being a military spouse, the
13 board immediately shall implement issuance of a license, provisional license, or temporary
14 permit under section 43-51-11.1.

15 **SECTION 9. OCCUPATIONAL LICENSURE BOARDS - REPORT TO LEGISLATIVE**

16 **MANAGEMENT.** During the 2019-20 interim, each occupational and professional board shall
17 review its licensure laws and rules to determine whether the laws and rules are consistent with
18 chapter 43-51. Before August 2020, each occupational and professional board shall submit a
19 report to the legislative management on the status and outcome of that board's review of its
20 laws and rules. Each board shall prepare and request introduction of a bill to the sixty-seventh
21 legislative assembly to make the board's laws consistent with chapter 43-51.

22 **SECTION 10. LEGISLATIVE MANAGEMENT STUDY.** During the 2019-20 interim, the
23 legislative management shall consider studying the state's occupational and professional laws
24 to determine whether there are barriers for military families practicing occupations and
25 professions in this state and steps the state might make to remove any barriers. The legislative
26 management shall report its findings and recommendations, together with any legislation
27 necessary to implement the recommendations, to the sixty-seventh legislative assembly.

28 **SECTION 11. STATEMENT OF LEGISLATIVE INTENT.** It is the intent of the sixty-sixth
29 legislative assembly that occupational and professional boards subject to this Act adopt any
30 rules necessary to implement this Act before August 1, 2020.