

FIRST ENGROSSMENT
with Conference Committee Amendments
ENGROSSED 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 15.1-13, a new section to chapter
2 15.1-18, and a new section to chapter 43-51 of the North Dakota Century Code, relating to
3 occupational licensure of military members and military spouses; to amend and reenact
4 sections 15.1-13-13, 15.1-13-17, 43-51-01, and 43-51-11.1 of the North Dakota Century Code,
5 relating to occupational licensure of military members and spouses; and to provide for a report.

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

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

9 **15.1-13-13. Provisional teaching license - Period of effectiveness - Renewal.**

- 10 1. The board may issue a provisional teaching license to an applicant, pending
11 completion of the background check required by section 15.1-13-14 or pending the
12 receipt of official transcripts or other original, signed, or certified documents.
13 ~~The~~Except as otherwise provided under section 43-51-11.1, the provisional license is
14 valid for a period of forty days and may be renewed with the approval of the board.
- 15 2. The board ~~may~~shall adopt rules governing the issuance of a provisional teaching
16 license. ~~An~~Except as provided under section 43-51-11.1, an individual applying for a
17 provisional teaching license may be charged a fee established by the board. However,
18 an individual applying for the renewal of a provisional teaching license may not be
19 charged a fee.

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

22 **15.1-13-17. Teaching license - Requirements - Exceptions.**

- 23 1. An individual may not engage in the profession of teaching unless:
24 a. The individual holds a teaching license issued by the board; or

1 b. The individual is approved to teach by the board.

2 2. An individual may be approved to teach by the board only if the individual has
3 previously held a North Dakota teaching certificate or license, holds a teaching
4 certificate or license issued by another state, or has filed a completed application for
5 licensure with the board.

6 3. The board shall grant a teaching license to an applicant who is a military spouse who
7 meets the requirements of section 43-51-11.1.

8 4. The board shall adopt rules establishing the terms and conditions under which an
9 individual may be approved to teach, as provided for in this section. The terms and
10 conditions may include the payment of a fine to the board in an amount not exceeding
11 two hundred fifty dollars per incident, enrollment in and completion of continuing
12 education courses, and submission of a completed application for licensure by a date
13 certain.

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

16 **Members of the military - Military spouses.**

17 1. Notwithstanding contrary provisions of this chapter regarding licensure and licensure
18 renewal, sections 43-51-11 and 43-51-11.1, regarding licensure renewal of a military
19 member and licensure of a military spouse, apply to a license issued or renewed
20 under this chapter.

21 2. Rules adopted by the board under this chapter must comply with sections 43-51-11
22 and 43-51-11.1.

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

25 **Military spouses.**

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

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

1 **43-51-01. Definitions.**

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

- 3 1. "Board" means a board, commission, or other agency of state government created or
4 identified in this title to regulate a particular occupation or profession and the
5 education standards and practices board.
- 6 a. The term does not include the:
- 7 (1) State board of accountancy;
- 8 (2) State electrical board;
- 9 (3) North Dakota real estate appraiser qualifications and ethics board;
- 10 (4) State real estate commission;
- 11 (5) Secretary of state with respect to contractor licensing;
- 12 (6) North Dakota board of medicine; and
- 13 (7) State board of dental examiners.
- 14 b. ~~"Board" also~~ The term includes any other agency of state government which is
15 created or identified outside this title to regulate a particular occupation or
16 profession if the agency elects, by administrative rule, to invoke the authority in
17 this chapter.
- 18 2. "Foreign practitioner" means an individual who currently holds and maintains a license
19 in good standing to engage in an occupation or profession in a state or jurisdiction
20 other than this state and who is not the subject of a pending disciplinary action in any
21 state or jurisdiction.
- 22 3. "Good standing" means a foreign practitioner holds a current license that is not issued
23 on a temporary or restricted basis, is not encumbered or on probation, and is not
24 suspended or revoked.
- 25 4. "License" means a license, certificate, permit, or similar authorization to practice an
26 occupation or profession which is issued by a government agency in another state or
27 jurisdiction that imposes requirements for obtaining and maintaining a license which
28 are ~~at least as stringent as~~ comparable to the requirements imposed in this state to
29 obtain and maintain a license to practice the same profession or occupation.
- 30 5. "Military spouse" means a foreign practitioner who is the spouse of a member of the
31 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 43-51-11.1 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~~ issuance of the license 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~~ A board may ~~shall~~ issue a provisional license or temporary permit to a military spouse for which ~~one or more of the licensure requirements under subsection 1~~ have not been substantially 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 may not exceed two years and 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:

- 1 a. The board grants or denies the military spouse a North Dakota license under
- 2 subsection 1 or grants a North Dakota license under the traditional licensure
- 3 method;
- 4 b. The provisional license or temporary permit expires; or
- 5 c. The military spouse fails to comply with the terms of the provisional license or
- 6 temporary permit; or
- 7 d. The board revokes the provisional license or temporary permit based on a
- 8 determination revocation is necessary to protect the health and safety of the
- 9 residents of the state.

10 3. ~~A board that is exempted from this chapter under subdivision a of subsection 1 of~~
11 ~~section 43-51-01 may issue a license, provisional license, or temporary permit to a~~
12 ~~military spouse in the same manner as provided under subsections 1 and 2. A board~~
13 ~~that may elect to subject the board to this chapter under subdivision b of subsection 1~~
14 ~~of section 43-51-01 may issue a license, provisional license, or temporary permit to a~~
15 ~~military spouse in the same manner as provided under subsections 1 and 2 regardless~~
16 ~~of whether the board has adopted rules to subject the board to this chapter. The state~~
17 ~~board of architecture and landscape architecture is exempt from the mandate in~~
18 ~~subsection 1; however, the board voluntarily may issue a license, provisional license,~~
19 ~~or temporary permit under subsections 1 and 2.~~

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

22 5. If within thirty days of receipt of a completed application under subsection 1 the board
23 does not grant or deny a license under subsection 1 or does not issue a provisional
24 license or temporary permit under subsection 2, the board automatically shall issue a
25 provisional license or temporary permit. A provisional license or temporary permit
26 issued under this subsection remains valid until the board grants or denies the
27 application for licensure under subsection 1 or issues a provisional license or
28 temporary permit under subsection 2.

29 6. For purposes of this section, the term "board" includes the state board of accountancy,
30 state electrical board, North Dakota real estate appraiser qualifications and ethics

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

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

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

- 6 1. On each licensure application and renewal form, a board shall inquire and maintain a
7 record of whether an applicant or licensee is a member of the military or military
8 spouse. If an applicant self-identifies as and provides the board with satisfactory proof
9 of being a military spouse, the board immediately shall commence the process to
10 issue a license, provisional license, or temporary permit under section 43-51-11.1.
11 2. For purposes of this section, the term "board" includes the state board of accountancy,
12 state electrical board, North Dakota real estate appraiser qualifications and ethics
13 board, state real estate commission, secretary of state with respect to contractor
14 licensing, North Dakota board of medicine, and state board of dental examiners.

15 **SECTION 8. OCCUPATIONAL LICENSURE BOARDS - REPORT TO DEPARTMENT OF**
16 **COMMERCE.** 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 sections 43-51-11 and 43-51-11.1 and section 7 of this Act. Before August 2020, on a form
19 developed by the department of commerce, each occupational and professional board shall
20 submit a report to the department of commerce on the status and outcome of that board's
21 review of its laws and rules.