

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1246

Introduced by

Representatives Meier, Becker, Grande, Rohr, Ruby, Steiner, Weisz

Senators Dever, J. Lee

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 and professional licensure of military spouses; to amend
3 and reenact section 43-51-01 of the North Dakota Century Code, relating to occupational and
4 professional licensure of military spouses; and to declare an emergency.

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

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

8 **43-51-01. Definitions.**

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

- 10 1. "Board" means a board, commission, or other agency of state government created or
11 identified in this title to regulate a particular occupation or profession, ~~except for the:~~
- 12 a. The term does not include the:
- 13 (1) State board of accountancy;
- 14 ~~b.(2)~~ State electrical board;
- 15 ~~c.(3)~~ North Dakota real estate appraiser qualifications and ethics board;
- 16 ~~d.(4)~~ State real estate commission;
- 17 ~~e.(5)~~ Secretary of state with respect to contractor licensing;
- 18 ~~f.(6)~~ State board of medical examiners; and
- 19 ~~g.(7)~~ State board of dental examiners.
- 20 b. "Board" also includes any agency of state government which is created or
21 identified outside this title to regulate a particular occupation or profession if the
22 agency elects, by administrative rule, to invoke the authority in this chapter.
- 23 2. "Foreign practitioner" means an individual who currently holds and maintains a license
24 in good standing to engage in an occupation or profession in a state or jurisdiction

- 1 other than this state and who is not the subject of a pending disciplinary action in any
2 state or jurisdiction.
- 3 3. "Good standing" means a foreign practitioner holds a current license that is not issued
4 on a temporary or restricted basis, is not encumbered or on probation, and is not
5 suspended or revoked.
- 6 4. "License" means a license, certificate, permit, or similar authorization to practice an
7 occupation or profession which is issued by a government agency in another state or
8 jurisdiction that imposes requirements for obtaining and maintaining a license which
9 are at least as stringent as the requirements imposed in this state to obtain and
10 maintain a license to practice the same profession or occupation.
- 11 5. "Military spouse" means a foreign practitioner who is the spouse of a member of the
12 armed forces of the United States or a reserve component of the armed forces of the
13 United States stationed in this state in accordance with military orders or stationed in
14 this state before a temporary assignment to duties outside of this state.
- 15 6. "Occupation or profession" means activity for which a license is required from a board
16 or similar activity for which a license is required in another state or jurisdiction.

17 **SECTION 2.** A new section to chapter 43-51 of the North Dakota Century Code is created
18 and enacted as follows:

19 **Military spouses - Licensure.**

- 20 1. A board shall adopt rules regarding licensure of a military spouse and shall grant on a
21 case-by-case basis exceptions to the board's licensing standards to allow a military
22 spouse to practice the occupation or profession in the state if upon application to the
23 board:
- 24 a. The military spouse demonstrates competency in the occupation or profession
25 through methods or standards determined by the board which must include
26 experience in the occupation or profession for at least two of the four years
27 preceding the date of application under this section;
- 28 b. The military spouse pays any fees required by the board from which the applicant
29 is seeking a license; and
- 30 c. The board determines the exception will not substantially increase the risk of
31 harm to the public.

- 1 2. Under subsection 1, a board may issue a provisional license or temporary permit to a
2 military spouse for which one or more of the licensure requirements have not been
3 met. A provisional license or temporary permit issued under this subsection remains
4 valid while the military spouse is making progress toward satisfying the necessary
5 unmet licensure requirements. A military spouse may practice under a provisional
6 license or temporary permit issued under this subsection until any of the following
7 occurs:
- 8 a. The board grants or denies the military spouse a North Dakota license under
9 subsection 1 or grants a North Dakota license under the traditional licensure
10 method;
- 11 b. The provisional license or temporary permit expires; or
- 12 c. The military spouse fails to comply with the terms of the provisional license or
13 temporary permit.
- 14 3. A board that is exempted from this chapter under subdivision a of subsection 1 of
15 section 43-51-01 may issue a license, provisional license, or temporary permit to a
16 military spouse in the same manner as provided under subsections 1 and 2. A board
17 that may elect to subject the board to this chapter under subdivision b of subsection 1
18 of section 43-51-01 may issue a license, provisional license, or temporary permit to a
19 military spouse in the same manner as provided under subsections 1 and 2 regardless
20 of whether the board has adopted rules to subject the board to this chapter. The state
21 board of architecture and landscape architecture is exempt from the mandate in
22 subsection 1; however, the board voluntarily may issue a license, provisional license,
23 or temporary permit under subsections 1 and 2.
- 24 4. A military spouse issued a license under this section has the same rights and duties as
25 a licensee issued a license under the traditional licensure method.

26 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.