

HOUSE BILL NO. 1166

Introduced by

Representatives Toman, Christensen, Louser

Senator O. Larsen

1 A BILL for an Act to amend and reenact subsection 3 of section 15.1-13-17 and sections
2 15.1-13-17.1, 15.1-18-12, 43-51-11.1, and 43-51-11.2 of the North Dakota Century Code,
3 relating to occupational licensing of foreign practitioners who are residents of the state; and to
4 provide for a report to the legislative management.

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

6 **SECTION 1. AMENDMENT.** Subsection 3 of section 15.1-13-17 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 3. The board shall grant a teaching license to an applicant who is a military spouse or a
9 foreign practitioner who is a resident of the state who meets the requirements of
10 section 43-51-11.1.

11 **SECTION 2. AMENDMENT.** Section 15.1-13-17.1 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **15.1-13-17.1. ~~Members of the military~~Military members - Military spouses - Foreign**
14 **practitioners who are state residents.**

15 1. Notwithstanding contrary provisions of this chapter regarding licensure and licensure
16 renewal, sections 43-51-11 and 43-51-11.1, regarding licensure renewal of a military
17 member and licensure of a military spouse or a foreign practitioner who is a resident of
18 the state, apply to a license issued or renewed under this chapter.

19 2. Rules adopted by the board under this chapter must comply with sections 43-51-11
20 and, 43-51-11.1, and 43-51-11.2.

21 **SECTION 3. AMENDMENT.** Section 15.1-18-12 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **15.1-18-12. Military spouses - Foreign practitioners who are state residents.**

1 Notwithstanding contrary provisions of this chapter regarding licensure qualifications,
2 section 43-51-11.1, regarding licensure of a military spouse or a foreign practitioner who is a
3 resident of the state, applies to an applicant's qualifications for licensure.

4 **SECTION 4. AMENDMENT. Section 43-51-11.1 of the North Dakota Century Code is**
5 **amended and reenacted as follows:**

6 **43-51-11.1. Military spouses - Foreign practitioners who are state residents -**
7 **Licensure.**

8 1. This section applies to an applicant who is a military spouse or a foreign practitioner
9 who is a resident of the state.

10 2. A board shall adopt rules regarding licensure of a ~~military spouse~~ an applicant or shall
11 grant on a case-by-case basis exceptions to the board's licensing standards to allow a
12 ~~military spouse~~ an applicant to practice the occupation or profession in the state if upon
13 application to the board:

14 a. The ~~military spouse~~ applicant demonstrates competency in the occupation or
15 profession through methods or standards determined by the board which must
16 include experience in the occupation or profession for at least two of the four
17 years preceding the date of application under this section; and

18 b. The board determines the issuance of the license will not substantially increase
19 the risk of harm to the public. A board with authority to require an applicant to
20 submit to a statewide and national criminal history record check under section
21 12-60-24 may order such a record check under this subdivision.

22 ~~2-3.~~ A board shall issue a provisional license or temporary permit to a ~~military spouse~~ an
23 applicant for which the licensure requirements under subsection 4~~2~~ have been
24 substantially met. A board may not charge a military spouse any fees for a provisional
25 license or temporary permit under this subsection. A provisional license or temporary
26 permit issued under this subsection may not exceed two years and remains valid while
27 the ~~military spouse~~ applicant is making progress toward satisfying the unmet licensure
28 requirements. ~~A military spouse~~ An applicant may practice under a provisional license
29 or temporary permit issued under this subsection until any of the following occurs:

- 1 a. The board grants or denies the ~~military spouse~~applicant a North Dakota license
2 under subsection ~~4~~2 or grants a North Dakota license under the traditional
3 licensure method;
4 b. The provisional license or temporary permit expires;
5 c. The ~~military spouse~~applicant fails to comply with the terms of the provisional
6 license or 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 ~~3.4.~~ A board that may elect to subject the board to this chapter under subsection 1 of
11 section 43-51-01 may issue a license, provisional license, or temporary permit to a
12 ~~military spouse~~an applicant in the same manner as provided under subsections ~~4~~2
13 and ~~2~~3 regardless of whether the board has adopted rules to subject the board to this
14 chapter.

15 ~~4.5.~~ ~~A military spouse~~An individual issued a license under this section has the same rights
16 and duties as a licensee issued a license under the traditional licensure method.

17 ~~5.6.~~ If within thirty days of receipt of a completed application under subsection ~~4~~2 the board
18 does not grant or deny a license under subsection ~~4~~2 or does not issue a provisional
19 license or temporary permit under subsection ~~2~~3, the board automatically shall issue a
20 provisional license or temporary permit. A provisional license or temporary permit
21 issued under this subsection remains valid until the board grants or denies the
22 application for licensure under subsection ~~4~~2 or issues a provisional license or
23 temporary permit under subsection ~~2~~3.

24 ~~6.7.~~ For purposes of this section, the term "board" includes the state board of accountancy,
25 state electrical board, North Dakota real estate appraiser qualifications and ethics
26 board, state real estate commission, secretary of state with respect to contractor
27 licensing, North Dakota board of medicine, and state board of dental examiners.

28 **SECTION 5. AMENDMENT.** Section 43-51-11.2 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 ~~43-51-11.2. Members of the military and military~~ **Military members - Military spouses -**
2 **Foreign practitioners who are state residents - Licensure applications.**

3 1. On each licensure application and renewal form, a board shall inquire and maintain a
4 record of whether an applicant or licensee is a member of the military ~~or a~~ a military
5 spouse, or a foreign practitioner who is a resident of the state. If an applicant self-
6 identifies as and provides the board with satisfactory proof of being a military spouse
7 or a foreign practitioner who is a resident of the state, the board immediately shall
8 commence the process to issue a license, provisional license, or temporary permit
9 under section 43-51-11.1.

10 2. For purposes of this section, the term "board" includes the state board of accountancy,
11 state electrical board, North Dakota real estate appraiser qualifications and ethics
12 board, state real estate commission, secretary of state with respect to contractor
13 licensing, North Dakota board of medicine, and state board of dental examiners.

14 **SECTION 6. OCCUPATIONAL LICENSURE BOARDS - REPORT TO LEGISLATIVE**

15 **MANAGEMENT.** During the 2021-22 interim, each occupational and professional board shall
16 review its licensure laws and rules to determine whether the laws and rules are consistent with
17 sections 43-51-11.1 and 43-51-11.2. Before August 2022, each occupational and professional
18 board shall submit a report to the legislative management on the status and outcome of that
19 board's review of its laws and rules. Each board shall prepare and request introduction of a bill
20 to the sixty-eighth legislative assembly to make the board's laws consistent with sections
21 43-51-11.1 and 43-51-11.2.