

HOUSE BILL NO. 1166

Introduced by

Representatives Toman, Christensen, Louser

Senator O. Larsen

1 A BILL for an Act to create and enact sections 43-51-12.1 and 43-51-12.2 of the North Dakota
2 Century Code, relating to occupational licensing of foreign practitioners who are residents of the
3 state; to amend and reenact subsection 3 of section 15.1-13-17 and sections 15.1-13-17.1; and
4 15.1-18-12, ~~43-51-11.1, and 43-51-11.2~~ of the North Dakota Century Code, relating to
5 occupational licensing of ~~foreign practitioners who are residents of the state~~ teachers; and to
6 provide for a report to the legislative management.

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

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

10 3. The board shall grant a teaching license to an applicant who is a military spouse or a
11 foreign practitioner who is a resident of the state who meets the requirements of
12 section 43-51-11.1 or 43-51-12.1.

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

15 **15.1-13-17.1. ~~Members of the military~~ Military members - Military spouses - Foreign**
16 **practitioners who are state residents.**

17 1. Notwithstanding contrary provisions of this chapter regarding licensure and licensure
18 renewal, sections 43-51-11 ~~and~~, 43-51-11.1, 43-51-12.1, and 43-51-12.2 regarding
19 licensure renewal of a military member and licensure of a military spouse or a foreign
20 practitioner who is a resident of the state, apply to a license issued or renewed under
21 this chapter.

22 2. Rules adopted by the board under this chapter must comply with sections 43-51-11
23 ~~and~~, 43-51-11.1, ~~and~~ 43-51-11.2, 43-51-12.1, and 43-51-12.2.

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

3 **15.1-18-12. Military spouses - Foreign practitioners who are state residents.**

4 Notwithstanding contrary provisions of this chapter regarding licensure qualifications,
5 ~~section~~sections 43-51-11.1 and 43-51-12.1, regarding licensure of a military spouse or a foreign
6 practitioner who is a resident of the state, ~~applies~~apply to an applicant's qualifications for
7 licensure.

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

10 ~~— **43-51-11.1. Military spouses - Foreign practitioners who are state residents --**~~

11 ~~**Licensure.**~~

12 ~~— 1. This section applies to an applicant who is a military spouse or a foreign practitioner~~
13 ~~who is a resident of the state.~~

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

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

22 ~~— b. The board determines the issuance of the license will not substantially increase~~
23 ~~the risk of harm to the public. A board with authority to require an applicant to~~
24 ~~submit to a statewide and national criminal history record check under section~~
25 ~~12-60-24 may order such a record check under this subdivision.~~

26 ~~— 2.3. A board shall issue a provisional license or temporary permit to a military~~
27 ~~spouse an applicant for which the licensure requirements under subsection 12 have~~
28 ~~been substantially met. A board may not charge a military spouse any fees for a~~
29 ~~provisional license or temporary permit under this subsection. A provisional license or~~
30 ~~temporary permit issued under this subsection may not exceed two years and remains~~
31 ~~valid while the military spouse applicant is making progress toward satisfying the~~

1 unmet licensure requirements. A military spouse~~An applicant~~ may practice under a
2 provisional license or temporary permit issued under this subsection until any of the
3 following occurs:

4 ~~a.~~ The board grants or denies the military spouse~~applicant~~ a North Dakota license
5 under subsection ~~12~~ or grants a North Dakota license under the traditional
6 licensure method;

7 ~~b.~~ The provisional license or temporary permit expires;

8 ~~c.~~ The military spouse~~applicant~~ fails to comply with the terms of the provisional
9 license or temporary permit; or

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

13 ~~3.4.~~ A board that may elect to subject the board to this chapter under subsection 1 of
14 section ~~43-51-01~~ may issue a license, provisional license, or temporary permit to a
15 military spouse~~an applicant~~ in the same manner as provided under subsections ~~12~~
16 and ~~23~~ regardless of whether the board has adopted rules to subject the board to this
17 chapter.

18 ~~4.5.~~ A military spouse~~An individual~~ issued a license under this section has the same rights
19 and duties as a licensee issued a license under the traditional licensure method.

20 ~~5.6.~~ If within thirty days of receipt of a completed application under subsection ~~12~~ the
21 board does not grant or deny a license under subsection ~~12~~ or does not issue a
22 provisional license or temporary permit under subsection ~~23~~, the board automatically
23 shall issue a provisional license or temporary permit. A provisional license or
24 temporary permit issued under this subsection remains valid until the board grants or
25 denies the application for licensure under subsection ~~12~~ or issues a provisional license
26 or temporary permit under subsection ~~23~~.

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

1 ~~SECTION 5. AMENDMENT.~~ Section 43-51-11.2 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 ~~43-51-11.2. Members of the military and militaryMilitary members - Military spouses -~~
4 ~~Foreign practitioners who are state residents - Licensure applications.~~

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

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

17 **SECTION 4.** Section 43-51-12.1 of the North Dakota Century Code is created and enacted
18 as follows:

19 **43-51-12.1. Foreign practitioners who are state residents - Licensure.**

20 1. This section applies to an applicant who is a foreign practitioner who is a resident of
21 the state.

22 2. A board shall adopt rules regarding licensure of an applicant or shall grant on a
23 case-by-case basis exceptions to the board's licensing standards to allow an applicant
24 to practice the occupation or profession in the state if upon application to the board:

25 a. The applicant demonstrates competency in the occupation or profession through
26 methods or standards determined by the board which must include experience in
27 the occupation or profession for at least two of the four years preceding the date
28 of application under this section; and

29 b. The board determines the issuance of the license will not substantially increase
30 the risk of harm to the public. A board with authority to require an applicant to

1 submit to a statewide and national criminal history record check under
2 section 12-60-24 may order a record check under this subdivision.

3 3. A board shall issue a provisional license or temporary permit to an applicant for which
4 the licensure requirements under subsection 2 have been substantially met. A
5 provisional license or temporary permit issued under this subsection may not exceed
6 two years and remains valid while the applicant is making progress toward satisfying
7 the unmet licensure requirements. An applicant may practice under a provisional
8 license or temporary permit issued under this subsection until any of the following
9 occurs:

10 a. The board grants or denies the applicant a North Dakota license under
11 subsection 2 or grants a North Dakota license under the traditional licensure
12 method;

13 b. The provisional license or temporary permit expires;

14 c. The applicant fails to comply with the terms of the provisional license or
15 temporary permit; or

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

19 4. A board that may elect to subject the board to this chapter under subsection 1 of
20 section 43-51-01 may issue a license, provisional license, or temporary permit to an
21 applicant in the same manner as provided under subsections 2 and 3 regardless of
22 whether the board has adopted rules to subject the board to this chapter.

23 5. An individual issued a license under this section has the same rights and duties as a
24 licensee issued a license under the traditional licensure method.

25 6. If within thirty days of receipt of a completed application under subsection 2 the board
26 does not grant or deny a license under subsection 2 or does not issue a provisional
27 license or temporary permit under subsection 3, the board automatically shall issue a
28 provisional license or temporary permit. A provisional license or temporary permit
29 issued under this subsection remains valid until the board grants or denies the
30 application for licensure under subsection 2 or issues a provisional license or
31 temporary permit under subsection 3.

1 7. For purposes of this section, the term "board" includes the state board of accountancy,
2 state electrical board, North Dakota real estate appraiser qualifications and ethics
3 board, state real estate commission, secretary of state with respect to contractor
4 licensing, and state board of dental examiners.

5 **SECTION 5.** Section 43-51-12.2 of the North Dakota Century Code is created and enacted
6 as follows:

7 **43-51-12.2. Foreign practitioners who are state residents - Licensure applications.**

8 1. On each licensure application and renewal form, a board shall inquire and maintain a
9 record of whether an applicant or licensee is a foreign practitioner who is a resident of
10 the state. If an applicant self-identifies as and provides the board with satisfactory
11 proof of being a foreign practitioner who is a resident of the state, the board
12 immediately shall commence the process to issue a license, provisional license, or
13 temporary permit under section 43-51-12.1.

14 2. For purposes of this section, the term "board" includes the state board of accountancy,
15 state electrical board, North Dakota real estate appraiser qualifications and ethics
16 board, state real estate commission, secretary of state with respect to contractor
17 licensing, and state board of dental examiners.

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

19 **MANAGEMENT.** During the 2021-22 interim, each occupational and professional board shall
20 review its licensure laws and rules to determine whether the laws and rules are consistent with
21 sections ~~43-51-11.1~~43-51-12.1 and ~~43-51-11.2~~43-51-12.2. Before August 2022, each
22 occupational and professional board shall submit a report to the legislative management on the
23 status and outcome of that board's review of its laws and rules. Each board shall prepare and
24 request introduction of a bill to the sixty-eighth legislative assembly to make the board's laws
25 consistent with sections ~~43-51-11.1~~43-51-12.1 and ~~43-51-11.2~~43-51-12.2.