

**2019 SENATE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2306**

# 2019 SENATE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

SB2306  
2/7/2019  
# 32370

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature : Pam Dever

### Explanation or reason for introduction of bill/resolution:

Relating to occupational licensure of military members & spouses; provide for a legislative management study.

### Minutes:

Att#1 and #2 –Sen Meyer, Att #3 –Bruce Gjovig, Att # 4- Linda Inman; Att #5 –John McMartin; Att #6 – Shaun Sipma, Att# 7 – Ken Vein,;Att # 8 – Michelle Kommer; Att # 9 –Mark Hardy; Att #10 – Al Dohrmann; Att # 11 –Mason Sisk;Att #12 –Jeanne Prom; Att #13 -Bonnie Staiger; Att #14 –Corey Kost; Att #15–#16 –Lawrence King; Att #17- Bonnie Storbakken; Att #18 – James Schmidt; Att #19 – Rebecca Pitkin; Att #20 –Rita Sommer; Att# 21 –Tom Ford

**Chairman Davison:** Let's open the hearing for SB2306.

**Vice Chair Meyer:** This is the third wave of licensing bills. (see att #1) Any questions?

**Sen. Erin Oban:** I was wondering by you just have spouse? The other bills added dependents, also.

**Vice Chair Meyer:** We just narrowed it down. (4.13)

**Bruce Gjovig, Grand Forks Air Base Retention Committee:** (see att# 3) I am here in support. This is the first time I have seen the three service secretaries to N.D. that they are changing the metrics, whether a base mission or closure, and adding criteria of quality of schools and spousal reciprocity for licensing. The number one problem the military has right now in retaining good airmen is spousal employment. There are approximately 1500 airmen that come in and out of Minot in a year rotation. It is 450 in Grand Forks. 54 % of the 2000 total are married. The professions most impacted are teaching, nursing, and social services. (7.28) Any questions.

**Chairman Davison:** Do mentioned some data. 63% of spouses trying to get licenses have difficulty in their last move. Define difficulty.

**Bruce:** Long delays or a licensing problem. Not recognizing another states license.

**Linda Inman, Grand Forks Air Base:** (9.39) I am a nurse and am here in support. (see att #4) Any questions?

**Vice Chair Meyer:** Are there any states not in the compact that you might see an airman coming from?

**Linda:** We see airmen coming from all states. When we go to national meetings, I visit with airmen from everywhere. (12.10)

**Sen. Erin Oban:** We heard in the previous bills that professions that belongs to national compacts, does this bill threaten N.D. from belonging?

**Linda:** Nothing that I can think of.

**John McMartin, Pres. of Minot Chamber of Commerce:** (see att# 5) (13.11) I am here in support. Please read my testimony. I would like to introduce MaryBeth Goodman from Grand Forks.

**MaryBeth Goodman:** I am a licensed professional counselor in N.D. This is my personal story of my journey coming here. (16.47) I am licensed in five other states. I hold a national certification. I have been practicing for over 20 years. I have a huge resume. I have over 750 hours of continuing education. I am a military spouse. We have had 12 formal duty stations in nine different states. I am a self-proclaimed expert in transferring my license. I started my licensing process in N.D. Oct 2017. It was granted in June of 2019; nine months. I had to pay each state I was licensed in, \$25 to \$100 for official license verification. These request delayed the process a great deal. I was told that the state Attorney General would have to review my packet before any board recommendation. (18.34) Thus adding further time in getting my license. I was treated with kindness and courtesy by the board. I dealt with Marge and love her. I needed to inquire if I needed legal assistance in getting the process done. Please consider deducing the fees and reducing the time it takes to finish this process. I am an asset in N.D. I can fill the deficit of mental health provider in your state. I volunteer 20 hours a month to help with suicide prevention and suicide education. I mentor college graduates from your universities who are applying for licenses in this state. I am not unique. There are other spouses that have the same great qualifications at bases who are seeking this bill. Thank you for letting me leave this state better than I found it. (22.42)

**Sen. Erin Oban:** They should have sent you earlier. Can you tell us how long the process took in other states?

**MaryBeth:** The best state was less than one month. The worst state was 2 ½ years. (23.06)

**Chairman Davison:** In your 9 months, what was the biggest obstacle?

**MaryBeth:** With my board, N.D. demands I verify my license in the other state I have a license on their forms. I have to have a piece of paper that went to all 8 boards to be signed and notarized and send back to N.D. In this day of digital processing, all of our information is absolutely seamless. You can go on websites and pull up all information. That took 3 months

of my personal process. (24.46) I moved lots and most legislation requires 3 to 5-year practice window. That does not work when I am at bases only 18 months.

**Sen. Kristin Roers:** Please do not leave this state.

**Shane Goettle, Assist. Attorney for Minot:** This is written testimony from Shaun Sipma, mayor of Minot. (see att# 6) The city council totally supports this bill. We urge a DO PASS.

**Ken Vein, Grand Forks City Council member:** Here in support. (see att # 7)

**Barry Wilford, Pres. Chamber of Commerce, Grand Forks, E. Grand Forks:** (28.24) I have nothing new to add. We just strongly support this bill. We have 1200 job openings in Grand Forks on a continuing basis. We are missing out on a big talent pool.

**Roger McCormick, UND Law School:** I am here for Michelle Kommer. She had a house fire. (see att #8) I am submitting her testimony in support.

**Mark Hardy, Ex. Dir. N.D. Board of Pharmacy:** (see att #9) (29.40) We can support with an amendment.

**Chairman Davison:** We brought up before concerning getting notarized from other state and why not do it electronically. How does your board feel? Some places will only take snail mail.

**Mark:** It is hard to draw a parallel to us because we have a mature program. We have our national association that does our license transfer process. We can see at any time that an individual may hold and see that they are in good standing. I think there are challenges in certain jurisdictions. Most states have on line. They may put a disclaimer that on line is not official. (32.45)

**Mike Goebel, N.D. Dental Examiners:** I am a pediatric dentist in Bismarck. We are in support of this bill. I am a military child so moved around lots. We ask that you amend on line 13 and 20, to remove the overstrike. Dentistry is needle and knives, and we need to protect the people also.

**William Sherman, Ex. Dir. of N.D. Dental Association:** (34.41) we support this bill. We would like you to look at the over strike on page one, line 20. As well as pages 2 and 3, on the bottom for consistency. We are pulled out of other Code from other sessions. We ask that you follow that consistency.

**Sen. Kristin Roers:** I feel what you said to us was we think this is a great bill but we don't want it to apply to us. (35.35)

**William:** That is true. I am not a dentist. We worry about health and safety.

**Al Dohrmann, Adjutant General, N.D. National Guard:** I am in favor of the bill. (see att #10) You have already heard from me. MaryBeth did a great job. (37.20) We work closely with our Air Force Base people. We need to look at a new approach to base retention. In the past this legislature has appropriated lots of money to get at base retention. Most has been



spent on strategic initiatives. I have attached a letter from the Secretary of the Army, Navy and Air Force. This is not a change. They looked at quality of schools and portability of licenses for spouses. This bill is critical. Right now we are red on the chart and we want to be green. N.D. is not looked at as being very progressive. (40.30) Any questions?

**Mason Sisk, Economic Development of N.D.:** (see att #11) We are in support. We have identified that work force is our top priority. (41.37)

**Chairman Davison:** Any more in support? Against?

**Jeanne Prom, Ex. Dir. N.D. Real Estate Commission:** We all agree we need to expedite the process in all areas, especially the military spouses. (see att #12) I am not hearing is that we want a different standard for military spouses. Certainly not a lower standard. That brings me to why we are not in support as written. This bill changes it to 'shall' not 'must'. We were exempted from this currently. Because of our business, there may have been reason why we were exempted in the past. We can't have different standards for the military, because we license people who make the largest monetary transactions of their life. We need our licensees to manage fiscal issue and money. Our people must have a good credit report to be licensed. In the past 15 years, we have had a 50% increase in sales person's licenses. That has increased by 22% in ten years, and a 17% increase over 5 years. Workforce issues may not apply to us the same as other professions. (46.56)

**Vice Chair Meyer:** A credit report is the hang up for relators? I work in lending and I get a credit report in 5 seconds.

**Jeanne:** Yes. We don't have a process to give a provisional license presently. If this bill passes, we have to.

**Sen. Kristin Roers:** I don't read this as precluding you from running the credit check prior to issuing a provisional license.

**Jeanne:** We read it as automatic.

**Sen. Erin Oban:** This law requires you to give the license no matter the outcome of the report.

**Jeanne:** That is right. Most of our applicants don't have issues.

**Vice Chair Meyer:** What might those issues be?

**Jeanne:** When people apply and they have unresolved debts, you do not qualify with us. Just be current with your payment, and we will issue your license.

**Bonnie Staiger, N.D. Board of Archetecture & Landscape:** (see att #13) We oppose this bill. You are again trying to use one size fits all approach. We want to be exempt, then we support. Any questions?

**Corey Kost, N.D. Real Estate Appraiser Qualifications & Ethics Board:** (see att #14) We are here in opposition to his bill. We want to be exempted so we can keep our federal compliance. (58.58)

**Lawrence King, N.D. Board of Law Examiners:** (see att #15 & #16) We have never been included in any of these bills. I passed around the state board of law examiners that line 12 amendment to maintain the word 'title'. I have been to the hearings of the other like bills. I passed out rule 3.3, which is our military spouse certification rule. We had only one Minot individual who applied and granted in 11 days. It goes to administrative functions not the board. (1.00.57)

**Bonnie Storbakken, N.D. Board of Medicine:** (see att #17) We are in opposition. We already have our process under 43.17 in statute. The wording on some of this bill is confusing. Are we liable for something another state missed? There may be language that we could support.

**James Schmidt, Ex. Dir. N.D. Electrical Board:** (see att#18) We are opposed to this bill. (1.06.00-1.07.46) We do have reciprocity with other states. We fear we could lose this if this bill passes. New Mexico is one of the states that we recognize. We turn our applications around in around 10 days. We have a placement exam. If you would exempt us, that would be good.

**Rebecca Pitkin, Education Standards/Practices:** I am here neutral. Our board has not discussed this bill. (see att #19) We found a few things absent from this bill.

**Chairman Davison:** Any additional agency testimony? We are closed. (1.09.28)

Following did not speak: Att #20 – Rita Sommer  
Att #21 -- Tom Ford

# 2019 SENATE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee

Sheyenne River Room, State Capitol

SB2306

# 32770

2-14-19

☐ Subcommittee

☐ Conference Committee

Committee Clerk: Pam Dever
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### Explanation or reason for introduction of bill/resolution:

Relating to occupational licensure of military members & spouses; provide for a report to the legislative management; to provide for a legislative management study.

### Minutes:

Att #1 - #2 – Sen. Meyer
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**Chairman Davison:** Take up SB2306.

**Vice Chair Meyer:** I have an amendment and a X-mas tree version in front of you. (see att #1 - #2) (2.00) We need to discuss the carve outs. On line 13, page, 1, when we change 'code' to 'title' that will take out the attorneys but also the teachers. That is the biggest employee thing with the military spouse. I have to work with Jennifer Clark. Page 3, line 17, is the language dealing with background checks. L.C. said that good standing deals with that already. Line 22, addresses no military fees for applicants. Page 4, allowed the board to revoke the provisional license or temp permit based on certain criteria. Line 9, was a cleanup line. (5.05)

**Chairman Davison:** Section 3?

**Sen. Kristin Roers:** Confusing sentence. It is just saying, that they may issue a license regardless of whether they have rules or not.

**Chairman Davison:** It allows them the flexibility.

**Vice Chair Meyer:** Line 23 is for recording and tracking purposes. Also addressing military I.D. Section 7 gives them until August 1, 2020 to adopt these rules. I need to get clarification to change 'title'. Pull out the attorneys or not, but we need to discuss other that want to be carved out.

**Chairman Davison:** Why did she change it to title then?

**Vice Chair Meyer:** To get the attorneys out. I later found this took teacher out, also. I need to find a way around it. Get teachers back in. The teachers are in SB2127.

**Sen. Kristin Roers:** Looking at #5 with regard to Secretary of State, that may be a question to verify since it is a state agency.

**Chairman Davison:** The term does not include the following and list the 7. On SB2127, they did not eliminate them. (10.28) We had 5 of these 7 come before us when we heard the bills.

**Sen. Erin Oban:** I am looking at SB2127, and the language you are talking about is not as good as the one you want to take now. This talks about teaching licenses, too.

**Sen. Kristin Roers:** Jennifer may be able to us that language to include teacher to get around the title code.

**Vice Chair Meyer:** So in this amendment strike out section 2 – 5 and add language to make teacher separate part with the military part?

**Sen. Kristin Roers:** Just a suggestion.

**Vice Chair Meyer:** I will meet with Jennifer Clark again.

**Chairman Davison:** We are eliminating these people from being excluded?

**Vice Chair Meyer:** That is up to the committee.

**Chairman Davison:** How did they get on the list? Any history?

**Bonnie Storbbaken,** Board of Medicine: I do not have the history. Our chapter is very separate and distinct. (14.54)

**Chairman Davison:** We need to research how these boards got in and why exempt. I am not comfortable just crossing them out. Had to be some purpose. See if there is something in common with the seven.

**Vice Chair Meyer:** Nursing and teaching are the biggest areas with military spouses.

**Sen. Erin Oban:** We also heard of no one who was denied their teaching license.

**Vice Chair Meyer:** This whole bill is to check a box. This is coming from the department of defense.

**Chairman Davison:** We are trying to get a bill to keep the discussion going. This may not be perfect. We are getting closer. The House may have other thoughts. Anything we did not address?

**Sen. Erin Oban:** Was there any discussion on professions who are members of a national compact and reciprocity already established?

**Sen. Kristin Roers:** When I moved to N.D., I can't stay on my reciprocity license. I have to get a N.D. license. It is easy to transfer if it is from compact state to compact state. The

challenge was would any of this language conflict with the existing statue of the compact. Could that nullify the compact? (20.01)

**Sen. Erin Oban:** The feedback I heard, was is there any consideration if you are exempting anybody. Are you a member of a multi-state national compact?

**Sen. Richard Marcellais:** I agree with Sen. Roers and Sen. Oban. We should consider the interstate licensing compacts in this bill and exempt those people. They do have license in other states.

**Vice Chair Meyer:** The nursed only had 31 of 50 covered. Lots of other states, get lots of order from Minot AFB and Grand Forks AFB. Compacts are not always every state.

**Chairman Davison:** Anything else. Hugh, could you do some research for us? Say the State Real Estate board and why they were exempt? Let's close and take it up this afternoon or Friday.

**Sen. Kristin Roers:** Should I talk to Sen. Lee?

**Chairman Davison:** Maybe we should visit together.

Done (25.20)

# 2019 SENATE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

SB2306  
2/18/2019  
# 32874

☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Pam Dever
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### Explanation or reason for introduction of bill/resolution:

Relating to ballot formats, write-ins, and certificates of nominations.

### Minutes:

Att # 1 and #2 – Sen. Meyer
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**Chairman Davison:** Sen. Meyer, do you have an amendment?

**Vice Chair Meyer:** I am just having the X-mas tree version printed for you right now. When we sat down last week, we realized we needed to bring the teachers back in this bill. We could adopt both amendments and then the new one. (see att # 1 and #2)

**Chairman Davison:** We had a .02001 and they continued that?

**Vice Chair Meyer:** Yes, then we realized that when we used 'title', it took the teachers out. The second amendment gets them back in.

**Vice Chair Meyer:** Section 5, page 3 in the X-mas, the .02001 in included in the X-mas Tree.

**Sen. Erin Oban:** Does this include lawyers?

**Vice Chair Meyer:** Not, because of 'title'.

**Sen. Erin Oban:** Wouldn't the lines 16-19 include the lawyers?

**Vice Chair Meyer:** Should I get Jennifer Clark down here to explain?

**Chairman Davison:** If she is available.

**Vice Chair Meyer:** My intention was not to include them. (6.01) I really need to get the teacher in.

**Sen. Erin Oban:** The lawyer would be found outside the 'title'. Maybe the administrative rule excludes them? I don't know.

**Vice Chair Meyer:** I am on page 5. We added language on line 4-6 to address the background check. Line 22 gives the board ability to revoke a provisional license. (7.49) We wanted to maintain a record and also provide a military I.D. on the next page. The last paragraph sets the time of August 1, 2020 as deadline to enact. (8.50)

**Sen. Burckhard, Dist. 5:** Have you dealt with SB2126 or 2127? I like what I see here. (11.56)

**Chairman Davison:** No.

**Jennifer Clark, Legislative Council:** (12.30) I am here to offer technical comments.

**Sen. Erin Oban:** On page 3, of .03002 version, when the lawyers came, they suggested we change the word 'code' to 'title' on line 6. That excluded them. On line 16 – 19, does that now add them in?

**Jennifer:** That is permissive language the allows them if they wanted to. There is no directive. It grabs the teachers and the lawyers. (13.58)

**Sen. Erin Oban:** Now the additional amendment that Sen. Meyer brought forward, the .03002, that adding in sections 1 and 2 it says ESPB has to follow.

**Jennifer:** Correct. We have pulled in the teachers. The lawyers can if they want to. I can't tell you who else we may be allowing. (15.10)

**Sen. Erin Oban:** If I recall our conversation from Friday, there was interest in why those exemptions were created on line 8-15, page 3. Have you found anything out, Jennifer. It is quite a mix of professions.

**Jennifer:** I have not done any research. I can't remember when we did that.

**Chairman Davison:** It was suggested that it may have to do with federal oversight. If the bill passes the Senate, then the House can decide, too. What are the committee wishes?

**Vice Chair Meyer:** I move a DO PASS on amendment .03001. **Sen. Kristin Roers:** I second.

Roll: YES -- 7 NO -- 0 -0-absent. Amendment passed.

**Vice Chair Meyer:** I move a DO PASS on amendment .03002. **Sen. Kristin Roers:** I second.

Roll : YES -- 7 NO -- 0 -0-absent. Amendment passed.

**Vice Chair Meyer:** I move a DO PASS as AMENDED. **Sen. Shawn Vedaa:** I second.

Roll: YES -- 7 NO -- 0 -0-absent. The DO PASS as AMENDED – passed.

**Vice Chair Meyer will carry the bill.**

(Done – 20.55)

February 13, 2019

PROPOSED AMENDMENTS TO SENATE BILL NO. 2306

Page 1, line 4, after "spouses" insert "; to provide a statement of legislative intent"

Page 1, line 12, remove the overstrike over "~~title~~"

Page 1, line 12, remove "code"

Page 1, line 21, after "~~also~~" insert "The term"

Page 1, line 21, remove the overstrike over "~~includes any agency of state government which is created or~~"

Page 1, remove the overstrike over line 22

Page 1, line 23, remove the overstrike over "~~agency elects, by administrative rule, to invoke the authority in this chapter~~"

Page 3, line 17, after the period insert "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."

Page 3, line 20, after the period insert "A board may not charge a military spouse any fees for a provisional license or temporary permit under this subsection."

Page 3, line 28, overstrike the second "or"

Page 3, line 30, after "permit" insert: ";

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"

Page 4, line 3, remove the overstrike over "~~A board~~"

Page 4, line 4, remove the overstrike over "~~that may elect to subject the board to this chapter under~~"

Page 4, line 4, remove the overstrike over "~~subsection 1~~"

Page 4, remove the overstrike over lines 5 and 6

Page 4, line 7, remove the overstrike over "~~of whether the board has adopted rules to subject the board to this chapter.~~"

Page 4, line 10, remove "A board may not charge a military"

Page 4, line 11 remove "spouse any fees for a provisional license or temporary permit under subsection 2"

Page 4, line 11, overstrike the period

Page 4, line 17, after "inquire" insert "and maintain a record of"

Page 4, line 18, after "as" insert "and provides the board with satisfactory proof of being"

Page 5, after line 2, insert:



**"SECTION 7. STATEMENT OF LEGISLATIVE INTENT.** It is the intent of the sixty-sixth legislative assembly that occupational and professional boards subject to this Act adopt any rules necessary to implement this Act before August 1, 2020."

Renumber accordingly

SK  
2/18/19  
JD3

PROPOSED AMENDMENTS TO SENATE BILL NO. 2306

Page 1, line 1, after the second "to" insert "chapter 15.1-13, a new section to chapter 15.1-18, and a new section to"

Page 1, line 3, after "sections" insert "15.1-13-13, 15.1-13-17,"

Page 1, line 4, after "spouses" insert "; to provide a statement of legislative intent"

Page 1, after line 6, insert:

**"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."

Page 1, line 12, remove the overstrike over "title"

Page 1, line 12, remove "code"

Page 1, line 12, after "profession" insert "and the education standards and practices board"

Page 1, line 21, after "also" insert "The term"

Page 1, line 21, remove the overstrike over "~~includes any~~" and insert immediately thereafter "other"

Page 1, line 21, remove the overstrike over "~~agency of state government which is created or~~"

Page 1, remove the overstrike over line 22

Page 1, line 23, remove the overstrike over "~~agency elects, by administrative rule, to invoke the authority in this chapter~~"

Page 3, line 17, after the period insert "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."

Page 3, line 20, after the period insert "A board may not charge a military spouse any fees for a provisional license or temporary permit under this subsection."

Page 3, line 28, overstrike the second "or"

Page 3, line 30, after "permit" insert: "; 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"

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Page 4, line 3, remove the overstrike over "A board"

Page 4, line 4, remove the overstrike over "~~that may elect to subject the board to this chapter under~~"

Page 4, line 4, remove the overstrike over "~~subsection 1~~"

Page 4, remove the overstrike over lines 5 and 6

Page 4, line 7, remove the overstrike over "~~of whether the board has adopted rules to subject the board to this chapter.~~"

Page 4, line 10, remove "A board may not charge a military"

Page 4, line 11 remove "spouse any fees for a provisional license or temporary permit under subsection 2"

Page 4, line 11, overstrike the period

Page 4, line 17, after "inquire" insert "and maintain a record of"

Page 4, line 18, after "as" insert "and provides the board with satisfactory proof of being"

Page 5, after line 2, insert:

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

Renumber accordingly

Date: 2-18-19  
Roll Call Vote #: 1

2019 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. SD 2304

Senate Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: 19.0255.03001

Recommendation: ☒ Adopt Amendment  
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐

Motion Made By Sen Meyer Seconded By Sen Roers

Senators	Yes	No	Senators	Yes	No
Chairman Davison	/		Sen. Oban	/	
Vice Chair Meyer	/		Sen. Marcellais	/	
Sen. Elkin	/				
Sen. K. Roers	/				
Sen. Vedaa	/				

Total (Yes) 7 No 0

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

2-18-19

Date:  
Roll Call Vote #: 2

**2019 SENATE STANDING COMMITTEE**  
**ROLL CALL VOTES** SB 2306  
**BILL/RESOLUTION NO.**

Senate Government and Veterans Affairs Committee☐ SubcommitteeAmendment LC# or Description: 19.0255 03602

Recommendation: ☒ Adopt Amendment  
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
 Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

 Motion Made By Sen. Meyer Seconded By Sen. Roers

Senators	Yes	No	Senators	Yes	No
Chairman Davison	/		Sen. Oban	/	
Vice Chair Meyer	/		Sen. Marcellais	/	
Sen. Elkin	/				
Sen. K. Roers	/				
Sen. Vedaa	/				

Total (Yes) 7 No 0Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

2-18-19

Date:  
Roll Call Vote #: 3

**2019 SENATE STANDING COMMITTEE**  
**ROLL CALL VOTES**  
**BILL/RESOLUTION NO. SB 2306**

Senate Government and Veterans Affairs Committee☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☒ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
 Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

 Motion Made By Sen. Meyer Seconded By Sen. Vedaa

Senators	Yes	No	Senators	Yes	No
Chairman Davison	/		Sen. Oban	/	
Vice Chair Meyer	/		Sen. Marcellais	/	
Sen. Elkin	/				
Sen. K. Roers	/				
Sen. Vedaa	/				

Total (Yes) 7 No 0Absent -0-Floor Assignment Sen. Meyer

If the vote is on an amendment, briefly indicate intent:



**REPORT OF STANDING COMMITTEE**

**SB 2306: Government and Veterans Affairs Committee (Sen. Davison, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2306 was placed on the Sixth order on the calendar.

Page 1, line 1, after the second "to" insert "chapter 15.1-13, a new section to chapter 15.1-18, and a new section to"

Page 1, line 3, after "sections" insert "15.1-13-13, 15.1-13-17,"

Page 1, line 4, after "spouses" insert "; to provide a statement of legislative intent"

Page 1, after line 6, insert:

**"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."

Page 1, line 12, remove the overstrike over "title"

Page 1, line 12, remove "code"

Page 1, line 12, after "profession" insert "and the education standards and practices board"

Page 1, line 21, after "~~also~~" insert "The term"

Page 1, line 21, remove the overstrike over "~~includes any~~" and insert immediately thereafter "other"

Page 1, line 21, remove the overstrike over "~~agency of state government which is created or~~"

Page 1, remove the overstrike over line 22

Page 1, line 23, remove the overstrike over "~~agency elects, by administrative rule, to invoke the authority in this chapter~~"

Page 3, line 17, after the period insert "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."

Page 3, line 20, after the period insert "A board may not charge a military spouse any fees for a provisional license or temporary permit under this subsection."

Page 3, line 28, overstrike the second "or"

Page 3, line 30, after "permit" insert: "; 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"

Page 4, line 3, remove the overstrike over "~~A board~~"

Page 4, line 4, remove the overstrike over "~~that may elect to subject the board to this chapter under~~"

Page 4, line 4, remove the overstrike over "~~subsection 4~~"

Page 4, remove the overstrike over lines 5 and 6

Page 4, line 7, remove the overstrike over "of whether the board has adopted rules to  
subject the board to this chapter."

Page 4, line 10, remove "A board may not charge a military"

Page 4, line 11 remove "spouse any fees for a provisional license or temporary permit under  
subsection 2"

Page 4, line 11, overstrike the period

Page 4, line 17, after "inquire" insert "and maintain a record of"

Page 4, line 18, after "as" insert "and provides the board with satisfactory proof of being"

Page 5, after line 2, insert:

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

Renumber accordingly

**2019 HOUSE INDUSTRY, BUSINESS AND LABOR**

**SB 2306**

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Peace Garden Room, State Capitol

SB 2306  
3/12/2019  
33566

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Ellen LeTang

### Explanation or reason for introduction of bill/resolution:

Occupational licensure of military members & spouses; provide a statement of legislative intent, a report & study to the legislative management.

### Minutes:

Attachments 1-15

**Chairman Keiser:** Opens the hearing on SB 2306.

**Sen Scott Meyer~District 18:** Attachment 1.

**5:00**

**Rep Laning:** What is the reason for not charging for the provisional license?

**Sen Meyer:** Talked about a person whose fees were just adding up & up.

**Rep Schauer:** What is the problem, what are we to solve?

**Sen Meyer:** This is an area that needs to be addressed & federal government said that quality of life for the military spouse. Licensing for military spouses was a priority. Our governor is in full support.

**Sen Burckhard~District 5-Minot:** Attachment 2.

**11:30**

**Rep C Johnson:** Do we need a definition for a military spouse?

**Sen Burckhard:** I don't know but when lawyers speak, you might have to have one.

**Rep D Ruby:** If a military spouse is no longer a military spouse who plan to live there, do they have to get a regular license & jump through the hoops or are they grandfathered in?

**Sen Burckhard:** I don't think they have to do anything.

**Bruce Gjovig~US Air Force Civic Leader:** Attachment 3.

**15:30**

**Rep M Nelson:** I am concerned about our Air Force bases in Minot & Grand Forks to get federal impact aid. Then effectively our funding formula works, we take away half of that to reduce the money that goes to educating those students. Would that be a factor in the Air Force retention?

**Bruce Gjovig:** I think an impact on the teacher's side but I'm not an expert in that area.

**Rep M Nelson:** Does the highway in Grand Forks get 24-hour snow removal at the Air Force base?

**Bruce Gjovig:** I am not certain about that. I do know there are concerns about it.

**Rep Bosch:** How long is the rotation?

**Bruce Gjovig:** About 2 to 3 years but there are some that are longer.

**Rep Schauer:** What is an unfair licensing barrier, can you give an example?

**Bruce Gjovig:** Sometimes they have to wait months & when you have a two-year tour, you can't wait months to get their license. Also, the cost is expensive to get certified copies. There are people here to talk about that.

**Chairman Keiser:** You mentioned 458 in Grand Forks, how many of those are teachers?

**Bruce Gjovig:** I don't know but the top three are teachers, nurses & social workers.

**John MacMartin~Minot Area Chamber of Commerce:** Attachment 4.

**22:55**

**Rep P Anderson:** Do you know how many people came to the Minot base & stayed?

**John MacMartin:** 22,000 retired military families in the area. That's not just Air Force but the predominance is Air Force but includes Army, Navy, Marines & Coast Guard.

**Rep Richter:** Do you have an idea of how many occupations that would be affected by this bill?

**John MacMartin:** The bill would affect almost all the occupations in the state of ND.

**Mary Beth Goodman~Military Spouse:** Attachment 5.

**30:50**

**Rep Laning:** I assume you carry your credentials when you came into this state?

**Mary Beth Goodman:** Yes.

**Rep Laning:** Did they offer any type of temporary licensure in this nine months?

**Mary Beth Goodman:** No.

**Rep Laning:** Did they ask for all of your history?

**Mary Beth Goodman:** Yes.

**Rep Laning:** After you were granted your license, how long did it take for you to get a job?

**Mary Beth Goodman:** I had a job 6 months before I moved to the state but I was not allowed to practice until my license was granted.

**Rep Laning:** Within the state?

**Mary Beth Goodman:** Yes.

**Rep Louser:** Is there any state specific testing or knowledge that's needed in order to get your license in ND or any other state?

**Mary Beth Goodman:** My particular licensure board, there is a national counseling examination that is held by the National Counseling Board. You take that after you pass your graduate level. You practice practicum in some states. It a nationally certified test that every state recognizes at the same level.

**Rep Bosch:** Of all the states that you applied to, which one was the easiest?

**Mary Beth Goodman:** New Mexico.

**Rep Bosch:** How long did it take?

**Mary Beth Goodman:** As long as my background check, 7 days.

**Rep Bosch:** Is ND being considered a place to stay at after he retires?

**Mary Beth Goodman:** The tax laws here are cost prohibited.

**Rep Richter:** Is there a data base that contains your license information?

**Mary Beth Goodman:** Here in ND, yes sir.

**Rep Richter:** Could the office in ND have gotten you license from a data base in another state?

**Mary Beth Goodman:** Yes, sir. The problem with mine is that it is unique. We don't have a strong national lobby system. There is no way that I can identify myself that I'm a military spouse.

**Major General Dohrmann~ND National Guard:** Attachment 6.

**41:20**

**Rep Schauer:** Why did it take a threat of losing a base to move on this issue of military spouses?

**General Dohrmann:** We've always had this problem of a state wide approach of base retention. We realized that one of the areas that we needed to improve on was license portability. Every state has their issues. Some states are well in front of us & some are lagging behind. We decided to do something about it.

**Mark J Hardy~PharmD-Executive Director of the ND State Board of Pharmacy:** Attachment 7.

**45:50**

**Rep Louser:** Aside from background & credit checks, is there anything specific to ND that somebody submitting for a license has to know other than the one obvious law that we have different?

**Mark Hardy:** There are a lot of different distinctions between state to state in pharmacy laws & controlled substance laws.

**Rep Louser:** How would a military spouse under a provisional license be aware of the differences in ND from where they transferred from?

**Mark Hardy:** That's a difficult one to answer for pharmacy.

**Rep Louser:** In those incidences, the board is comfortable for up to two years knowing that the military are getting their provisional license may not know those dispensary laws?

**Mark Hardy:** Up to two years is difficult for our profession. It should be less than a month not two years.

**Chairman Keiser:** Your board, they are going to have to take the test, which is available on line, it's a national test?

**Mark Hardy:** There is a national test but there is a specific state law

**Chairman Keiser:** Is it available?

**Mark Hardy:** Yes it is, the same process.

**Chairman Keiser:** Why the limit up to the two years?

**Mark Hardy:** There is a temporary licensure to meet the qualifications until they are fully licensed.

**Chairman Keiser:** How will your board establish your standard to your profession, by rule?

**Mark Hardy:** There may be a little rule change.

**Chairman Keiser:** I don't understand, a spouse come in, we can give them a provisional license up to two years, to get the provisional license, they have to take a test?

**Mark Hardy:** The way it sits now, no they don't.

**Chairman Keiser:** So, you are going to give the provisional license, they can take the test over the next month or two & get a full license?

**Mark Hardy:** Correct.

**Matt Gardner~Greater ND Chamber:** The workforce challenge in the state. There is no silver bullet out there. I ask the committee to pass this bill favorable.

**Mason Sisk~Economic Development Association ND:** Attachment 8. Testimony from Keith Lund.

**52:40**

**Rheider McCormick~Third year law student at UND:** Attachment 9.

**56:45**

**Chairman Keiser:** Anyone else here to testify in support of SB 2306, opposition?

**Bonnie Storbakken~Executive Secretary-ND Board of Medicine:** Attachment 10.

**1:03:50**

**Rep Laning:** Does the board of medicine have any provisions for temporary licensing at all?

**Bonnie Storbakken:** Yes, we do.

**Rep Laning:** You do not get involved in nurse licensing?

**Bonnie Storbakken:** No.

**Vice Chairman Lefor:** What is your turnaround?



**Bonnie Storbakken:** Four to six weeks.

**Vice Chairman Lefor:** What is the longest time to approve an application?

**Bonnie Storbakken:** I would have to take a guess; it's never come up in conversation.

**Vice Chairman Lefor:** You believe that we have the tools right now?

**Bonnie Storbakken:** Yes, we do.

**Rep Kasper:** Did you testify in the senate & what is your solution?

**Bonnie Storbakken:** I did testify in the senate & my solution is do it as quickly as we can. I'm concerned about our board's liability. I don't know what the answer is but a broad sweep is not a good answer.

**Rep P Anderson:** Do you know how many military spouses you've licensed?

**Bonnie Storbakken:** I don't know that answer because we have never tracked that.

**Chairman Keiser:** Reciprocity for our military bases is a priority & the goal is to achieve that. We need to find a solution; we need your help. Are you willing to change to get these people licensed? Are you willing to resolve this?

**Bonnie Storbakken:** Absolutely, we are willing to come to the table.

**Bonnie Staiger~Representing the ND State Board of Architecture & Landscape Architecture:** Attachment 11.

**1:25:10**

**Rep Richter:** You said that you can receive a review & issue a license in about 30 days. Do you know how long it takes for an applicant to fill out, get the paper work in place, before it gets to you?

**Bonnie Staiger:** There are two separate parts to that system. If they are licensed elsewhere, which the bill deals with, all of that has been preassembled in that national certification. As soon as we get their packet, we double check to make sure that they have checked all their boxes correctly. Then we can proceed.

**Rep Richter:** So for someone to apply, doesn't take them any time at all?

**Bonnie Staiger:** With the national certification, all they have to do is have their packet sent electronically.

**Chairman Keiser:** Does your board then have to take action & approve it or once your office receive it, it's granted?

**Bonnie Staiger:** We used to have to mail, as long as everything is in place, it does not have to go to the board pending everything is in place & no red flags.

**Rep P Anderson:** In the last five years how many military spouses have you licensed.

**Bonnie Staiger:** I don't know because we have not tracked that information. With a search, we might be able to come up with something.

**Rep P Anderson:** How would this bill affect what you are doing right now?

**Bonnie Staiger:** With the way this bill is written right now, with the complications & incongruity that are in it, it's a problem. We want to help them & it's a noble attempt. The immediate temporary provisions does not protect the people.

**Chairman Keiser:** Part of the solution is to give the boards the emergency authority & we can address that issue.

**Bonnie Staiger:** The amendments that I have suggested would fix that.

**James Schmidt~ND State Electrical Board:** Attachment 12.

**1:33:20**

**Rep Laning:** If you receive an application from a military person, how long would it take to issue a temporary license?

**James Schmidt:** It would depend from what state it comes from. About 10 days or a week. If it would come from a state with no licensure, that would take two months.

**Jeanne Prom~Executive Director-ND Real Estate Commission:** Attachment 13.

**1:41:45**

**Rep Adams:** Being they have taken the national test, coming in from another state, couldn't they be required after you verify they have a license, wouldn't they just have to take the ND test?

**Jeanne Prom:** How we handle out of state that is not reciprocal state where we have reciprocity, it is a stream line process for out of state applicants.

**Rep P Anderson:** How many military spouses have you licensed?

**Jeanne Prom:** We don't track.

**John Boyce ~ Executive Secretary - Board of Veterinary Medical Examiners:** Attachment 14.

**1:46:30**

**JoDee Wiedmeier~Executive Director of the ND Board of Podiatric Medicine:**  
Attachment 15.

**1:50:15**

**Chairman Keiser:** Anyone else here to testify on SB 2306?

**Rep Bosch:** I would have liked to hear from the board of social workers.

**Chairman Keiser:** I will call a subcommittee, chaired by Rep Laning, with Rep D Ruby, Vice Chairman Lefor & Rep Adams. Further discussion?

**Chairman Keiser:** This is the time to step outside of the box. Let's grease the wheels. You had Mary Beth's testimony, took too long & we are going to do something. We need to find a solution. We need to give them the authority but hold them accountable. We have to solve this problem & we will not have a study. We almost lost a base & that would have had We as a committee can't be responsible for that.

**Rep Louser:** The check box for a military spouse, we don't need a two-year study & it's fixable.

**Chairman Keiser:** Come with a solution to the subcommittee.

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Peace Garden Room, State Capitol

SB 2306  
3/15/2019  
33775

☒ Subcommittee  
☐ Conference Committee

Committee Clerk: Ellen LeTang

### Explanation or reason for introduction of bill/resolution:

Occupational licensure of military members & spouses; provide a statement of legislative intent, a report & study to the legislative management.

### Minutes:

Attachment 1, 2, 3

**Rep Laning:** Opens the subcommittee on SB 2306. **Attachment 1, 2 & 3** were submitted to the committee. Representatives & board members discussed the following changes to the bill & all agreed to the changes.

### Present for the subcommittee:

Rep Laning~Chairing the subcommittee. Rep D Ruby, Rep Lefor, Rep Adams, Jim Schmidt~ND State Electrical Board, Bonie Staiger~ND State Board Architecture, Shirley Porter~NDMIRTB, Dave Schalbley~ND OAG, Jay Sheldon~NDNG, Tara Brandner~NDAG, Sandra DePountis~NDAG, Allyson Hick~NDAG, Jodie Campbell~ND Real Estate Commission, Rheider McCormick~NDDOL, Chelsey Stoppleworth~NDNG.

### The following changes were accepted by all who attended:

Page 1, line 3-removes the overstrike & insert the word "and".

Page 1, line 5-after semi colon strike lines 5-6.

Page 3, lines 8-15-remove that strike. We will reinsert that language in later paragraphs.

Page 3, line 16-remove the overstrike b.

Page 4, line 15-putting everything back to the way it was.

Page 4, lines 17-20-remove the overstrike.

Page 4, line 24, remove the overstrike over "or shall grant on a"

Page 4, line 25-remove the overstrike over "case-by-case basis exceptions to the board's licensing standards".

Page 5, line 3-overstrike "exception" & insert "issuance of the license".

Page 5, line 7-remove " two - year ".

Page 5, line 8-overstrike "one or more of".

Page 5, line 9- overstrike "not".

Page 5, line 9-after "been" insert "substantially".

Page 5, line 11-after "subsection" insert "may not exceed two years and".

Page 5, line 13-overstrike "necessary".

Page 6, after line 5, insert-

"5. If within thirty days of receipt of a completed application the board does not grant or deny a license or does not issue a provisional license or temporary permit the board automatically shall issue a provisional license or temporary permit & remains valid until the board grants or denies the application for licensure or issues a provisional license or temporary permit.

6. 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, & state board of dental examiners."

Page 6, after line 8-insert: "1."

Page 6, line 12-replace "implement issuance of" with "commence the process to issue".

Page 6, after line 13, insert:

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

Page 6, remove sections 9, 10, 11, lines 14-29.

**Rep Laning:** Closes the subcommittee.

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Peace Garden Room, State Capitol

SB 2306  
3/20/2019  
34046

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Ellen LeTang
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### Explanation or reason for introduction of bill/resolution:

Prevention of financial exploitation & financial institution's duty of confidentiality.

### Minutes:

Attachment 1
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**Chairman Keiser:** Reopens the hearing on SB 2306.

**Rep Laning:** Attachment 1. We had a good representation for the boards & reached a very good compromise. Reads the attachment which is the amendment (19.0255.04003).

**Rep Laning:** Moves the amendment.

**Rep Louser:** Second.

**Chairman Keiser:** Further discussion?

**6:50**

**Rep Bosch:** In the new language, we don't have anything that says detail specific that says military, it's for anybody.

**Rep Laning:** No, the section of code that we are changing is already in code dealing with military spouses. So yes it does apply to military spouses. The portion that we excluded those boards from deals with everybody.

**Rep Richter:** Page 6, line 5 insert, does that take the place of the delay of getting a background check? So if the background check takes longer, is there a provision that cuts them a little slack?

**Rep Laning:** Not really, if the application deems complete, they have 30 days or otherwise they have to issue them a temporary license.

**Rep Richter:** The background check is part of the completed application, that's where it gives them that little break?

**Rep Laning:** I don't honestly know that answer.

**Rep P Anderson:** Is there other military bases where they check the boxes in the language?

**Rep Laning:** I only know of SD & Florida but I don't know how close they match our language. The subcommittee felt that it provided what we needed.

**Rep P Anderson:** How many bases are up for renewal?

**Rep Laning:** I don't think that they are up for renewal, it just that we want to avoid the hassle of defending it.

**Chairman Keiser:** The question isn't renewal; the question is when the base is closing.

**Chairman Keiser:** On subsection 5, at the bottom of the amendment, I don't understand the way it reads. The board does not grant or deny a license under subsection 1. They don't take any action or doesn't issue a provisional license except for a permit under subsection 2. The board automatically shall issue a provisional, why do we have temporary & provisional in there twice?

**Rep Laning:** The first portion says that if they don't do it, then they shall do it.

**Chairman Keiser:** If they don't give you a license or provisional, then they shall give you a provisional or other. That doesn't make sense to me.

**Rep D Ruby:** The reason is because they can do it sooner in 30 days but if they haven't, now they must.

**Rep Laning:** Most of the boards said that they would be well in the 30 days. Thinking one month is ok.

**Chairman Keiser:** Somebody in good faith, tries & can't get everything done. They can't get it done. The board isn't going to approve it until they get it.

**Rep Laning:** Some of the board said that they would be willing to work with the applicant.

**Chairman Keiser:** We have a motion, further discussion?

**Voice vote ~ motion carried.**

**Chairman Keiser:** Subcommittee, good work.

**Vice Chairman Lefor:** May I ask the military representative to step up. The completed application, does that cause you any heartburn?

**General Dohrmann:** Not really. There has been a lot of great discussion between the boards, commission & us. A lot of boards are working hard to help military spouses out already. Waiting for a transcript, I'll leave it up to their discretion.

**Chairman Keiser:** The Attorney General representative, could you come up here?

**Sandra DePountis~Assistant Attorney General for licensing:** We did sit down & had a lot of discussion on this.

**Chairman Keiser:** If we issue a license, all the boards have specific procedures to go through relative to recalling & revoking. On the provisional license, are there different standards for boards to take action?

**Sandra DePountis:** The way the provisional license has played out so far; they would either grant or deny it.

**Chairman Keiser:** 6 months, they would follow the same protocol?

**Sandra DePountis:** Correct. To answer another question of Rep Richter, on page 5, line 9, we gave them some wiggle room.

**Chairman Keiser:** What are the wishes of the committee?

**Rep D Ruby:** Moves a Do Pass as Amended.

**Rep Schauer:** Second.

**Chairman Keiser:** Further discussion?

**Roll call was taken on SB 2306 for a Do Pass as Amended with 12 yes, 0 no, 2 absent & Rep Laning is the carrier.**



DP 3/20/19  
1 of 2

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2306

Page 1, line 3, after the semicolon insert "and"

Page 1, line 4, remove ", 43-51-11"

Page 1, line 5, remove "; to provide a"

Page 1, remove line 6

Page 1, line 7, remove "provide for a legislative management study"

Page 3, remove the overstrike over lines 8 through 15

Page 3, line 16, remove the overstrike over "b:"

Page 4, remove lines 7 through 20

Page 4, line 24, remove the overstrike over "or shall grant on a"

Page 4, line 25, remove the overstrike over "~~case by case basis exceptions to the board's  
licensing standards~~"

Page 5, line 3, overstrike "exception" and insert immediately thereafter "issuance of the license"

Page 5, line 7, remove "two-year"

Page 5, line 8, overstrike "one or more of"

Page 5, line 9, overstrike "not"

Page 5, line 9, after "been" insert "substantially"

Page 5, line 11, after "subsection" insert "may not exceed two years and"

Page 5, line 13, overstrike "necessary"

Page 6, after line 5, insert:

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

6. 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."

Page 6, after line 8 insert:

DP 3/20/14  
2 of 2

"1."

Page 6, line 12, replace "implement issuance of" with "commence the process to issue"

Page 6, after line 13, insert:

"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."

Page 6, remove lines 14 through 29

Renumber accordingly

Date: Mar 20, 2019

Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2306

House \_\_\_\_\_ Industry, Business and Labor \_\_\_\_\_ Committee

☐ Subcommittee

Amendment LC# or  
Description:

19.0255.04003 title .05000

Recommendation

☒ Adopt Amendment

☐ Do Pass

☐ Do Not Pass

☐ Without Committee Recommendation

☐ As Amended

☐ Rerefer to Appropriations

☐ Place on Consent Calendar

Other Actions

☐ Reconsider

☐

Motion Made by Rep Laning Seconded By Rep Louser

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser			Rep O'Brien		
Vice Chairman Lefor			Rep Richter		
Rep Bosch			Rep D Ruby		
Rep C Johnson			Rep Schauer		
Rep Kasper			Rep Adams		
Rep Laning			Rep P Anderson		
Rep Louser			Rep M Nelson		

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor  
Assignment

voice vote - motion carried

Date: Mar 20, 2019

Roll Call Vote #: 2

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2306

House \_\_\_\_\_ Industry, Business and Labor \_\_\_\_\_ Committee

☐ Subcommittee

Amendment LC# or  
Description: \_\_\_\_\_

Recommendation

- ☐ Adopt Amendment  
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☒ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar

Other Actions

- ☐ Reconsider ☐ \_\_\_\_\_

Motion Made by Rep Ruby Seconded By Rep Schauer

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	<u>X</u>		Rep O'Brien	<u>Ab</u>	
Vice Chairman Lefor	<u>X</u>		Rep Richter	<u>X</u>	
Rep Bosch	<u>X</u>		Rep D Ruby	<u>X</u>	
Rep C Johnson	<u>X</u>		Rep Schauer	<u>X</u>	
Rep Kasper	<u>Ab</u>		Rep Adams	<u>X</u>	
Rep Laning	<u>X</u>		Rep P Anderson	<u>X</u>	
Rep Louser	<u>X</u>		Rep M Nelson	<u>X</u>	

Total (Yes) 12 No 0

Absent 2

Floor  
Assignment Rep Laning

**REPORT OF STANDING COMMITTEE**

**SB 2306, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2306 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "and"

Page 1, line 4, remove ", 43-51-11"

Page 1, line 5, remove "; to provide a"

Page 1, remove line 6

Page 1, line 7, remove "provide for a legislative management study"

Page 3, remove the overstrike over lines 8 through 15

Page 3, line 16, remove the overstrike over "b."

Page 4, remove lines 7 through 20

Page 4, line 24, remove the overstrike over "~~or shall grant on a~~"

Page 4, line 25, remove the overstrike over "~~case-by-case basis exceptions to the board's licensing standards~~"

Page 5, line 3, overstrike "exception" and insert immediately thereafter "issuance of the license"

Page 5, line 7, remove "two-year"

Page 5, line 8, overstrike "one or more of"

Page 5, line 9, overstrike "not"

Page 5, line 9, after "been" insert "substantially"

Page 5, line 11, after "subsection" insert "may not exceed two years and"

Page 5, line 13, overstrike "necessary"

Page 6, after line 5, insert:

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

6. 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."

Page 6, after line 8 insert:

"1."

Page 6, line 12, replace "implement issuance of" with "commence the process to issue"

Page 6, after line 13, insert:

"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."

Page 6, remove lines 14 through 29

Renumber accordingly

**2019 CONFERENCE COMMITTEE**

**SB 2306**

# 2019 SENATE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

SB2306  
4/8/2019  
#34603

☐ Subcommittee  
☒ Conference Committee

Committee Clerk: Pam Dever
----------------------------

### Explanation or reason for introduction of bill/resolution:

Relating to occupational licensure of military members & spouses; provide for a report to the legislative management; to provide for a legislative management study.

### Minutes:

Present: Sen. Meyer (Chair), Sen. K. Roers, Sen Oban; Rep. Laning (Chair), Rep. Richter, Rep. Adams.

**Sen. Meyer:** Rep. Laning, would you please explain your House amendments.

**Rep. Laning:** We scratched the legislative intent and report to management. We felt is we pass this bill as amended, none of that is necessary. It is a matter of law. Looking at all the various boards, they were deleted, but we added them back. That portion of Code applies across the board on state boards. Caused real problems on some of the boards. We placed these boards in the section that deals with military spouses. They were moved to two different portions. That does not harm anything. Under the old section 6, we removed that entirely. If this bill were passed as we amended, it is a totally unnecessary portion. We put language back in line 24. That was per request of the guard. Issuance of license was bought back in. We did not like the 'exception' word. We put the word 'substantially' in under which gives the boards wiggle room as far as issuing temp licenses. We put in 'may not exceed two years' for temp or provisional license. On page 6, we put in an assurance, if they have submitted a complete application, they will not have to wait any longer than 30 days before they are issued a provisional license. That should give them security. (5.41)

**Sen. Kristin Roers:** As I read that, am I seeing that those are the only boards that this section applies to. Does it mean that every other board is exempt from this provision? That is my concern. By adding them back in and having that language here, is problematic. Does this section on longer apply to the nursing board? (6.41)

**Sandra DePountis, Assist. Attorney General:** I helped draft these amendments. The entire 43.51 would still apply to all boards. (7.09) We are just making sure because they were overstruck earlier. Yes, everything in 42.51 would apply.



**Sen. Kristin Roers:** The language is just very confusing. (7.24) I feel boards would find it hard to understand, also.

**Sandra:** This is what L.C. came up with. We reviewed it with them. I agree, it is a bit wordy. That was one of the reasons we wanted to strike those exceptions from that other part. You would not need this then.

**Sandra:** 43.51 has a lot of provisions in it. If we remove the overstrike from 7-8 boards, that would mean they would be subject to entire 43.51. Some of those laws would conflict with their own. (8.13)

**Rep. Laning:** We added those boards down below in section 7. Section 9 is not needed if we pass this bill with amendments. We had a subcommittee that had a lots of involvement with the boards. (9.18)

**Sen. Meyer:** I do have language I am having drafted. I did want to put back the report to legislative management. The coronel in Grand Forks base reached out and asked for statistics to see how this is working. This is new law; I feel it is good to see how they are doing. We will bring this to the table. Adjourned. (10.33)

# 2019 SENATE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

SB2306  
4/16/2019  
#34775

☐ Subcommittee  
☒ Conference Committee

Committee Clerk: Pam Dever
----------------------------

### Explanation or reason for introduction of bill/resolution:

Relating to occupational licensure of military members and spouses; provide for a report to the legislative management; to provide for a legislative management study.

### Minutes:

Att # 1- Sen Meier; Att # 2- Rep Laning
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PRESENT: **Sen. Meyer (chair), Sen. K Roers, Sen. Oban**  
**Rep. Laning (chair), Rep. Richter, Rep. Adams**

**Sen. Meyer:** Let's open conference on SB2306. Attendance was taken and all were present. I brought an amendment. (see att # 1) Policy stayed the same, but we put in it goes to department of commerce instead of legislative management. Thoughts from the House. (1.00)

**Rep. Laning:** I want to amend your amendment. I handed out all 149 boards and commissions in N.D. I don't think all of these need to submit a report. (see att #2) Starting with section 8, is ok until the first period. I don't think we need any of that from line 3 – 7. Consider different language. The boards don't know how many applications they get from military spouses because they don't record it. This bill will require they record it. The important part is we are helping the military spouses. It is not up to the boards to tell us what their rules and laws are. We are the law making body. They know where to go to get a change. We don't need it in statute. The language I came up with gives the report that deals with military spouses. The bill requires the boards to keep records and submit to commerce for two biennia's and then no longer. After the second biennium, we should get a feel if we need more reports or if we have seen enough. The department of commerce is where it should go, so we agree there. That is our feeling.

**Sen. Meyer:** We are not knowing how many have been using this by making a report.

**Sen. Kristin Roers:** I remember when we had all the hearings, we talked about previous bills that had mandated certain things, but boards had not followed through on changing their laws and rules. (6.01) I do feel that the first report should include an update on how they changed their practice act. This would ensure that each board is complying with that. We

need to make sure that boards are following through. There are still boards not in compliance with previous bills that have asked them to do so. (6.33)

**Rep. Laning:** If a military spouse felt they were ignored or delayed, I think that would come to light very quickly. That particular board would come under scrutiny. The law says they will have a temporary permit within 30 days. (7.01)

**Sen. Meyer:** They were supposed to be reporting last time, and the law did not get it done.

**Rep. Laning:** Talk about the past. Based on the letter from ND Board of counselor of examiners wrote last time, did not exist. (7.27) It appears there was extreme stretching of the truth by one witness we had. One witness got their license before she moved into the state. The application to granting was less than 3 months. The boards said they don't delay anybody and don't know if military spouses or not. I don't feel we should encumber the boards on imaginary circumstance. We need to give credit where credit is due with the boards. (8.42)

**Sen. Meyer:** Do you have that amendment drafted?

**Rep. Laning:** Just written on here.

**Sen. Erin Oban:** Just a note that the long list of 149 board and commission that was distributed to us, is not reflective of the language of the bill is. The bill limits to boards and commissions created in title 43. This is a whole other list.

**Sen. Kristin Roers:** Commissions are not occupational licensing.

**Sen. Erin Oban:** The language in the bill relates to the boards and commissions in Title 43. Maybe 80.

**Rep. Laning:** You are willing to limit the boards and commissions to what is listed on Title 43?

**Sen. Erin Oban:** That is what the bill does.

**Rep. Laning:** I am OK with that. (10.08)

**Rep. Richter:** I thought in testimony that not all boards are listed. I am confused. I thought anything that licenses are what is included.

**Sen. Erin Oban:** My point is, if you look through the list Rep. Laning distributed, it is not inaccurate information.

**Rep. Laning:** I move to delete line 3 – 7 on page 7, and replace with my suggestion.

**Sen. Meyer:** We need clearer language.

**Rep. Adams:** I understand where we are all trying to get at. We are for the military spouses and want them to get licenses within 30 days. Those boards should report to the dept. of

commerce the people who have applied. That is a way of keeping track of military spouse numbers. We need to make sure they are following the law that we put into place with this bill. (14.45)

**Sen. Kristin Roers:** We found that in the past the boards where not consistent with the law. We both agree that is a bad thing. (15.24) How are we going to keep a progress report of who has completed their changes and who has not. We need to know who to deal with and don't have to make blanket statements that all boards 'must' do things. That is what we are trying to figure out with the annual reporting. (15.50) You can't assume they are doing what they are supposed to be doing. The good boards will do a good job. Lots of boards are made up of volunteers. We will have a better product is we make sure all are following through. (16.59)

**Rep. Richter:** I don't disagree with that. We should write that in so we know the objective. If we find 4 boards not complying, we know where to go.

**Sen. Meyer:** Let's meet on Thursday.

**Sen. Burckhard, Minot:** I just wanted to make a statement about the lady that got her license before she moved to North Dakota. An airman may get order to go to Minot and arrive way before the rest of the family. It is not like everybody hops in the van and drives to Minot the same time. Just wanted that to be clear.

**Sen. Meyer:** Keep tract on your dashboards. Adjourned (19.23)

# 2019 SENATE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

SB2306  
4/18/2019  
#34837

☐ Subcommittee  
☒ Conference Committee

Committee Clerk: Pam Dever
----------------------------

### Explanation or reason for introduction of bill/resolution:

Relating to occupational licensure of military members and spouses; provide for a report to the legislative management; to provide for a legislative management study

### Minutes:

Att. # 1 - #2- Sen. Meyer
---------------------------

PRESENT: **Sen. Meyer (chair), Sen. K Roers, Sen. Oban**  
**Rep. Laning (chair), Rep. Richter, Rep. Adams**

**Sen. Meyer:** Attendance was taken and all were present. I have an amendment to pass out. (see att # 1) I also am giving you the Xmas tree version. (see att # 2) I talked with Rep. Laning, and we came up with these amendments. We reduced the number of time and give them one year to report to commerce. We narrowed the scope to include section 43-51-11 and 11.1 and narrow to the military spouse. We had a form developed by the dept. of commerce and that is where they will report. How does it look?

**Rep. Laning:** I move the House recede and further amend. **Sen. Erin Oban:** I second.

**Sen. Meyer:** Discussion? Call roll: **YES -- 6 NO -- 0 -0-absent. Passed.**  
**Sen. Meyer will carry and Rep. Laning will carry the bill.**

**Done (2.21)**

April 18, 2019

1002  
4/18

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2306

That the House recede from its amendments as printed on pages 1137 and 1138 of the Senate Journal and pages 1263 and 1264 of the House Journal and that Engrossed Senate Bill No. 2306 be amended as follows:

Page 1, line 4, remove ", 43-51-11"

Page 1, line 5, remove "; to provide a"

Page 1, remove line 6

Page 1, line 7, replace "provide for a legislative management study" with "; and to provide for a report"

Page 3, remove the overstrike over lines 8 through 15

Page 3, line 16, remove the overstrike over "b."

Page 4, remove lines 7 through 20

Page 4, line 24, remove the overstrike over "~~or shall grant on a~~"

Page 4, line 25, remove the overstrike over "~~case by case basis exceptions to the board's licensing standards~~"

Page 5, line 3, overstrike "exception" and insert immediately thereafter "issuance of the license"

Page 5, line 7, remove "two-year"

Page 5, line 8, overstrike "one or more of"

Page 5, line 9, overstrike "not"

Page 5, line 9, after "been" insert "substantially"

Page 5, line 11, after "subsection" insert "may not exceed two years and"

Page 5, line 13, overstrike "necessary"

Page 6, after line 5, insert:

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

6. 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

2.  
state with respect to contractor licensing, North Dakota board of medicine,  
and state board of dental examiners."

Page 6, after line 8 insert:

"1."

Page 6, line 12, replace "implement issuance of" with "commence the process to issue"

Page 6, after line 13, insert:

"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."

Page 6, line 14, remove "**LEGISLATIVE**"

Page 6, line 15, replace "**MANAGEMENT**" with "**DEPARTMENT OF COMMERCE**"

Page 6, line 17, replace "chapter 43-51" with "sections 43-51-11 and 43-51-11.1 and section 7  
of this Act"

Page 6, line 17, after the comma insert "on a form developed by the department of commerce,"

Page 6, line 18, replace "legislative management" with "department of commerce"

Page 6, line 19, remove "Each board shall prepare and request introduction of a bill to the sixty-  
seventh"

Page 6, remove lines 20 through 29

Renumber accordingly

**2019 SENATE CONFERENCE COMMITTEE  
ROLL CALL VOTES**

BILL/RESOLUTION NO. SB2306 as (re) engrossed

**Senate Government and Veterans Affairs Committee Committee**

- Action Taken**
- ☐ **SENATE accede to House Amendments**
  - ☐ **SENATE accede to House Amendments and further amend**
  - ☐ **HOUSE recede from House amendments**
  - ☒ **HOUSE recede from House amendments and amend as follows**
  - ☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Rep. Laning Seconded by: Sen. Oban

Senators	4-11	4-16	4-18	Yes	No	Representatives	4-11	4-16	4-18	Yes	No
Sen. Meyer (chair)	x	x	x	x		Rep. Laning (chair)	x	x	x	x	
Sen. K. Roers	x	x	x	x		Rep. Richter	x	x	x	x	
Sen. Oban	x	x	x	x		Rep. Adams	x	x	x	x	
Total Senate Vote				3		Total Rep. Vote				3	

Vote Count      Yes: 6      No: 0      Absent: 0

Senate Carrier Sen. Meyer House Carrier Rep. Laning

LC Number 19.0255 . 04006 of amendment

LC Number                      . .06000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment



Insert LC: 19.0255.04006  
Senate Carrier: Meyer  
House Carrier: Laning

**REPORT OF CONFERENCE COMMITTEE**

**SB 2306, as engrossed:** Your conference committee (Sens. Meyer, K. Roers, Oban and Reps. Laning, Richter, Adams) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1137-1138, adopt amendments as follows, and place SB 2306 on the Seventh order:

That the House recede from its amendments as printed on pages 1137 and 1138 of the Senate Journal and pages 1263 and 1264 of the House Journal and that Engrossed Senate Bill No. 2306 be amended as follows:

Page 1, line 4, remove ", 43-51-11"

Page 1, line 5, remove "; to provide a"

Page 1, remove line 6

Page 1, line 7, replace "provide for a legislative management study" with "; and to provide for a report"

Page 3, remove the overstrike over lines 8 through 15

Page 3, line 16, remove the overstrike over "b."

Page 4, remove lines 7 through 20

Page 4, line 24, remove the overstrike over "or shall grant on a"

Page 4, line 25, remove the overstrike over "~~case by case basis exceptions to the board's licensing standards~~"

Page 5, line 3, overstrike "exception" and insert immediately thereafter "issuance of the license"

Page 5, line 7, remove "two-year"

Page 5, line 8, overstrike "one or more of"

Page 5, line 9, overstrike "not"

Page 5, line 9, after "been" insert "substantially"

Page 5, line 11, after "subsection" insert "may not exceed two years and"

Page 5, line 13, overstrike "necessary"

Page 6, after line 5, insert:

- "5. If within thirty days of receipt of a completed application under subsection 1 the board does not grant or deny a license under subsection 1 or does not issue a provisional license or temporary permit under subsection 2, the board automatically shall issue a provisional license or temporary permit. A provisional license or temporary permit issued under this subsection remains valid until the board grants or denies the application for licensure under subsection 1 or issues a provisional license or temporary permit under subsection 2.
6. 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

Insert LC: 19.0255.04006  
Senate Carrier: Meyer  
House Carrier: Laning

state with respect to contractor licensing, North Dakota board of  
medicine, and state board of dental examiners."

Page 6, after line 8 insert:

"1."

Page 6, line 12, replace "implement issuance of" with "commence the process to issue"

Page 6, after line 13, insert:

"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."

Page 6, line 14, remove "**LEGISLATIVE**"

Page 6, line 15, replace "**MANAGEMENT**" with "**DEPARTMENT OF COMMERCE**"

Page 6, line 17, replace "chapter 43-51" with "sections 43-51-11 and 43-51-11.1 and section  
7 of this Act"

Page 6, line 17, after the comma insert "on a form developed by the department of  
commerce,"

Page 6, line 18, replace "legislative management" with "department of commerce"

Page 6, line 19, remove "Each board shall prepare and request introduction of a bill to the  
sixty-seventh"

Page 6, remove lines 20 through 29

Renumber accordingly

Engrossed SB 2306 was placed on the Seventh order of business on the calendar.

**2019 TESTIMONY**

**SB 2306**

Sen. Meyer S GVA

SB 2306  
2-7-19  
Att #1

pg 1

SB 2306 is the third wave of Licensure Reciprocity Bills. Each has been different in their own ways, but I feel like 2306 will be a bill that will address many of the questions/concerns that we've heard over the last few weeks, and at the very least be something we can massage into sound policy.

I appreciate all the boards being here again to share their voice, and I thank those boards that have already been taking steps to address reciprocity issues. I'm confident this bill will check the box for our Federal Government in regard to licensure reciprocity for trailing military spouses and still be a positive change for boards that may be taking on these potential employees.

Committee I've also given you a few documents to review, and they will also correlate to many of the speakers standing up behind me. The handout includes the letter to The National Governors Association from the Secretaries of the Air Force, Army and Navy; 2017 Fiscal Year Impact Report from the North Dakota Military Force Structure, North Dakota Workforce Development Council Summary report specifically the section dealing with licensing barriers, and finally just one of many articles dealing with licensure reciprocity and how it will now be a metric used to determine if a base should remain open. If you would like more articles, please let me know.

I don't want to take time from others who have traveled to tell their stories, so I'll explain some of the differences 2306 has over other bills we've heard in committee.

**Section 3:** This deals with a provisional license. This allows a spouse to receive a two-year provisional license while the spouse is making progress towards satisfying any unmet licensure requirements.

I've worked with some boards on possible language the committee may want to amend. A suggestion given on **page 3 line 17 add "This determination may include review of a criminal background check and review of disciplinary actions from other jurisdictions as required by the board**

original

SB 2304  
2-7-19  
Att # 1  
pg 2

**Page 4 line 13 add "Except a license may be revoked upon cause determined by the board to be in the public interest"**

Section 4: This is created to add language onto licensure applications and renewals whether a licensee is a member of the military or military spouse. This was also a recommendation by the North Dakota Workforce Development Council as you can see on Appendix C of the handout. **Some language the committee may want to consider, Page 4 Line 17 add "and maintain" between "inquire" and "whether". Also on page 4 line 19 add "and provide satisfactory proof" after spouse. For example, this would be a military issued ID.**

Section 5: This is directing boards to report to Legislative Management prior to August 2020 whether their laws and rules are consistent with chapter 43-51 of the century code

Section 6: This is asking legislative management to consider studying the occupational licensing laws to determine whether barriers currently exist for military families.

I commend the committee for taking this challenge on. I also thank the boards in attendance that are doing the job of protecting their boards while also being willing to address the concerns laid out by numerous federal reports. At the end of the day we need to find a way to check the box regarding licensure reciprocity for military spouses and help families that have signed up to protect our country. These men and women deserve our support.

I ask for a favorable recommendation out of committee and will stand for any questions.

Office of the Secretary of the Navy  
1051 Navy Pentagon  
Washington, DC 20350-1051

Office of the Secretary of the Army  
101 Army Pentagon  
Washington, DC 20310-0101

SB 2306  
2-7-19  
AH #2  
PS1  
Appendix A

Office of the Secretary of the Air Force  
1670 Air Force Pentagon  
Washington, DC 20330-1670

from Sam Meyer

FEB 23 2018

## MEMORANDUM FOR THE NATIONAL GOVERNORS ASSOCIATION

SUBJECT: Consideration of Schools and Reciprocity of Professional Licensure for Military Families in Future Basing or Mission Alternatives

Thank you for your support of our men and women in the military. We are often asked what communities can do to support those who serve. While focus on the mission is always our priority, the factors military families cite most frequently as drawbacks to military service include military dependent's difficulty assimilating into local school systems following a duty station transfer, the quality of schools available for their children, and the ability of spouses to obtain jobs and sustain careers. With that in mind, we will encourage leadership to consider the quality of schools near bases and whether reciprocity of professional licenses is available for military families when evaluating future basing or mission alternatives.

Military families relocate frequently. The services endeavor to schedule transfers to minimize impact on the academic year, but this is not always possible. As a result, incoming students face difficulties transferring credits between school systems, adjusting to varied curriculum, and joining sports teams or clubs after the start of the school year. Exclusion from extra-curricular activities is particularly challenging for our military children, as they are critical to social development and self-esteem. Some school systems recognize this and accommodate military families during transfers. These schools should be commended and emulated.

Facilitating military spouses in continuing their work in a new place of residence without delays or extra expense is also important. Spouses in professionally licensed fields such as medical, legal, engineering, education, accounting, or the cosmetic arts face challenges due to delays or cost of transferring licenses to a new state or jurisdiction. Eliminating or mitigating these barriers will improve quality of life for our military families, and ease the stress of transferring duty stations with consideration for long-term career implications.

We realize improving schools and changing laws or regulations regarding professional licensure will take time. Over the long term, however, leaders who want to make a difference for the military and our missions will make the most impact if we focus on what matters. Reciprocity on licensure and the quality of education matter.

Thank you for your help and attention. We look forward to continuing to work with you and thank you again for your support of our men and women in the military.

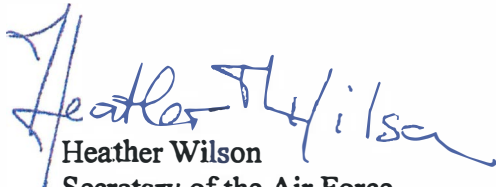
SB 2306  
2-7-19  
AH #2  
pg 2



Richard V. Spencer  
Secretary of the Navy



Mark T. Esper  
Secretary of the Army



Heather Wilson  
Secretary of the Air Force



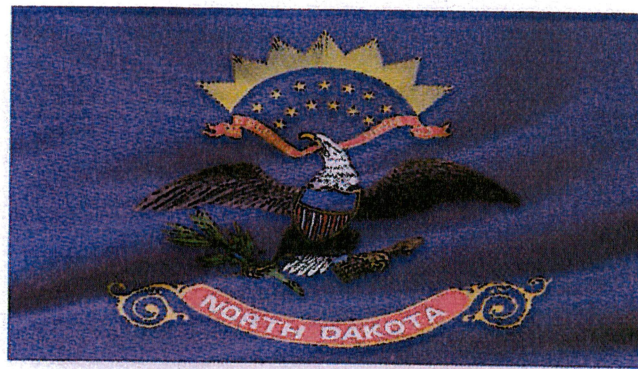
SP 2306  
2-7-19  
pg 3  
AH#2

# NORTH DAKOTA MILITARY FORCE STRUCTURE



## FY 2017 Economic Impact Analysis

Appendix B



Grand Fork AFB



Minot AFB

Prepared  
by  
NGND-  
PFO-IR



## FY 17 North Dakota Military Force Structure Economic Impact Analysis

SB 2306  
2-7-19  
AH #2  
pg 4

### Methodology / Availability of Information

The Economic Impact Analysis (EIA) provides unclassified key information about the resources and economic impact of the military on the State of North Dakota.

In fiscal year (FY) 2017 Military organizations employed 13,900 people and created about 3,874 indirect jobs in North Dakota. Annual payroll for military employees is approximately \$693.9M and indirect salaries are approximately \$182.6M. The military also has direct expenses for construction, services, materials, equipment and supplies of \$271.3M. Total military economic impact in North Dakota for Fiscal Year 2017 was estimated at about \$1.15B.

The total economic impact of the military in North Dakota is calculated by totaling annual payroll, annual expenditures and estimated dollar value of indirect jobs created. The economic area for this report is the State of North Dakota. The indirect job multipliers were obtained from LMI Economic Impact database, Installations and Indirect/Induced Multipliers, Feb 95. The average annual pay for North Dakota was obtained from the North Dakota Workforce Intelligence, a statistics web site using State labor information from the 1st quarter of 2017. This program analysis was prepared within the parameters of the Office of the Secretary of Defense's economic impact analysis model. The funding sources used in this analysis are Appropriated Funds (AFP), Non-Appropriated Funds (NAF) and State Military Funds. Some figures were estimates based on known factors and are identified in the report. The Active Duty information was obtained from the Annual Economic Impact Analysis for the Grand Forks and Minot Air Force bases and information provided by Armed Forces Recruiting Stations.

National Guard is made up of North Dakota Army and Air National Guard units. Active Duty is made up of the Air Force bases at Minot and Grand Forks and the Armed Forces recruiting stations for Air Force, Army, Marines and Navy. The Reserves are made up of the Air Force at Minot; the Army at Bismarck, Fargo and Grand Forks; the Marines at Wahpeton and the Navy at Fargo.

Information contained in this analysis is for the period 01 Oct 16 through 30 Sep 17 (Fiscal year 2017). The report is broken down by location (Tables 1-5) and military component (Tables 6-10). The information for this analysis was collected and compiled by NGND-PFO-IR.

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- Only seven states, including North Dakota, do not offer a state tax benefit for active military members and/or veterans
3. *The Council recommends* coordinated efforts to adopt a *single process across NDUS* to allow the transferability of military training to civilian-degree credit, ensuring consistency in translation of military training to academic training. Members of our military gain valuable skills and training during their military career and it is often difficult to translate these experiences to the civilian education setting. Though this translation may be done on a case-by-case basis at different universities throughout North Dakota, it is inconsistent and can prove to be a barrier to employment for lack of a civilian degree.
  4. *The Council recommends* removing licensing barriers for military spouse/dependent per the removal of licensing barriers recommendation to follow.

**REMOVE LICENSING BARRIERS.** In North Dakota, there are over eighty licensed occupations managed by more than sixty boards, agencies, and commissions. In July of 2018, North Dakota was awarded an "Occupational Licensing Review and Reform" grant from the U.S. Department of Labor. Work funded by the grant will occur over three years. In the first year, the workgroup will conduct a full review of current licensing processes, review current interstate compacts, and begin reviewing eight (8) selected occupations. During year two the workgroup will identify barriers created by the current schema, and during year three, recommend action necessary to remove barriers.

5. *The Council recommends* strategies for simplifying the occupational licensing process in North Dakota, without compromising public health, safety, or welfare while this matter is being studied. These strategies include:
  - a. Requiring boards, commissions, and agencies to implement a process inquiring as to whether the applicant is a military spouse/dependent and "automatically" afford reciprocity to the dependent absent demonstrated danger to public health, safety, or welfare; and
  - b. Implementing reciprocity agreements across all occupational licenses after a reasonable experience level requirement is met, absent demonstrated danger to public health, safety, or welfare or interference with an existing compact that effectively permits timely reciprocity.

**OFFER INCENTIVES.** In other sections throughout this report (*see Nursing and Technical Skills sections*), the Council has *recommended* incentives for participation in certain academic programs. The Council believes these incentives are necessary strategies to address national competition for qualified workers.

SEE THE "NURSING & TECHNICAL SKILLS" SECTIONS IN THIS REPORT

## ENDORSEMENTS

- *The Council endorses* the expansion of skilled immigration policies at the federal level.
- *The Council endorses* efforts currently underway to streamline the process of doing business in North Dakota, including interaction with the Secretary of State, Job Service North Dakota, Workforce Safety and Insurance, and other stakeholders.



From:

To:

Subject:

Scott Meyer

[EXTERNAL] Licensure reciprocity laws to be considered in future military basing decisions

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Appendix D  
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[https://rapidcityjournal.com/news/local/licensure-reciprocity-laws-to-be-considered-in-future-military-basing/article\\_5748b8c8-bf95-523e-8522-72fbfa925720.html](https://rapidcityjournal.com/news/local/licensure-reciprocity-laws-to-be-considered-in-future-military-basing/article_5748b8c8-bf95-523e-8522-72fbfa925720.html)  
TOP STORY

## Licensure reciprocity laws to be considered in future military basing decisions

- Samuel Blackstone Journal staff

- Jul 9, 2018

U.S. Air Force Secretary Heather Wilson said during a speech last month that licensure reciprocity laws will be a consideration for future base closures.  
Journal file

U.S. Air Force Secretary Heather Wilson said the presence of state laws on reciprocity of professional licenses for military families would now be a consideration when evaluating future basing and mission decisions in the Army, Navy and Air Force.

The statement — in a keynote address to the Western Governors Association meeting in Rapid City last month — came four months after Wilson, Secretary of the Navy Richard Spencer and Secretary of the Army Mark Esper sent a letter to the National Governors Association in February encouraging states to consider licensure reciprocity legislation while noting that the quality of local schools near a base would also be a new factor considered in future basing and mission decisions.

Dated Feb. 23, the letter was signed just three days after the South Dakota House of Representatives rejected an interstate compact bill, House Bill 1319, that would have allowed individuals who had been licensed in any profession or occupation in one participating state to receive, upon request within 30 days, a temporary license from another state participating in the compact. For civilians, the temporary license would have lasted 18 months. For military spouses, it would last two years. The intent was to

provide enough time for individuals to fulfill the new state's licensing requirements without having to forgo work in the meantime.

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That opposition ultimately stalled the effort, with professional associations lobbying to maintain control over their licensing processes. Concerns about the different standards for licenses/certifications across states and the vetting process to prevent possible abuses — say, a disgraced or troublesome dentist in North Dakota looking to escape disciplinary action by relocating to a new state — also led to the bill's defeat. North Dakota, Wyoming, Montana, and Colorado were the other states that would have potentially participated in the compact.

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In January, a month before the military secretaries' letter, Gov. Dennis Daugaard and U.S. Secretary of Labor Alexander Acosta penned an op-ed in the Wall Street Journal decrying "the problem of excessive occupational licensing." In 1950, only one in 20 jobs required an occupational license, the editorial noted. Now, more than one in four Americans need a license to work. Aside from creating a costly barrier to entry, the editorial noted the difficulty licensure created for job mobility, especially among military spouses.

Their solution was the Compact for the Temporary Licensure of Professionals, which was incorporated into House Bill 1319, presented to the South Dakota Legislature, and then roundly defeated on Feb. 20, with 46 of 64 votes cast in opposition.

For now, the future of licensure reciprocity legislation in South Dakota is unclear. But after Wilson's reiteration of the new considerations, it seems likely another attempt at the compact, or some other form of licensing reciprocity legislation, may be pursued in next year's legislative session. Currently, the only South Dakota law dealing with military spouses' licensure is South Dakota Codified Law 36-1B-1, which provides an expedited process for the issuance of licenses, certificates, registrations, or permits to the spouse of a military member who was transferred to South Dakota, holds the same or similar license in another state, and who left employment to accompany their spouse to the new base.

Lynn Kendall, a state lobbyist, vice president of the Rapid City Chamber of Commerce, and head of the chamber's military affairs committee, said the issue "hasn't gotten very much ground state to state" but said "something has got to give eventually" in way of legislation. Kendall also noted that perhaps legislation wasn't the best way to address the problem. Regardless, though, she said getting different licensing agencies to the discussion table was a prerequisite to any progress, legislative or not.

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"The bigger picture is employment for our military spouses," she said of the overarching goal. "We have a very low unemployment rate, and if we have a percentage of our workforce that we're not utilizing because of regulations, that seems like a very lost opportunity to me." Kendall also noted the economic impact Ellsworth Air Force base has on Rapid City and South Dakota as a potential motivating factor to getting something done.

If legislation is the best way to address the military's concerns and an overabundance of occupational licenses — more than 1,100 different occupations require a license in at least one state, according to an op-ed in the D.C.-based political newspaper The Hill — Daugaard's proposal for an inter-state compact is far from the only option. In fact, some argue that creating a compact to make licenses more mobile will only exacerbate the problem and cause states with lower requirements to raise them to meet the requirements of stricter states, increasing the barriers of entry for potential workers. In short, it will make it easier to move with a license but do nothing to stem the proliferation of unnecessary licenses.

"While many licenses are to ensure safety, these requirements are often for jobs no more risky than braiding hair, dog-watching, or flower arranging," said U.S. Rep. Darrell Issa (R-CA) in a July 2017 release announcing an occupational licensing reform bill presented to Congress last year. The bill never moved past the subcommittee level.

Arizona, Tennessee and Mississippi have all passed laws in the past two years to curb the increase of occupational licenses, including an across-the-board review of licensing requirements — and the justification for them — and implementing state oversight of licensing boards. Such reforms come after a 2015 U.S. Supreme Court decision, North Carolina State Board of Dental Examiners v. FTC, in which the court ruled that state

licensing boards composed of participants in the associated market may be subject to antitrust liability unless states exercise “active supervision” over the board.

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## For SB 2306 - Military Spouse Licensing Reciprocity

**From: Bruce Gjovig, Grand Forks** - U.S. Air Force Civic Leader (Appointee of USAF Chief of Staff & Secretary of the Air Force) and member of the Grand Forks Base Retention & Investment Committee (BRIC) [Bruce@Gjovig.net](mailto:Bruce@Gjovig.net) 701-739-3132

*SB 2306 is 1) a good law for our workforce needs, 2) the right law for trailing military spouses, 3 an essential law for our airmen and military to retain a highly trained military force, and 4) an important law to maintain our Air Force Bases' current and future missions.*

This law is about highly trained airmen and National Guard members working with nuclear missiles, bombers, ISR, sensors, data analytics, cyber security, international communications, and maintenance on complex technical systems - highly trained specialists needed to secure and protect our nation. How do we retain this essential workforce?

**Highly trained airmen will stay in the military** to serve our country, providing their spouses also have a rewarding career, and their children can be in quality schools. ***Our airmen's commitment to their country should not conflict with their commitment to their family.*** Too frequently service members retire or leave the service not because they want to leave the military, but because the toll on their families is too heavy. This bill provides a remedy.

**The critical need to retain highly trained military members** is why the three service secretaries (Air Force, Army & Navy) sent a letter to all Governors on February 23, 2018 outlining ways state leadership can better support our service members. Vitally important the letter stated: ***"With that in mind, we will encourage leadership to consider the quality of schools near bases and whether reciprocity of professional licenses is available for military families when evaluating future basing or mission alternatives."***

***Existing and future basing missions at Grand Forks AFB, Minot AFB and our National Guard will – in part - depend on quality schools and licensing reciprocity. North Dakota is up for that challenge, and we have always supported our military members and missions.***

**This bill eliminates licensing barriers** - i.e. employment barriers - faced by trailing military spouses after receiving an assignment to North Dakota. Military families move every two or three years (on average) either to another state or overseas. The **trailing spouse's** situation is challenging because they encounter location **assignments**, rather than **location choices**, thus their career advancement is limited by their spouse's assignment location. Often the notice for a new assignment comes less than three months before the move, providing little time for a spouse to find and secure a new professional job and meet a new state's licensing requirements. When military families are transferred to North Dakota, they should be greeted with a welcome mat, not burdened with licensing bureaucracy and government red tape.

Helping military spouses to continue their career in our communities without bureaucratic delays or extra licensing barriers is important to the airmen, the military, and therefore to us. Spouses in professionally licensed fields such as teaching, nursing, social services, medical, legal, engineering, accounting, or the cosmetic arts face challenges due to licensing delays or extra requirements or the high cost of transferring licenses to a new state. Eliminating or mitigating these barriers will improve career opportunities and thus quality of life for our military families, and ease the stress of transferring with favorable consideration for long-term career progress.

***This bill grants reciprocal professional licenses to military spouses as long as they are in good standing in the originating state and they have professional practice experience in two of the last four years. If there is an outstanding licensing requirement, they will be able to obtain a two-year***

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PS1

*provisional license* while they pursue their North Dakota license. **This bill solves the problem of licensing reciprocity to help military spouses, help with retention of airmen, gain educated workers, and support our military.**

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The Bureau of Labor Statistics estimates that 22% of all workers required a government license to do their job in 2016, while **35% of military spouses** in the labor force work in occupations requiring a license or certification.

**The Grand Forks AFB welcomes about 450 new airmen each year, and Minot AFB welcomes about 1,500 new airmen** – as their predecessors move to another assignment. **Military spouses are educated, experienced, team-oriented and community engaged.** Despite their credentials, between 10-16% of military spouses are unemployed, nearly one-third are underemployed and roughly 38% earn less than their civilian counterparts. Nationally 54% of airmen are married (69% of the officers and 51% of enlisted), and 20% of airmen are assigned overseas with many of their spouses stateside working and maintaining their families.

Working military spouses are predominantly female (92%), with an average age of 33 years old. Military spouses are more educated than civilians of working age, as approximately 30% of the U.S. working age population has a college degree, while **40% of military spouses do**. And a greater share of military spouses attended some college, even without receiving a degree, than other working age Americans: 34% and 26%, respectively. **Over one-third of spouses** hold an occupational license, especially in the health, educational and social service professions. **63% of them said they encountered difficulties with licensing in their last move.**

This bill will assist in our state's **workforce shortage** which currently has more than **13,000 open jobs**, and allow the trailing spouse to continue and sustain their chosen career – a win-win situation. We have a **very low unemployment rate**, and if we have a percentage of our workforce that we are not utilizing because of licensing regulations, that seems like a lost opportunity.

**Military spouses make for great employees** as they are used to adapting to new situations, which makes them agile to demands in the workplace. They are well-educated, they are experienced; they are hardworking. They want to work. And we want to make sure they have the opportunities to work when they move.

Our Military families make many sacrifices for American security and prosperity. Among these are the **labor market disadvantages** faced by military spouses. Frequent moves and deployments take a toll on the career outcomes of military spouses. It is estimated that military spouses earn \$12,000 or more per year less than other workers, resulting in *losses of nearly \$190,000* over a 20-year military career. This problem has attracted attention from private industry and from government, both of which have taken steps to encourage the employment of military spouses. It is the right thing to do.

**Last, but not least, our military is of vital importance to our state.** The North Dakota Military Force Structure's Fiscal Year 2017 Economic Impact Analysis states that last year Military organizations in our state employed 13,900 people and created another 3,874 indirect jobs in North Dakota. Annual payroll for military employees is approximately \$693.9 Million and indirect salaries totaled \$182.6 Million. The military also has direct expense for construction, services, materials, equipment and supplies in the amount of \$271.3 Million. The total economic impact in North Dakota for 2017 was estimated at about \$1.15 Billion. These figures illustrate how devastating a base closure would be for our economy, as well as a lost new mission.

Thank you for your favorable consideration.  
Feb 7, 2019



SB bill 2306 is important to future basing decisions, retention of military personnel, and can help with the shortage in many professions.

From: Linda Inman, RN, MS - AMC Civic Leader, Honorary Commander, Grand Forks AFB (2011-18); Medical Staff Review Coordinator, Grand Forks, ND [linman@gra.mido.net](mailto:linman@gra.mido.net) 218-791-6408 (cell)

Senator Scott Meyer introduced SB 2306 to streamline occupational licensure of military spouses. This box needs to be checked for maintaining/expanding base operations in the future. The economic impact of the Air Force bases located in our great state is significant. Please carefully consider supporting this bill, as long as the various occupations' State Boards supports so and there is language that insures the military spouse must practice in accordance with the North Dakota State Practice Act for their occupation, be their license provisional, temporary, or active.

Supporting employment of Military Spouses will help support two of Secretary of the Air Force Heather Wilson's priority areas:

1. Alleviating the pilot shortage
2. Alleviating retention issues of highly skilled military personnel for many bases by:
  - a. License reciprocity and
  - b. Improving schools near bases

Please refer to the table below for a sense of how frequently in North Dakota Nursing Licensure by Examination occurs compared to Licensure by Endorsement (accepting Nurses who have previously taken an acceptable licensing exam in other states) with nary a word about issues.

Please don't hesitate to call on me if needed. Thank you for your time, for all that you do for the citizens of ND, and for supporting this important legislation.

Linda Inman, RN MS (retired after 38 years in nursing in North Dakota)  
205 Leeward Hills Lane  
Grand Forks, ND 58201

\*\*\*\*\*

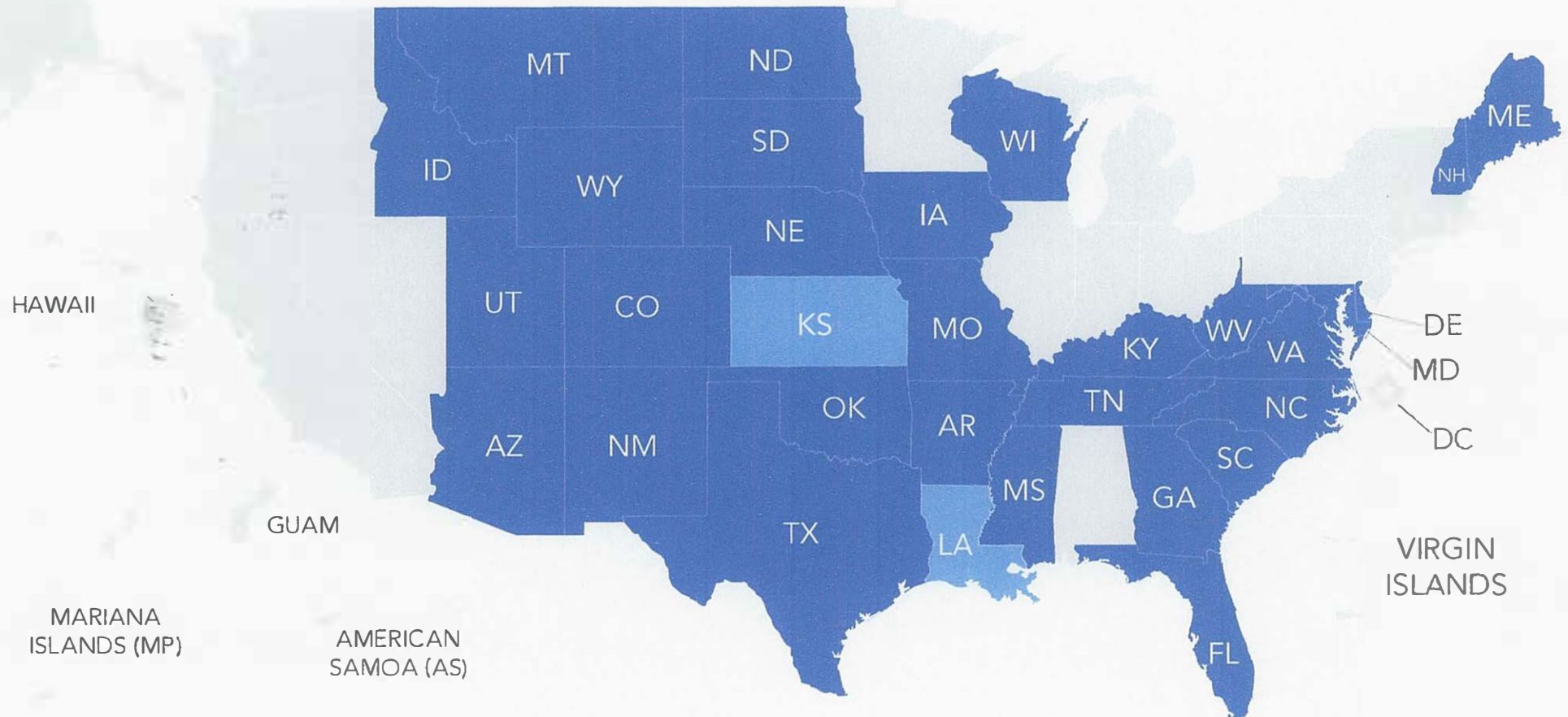
**North Dakota is one of 31 states who are members of the nurse licensure compact (NLC).** A nurse who holds a multistate license in another compact state can be employed in North Dakota. The candidate will need to apply to the Board within a short span of time, though, if North Dakota becomes the candidate's primary residence. NLC States map attached.

Nurses who have previously taken an acceptable licensing exam in another jurisdiction may apply by **endorsement**. Nurses who have not been previously licensed in the United States apply by examination. Once deemed eligible, they take a nationwide licensing exam.

#### NEW LICENSES ISSUED BY FISCAL YEAR IN NORTH DAKOTA

<b>Registered Nurse</b>	2013-2014	2014-2015	2014-2015	2015-2016	2016-2017	2017-2018
Examination	574	614	637	567	600	
<b>Endorsement</b>	<b>763</b>	<b>812</b>	<b>723</b>	<b>788</b>	<b>995</b>	
<b>Licensed Practical Nurse</b>	2013-2014	2014-2015	2014-2015	2015-2016	2016-2017	2017-2018
Examination	296	272	287	271	313	
<b>Endorsement</b>	<b>137</b>	<b>146</b>	<b>119</b>	<b>116</b>	<b>122</b>	
<b>Total</b>	<b>1770</b>	<b>1844</b>	<b>1766</b>	<b>1742</b>	<b>2030</b>	

# NLC States



**NURSE LICENSURE COMPACT**

Unlocking Access to Nursing Care Across the Nation



NLC States



NLC will be implemented on 7/1/19

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2-2-19  
AK #4  
pg 2

Testimony of  
L John MacMartin  
Minot Area Chamber of Commerce  
In support of 2306

SB 2306  
2-7-19  
AH #5  
pg 1

Good Morning, Chairman and members of the Committee, I am L John MacMartin, President of the Minot Area Chamber of Commerce. I rise in support of SB 2306, relating to Occupational licensure of Military members and military spouses. I know that this is not the first session nor the first time in this session that you have heard supporters of this bill or other similar bills stand to support changes in North Dakota statutes. Minot is suggesting this legislative change because of the issues identified in a in a 2018 letter from the Secretaries of the Air Force, Army and Navy to the National Governors Association, letter attached to my testimony.

My purpose in being here is related directly to the needs of the military in our state and more specifically to the needs at Minot Air Force Base. The military members of the Air Force can move as frequently as every 18 months to two years and if you are in that move cycle and you have been in the Air Force for 20 years that is certainly a number of different residences over your career. Family units form at different times for the military just like in the civilian arena. As an individual marries, a spouse, male or female, becomes part of the greater military family. That spouse most often already has established a professional career, often with educational achievements, professional certifications and licensure. The frequent moves makes a continued professional career extremely difficult for the spouse. This in turn makes it more difficult to retain the family.

The supporters of the military in North Dakota see this first as an issue of fairness and secondly as an issue that may prevent additional missions being located at a base, active duty or guard, and third as a red flag that says the state is not friendly to the military. This last item is critical as we move closer to the next Base Closure round. Mark Jantzer is the Chair of TF 21, Minot's base retention group, and also serves on the Chief of Staff of the Air Forces Civic Leaders Group. To illustrate how important this issue is to the Air Force, when he was in Washington DC last week for a civic leaders meeting with the Secretary and Chief of Staff of the Air Force, one of the primary points of discussion was progress being made by the various states on the issues outlined in the attached letter. In addition to ND, the states of MT, SD and NM are considering a number of bills this legislative cycle to address these issues. Many other states have already completed those efforts.

I could go on, but will stop here and thank the Committee for the opportunity to appear. Today there are spouses from Minot AFB here to offer their personal observations and experience for the Committee.

Office of the Secretary of the Navy  
1051 Navy Pentagon  
Washington, DC 20350-1051

Office of the Secretary of the Army  
101 Army Pentagon  
Washington, DC 20310-0101

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Office of the Secretary of the Air Force  
1670 Air Force Pentagon  
Washington, DC 20330-1670

FEB 23 2018

## MEMORANDUM FOR THE NATIONAL GOVERNORS ASSOCIATION

SUBJECT: Consideration of Schools and Reciprocity of Professional Licensure for Military Families in Future Basing or Mission Alternatives

Thank you for your support of our men and women in the military. We are often asked what communities can do to support those who serve. While focus on the mission is always our priority, the factors military families cite most frequently as drawbacks to military service include military dependent's difficulty assimilating into local school systems following a duty station transfer, the quality of schools available for their children, and the ability of spouses to obtain jobs and sustain careers. With that in mind, we will encourage leadership to consider the quality of schools near bases and whether reciprocity of professional licenses is available for military families when evaluating future basing or mission alternatives.

Military families relocate frequently. The services endeavor to schedule transfers to minimize impact on the academic year, but this is not always possible. As a result, incoming students face difficulties transferring credits between school systems, adjusting to varied curriculum, and joining sports teams or clubs after the start of the school year. Exclusion from extra-curricular activities is particularly challenging for our military children, as they are critical to social development and self-esteem. Some school systems recognize this and accommodate military families during transfers. These schools should be commended and emulated.

Facilitating military spouses in continuing their work in a new place of residence without delays or extra expense is also important. Spouses in professionally licensed fields such as medical, legal, engineering, education, accounting, or the cosmetic arts face challenges due to delays or cost of transferring licenses to a new state or jurisdiction. Eliminating or mitigating these barriers will improve quality of life for our military families, and ease the stress of transferring duty stations with consideration for long-term career implications.

We realize improving schools and changing laws or regulations regarding professional licensure will take time. Over the long term, however, leaders who want to make a difference for the military and our missions will make the most impact if we focus on what matters. Reciprocity on licensure and the quality of education matter.



Thank you for your help and attention. We look forward to continuing to work with you and thank you again for your support of our men and women in the military.



Richard V. Spencer  
Secretary of the Navy



Mark T. Esper  
Secretary of the Army



Heather Wilson  
Secretary of the Air Force

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2-7-19

Att #5  
pg 3

Senate Government and Veterans Affairs Committee  
Chairman Kyle Davison  
January 7, 2019

By: Shaun Sipma  
Mayor, City of Minot  
[shaun.sipma@minotnd.org](mailto:shaun.sipma@minotnd.org)  
701.721.6839

SB 2306

Chairman Davison and Members of the Senate Government and Veterans Affairs Committee, my name is Shaun Sipma. As Minot's Mayor, and on behalf of the citizens of Minot, thank you for the opportunity to speak in support of SB 2306.

The City of Minot is growing for a variety of reasons, including energy development. We have businesses throughout our community looking to hire new people. The city itself must also reach into the pool of talent available within commuting distance and compete. A tremendous source for us are family members of Minot Air Force base personnel, and ultimately air force retirees. To that end, the residents and businesses of the city want both our state and our city to be welcoming to our military families. We need them and their talents.

SB 2306 is one piece of the welcoming message. It eases the transition for qualified and professionally licensed military spouses to know they can immediately commence their professional practice in North Dakota and have a reasonable period of time to secure additional professional requirements. We want their transition here to be pleasant, and ultimately persuade them to stay.

Thank you for your time today. I urge you to please give this bill a "do pass" recommendation.

SB 2306  
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AH #6

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**City of Grand Forks**  
255 North Fourth Street • P.O. Box 5200 • Grand Forks, ND 58206-5200

Michael R. Brown  
Mayor

(701) 746-2607  
Fax: (701) 787-3773

SB  
2306  
2-7-19  
AH "7"  
Pg 1

## TESTIMONY ON SENATE BILL 2306

### Senate Government and Veteran's Affairs Committee

February 7, 2019

**Ken Vein, City Council Member, City of Grand Forks, ND**

Chairman Davison and members of the Senate Government and Veteran's Affairs Committee, my name is Ken Vein and I am the Ward 7 City Council Member for the City of Grand Forks. I want to thank you for the opportunity to provide testimony and express my and the City's official support for SB2306.

The City of Grand Forks has always been extremely proud to be the home of the Grand Forks Air Force Base and it has been an honor to be the home of the men and women who serve and support the critical missions. Moreover, we are proud that, as a state, North Dakota has been such a staunch supporter of our national military and their members and protector of its bases and their missions. We thank you tremendously for the State's actions of support.

The Grand Forks City Council has an adopted list of priorities and among them is a priority to support legislation that supports our military, our bases, their missions and their members. SB2306 offers one way to continue this support by providing a way to general quality of life of our members and their spouses. As you may be aware, in 2018, the Secretaries of the Navy, Army and Air Force sent a letter to all 50 Governors emphasizing the importance of quality of life initiatives for all service members and their families and the issues of reciprocity and overall quality of life initiatives are so important to the Air Force they will soon be required criteria in Base Realignment and Closure (BRAC) rounds and decisions involving mission growth, mission expansion, and new mission placement.

Every year, the Grand Forks Air Force Base welcomes about 450 new airmen and the Minot Air Force Base welcomes about 1,500 new airmen. Many of their spouses bring with them quality education and training that could help them to fill much needed workforce shortages we are facing here in North Dakota, particularly in areas such as Nursing and Education.

However, many of those spouses cannot do so without additional education or certification, which is oftentimes prohibitive for various reasons.

We sincerely appreciate all the work of state professional boards and associations and the certification that ensures safe and quality work. In the same manner, we sincerely appreciate the authors of SB2306 have drafted legislation that assures a quality level of oversight but also promotes the ability of military spouses to pursue their professions and bolsters much needed workforce.

In all, SB2306 continues the State's legacy of support for its military bases and personnel, provides enhanced quality of life for its members whose service and sacrifice is so deeply appreciated and helps to address critical, highly-skilled workforce shortages across the state.

For these reasons, the City of Grand Forks respectfully requests a DO PASS from the committee on SB2306 and we thank you for your thoughtful consideration.

*Roger spoke for*

Good morning Chairman Davison and members of the Government and Veterans Affairs Committee. My name is Michelle Kommer, and I was recently appointed to serve the citizens of North Dakota as the Commerce Commissioner. I am continuing to serve as Labor Commissioner until a replacement is appointed. I offer support for the spirit of SB 2306 and efforts to ensure that our state's occupational licensing policies achieve important goals, including consumer protection, workforce mobility, and economic growth.

As you know, an occupational license is a credential that government – most often states – requires a worker to hold in certain occupations. Occupational licensing typically requires workers to meet state-specific educational, training, testing, and other requirements to practice in a licensed profession.

There are a wide range of benefits of occupational licensing, ranging from the safeguarding of public health and safety, supporting career development and creating career pathways, and the protection of consumers by guaranteeing minimum educational requirements and industry oversight. Occupational licensing, while often state-specific, is also influenced by industry-specific interstate compacts, federal regulations and other factors.

The share of American workers who hold an occupational license has grown five-fold since the 1950's, when only 5% of workers held licenses. Today, almost a quarter of all employed workers hold occupational licenses. States vary considerably in the share of their workforce that holds a license, ranging from 12% in South Carolina to 33% in Iowa. In North Dakota, 23% of our workforce holds a license. States differ in which occupations they license, and the criteria for those licenses. For example, Michigan requires that licensed security guards have three years of education and training, while most states require 11 days or less. Of the 1,100 occupations that were licensed in at least one state in 2016, only 60 were licensed in every state. Today in North Dakota there are over 80 licensed occupations governed by more than 60 boards, commissions, and agencies.



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2-7-19  
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Occupational licensing requirements can have detrimental impact on specific populations, as highlighted in SB2306. Former Federal Trade Commission Chairman Maureen Ohlhausen asserted that “occupational licensing disproportionality affects...military families and veterans.” Licensing requirements can make it difficult for the 360,000 service members who leave or retire from active duty, guard, and reserve service each year, as well as one-third of “trailing spouses” who work in occupations that require licenses or certification from entering occupations that they may be qualified to practice. Compared to civilians, military spouses are 10 times more likely to have moved across states in the last year, making it difficult and costly for them to obtain a new license every time the move to a new state.

As noted in the Workforce Development Council’s October 2018 Report of Recommendations, military organizations in North Dakota employ nearly 14,000 people and create another nearly 4,000 jobs indirectly, with total military impact in North Dakota estimated to exceed a billion dollars. Preserving the presence of our military bases and other operations is essential to our state on many levels, including our ability to meet workforce needs as members of our military possess unique skillsets to close the workforce gap, and easing unnecessary licensing barriers is part of a broader solution.

With a national workforce shortage, state policymakers play a critical role in occupational licensing policies, and in having this dialogue, we join a number of other states where measures are being taken to closely examine occupational licensing requirements, to remove unnecessary barriers.

Thank you for your time and I am happy to answer any questions you may have.



State of North Dakota  
Doug Burgum, Governor

OFFICE OF THE EXECUTIVE DIRECTOR

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STATE BOARD OF PHARMACY

Mhardy@ndboard.pharmacy  
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Mark J. Hardy, PharmD  
Executive Director

**Senate Bill No 2306 – Military Dependent Occupations & Professions**

Government & Veterans Affairs Committee – Sheyenne River Room

9:30 AM - Thursday – February 7, 2019

Chairman Davison, members of the Senate Government & Veterans Affairs Committee, for the record I am Mark J. Hardy, PharmD, Executive Director of the North Dakota State Board of Pharmacy.

I appreciate the opportunity to discuss Senate Bill 2306 with you today.

The Board of Pharmacy has reviewed SB 2306 and are generally supportive of the tenets of the bill. There are a few areas of concern to which we would like to offer amendments. These would clarify and establish clear ability to receive the information we require to proceed with a provisional or temporary licensure. They would also ensure that safeguards remain in place for the Board to confirm the individual is fit for practice, which maintains the safety for North Dakota citizens.

The Board of Pharmacy appreciates the Committee's consideration of these amendments and is open to dialogue to accomplish all goals intended with this bill, which is a smooth transition into North Dakota for those members of our military and their spouses or family.

Thank you for listening to my testimony and I will be happy to answer any questions.

Spoke after  
(Roger)

make copy

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2-7-19

AH #9

PS1

TESTIMONY OF  
MAJOR GENERAL AL DOHRMANN  
NORTH DAKOTA NATIONAL GUARD  
BEFORE THE  
SENATE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE  
07 FEBRUARY 2019  
SENATE BILL 2306

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AH #10  
pg 1

Good morning Mr. Chairman, members of the committee, I am Al Dohrmann, Adjutant General for the state of North Dakota. I am here today to testify in support of Senate Bill 2306.

This bill is important for a number of reasons. First, the direct benefit it provides to our military spouses. It takes steps to remove barriers, making it easier for a military spouse to move professional licenses across state lines. There is a clear secondary benefit of making North Dakota a more military friendly state. Passing this bill will help ensure North Dakota is best situated for future Base Realignment and Closure processes. Third, this bill provides an opportunity to attract skilled workers to North Dakota.

License portability for military spouses is an issue for all states as they compete for skilled workforce. The White House in past and current administrations have made significant efforts to address the inconsistencies and barriers for military spouses who, because of national security and national defense needs, must frequently move. Without the opportunity for their spouses, military members may have to choose between their families and their nation's call. We can help make it easier for these members to join, and remain in the service by ensuring their spouses and their professional licenses are welcomed in North Dakota.

Secondly, with the prospect of a future Base Closure and Realignment Commission, we must remain competitive to retain our current military missions, which inject \$1.15 billion into our state's economy. I have attached a letter from the Secretaries of Army, Navy and Air Force where they clearly indicate that a state's support to its military members will be a factor in any future basing decisions. Senate Bill 2306 is an important step to show, in a tangible way, that we value our military families' contributions to this state and to our nation.

I am also testifying today as a member of the North Dakota Commission on Military Promotion and Strategic Sustainment, a group brought together by the Governor, chaired by the Lt. Governor. The commission develops policies and initiatives that support North Dakota's efforts to be a military friendly state. One of the Commission's objectives is to break-down the barriers to military spouses and dependents gaining employment in our state. Bill 2306 directly supports that effort.

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Finally, license portability, is just one component of an overall effort to ensure we provide a welcoming environment to the over 1900 service members performing duties in North Dakota, in addition to their accompanying family members that are transferred to our state each year. We assert this bill goes beyond support to our military and may be best described as a workforce recruitment and retention tool as well as means to bolster commerce and the North Dakota economy.

Annually, our two active duty air bases inject \$853 million into our state and local economy. In addition to the economic impact, there are approximately 7000 family members that accompany airmen to Minot and Grand Forks Air Force Bases. In some cases, family members do not move to North Dakota with their service member because of concerns about having a professional license that is not recognized.

This Bill will also support efforts to fill critical open positions in our state, reducing our skilled workforce shortage, such as teachers, nurses, social workers, emergency medical technicians and other first responders. This may also mean the lost opportunity to fill other positions with the children of our military members. With two active-duty Air Force Bases, a large National Guard presence, along with Army, Navy and Marine Corps reserve units in our state, we need to be a leader in providing a military friendly environment. Instead of a spouse and dependents not joining their service members at Minot or Grand Forks Air Force base, let's strive to be the state families call home when the service member is transferred to serve in a less military friendly state.

Senate Bill 2306 keeps us moving in the right direction. We have been working with the licensing boards and, with their support, there have already been strides in this area, but we need to do more. This bill does not ask professional licensure boards to blindly grant portability of licenses. Instead it solicits special consideration, given the unique circumstances involving military spouses who have a license in good standing from another state and reduces barriers to employment while living in North Dakota.

I ask for your support of SB 2306 and will stand by for any questions that you may have.

Office of the Secretary of the Navy  
1051 Navy Pentagon  
Washington, DC 20350-1051

Office of the Secretary of the Army  
101 Army Pentagon  
Washington, DC 20310-0101

Office of the Secretary of the Air Force  
1670 Air Force Pentagon  
Washington, DC 20330-1670

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# MEMORANDUM FOR THE NATIONAL GOVERNORS ASSOCIATION

SUBJECT: Consideration of Schools and Reciprocity of Professional Licensure for Military Families in Future Basing or Mission Alternatives

Thank you for your support of our men and women in the military. We are often asked what communities can do to support those who serve. While focus on the mission is always our priority, the factors military families cite most frequently as drawbacks to military service include military dependent's difficulty assimilating into local school systems following a duty station transfer, the quality of schools available for their children, and the ability of spouses to obtain jobs and sustain careers. With that in mind, we will encourage leadership to consider the quality of schools near bases and whether reciprocity of professional licenses is available for military families when evaluating future basing or mission alternatives.

Military families relocate frequently. The services endeavor to schedule transfers to minimize impact on the academic year, but this is not always possible. As a result, incoming students face difficulties transferring credits between school systems, adjusting to varied curriculum, and joining sports teams or clubs after the start of the school year. Exclusion from extra-curricular activities is particularly challenging for our military children, as they are critical to social development and self-esteem. Some school systems recognize this and accommodate military families during transfers. These schools should be commended and emulated.

Facilitating military spouses in continuing their work in a new place of residence without delays or extra expense is also important. Spouses in professionally licensed fields such as medical, legal, engineering, education, accounting, or the cosmetic arts face challenges due to delays or cost of transferring licenses to a new state or jurisdiction. Eliminating or mitigating these barriers will improve quality of life for our military families, and ease the stress of transferring duty stations with consideration for long-term career implications.

We realize improving schools and changing laws or regulations regarding professional licensure will take time. Over the long term, however, leaders who want to make a difference for the military and our missions will make the most impact if we focus on what matters. Reciprocity on licensure and the quality of education matter.

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Thank you for your help and attention. We look forward to continuing to work with you and thank you again for your support of our men and women in the military.



Richard V. Spencer  
Secretary of the Navy



Mark T. Esper  
Secretary of the Army



Heather Wilson  
Secretary of the Air Force





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AH #11  
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**Testimony of Mason Sisk**  
**Economic Development Association of North Dakota**  
**In Support of SB 2306**  
**Feb. 7, 2019**

Chairman Davison and members of the Senate Government and Veterans Affairs Committee:

I'm Mason Sisk from the Economic Development Association of North Dakota (EDND), and I would like to express our support for SB 2306.

EDND represents large and small and rural and urban economic development organizations on the front line of growing businesses and communities in North Dakota. The primary purpose of the organization is to promote the creation of new wealth throughout North Dakota to develop more vibrant communities and improve quality of life.

Workforce availability is the most significant challenge facing North Dakota businesses, limiting the growth potential of the state's economy. EDND supports the development of workforce attraction, development and retention strategies that address the needs of the state's businesses and industries. As of December 2018, North Dakota had an unemployment rate of 2.7 percent, which can make it difficult for businesses to find qualified candidates.

Career portability can be a challenge for a professional military spouse. The transitory nature of military service often requires military spouses to move every two to three years. Professional military spouses can be hindered from practicing their professions due to the time and financial constraints of meeting license requirements when moving across states lines. At a time when North Dakota has such an acute labor challenge, we should be doing everything we can to make it as simple as possible to add qualified individuals to the state's workforce.

Thank you for the opportunity to address the committee and express support for this bill and for your continued commitment to working together to address North Dakota's workforce needs.



North Dakota Real Estate Commission  
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[ndrec@nd.gov](mailto:ndrec@nd.gov)

701.328.9749  
[www.realestatend.org](http://www.realestatend.org)

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**Testimony in opposition of Senate Bill 2306 -- licensure of military and spouses**

Jeanne Prom, Executive Director  
North Dakota Real Estate Commission

Senate Government and Veterans Affairs Committee  
Senator Kyle Davison, Chair  
9:30 a.m., February 7, 2019

agst.

Good morning, Chairman Davison and members of the Senate Government and Veterans Affairs Committee. I am Jeanne Prom, executive director of the North Dakota Real Estate Commission. The commission licenses real estate practitioners.

**The N.D. Real Estate Commission urges a Do Not Pass recommendation on Senate Bill 2306 as written for the following reason:**

- **The requirement for provisional or temporary licenses sidesteps a basic fiscal management standard set by the N.D. Real Estate Commission for all its licensees.**
  - The commission has set a reasonable standard for license applicants to demonstrate fiscal management – **a satisfactory personal credit report**.
  - This protects the public, who, in working with licensed real estate agents, are involved in what are often the largest investments and monetary transactions in their life – buying or selling a home, farm or ranch, or business property.
  - The N.D. Real Estate Commission conducts credit histories on all applicants.
  - In the case of unsatisfactory credit histories, applicants are usually allowed time to take care of any issues before a license is issued.
  - Even in the case of applicants who are already licensed in other states, the commission does not issue a N.D. license before credit issues are resolved.

**Again, issuing an immediate provisional or temporary license without first assuring a licensee has sound fiscal management limits the commission in its consumer protection role.**

The commission is evolving to an all-online application process. As part of this upgrade, the commission will consider questions to identify applicants who are members of the military and their spouses.

Thank you, Chairman Davison and committee for your thoughtful consideration. I am available for your questions.

Members of the North Dakota Real Estate Commission are: Roger Cymbaluk, Chair; Scott Breidenbach, Vice Chair; members: Sandra Meyer, Steven Bitz, Diane Louser. Staff: Jeanne Prom, executive director.



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Testimony in Opposition to SB 2306  
Senate Government and Veterans Affairs  
07 February 2019

Chairman Davison and Members of the Committee,

My name is Bonnie Staiger and I am here today representing the ND State Board of Architecture and Landscape Architecture--100 years-old this year. For the past 22 years, our firm (the Staiger Consulting Group) has served as the board's Executive Director Team and provided central office functions. Among our many responsibilities, the licensing function is primary.

With respect for Sen. Meyer, the other sponsors of this bill, all military personnel and their spouses, we are here again to oppose it's one-size-fits-all sweep and ask that you give the bill a Do Not Pass recommendation or that you amend it to reinstate the exemption on page 4 lines 7-9 because the board of architecture and landscape architecture has already solved the problems the bill is trying to fix.

For your reference, I've kept my original testimony at the end of this document but I won't read it today since new information has come to light.

This bill and the other 2 introduced this session seem to imply there is an urgent problem that needs to be addressed yet there are no data to support that—only generalized descriptions of issues that may exist elsewhere and could potentially exist here.

At a similar hearing 2 weeks ago (SB 2127), it was revealed the impetus for all these bills may have root in a Department of Defense scorecard ranking states' accommodation for employment of military spouses. Besides me and many in this room again today, we were left to wonder how the DoD determined North Dakota's substandard score without an attempt to gather documentation from the licensing boards.

In addition, we object to including a question on our application (Section 4) that allows an applicant to simply check a box self-identifying as a military spouse which requires us to immediately bypass the usual procedure without proof of current military orders of an active military personnel stationed in North Dakota or that the applicant is actually a spouse of that specific personnel.

In our case, the bypass as written would circumvent the long-standing streamlined process developed by 55 jurisdictions and would require our office to assemble the

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required documentation outside of that mechanism (to insure of valid licenses and no open disciplinary actions). This would actually take longer than the normal timeline of 1 month. Further we must underwrite the costs to promulgate the rule changes, license those not quite qualified, and establish procedures to bring them into compliance, monitor their remedial progress, and absorb all these costs without charging the basic licensing fee?

Before you codify this, let's work together to assemble reliable data that can inform the DoD (and satisfy ourselves) of what is actually in place and demonstrate to them that there may not be a problem after all. While a statutory change might look good to a beltway auditor filling out this scorecard, it will create a costly quagmire for those of us attempting to comply and not result in serving any military spouses.

I'm happy to answer any questions.

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*Continuation of my previous testimony here:*

All U.S. states and territories require a license to practice architecture/landscape architecture as a means of ensuring buildings and grounds are safe, both for their occupants and those nearby. State licensing boards are charged with acting on behalf of the consumer and the larger public – without the efforts of these boards, the public would be left unprotected.

Although standards may vary across jurisdictions, the path to licensure requires a combination of education, practical experience, and examination—all vital components to ensure licensees are competent to design safe buildings in a manner that protects public health, safety, and welfare.

While the path to licensure is necessarily rigorous, licensing boards have joined together to make significant progress to fast-track the licensing requirements. This has significantly reduced the time it takes to become licensed and practice across state lines.

For as long as we've been involved with this board, there has been a national focus on mobility or as we call it "reciprocity" through our membership and participation in the National Council of Architectural Registration Boards and the Council of Landscape Architectural Registration Boards. Collectively 55 state and territorial jurisdictions have collaborated to create a streamlined path by which an individual, once licensed, even for as little as 1 month, can easily get licensed in multiple states by reciprocity without further qualifications. All this preserves each state's constitutional authority and responsibility to protect its citizens. Here in North

Dakota we can receive, review, and issue a reciprocal license in about 30 days—assuming the applicant is in good standing with no pending disciplinary actions.

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These universally-accepted standards for licensure, enables out-of-state practitioners to openly compete for work with in-state architects. In 2018, approximately 1059 (84 %) of 1253 total licensees were non-residents. In the reverse, this streamlining also allows our North Dakota based architects/landscape architects the opportunity to be licensed and easily work across state lines and many have projects in multiple jurisdictions. As an example we know of one ND architect who is licensed in 31 states.

Lastly, Mr. Chairman and members of the committee, the section allowing boards to seek an exemption from the Labor Commissioner would be a completely subjective exercise, could be revoked, and offers no appeal other than to come back in a future session asking you for statutory exemption. As a result, we request a Do Not Pass recommendation or an amendment reinstating the exemption of this board (page 4 lines 7-9).

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**SENATE BILL NO. 2306**  
**GOVERNMENT AND VETERANS AFFAIRS COMMITTEE**

**Testimony**

**Corey Kost, Vice Chair**

**NORTH DAKOTA REAL ESTATE APPRAISER QUALIFICATIONS AND ETHICS  
BOARD**

**February 7, 2019**

Mr. Chairman, members of the committee, my name is Corey Kost and I am vice-chair of the North Dakota Real Estate Appraiser Qualifications and Ethics Board. I am also a practicing commercial appraiser based in Bismarck. I am appearing on behalf of the Appraisal Board to oppose the Appraisal Board's inclusion in SB 2306. While the Board supports the bill's overall intent, its application to the Appraisal Board is problematic.

The Appraisal Board is unique in a number of ways. These unique characteristics are probably the reason the Appraisal Board was exempt from 43-51 in the first place. First, licensure for appraisers is voluntary in North Dakota, except for appraisers completing appraisals for federally related transactions (FRTs). This means anyone can practice as an appraiser without a license, as long their appraisals are not to be used in connection with FRTs. One must follow the rules only if they choose to obtain a license. Second, the Board's appraiser program and appraiser management company program are monitored at the federal level by the Appraisal Subcommittee (ASC). Statutes and rules that are consistent with ASC requirements for compliance with Title XI as amended by the Dodd-Frank Act must be in place or the program(s) will be determined to be non-compliant, meaning the public will no longer be able to obtain an appraisal for an FRT, appraisers will no longer be able to complete appraisals for FRTs, and/or lenders will no longer be able to use appraisal management companies to facilitate appraisals for FRTs.

As currently written, the Board has concerns that complying with the language in SB 2306 would jeopardize the programs' compliance with the ASC. Specific examples are that the ASC requires states ensure that *"all applicants for a real property appraiser credential shall possess a background that would not call into question public trust"* and *"an applicant shall not be eligible for a real property appraiser credential if, during at least the five (5) year period immediately preceding the date of the application for licensing or certification, the applicant has been convicted of, or pled guilty or nolo contendere to a crime that would call into question the applicant's fitness for licensure."* The proposed NDCC 43-51-11.1.2 (page 3, line 18) regarding licensure of military spouses would require the board to *immediately* (Section 4, page 4, line 19) issue a two-year provisional license or temporary permit to a military spouse that gives them the same rights and duties as a licensee issued a license under the traditional licensure method without first determining if the exception will substantially increase the risk of harm to the public. By complying with state law and issuing the license prior to ensuring *all* applicants possess a background that would not call into question public trust, the appraiser program would then be out of compliance with the ASC.

The Appraisal Board has already adopted reciprocal license statute (NDCC 43-23.3-04.1) and temporary permit statute (NDCC 43-23.3-11) that are consistent with ASC requirements from which we cannot deviate while maintaining compliance. These statutes provide mechanisms that allow licenses streamlined portability across state lines. The existing laws then already achieve the overarching goal of this proposed bill.

In closing, the Appraisal Board opposes SB 2306, or at the very least, requests exemption from this bill in order to maintain our federal compliance. That concludes my testimony and I'll stand for any questions.

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Sixty-sixth  
Legislative Assembly  
of North Dakota

## SENATE BILL NO. 2306

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Introduced by

Senators Meyer, Anderson, Burckhard, Hogue

Representatives Nathe, M. Ruby

Lawrence  
King

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 licensure of military members and military spouses; to  
3 amend and reenact sections 43-51-01, 43-51-11, and 43-51-11.1 of the North Dakota Century  
4 Code, relating to occupational licensure of military members and spouses; to provide for a  
5 report to the legislative management; and to provide for a legislative management study.

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

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

**9 43-51-01. Definitions.**

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

11 1. "Board" means a board, commission, or other agency of state government created or  
12 identified in this **title code** to regulate a particular occupation or profession.

13 a. ~~The term does not include the:~~

- 14 (1) ~~State board of accountancy;~~  
15 (2) ~~State electrical board;~~  
16 (3) ~~North Dakota real estate appraiser qualifications and ethics board;~~  
17 (4) ~~State real estate commission;~~  
18 (5) ~~Secretary of state with respect to contractor licensing;~~  
19 (6) ~~North Dakota board of medicine; and~~  
20 (7) ~~State board of dental examiners.~~

21 b. ~~"Board" also includes any agency of state government which is created or~~  
22 ~~identified outside this title to regulate a particular occupation or profession if the~~  
23 ~~agency elects, by administrative rule, to invoke the authority in this chapter.~~



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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 2. 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~~

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~~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 3. 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~~
  - c. The board determines the exception will not substantially increase the risk of  
harm to the public.
2. ~~Under subsection 1, a~~ 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 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.



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

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

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

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

On each licensure application and renewal form, a board shall inquire whether an applicant or licensee is a member of the military or military spouse. If an applicant self-identifies as a military spouse, the board immediately shall implement issuance of a license, provisional license, or temporary permit under section 43-51-11.1.

**SECTION 5. OCCUPATIONAL LICENSURE BOARDS - REPORT TO LEGISLATIVE MANAGEMENT.** During the 2019-20 interim, each occupational and professional board shall review its licensure laws and rules to determine whether the laws and rules are consistent with chapter 43-51. Before August 2020, each occupational and professional board shall submit a report to the legislative management on the status and outcome of that board's review of its laws and rules. Each board shall prepare and request introduction of a bill to the sixty-seventh legislative assembly to make the board's laws consistent with chapter 43-51.

**SECTION 6. LEGISLATIVE MANAGEMENT STUDY.** During the 2019-20 interim, the legislative management shall consider studying the state's occupational and professional laws to determine whether there are barriers for military families practicing occupations and professions in this state and steps the state might make to remove any barriers. The legislative

Sixty-sixth  
Legislative Assembly

- 1 management shall report its findings and recommendations, together with any legislation
- 2 necessary to implement the recommendations, to the sixty-seventh legislative assembly.

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North Dakota Supreme Court Rules  
Admission to Practice R. 3.3

*Lawrence King*

*SB 2304  
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Effective October 1, 2016

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### Rule 3.3 Military Spouse Certification

A. General Statement and Eligibility. Due to the unique mobility requirements of military families who support the defense of our nation, a lawyer who is a spouse of a member of the United States Uniformed Services ("service member"), stationed within North Dakota, may apply for certification to practice law under this rule.

B. An applicant under this rule shall file, with the State Board of Law Examiners, an application for a military spouse certification, which must include:

1. An affidavit stating:
  - a. that the lawyer has received a juris doctor or equivalent degree from a law school approved or provisionally approved for accreditation by the American Bar Association;
  - b. that the lawyer has been admitted to practice law and is licensed in another jurisdiction in the United States;
  - c. that the lawyer is currently a member in good standing of the bar of all courts and jurisdictions in which the lawyer is admitted to practice;
  - d. whether the lawyer is currently subject to an order of attorney discipline or the subject of a pending formal disciplinary or disability matter in any jurisdiction; and
  - e. that the lawyer has read and is familiar with the North Dakota Rules of Professional Conduct.
2. A copy of the certification of legal relationship between the lawyer and service member and a copy of the service member's military orders reflecting a permanent change of station to a military installation in North Dakota.

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3. A lawyer who receives certification under this rule shall pay an annual fee required for a lawyer who has been licensed in this state for five years or more.

C. A lawyer who receives certification under this rule shall complete at least 45 hours of approved coursework in Continuing Legal Education during each three-year period the lawyer is certified and must file a report as provided in the North Dakota Rules for Continuing Legal Education.

D. Scope of Practice. Except as provided in this rule, a lawyer admitted under this rule is entitled to all rights and privileges and is subject to all duties, obligations, and responsibilities otherwise applicable to licensed North Dakota lawyers for the period of authorized practice under this rule. The attorney may not act as counsel for a client until certified under this rule.

E. Discipline and Disability Jurisdiction. A lawyer certified to practice law under this rule is, as provided in N.D.R. Prof. Conduct 8.5, subject to professional discipline in the same manner and to the same extent as members of the bar of this state.

F. Termination of Certification. Certification under this rule terminates when:

1. The service member is no longer a member of the United States Uniformed Services;
2. The military spouse lawyer is no longer a spouse of the service member;
3. The military spouse lawyer is no longer licensed and in good standing in another jurisdiction in the United States;
4. The service member receives a permanent transfer outside North Dakota, except that if the service member has been assigned to an unaccompanied or remote assignment with no dependents authorized, the military spouse lawyer may continue to practice law under this rule until the service member is assigned to a location with dependents authorized; or

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5. The military spouse lawyer is suspended or disbarred or placed on disability inactive status in any jurisdiction in which the lawyer is admitted.

If any of the events identified in this section occur, the lawyer certified under this rule shall notify the State Board of Law Examiners of the event in writing within fourteen days of the date upon which the event occurs. Certification under this rule is terminated thirty days after notice is received.

G. Required Action After Termination of Certification. Upon the termination of certification under section F of this rule, the lawyer, within thirty days, shall:

1. Cease to occupy an office or other place for the regular practice of law in North Dakota, unless authorized to do so under another rule;
2. Notify in writing all clients in pending matters, and co-counsel and opposing counsel in pending litigation, of the termination of the lawyer's authority to practice law under this rule;
3. Decline any new representation that would require the lawyer to be admitted to practice law in North Dakota; and
4. Take all other necessary steps to protect the interests of the lawyer's clients.

H. Subsequent Attorney Admission. If an attorney certified under this rule is subsequently admitted to the practice of law in North Dakota, the lawyer's military spouse certification is superseded by the license to practice law.

[Adopted effective October 1, 2016]

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f  
Att #17  
pg 1

**Testimony of Bonnie Storbakken for SB 2306**  
**By Bonnie Storbakken, Executive Secretary for the North Dakota Board of Medicine**  
**Senate Government and Veterans Affairs Committee**

Hello Chairman Davison and members of the Senate Government and Veterans Affairs Committee. My name is Bonnie Storbakken. I am the Executive Secretary for the North Dakota Board of Medicine. I am here today to discuss our Board's concern regarding SB 2306.

Our Board is responsible for licensing MDs, DOs, PAs, Genetic Counselors and Fluoroscopy Technicians. Within our licensure process we seek information regarding the applicant's training, work history as well as information pertaining to other jurisdictions where the applicant holds a license. Our Board is able to obtain primary source verifications pertaining to education, training and testing, and other jurisdictions where the applicant holds a license.

Section one of this bill removes the exemption for our Board under 43-51-01. This would require our Board to apply the definitions and law in chapter 43-51 to our processes despite having our process codified under NDCC chapter 43-17. For example, the following sections of this chapter would now apply to the North Dakota Board of Medicine, 43-51-03 Indirect Practice without a license; 43-51-04 Emergency Practice without a license; 43-51-05 Limited practice without a license. These would cause confusion and conflict with laws within our chapter such as 43-17-34 Practicing without a license; 43-17-38 Emergency Treatment by Non-resident Physician and potentially the telemedicine bill that is currently moving through the legislative process as SB 2094. 43-51-06 Licensure without examination would also conflict with our licensing requirements under 43-17-18. 43-51-07 seems to state that the medical licensing compact that is being legislated during this session would not be effective if passed until after an Administrative Rules process which would be contrary to compact language. 43-51-08 would conflict with our current disciplinary statutes and rules. The impact of the removal of the exemption for our Board in this Chapter is extremely broad and very problematic.

This Bill requires our Board to immediately license an applicant who self identifies as a military spouse. A military dependent is defined as a foreign practitioner who is a dependent of a member of the armed forces...including a military spouse. The definition of "foreign practitioner", is 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. "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. By definition it is clear the applicant must hold a license in another jurisdiction and be in good standing. These are things that our Board looks at through our current application process. However, this bill seems to bypass our licensing process. Without using our primary source verifications we currently use we would have no way of verifying current licensure in good standing.



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Section three of this bill states that our board shall adopt rules to allow a military spouse to practice in this state if upon application they demonstrate competency and which in part must be based on 2-4 years of experience and will not substantially increase the risk of harm to the public. 1(b) of this section refers to exception language that is removed in subsection one. Subsection two of this section then states that a board shall issue a provisional license to a military spouse for which one or more of the requirements under subsection one is not met. The only requirements in subsection one is a demonstration of competence with years of experience and no increase of substantial harm to the public. This is confusing at best. Which requirement are we allowed to bypass? The competency or the increased substantial risk to the public. In either case our Board may open itself up to some potential liability.

Section four of the bill seems to provide for an exemption to our licensing rules for an applicant who self identifies as a military spouse on the application. This would mean that just filling out an application and checking a box would require the granting of licensure or the implementation of licensure. Does this mean that the primary source verifications and background checks that are routinely done are bypassed completely? Or is the license issued and then the information is collected? If it is the latter, we may be required to revoke a license after it is issued. This could be cause for an increase in legal fees to the Board and potential liability to the Board for allowing an unqualified applicant to practice in the State.

I would recommend that our Board retain its process for issuing licenses either by exempting our board from this language or by amending the language to allow the Board to use its current application process and creating a mechanism for identifying a military spouse applicant and ensuring that all steps are completed in the most expedited manner possible while ensuring the Board's ability to protect the public.

If the intent of this Bill is to provide an expedited process it would be important to note that SB 2173 has been introduced this session to adopt the Interstate Medical Licensure Compact. The aim of this compact is to provide an expedited process for licensing across the states. This Bill ensures that the proper credentialing process is completed by a home state and allows for a quick process in the other states the applicant has selected.

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## **TESTIMONY OPPOSED TO SB 2306**

**PRESENTED BY JAMES SCHMIDT**

**EXECUTIVE DIRECTOR, NORTH DAKOTA STATE ELECTRICAL BOARD**

Mr. Chairman, Members of the Committee:

As I've said before in previous testimony, the term "electrician" can be broad and doesn't mean the individual has the same qualifications required in North Dakota to become an electrician. Some jurisdictions license an individual by simply paying a fee with no electrical training or experience required. Some require a registration only with no training or experience or no oversight at all. Some jurisdictions do not adopt the National Electrical Code or do not follow any codes or do inspections such as we do. Some jurisdictions exempt certain work such as oil fields and farms that we do not.

Our state currently is a member of the National Electrical Reciprocal Alliance (NERA) which has 18 member states. To be a member of this group the state must have certain licensing minimum requirements. Also to become a member of NERA, the current member states vote in any new members based on their licensure requirements. The purpose of this group is to allow ND electricians move between states easily when electrical work slows in ND or in the same token when for instance the oil boom hit ND a few years, other reciprocal state electricians could get licensed easily in ND. ND currently has reciprocity licensing agreements with 12 states for journeyman electricians and 2 states for master electricians. We feel if SB 2306 becomes law, this will jeopardize our office's ability to remain a member of the NERA group because our office would be forced to license



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individuals that have the title “electrician” by any requirements. The next result would also be that ND electrician’s ability to move freely by reciprocity between states would also go away.

Our main concern begins on page 2, Section 2, line 29 & 30 carrying over to page 3 lines 1 & 2 of the bill, which strikes out the state electrical board.

As I’ve stated in previous testimonies our board currently has an avenue for all individuals including military and spouses that have experience in the trade but have come from a state or jurisdiction that is similar or do not have similar license requirements as North Dakota. The board offers, under certain circumstances, a placement exam which if passed, allows the applicant to take the ND journeyman exam. For these reasons and reasons given in previous bills testimony SB 2126 & 2127 the board would like to remain exempt from the requirements of SB 2306.

We believe our current vetting process is fair and reasonable for all, and we would certainly apply it to military and their spouses or anyone who meet ND standards.

The state electrical board office is charged with the duty of ensuring the safeguarding of the residents of North Dakota’s buildings and building contents from electrical hazards arising from the use or control of electricity for light, heat, power, and control thereof and of the fire detection system.

We therefore urge a do not pass vote on SB 2306 or amend the bill to exempt the electrical board from the requirements of SB 2306.

We thank the Committee for hearing our concerns and I would be happy to answer any questions the committee may have.



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PS1

February 6, 2019  
Testimony Dr. Rebecca Pitkin  
Education Standards and Practices Board  
Senate Bill 2306

*neutral*

Good afternoon Chairman Davison and members of the Government and Veterans Affairs Committee. My name is Rebecca Pitkin and I am the Executive Director of the Education Standards and Practices Board. Our board has not discussed SB 2306 in great detail and therefore I cannot testify in support or opposition. Despite this fact, many of the items within the bill such as the requirement of a background check and the definition of “good standing” are items which our board found absent from SB 2126 and SB 2127 and thus they were opposed. SB 2306 has elements which directly align with our non-negotiable of “doing what is best for kids”.

This concludes my testimony and I stand for any questions.

Senate Government & Veterans Affairs Committee

9:30 AM, February 7, 2019

Sheyenne River Room, State Capitol

Testimony presented by Rita Sommers, Executive Director  
North Dakota Board of Dental Examiners

**SB 2306 – In Support; Amendment attached**

Relating to occupational licensing of military members and military spouses; provide a report to Legislative Management; provide for a legislative management study

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not  
speak

Good morning Chairman Davison and members of the Committee, I am Rita Sommers, Executive Director of the North Dakota Board of Dental Examiners (NDBDE) and I am here to speak in support of SB 2306 if amended.

The Board offers this Committee an amended version of the bill. Specifically, the Board recommends on page 1, the overstrike on lines 13 through 20 be removed. As currently written, N.D.C.C. ch. 43-51 exempts a number of occupational licensing boards, including the Dental Board, from requirements primarily related to the licensure of foreign practitioners. Although the Dental Board is exempt from this statute, the Board through its own enacting statutes, has provided foreign practitioners with the opportunity to receive a license through similar means. Therefore, even though language in ch. 43-51 exempts the Dental Board from the requirements, foreign practitioners are still afforded the opportunity to receive a license by means other than initial licensure.

In regards to Section 2 of the bill which addresses the licensure of members of the military and their spouses, the Board supports the spirit of the law but respectfully requests an exemption to ensure the health and safety of the public is maintained. The Board is not opposed to ensuring applications of members of the military and their spouses are reviewed and acted on in an expedited manner. However, due to

the permanency of dental procedures and the ability to perform significant surgical procedures, the Board simply believes verification of credentials prior to the issuance of a license is in the best interest of the public.

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The NDBDE has made continuous efforts to streamline and speed up the licensing process. The situation discussed in the Governor's address was a miscommunication. The applicant which the Governor referred to was not licensed in another state, therefore the protections afforded to military spouses provided by this law would not have benefited her. In addition, the Board worked continuously with the applicant to ensure she met the statutory requirements for initial licensure and was granted an initial license as soon as possible. As of today, she is licensed and practicing within North Dakota.

Requirements for ND dental license do not prevent portability of a dental license. Although ND dental statutes are in line with most other states' requirements, each state is, and should be, responsible for its own due diligence in assurance of public protection and safety.

Previous administrative rule amendments illustrate the work done to promulgate achievable endorsements for dental practitioners, expanded use of temporary licenses and expedited applications which all represent an extended effort to improve licensure options for military spouses as well as all dental licensees.

Although SB 2306 has well-meaning intentions, it hampers the Board's ability to fulfill its obligation to protect the public. Attached to this testimony please find a proposed amendment.

North Dakota Senate  
Government and Veterans Affairs Committee  
600 E Boulevard Avenue #160  
Bismarck, ND 58505

*not  
speak*

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RE: SENATE BILL 2306 – RELATING TO OCCUPATIONAL LICENSURE OF MILITARY MEMBERS AND MILITARY SPOUSES

Dear Chairman Davison, Vice Chairman Meyer, and members of the Senate Government and Veterans Affairs Committee;

My name is Tom Ford and I am the Grand Forks County Director of Administration; I am also a member of the Grand Forks Region Base Retention and Investment Committee (BRIC), and member of the Governor's Council on Military Promotion and Strategic Sustainment (ND COMPASS). I am here today to testify in favor of Senate Bill 2306.

On February 23, 2018, the Secretaries of the Navy, Army and Air Force sent a letter to all 50 governors through the national governors association addressing the importance of quality of life initiatives for all service members and their families. Secretary of the Air Force, Ms. Heather Wilson, ranked military spouse license reciprocity as a top concern for the Air Force. Ms. Wilson then reiterated the importance of quality of life, specifically license reciprocity, while addressing the Western Governor's Association's annual convention in Rapid City, SD in June 2018. Ms. Wilson has continued to stress the importance of license reciprocity with the many communities she visits, including Grand Forks, ND, and the Association of Defense Communities. In fact, reciprocity, and overall quality of life initiatives, are so important to the Air Force, that they will soon be required criteria in Base Realignment and Closure (BRAC) rounds, and Strategic Basing (mission growth, mission expansion, and new mission placement) decisions. Ms. Wilson's staff within Installations and Environment (which owns both the basing and BRAC programs) have begun developing the appropriate metrics to evaluate a community's quality of life for its Airmen.

Grand Forks Air Force Base welcomes about 450 new airmen each year, and Minot AFB welcomes about 1,500 new airmen. Many of their spouses bring with them to ND quality education, credentials, licenses and experience which would allow them to fill much needed workforce shortages we are facing here in ND. However, many of those spouses who come to ND as teachers and nurses (for example) from other states are not allowed to go to work for our healthcare providers and our schools without pursuing additional education as required by the various boards here in ND. I would like to provide two examples:

1. A former colleague of mine from my banking days was an elementary school teacher in Arizona, when his spouse was transferred to Grand Forks, he was told he could not teach in ND unless he went back to University to acquire additional required education. He opted not to spend the money and was unable to teach while here in ND. They did not plan to return to ND in the future, instead, going back to claim residency in a state which recognized his experience, education, and credentials
2. Another former colleague of mine followed her husband up here from Mississippi. She was a Kindergarten Teacher in MS. She had to take a job outside of her chosen career field as ND did not recognize her experience and credentials. She maintained that while her and her husband loved Grand Forks, they had no desire to return as she would need to pursue more education to teach, whereas she could relocate to a variety of states which would recognize her education, experience and credentials.

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Chairman Davison, members of the Government and Veterans Affairs Committee, SB 2306 is not about outside entities telling ND how to license our professionals, or dictate how we run our professional boards; SB 2036 is not about the State of ND telling our professional boards how to run their respective programs; SB 2306 is about:

1. Making ND more military friendly (ND currently ranks 34/50 – [usa4families.militaryonesource.mil](http://usa4families.militaryonesource.mil))
2. Addressing ND's workforce shortage
3. Quality of life for our service members
4. Better prepare ND for future BRAC rounds
5. Better position ND, Grand Forks AFB, Minot AFB, and the ND National Guard for mission growth, and new missions

The County of Grand Forks, Grand Forks Region BRIC, and ND COMPASS all support SB 2306. This committee has the opportunity to better prepare ND for future BRAC rounds, and for potential mission growth. I urge you to support SB 2306.

Respectfully submitted,



Tom Ford  
Director of Administration  
County of Grand Forks, ND

Sixty-sixth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2306**

Introduced by

Senators Meyer, Anderson, Burckhard, Hogue

Representatives Nathe, M. Ruby

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Meyer

- 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 licensure of military members and military spouses; to
- 3 amend and reenact sections 43-51-01, 43-51-11, and 43-51-11.1 of the North Dakota Century
- 4 Code, relating to occupational licensure of military members and spouses; to provide a
- 5 statement of legislative intent; to provide for a report to the legislative management; and to
- 6 provide for a legislative management study.

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

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

10 **43-51-01. Definitions.**

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

- 12 1. "Board" means a board, commission, or other agency of state government created or
- 13 identified in this title code to regulate a particular occupation or profession.

14 a. ~~The term does not include the:~~

- 15 (1) ~~State board of accountancy;~~
- 16 (2) ~~State electrical board;~~
- 17 (3) ~~North Dakota real estate appraiser qualifications and ethics board;~~
- 18 (4) ~~State real estate commission;~~
- 19 (5) ~~Secretary of state with respect to contractor licensing;~~
- 20 (6) ~~North Dakota board of medicine; and~~
- 21 (7) ~~State board of dental examiners.~~

- 22 b. "Board" also The term includes any agency of state government which is created
- 23 or identified outside this title to regulate a particular occupation or profession if
- 24 the agency elects, by administrative rule, to invoke the authority in this chapter.

Need 2016



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 2. 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~~

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

5 **43-51-11.1. Military spouses - Licensure.**

6 1. A board shall adopt rules regarding licensure of a military spouse ~~or shall grant on a~~  
7 ~~case-by-case basis exceptions to the board's licensing standards~~ to allow a military  
8 spouse to practice the occupation or profession in the state if upon application to the  
9 board:

10 a. The military spouse demonstrates competency in the occupation or profession  
11 through methods or standards determined by the board which must include  
12 experience in the occupation or profession for at least two of the four years  
13 preceding the date of application under this section; and

14 b. ~~The military spouse pays any fees required by the board from which the applicant~~  
15 ~~is seeking a license; and~~

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

20 2. ~~Under subsection 1, a~~ board ~~may~~shall issue a two-year provisional license or  
21 temporary permit to a military spouse for which one or more of the licensure  
22 requirements under subsection 1 have not been met. A board may not charge a  
23 military spouse any fees for a provisional license or temporary permit under this  
24 subsection. A provisional license or temporary permit issued under this subsection  
25 remains valid while the military spouse is making progress toward satisfying the  
26 necessary unmet licensure requirements. A military spouse may practice under a  
27 provisional license or temporary permit issued under this subsection until any of the  
28 following occurs:

29 a. The board grants or denies the military spouse a North Dakota license under  
30 subsection 1 or grants a North Dakota license under the traditional licensure  
31 method;

- 1           b. The provisional license or temporary permit expires; ~~or~~
- 2           c. The military spouse fails to comply with the terms of the provisional license or
- 3           temporary permit;
- 4           d. The board revokes the provisional license or temporary permit based on a
- 5           determination revocation is necessary to protect the health and safety of the
- 6           residents of the state.
- 7       3. ~~A board that is exempted from this chapter under subdivision a of subsection 1 of~~
- 8       ~~section 43-51-01 may issue a license, provisional license, or temporary permit to a~~
- 9       ~~military spouse in the same manner as provided under subsections 1 and 2. A board~~
- 10       ~~that may elect to subject the board to this chapter under subdivision b of subsection 1~~
- 11       ~~of 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 regardless~~
- 13       ~~of whether the board has adopted rules to subject the board to this chapter. The state~~
- 14       ~~board of architecture and landscape architecture is exempt from the mandate in~~
- 15       ~~subsection 1; however, the board voluntarily may issue a license, provisional license,~~
- 16       ~~or temporary permit under subsections 1 and 2. A board may not charge a military~~
- 17       ~~spouse any fees for a provisional license or temporary permit under subsection 2.~~
- 18       4. A military spouse issued a license under this section has the same rights and duties as
- 19       a licensee issued a license under the traditional licensure method.

20       **SECTION 4.** A new section to chapter 43-51 of the North Dakota Century Code is created

21       and enacted as follows:

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

23       On each licensure application and renewal form, a board shall inquire and maintain a record

24       of whether an applicant or licensee is a member of the military or military spouse. If an applicant

25       self-identifies as and provides the board with satisfactory proof of being a military spouse, the

26       board immediately shall implement issuance of a license, provisional license, or temporary

27       permit under section 43-51-11.1.

28       **SECTION 5. OCCUPATIONAL LICENSURE BOARDS - REPORT TO LEGISLATIVE**

29       **MANAGEMENT.** During the 2019-20 interim, each occupational and professional board shall

30       review its licensure laws and rules to determine whether the laws and rules are consistent with

31       chapter 43-51. Before August 2020, each occupational and professional board shall submit a

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1 report to the legislative management on the status and outcome of that board's review of its  
2 laws and rules. Each board shall prepare and request introduction of a bill to the sixty-seventh  
3 legislative assembly to make the board's laws consistent with chapter 43-51.

4 **SECTION 6. LEGISLATIVE MANAGEMENT STUDY.** During the 2019-20 interim, the  
5 legislative management shall consider studying the state's occupational and professional laws  
6 to determine whether there are barriers for military families practicing occupations and  
7 professions in this state and steps the state might make to remove any barriers. The legislative  
8 management shall report its findings and recommendations, together with any legislation  
9 necessary to implement the recommendations, to the sixty-seventh legislative assembly.

10 **SECTION 7. STATEMENT OF LEGISLATIVE INTENT.** It is the intent of the sixty-sixth  
11 legislative assembly that occupational and professional boards subject to this Act adopt any  
12 rules necessary to implement this Act before August 1, 2020.

February 13, 2019

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PROPOSED AMENDMENTS TO SENATE BILL NO. 2306

Page 1, line 4, after "spouses" insert "; to provide a statement of legislative intent"

Page 1, line 12, remove the overstrike over "title"

Page 1, line 12, remove "code"

Page 1, line 21, after "also" insert "The term"

Page 1, line 21, remove the overstrike over "~~includes any agency of state government which is created or~~"

Page 1, remove the overstrike over line 22

Page 1, line 23, remove the overstrike over "~~agency elects, by administrative rule, to invoke the authority in this chapter~~"

Page 3, line 17, after the period insert "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."

Page 3, line 20, after the period insert "A board may not charge a military spouse any fees for a provisional license or temporary permit under this subsection."

Page 3, line 28, overstrike the second "or"

Page 3, line 30, after "permit" insert: ";

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"

Page 4, line 3, remove the overstrike over "~~A board~~"

Page 4, line 4, remove the overstrike over "~~that may elect to subject the board to this chapter under~~"

Page 4, line 4, remove the overstrike over "~~subsection 1~~"

Page 4, remove the overstrike over lines 5 and 6

Page 4, line 7, remove the overstrike over "~~of whether the board has adopted rules to subject the board to this chapter.~~"

Page 4, line 10, remove "A board may not charge a military"

Page 4, line 11 remove "spouse any fees for a provisional license or temporary permit under subsection 2"

Page 4, line 11, overstrike the period

Page 4, line 17, after "inquire" insert "and maintain a record of"

Page 4, line 18, after "as" insert "and provides the board with satisfactory proof of being"

Page 5, after line 2, insert:

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**"SECTION 7. STATEMENT OF LEGISLATIVE INTENT.** It is the intent of the sixty-sixth legislative assembly that occupational and professional boards subject to this Act adopt any rules necessary to implement this Act before August 1, 2020."

Renumber accordingly



Sixty-sixth  
Legislative Assembly  
of North Dakota

**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, 43-51-11, and 43-51-11.1 of the North Dakota  
5 Century Code, relating to occupational licensure of military members and spouses; to provide a  
6 statement of legislative intent; to provide for a report to the legislative management; and to  
7 provide for a legislative management study.

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

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

11 **15.1-13-13. Provisional teaching license - Period of effectiveness - Renewal.**

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

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

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

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



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pg 2

1 **15.1-13-17. Teaching license - Requirements - Exceptions.**

- 2 1. An individual may not engage in the profession of teaching unless:
- 3 a. The individual holds a teaching license issued by the board; or
- 4 b. The individual is approved to teach by the board.
- 5 2. An individual may be approved to teach by the board only if the individual has
- 6 previously held a North Dakota teaching certificate or license, holds a teaching
- 7 certificate or license issued by another state, or has filed a completed application for
- 8 licensure with the board.
- 9 3. The board shall grant a teaching license to an applicant who is a military spouse who
- 10 meets the requirements of section 43-51-11.1.
- 11 4. The board shall adopt rules establishing the terms and conditions under which an
- 12 individual may be approved to teach, as provided for in this section. The terms and
- 13 conditions may include the payment of a fine to the board in an amount not exceeding
- 14 two hundred fifty dollars per incident, enrollment in and completion of continuing
- 15 education courses, and submission of a completed application for licensure by a date
- 16 certain.

17 **SECTION 3.** A new section to chapter 15.1-13 of the North Dakota Century Code is created

18 and enacted as follows:

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

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

26 **SECTION 4.** A new section to chapter 15.1-18 of the North Dakota Century Code is created

27 and enacted as follows:

28 **Military spouses.**

29 Notwithstanding contrary provisions of this chapter regarding licensure qualifications,

30 section 43-51-11.1, regarding licensure of a military spouse, applies to an applicant's

31 qualifications for licensure.

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AH #1  
pg 3

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

3       **43-51-01. Definitions.**

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

- 5       1. "Board" means a board, commission, or other agency of state government created or  
6 identified in this ~~title~~code to regulate a particular occupation or profession and the  
7 education standards and practices board.

8       a. ~~The term does not include the:~~

- 9               (1) ~~State board of accountancy;~~  
10              (2) ~~State electrical board;~~  
11              (3) ~~North Dakota real estate appraiser qualifications and ethics board;~~  
12              (4) ~~State real estate commission;~~  
13              (5) ~~Secretary of state with respect to contractor licensing;~~  
14              (6) ~~North Dakota board of medicine; and~~  
15              (7) ~~State board of dental examiners.~~

16       b. ~~"Board" also~~The term includes any other agency of state government which is  
17 created or identified outside this title to regulate a particular occupation or  
18 profession if the agency elects, by administrative rule, to invoke the authority in  
19 this chapter.

- 20       2. "Foreign practitioner" means an individual who currently holds and maintains a license  
21 in good standing to engage in an occupation or profession in a state or jurisdiction  
22 other than this state and who is not the subject of a pending disciplinary action in any  
23 state or jurisdiction.
- 24       3. "Good standing" means a foreign practitioner holds a current license that is not issued  
25 on a temporary or restricted basis, is not encumbered or on probation, and is not  
26 suspended or revoked.
- 27       4. "License" means a license, certificate, permit, or similar authorization to practice an  
28 occupation or profession which is issued by a government agency in another state or  
29 jurisdiction that imposes requirements for obtaining and maintaining a license which  
30 ~~are at least as stringent as~~comparable to the requirements imposed in this state to  
31 obtain and maintain a license to practice the same profession or occupation.

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2-18-19  
Att #1  
pg 4

1        5. "Military spouse" means a foreign practitioner who is the spouse of a member of the  
2        armed forces of the United States or a reserve component of the armed forces of the  
3        United States stationed in this state in accordance with military orders or stationed in  
4        this state before a temporary assignment to duties outside of this state.

5        6. "Occupation or profession" means activity for which a license is required from a board  
6        or similar activity for which a license is required in another state or jurisdiction.

7        **SECTION 6. AMENDMENT.** Section 43-51-11 of the North Dakota Century Code is  
8        amended and reenacted as follows:

9        **43-51-11. Members of military - License renewal.**

10       ~~4.~~ A board shall adopt rules to provide for or shall grant on a case-by-case basis  
11       exceptions to the board's license renewal requirements in order to address renewal  
12       compliance hardships that may result from:

13       ~~a.1.~~ Activation of more than thirty days of a licensee who is a member of the national guard  
14       or armed forces of the United States.

15       ~~b.2.~~ Service in the theater or area of armed conflict by a licensee who is a member of the  
16       regular active duty armed forces of the United States.

17       ~~2.~~ For purposes of this section, the term board includes the state board of accountancy,  
18       state electrical board, North Dakota real estate appraiser qualifications and ethics  
19       board, state real estate commission, secretary of state with respect to contractor  
20       licensing, North Dakota board of medicine, and state board of dental examiners.

21       **SECTION 7. AMENDMENT.** Section 43-51-11.1 of the North Dakota Century Code is  
22       amended and reenacted as follows:

23       **43-51-11.1. Military spouses - Licensure.**

24       1. A board shall adopt rules regarding licensure of a military spouse ~~or shall grant on a~~  
25       ~~ease by case basis exceptions to the board's licensing standards~~ to allow a military  
26       spouse to practice the occupation or profession in the state if upon application to the  
27       board:

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

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2-18-19  
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pg 5

- 1           b. ~~The military spouse pays any fees required by the board from which the applicant~~  
2           ~~is seeking a license; and~~
- 3           ~~c.~~ The board determines the exception will not substantially increase the risk of  
4           harm to the public. A board with authority to require an applicant to submit to a  
5           statewide and national criminal history record check under section 12-60-24 may  
6           order such a record check under this subdivision.
- 7           2. ~~Under subsection 1, a~~ board ~~may~~shall issue a two-year provisional license or  
8           temporary permit to a military spouse for which one or more of the licensure  
9           requirements under subsection 1 have not been met. A board may not charge a  
10          military spouse any fees for a provisional license or temporary permit under this  
11          subsection. A provisional license or temporary permit issued under this subsection  
12          remains valid while the military spouse is making progress toward satisfying the  
13          necessary unmet licensure requirements. A military spouse may practice under a  
14          provisional license or temporary permit issued under this subsection until any of the  
15          following occurs:
- 16          a. The board grants or denies the military spouse a North Dakota license under  
17          subsection 1 or grants a North Dakota license under the traditional licensure  
18          method;
- 19          b. The provisional license or temporary permit expires; ~~or~~
- 20          c. The military spouse fails to comply with the terms of the provisional license or  
21          temporary permit;
- 22          d. The board revokes the provisional license or temporary permit based on a  
23          determination revocation is necessary to protect the health and safety of the  
24          residents of the state.
- 25          3. ~~A board that is exempted from this chapter under subdivision a of subsection 1 of~~  
26          ~~section 43-51-01 may issue a license, provisional license, or temporary permit to a~~  
27          ~~military spouse in the same manner as provided under subsections 1 and 2.~~ A board  
28          that may elect to subject the board to this chapter under subdivision b of subsection 1  
29          of section 43-51-01 may issue a license, provisional license, or temporary permit to a  
30          military spouse in the same manner as provided under subsections 1 and 2 regardless  
31          of whether the board has adopted rules to subject the board to this chapter. The state



sp 2306  
278-19  
Att #1  
pg 6

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.

February 13, 2019

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pg 1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2306

Page 1, line 4, after "spouses" insert "; to provide a statement of legislative intent"

Page 1, line 12, remove the overstrike over "title"

Page 1, line 12, remove "code"

Page 1, line 21, after "also" insert "The term"

Page 1, line 21, remove the overstrike over "~~includes any agency of state government which is created or~~"

Page 1, remove the overstrike over line 22

Page 1, line 23, remove the overstrike over "~~agency elects, by administrative rule, to invoke the authority in this chapter~~"

Page 3, line 17, after the period insert "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."

Page 3, line 20, after the period insert "A board may not charge a military spouse any fees for a provisional license or temporary permit under this subsection."

Page 3, line 28, overstrike the second "or"

Page 3, line 30, after "permit" insert: ";

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"

Page 4, line 3, remove the overstrike over "~~A board~~"

Page 4, line 4, remove the overstrike over "~~that may elect to subject the board to this chapter under~~"

Page 4, line 4, remove the overstrike over "~~subsection 1~~"

Page 4, remove the overstrike over lines 5 and 6

Page 4, line 7, remove the overstrike over "~~of whether the board has adopted rules to subject the board to this chapter.~~"

Page 4, line 10, remove "A board may not charge a military"

Page 4, line 11 remove "spouse any fees for a provisional license or temporary permit under subsection 2"

Page 4, line 11, overstrike the period

Page 4, line 17, after "inquire" insert "and maintain a record of"

Page 4, line 18, after "as" insert "and provides the board with satisfactory proof of being"

Page 5, after line 2, insert:

SB 2306  
2-18-19  
AH #2  
pg 2

**"SECTION 7. STATEMENT OF LEGISLATIVE INTENT.** It is the intent of the sixty-sixth legislative assembly that occupational and professional boards subject to this Act adopt any rules necessary to implement this Act before August 1, 2020."

Renumber accordingly



SB 2306 was the third wave of Licensure Reciprocity Bills that we heard in the Senate Government Veterans Affairs. SB 2126 and 2127 were the other licensure reciprocity bills we heard, but the GVA committee felt like 2306 was the bill that addressed many of the questions/concerns that we've heard, and at the very least be something we can massage into sound policy.

I appreciate all the boards being here again to share their voice, and I thank those boards that have already been taking steps to address reciprocity issues. I'm confident this bill will check the box for our Federal Government regarding licensure reciprocity for trailing military spouses and still be a positive change for boards that may be taking on these potential employees.

Committee I've also given you a few documents to review, and they will also correlate to many of the speakers standing up behind me. The handout includes the letter to The National Governors Association from the Secretaries of the Air Force, Army and Navy; 2017 Fiscal Year Impact Report from the North Dakota Military Force Structure, North Dakota Workforce Development Council Summary report specifically the section dealing with licensing barriers, and finally just one of many articles dealing with licensure reciprocity and how it will now be a metric used to determine if a base should remain open. If you would like more articles, please let me know.

I don't want to take too much time from others who have traveled to tell their stories regarding workforce shortage, base retention, and the importance of the military to our state, so I'll explain some of the highlights of 2306

Mr. Chairman, the first two sections of this bill specifically deal with the issuance of a provisional teaching license which adds language dealing specifically with a military spouse.

**Section 6 and 7:** This deals with a provisional license for other boards. This allows a spouse to receive a two-year provisional license while the spouse is making progress towards satisfying any unmet licensure requirements. It allows the boards to order a background check on a new applicant, which was a common concern for boards on the original bill draft. It states that the board may not charge the military spouse any fees for the provisional license. It also has language addressing if the spouse fails to comply with the terms of this license, and if the board finds it necessary to protect the health and safety of our state's residents, they could revoke the provisional license.

**Section 8:** This is created to add language onto licensure applications and renewals whether a licensee is a member of the military or military spouse and to maintain records. It requires the applicant to provide proof they are a military spouse, for instance military ID

Section 9: This is directing boards to report to Legislative Management prior to August 2020 whether their laws and rules are consistent with chapter 43-51 of the century code

Section 10: This is asking legislative management to consider studying the occupational licensing laws to determine whether barriers currently exist for military families.

Mr. Chairman, and committee we never carved out any exempt professions from this bill on the Senate.

Finally, I commend the committee for taking this bill on. I also thank the boards in attendance that are doing the job of protecting their boards while also being willing to address the concerns laid out by numerous federal reports. At the end of the day we need to find a way to check the box regarding licensure reciprocity for military spouses and help families that have signed up to protect our country. These men and women deserve our support.

I ask for a favorable recommendation out of committee and will stand for any questions.

Mar 12, 2019

SB 2306

Attachment 1

SB bill 2306 is important to future basing decisions, retention of military personnel, and can help with the shortage in many professions.

**From: Linda Inman, RN, MS - AMC Civic Leader, Honorary Commander, Grand Forks AFB (2011-2018); Medical Staff Review Coordinator, Grand Forks, ND [linman@gra.mido.net](mailto:linman@gra.mido.net) 218-791-6408 (cell)**

Senator Scott Meyer introduced SB 2306 to streamline occupational licensure of military spouses. This box needs to be checked for maintaining/expanding base operations in the future. The economic impact of the Air Force bases located in our great state is significant. Please carefully consider supporting this bill, as long as the various occupations' State Boards supports so and there is language that insures the military spouse must practice in accordance with the North Dakota State Practice Act for their occupation, be their license provisional, temporary, or active.

Supporting employment of Military Spouses will help support two of Secretary of the Air Force Heather Wilson's priority areas:

1. Alleviating the pilot shortage
2. Alleviating retention issues of highly skilled military personnel for many bases by:
  - a. License reciprocity and
  - b. Improving schools near bases

Please refer to the table below for a sense of how frequently in North Dakota Nursing Licensure by Examination occurs compared to Licensure by Endorsement (accepting Nurses who have previously taken an acceptable licensing exam in other states) with nary a word about issues.

Please don't hesitate to call on me if needed. Thank you for your time, for all that you do for the citizens of ND, and for supporting this important legislation.

Linda Inman, RN MS (retired after 38 years in nursing in North Dakota)  
205 Leeward Hills Lane  
Grand Forks, ND 58201

\*\*\*\*\*

**North Dakota is one of 31 states who are members of the nurse licensure compact (NLC).** A nurse who holds a multistate license in another compact state can be employed in North Dakota. The candidate will need to apply to the Board within a short span of time, though, if North Dakota becomes the candidate's primary residence. NLC States map attached.

Nurses who have previously taken an acceptable licensing exam in another jurisdiction may apply by **endorsement**. Nurses who have not been previously licensed in the United States apply by examination. Once deemed eligible, they take a nationwide licensing exam.

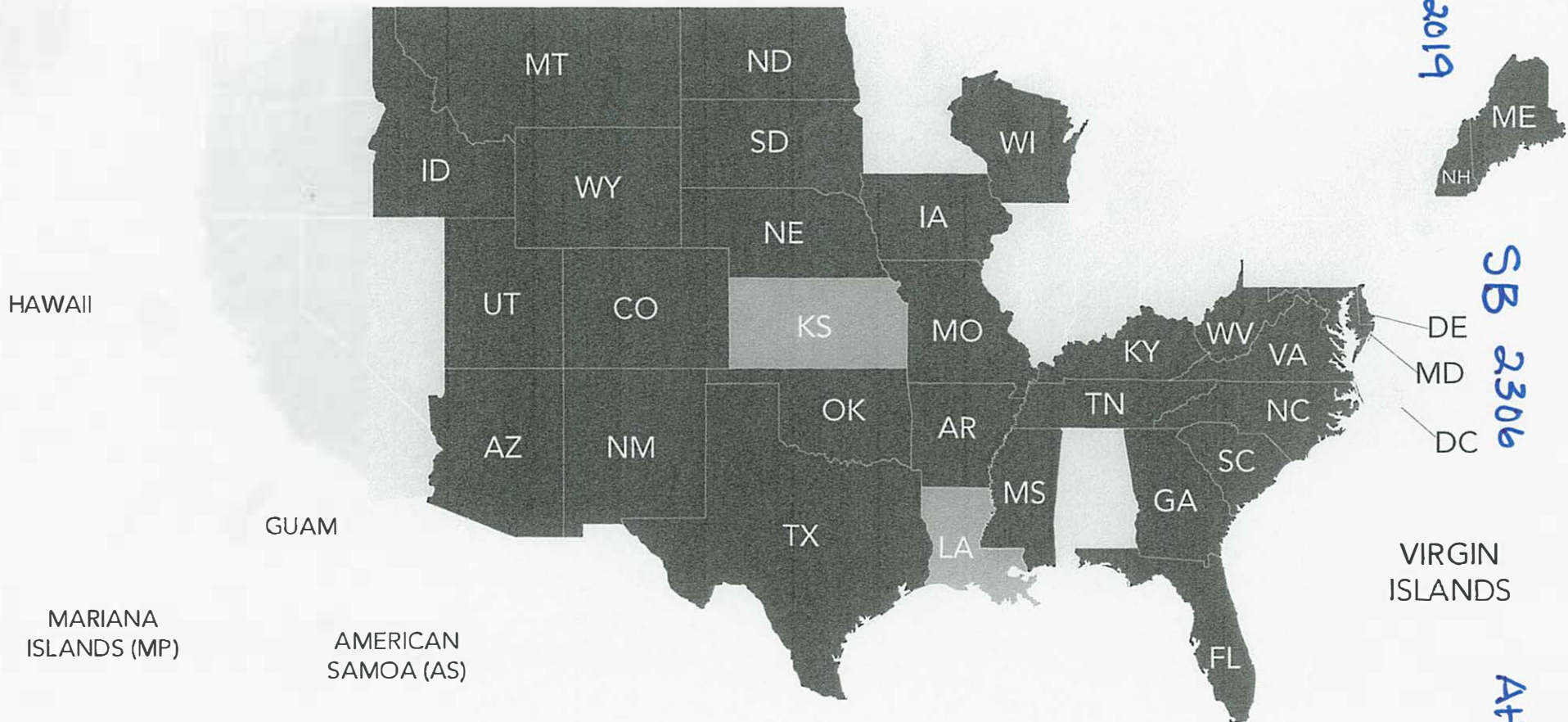
#### NEW LICENSES ISSUED BY FISCAL YEAR IN NORTH DAKOTA

<b>Registered Nurse</b>	2013-2014	2014-2015	2014-2015	2015-2016	2016-2017	2017-2018
Examination	574	614	637	567	600	
<b>Endorsement</b>	<b>763</b>	<b>812</b>	<b>723</b>	<b>788</b>	<b>995</b>	
<b>Licensed Practical Nurse</b>	2013-2014	2014-2015	2014-2015	2015-2016	2016-2017	2017-2018
Examination	296	272	287	271	313	
<b>Endorsement</b>	<b>137</b>	<b>146</b>	<b>119</b>	<b>116</b>	<b>122</b>	
<b>Total</b>	<b>1770</b>	<b>1844</b>	<b>1766</b>	<b>1742</b>	<b>2030</b>	

# NLC States

Mar 12, 2019

1



**NURSE LICENSURE COMPACT**

Unlocking Access to Nursing Care Across the Nation



NLC States



NLC will be implemented on 7/1/19

SB 2306

Attachment 1



Mar 12, 2019

SB 2306

Attachment 1

Appendix A

Office of the Secretary of the Navy  
1051 Navy Pentagon  
Washington, DC 20350-1051

Office of the Secretary of the Army  
101 Army Pentagon  
Washington, DC 20310-0101

Office of the Secretary of the Air Force  
1670 Air Force Pentagon  
Washington, DC 20330-1670

FEB 23 2018

## MEMORANDUM FOR THE NATIONAL GOVERNORS ASSOCIATION

SUBJECT: Consideration of Schools and Reciprocity of Professional Licensure for Military Families in Future Basing or Mission Alternatives

Thank you for your support of our men and women in the military. We are often asked what communities can do to support those who serve. While focus on the mission is always our priority, the factors military families cite most frequently as drawbacks to military service include military dependent's difficulty assimilating into local school systems following a duty station transfer, the quality of schools available for their children, and the ability of spouses to obtain jobs and sustain careers. With that in mind, we will encourage leadership to consider the quality of schools near bases and whether reciprocity of professional licenses is available for military families when evaluating future basing or mission alternatives.

Military families relocate frequently. The services endeavor to schedule transfers to minimize impact on the academic year, but this is not always possible. As a result, incoming students face difficulties transferring credits between school systems, adjusting to varied curriculum, and joining sports teams or clubs after the start of the school year. Exclusion from extra-curricular activities is particularly challenging for our military children, as they are critical to social development and self-esteem. Some school systems recognize this and accommodate military families during transfers. These schools should be commended and emulated.

Facilitating military spouses in continuing their work in a new place of residence without delays or extra expense is also important. Spouses in professionally licensed fields such as medical, legal, engineering, education, accounting, or the cosmetic arts face challenges due to delays or cost of transferring licenses to a new state or jurisdiction. Eliminating or mitigating these barriers will improve quality of life for our military families, and ease the stress of transferring duty stations with consideration for long-term career implications.

We realize improving schools and changing laws or regulations regarding professional licensure will take time. Over the long term, however, leaders who want to make a difference for the military and our missions will make the most impact if we focus on what matters. Reciprocity on licensure and the quality of education matter.

Mar. 12, 2019

SB 2306

Attachment 1

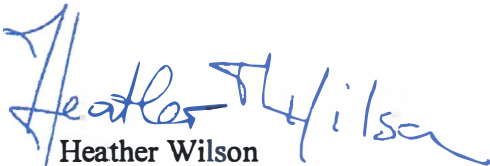
Thank you for your help and attention. We look forward to continuing to work with you and thank you again for your support of our men and women in the military.



Richard V. Spencer  
Secretary of the Navy



Mark T. Esper  
Secretary of the Army



Heather Wilson  
Secretary of the Air Force

Mar 12, 2019

SB 2306

Attachment 1

Office of the Secretary of the Navy  
1051 Navy Pentagon  
Washington, DC 20350-1051

Office of the Secretary of the Army  
101 Army Pentagon  
Washington, DC 20310-0101

Office of the Secretary of the Air Force  
1670 Air Force Pentagon  
Washington, DC 20330-1670

FEB 23 2018

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We realize improving schools and changing laws or regulations regarding professional licensure will take time. Over the long term, however, leaders who want to make a difference for the military and our missions will make the most impact if we focus on what matters. Reciprocity on licensure and the quality of education matter.



Mar 12, 2019

SB 2306

Attachment 1

Thank you for your help and attention. We look forward to continuing to work with you and thank you again for your support of our men and women in the military.



Richard V. Spencer  
Secretary of the Navy



Mark T. Esper  
Secretary of the Army



Heather Wilson  
Secretary of the Air Force

# NORTH DAKOTA MILITARY FORCE STRUCTURE

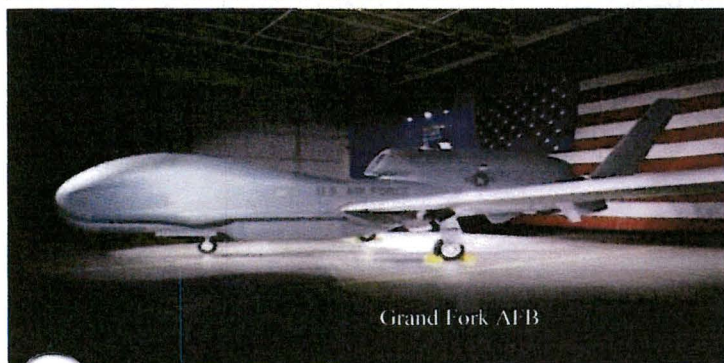


## FY 2017 Economic Impact Analysis

Mar 12, 2019

SB 2306

Appendix B  
Attachment 1



prepared  
by  
NGND-  
PFO-IR



Mar 12, 2019

SB 2306

Attachment 1

FY 17 North Dakota Military Force Structure Economic Impact Analysis

Methodology / Availability of Information

The Economic Impact Analysis (EIA) provides unclassified key information about the resources and economic impact of the military on the State of North Dakota.

In fiscal year (FY) 2017 Military organizations employed 13,900 people and created about 3,874 indirect jobs in North Dakota. Annual payroll for military employees is approximately \$693.9M and indirect salaries are approximately \$182.6M. The military also has direct expenses for construction, services, materials, equipment and supplies of \$271.3M. Total military economic impact in North Dakota for Fiscal Year 2017 was estimated at about \$1.15B.

The total economic impact of the military in North Dakota is calculated by totaling annual payroll, annual expenditures and estimated dollar value of indirect jobs created. The economic area for this report is the State of North Dakota. The indirect job multipliers were obtained from LMI Economic Impact database, Installations and Indirect/Induced Multipliers, Feb 95. The average annual pay for North Dakota was obtained from the North Dakota Workforce Intelligence, a statistics web site using State labor information from the 1st quarter of 2017. This program analysis was prepared within the parameters of the Office of the Secretary of Defense's economic impact analysis model. The funding sources used in this analysis are Appropriated Funds (AFP), Non-Appropriated Funds (NAF) and State Military Funds. Some figures were estimates based on known factors and are identified in the report. The Active Duty information was obtained from the Annual Economic Impact Analysis for the Grand Forks and Minot Air Force bases and information provided by Armed Forces Recruiting Stations.

National Guard is made up of North Dakota Army and Air National Guard units. Active Duty is made up of the Air Force bases at Minot and Grand Forks and the Armed Forces recruiting stations for Air Force, Army, Marines and Navy. The Reserves are made up of the Air Force at Minot; the Army at Bismarck, Fargo and Grand Forks; the Marines at Wahpeton and the Navy at Fargo.

Information contained in this analysis is for the period 01 Oct 16 through 30 Sep 17 (Fiscal year 2017). The report is broken down by location (Tables 1-5) and military component (Tables 6-10). The information for this analysis was collected and compiled by NGND-PFO-IR.

Only seven states, including North Dakota, do not offer a state tax benefit for active military members and/or veterans

3. *The Council recommends* coordinated efforts to adopt a *single process across NDUS* to allow the transferability of military training to civilian-degree credit, ensuring consistency in translation of military training to academic training. Members of our military gain valuable skills and training during their military career and it is often difficult to translate these experiences to the civilian education setting. Though this translation may be done on a case-by-case basis at different universities throughout North Dakota, it is inconsistent and can prove to be a barrier to employment for lack of a civilian degree.
4. *The Council recommends* removing licensing barriers for military spouse/dependent per the removal of licensing barriers recommendation to follow.

**REMOVE LICENSING BARRIERS.** In North Dakota, there are over eighty licensed occupations managed by more than sixty boards, agencies, and commissions. In July of 2018, North Dakota was awarded an "Occupational Licensing Review and Reform" grant from the U.S. Department of Labor. Work funded by the grant will occur over three years. In the first year, the workgroup will conduct a full review of current licensing processes, review current interstate compacts, and begin reviewing eight (8) selected occupations. During year two the workgroup will identify barriers created by the current schema, and during year three, recommend action necessary to remove barriers.

5. *The Council recommends* strategies for simplifying the occupational licensing process in North Dakota, without compromising public health, safety, or welfare while this matter is being studied. These strategies include:
  - a. Requiring boards, commissions, and agencies to implement a process inquiring as to whether the applicant is a military spouse/dependent and "automatically" afford reciprocity to the dependent absent demonstrated danger to public health, safety, or welfare; and
  - b. Implementing reciprocity agreements across all occupational licenses after a reasonable experience level requirement is met, absent demonstrated danger to public health, safety, or welfare or interference with an existing compact that effectively permits timely reciprocity.

**OFFER INCENTIVES.** In other sections throughout this report (*see Nursing and Technical Skills sections*), the Council has *recommended* incentives for participation in certain academic programs. The Council believes these incentives are necessary strategies to address national competition for qualified workers.

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SEE THE "NURSING & TECHNICAL SKILLS" SECTIONS IN THIS REPORT

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## ENDORSEMENTS

- *The Council endorses* the expansion of skilled immigration policies at the federal level.
- *The Council endorses* efforts currently underway to streamline the process of doing business in North Dakota, including interaction with the Secretary of State, Job Service North Dakota, Workforce Safety and Insurance, and other stakeholders.

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SB 2306

Attachment 1

Scott Meyer

Appendix D

From:

Content:

To:

Subject:

Scott Meyer

[EXTERNAL] Licensure reciprocity laws to be considered in future military basing decisions

[https://rapidcityjournal.com/news/local/licensure-reciprocity-laws-to-be-considered-in-future-military-basing/article\\_5748b8c8-bf95-523e-8522-72fbfa925720.html](https://rapidcityjournal.com/news/local/licensure-reciprocity-laws-to-be-considered-in-future-military-basing/article_5748b8c8-bf95-523e-8522-72fbfa925720.html)  
TOP STORY

## Licensure reciprocity laws to be considered in future military basing decisions

- Samuel Blackstone Journal staff

- Jul 9, 2018

U.S. Air Force Secretary Heather Wilson said during a speech last month that licensure reciprocity laws will be a consideration for future base closures.  
Journal file

U.S. Air Force Secretary Heather Wilson said the presence of state laws on reciprocity of professional licenses for military families would now be a consideration when evaluating future basing and mission decisions in the Army, Navy and Air Force.

The statement — in a keynote address to the Western Governors Association meeting in Rapid City last month — came four months after Wilson, Secretary of the Navy Richard Spencer and Secretary of the Army Mark Esper sent a letter to the National Governors Association in February encouraging states to consider licensure reciprocity legislation while noting that the quality of local schools near a base would also be a new factor considered in future basing and mission decisions.

Dated Feb. 23, the letter was signed just three days after the South Dakota House of Representatives rejected an interstate compact bill, House Bill 1319, that would have allowed individuals who had been licensed in any profession or occupation in one participating state to receive, upon request within 30 days, a temporary license from another state participating in the compact. For civilians, the temporary license would have lasted 18 months. For military spouses, it would last two years. The intent was to



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Attachment 1

provide enough time for individuals to fulfill the new state's licensing requirements without having to forgo work in the meantime.

But opposition ultimately stalled the effort, with professional associations lobbying to maintain control over their licensing processes. Concerns about the different standards for licenses/certifications across states and the vetting process to prevent possible abuses — say, a disgraced or troublesome dentist in North Dakota looking to escape disciplinary action by relocating to a new state — also led to the bill's defeat. North Dakota, Wyoming, Montana, and Colorado were the other states that would have potentially participated in the compact.

In January, a month before the military secretaries' letter, Gov. Dennis Daugaard and U.S. Secretary of Labor Alexander Acosta penned an op-ed in the Wall Street Journal decrying "the problem of excessive occupational licensing." In 1950, only one in 20 jobs required an occupational license, the editorial noted. Now, more than one in four Americans need a license to work. Aside from creating a costly barrier to entry, the editorial noted the difficulty licensure created for job mobility, especially among military spouses.

Their solution was the Compact for the Temporary Licensure of Professionals, which was incorporated into House Bill 1319, presented to the South Dakota Legislature, and then roundly defeated on Feb. 20, with 46 of 64 votes cast in opposition.

For now, the future of licensure reciprocity legislation in South Dakota is unclear. But after Wilson's reiteration of the new considerations, it seems likely another attempt at the compact, or some other form of licensing reciprocity legislation, may be pursued in next year's legislative session. Currently, the only South Dakota law dealing with military spouses' licensure is South Dakota Codified Law 36-1B-1, which provides an expedited process for the issuance of licenses, certificates, registrations, or permits to the spouse of a military member who was transferred to South Dakota, holds the same or similar license in another state, and who left employment to accompany their spouse to the new base.

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Attachment 1

Lynn Kendall, a state lobbyist, vice president of the Rapid City Chamber of Commerce, and head of the chamber's military affairs committee, said the issue "hasn't gotten very much ground state to state" but said "something has got to give eventually" in way of legislation. Kendall also noted that perhaps legislation wasn't the best way to address the problem. Regardless, though, she said getting different licensing agencies to the discussion table was a prerequisite to any progress, legislative or not.

"The bigger picture is employment for our military spouses," she said of the overarching goal. "We have a very low unemployment rate, and if we have a percentage of our workforce that we're not utilizing because of regulations, that seems like a very lost opportunity to me." Kendall also noted the economic impact Ellsworth Air Force base has on Rapid City and South Dakota as a potential motivating factor to getting something done.

If legislation is the best way to address the military's concerns and an overabundance of occupational licenses — more than 1,100 different occupations require a license in at least one state, according to an op-ed in the D.C.-based political newspaper The Hill — Laugaard's proposal for an inter-state compact is far from the only option. In fact, some argue that creating a compact to make licenses more mobile will only exacerbate the problem and cause states with lower requirements to raise them to meet the requirements of stricter states, increasing the barriers of entry for potential workers. In short, it will make it easier to move with a license but do nothing to stem the proliferation of unnecessary licenses.

"While many licenses are to ensure safety, these requirements are often for jobs no more risky than braiding hair, dog-watching, or flower arranging," said U.S. Rep. Darrell Issa (R-CA) in a July 2017 release announcing an occupational licensing reform bill presented to Congress last year. The bill never moved past the subcommittee level.

Arizona, Tennessee and Mississippi have all passed laws in the past two years to curb the increase of occupational licenses, including an across-the-board review of licensing requirements — and the justification for them — and implementing state oversight of licensing boards. Such reforms come after a 2015 U.S. Supreme Court decision, North Carolina State Board of Dental Examiners v. FTC, in which the court ruled that state



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Attachment 1

licensing boards composed of participants in the associated market may be subject to antitrust liability unless states exercise "active supervision" over the board.

SB2306. 2/19/2019

Mar 12, 2019

GBSD  
43 states w inc tax  
HB 1053

Attachment 2

FN 13M

Mr. President

SB2306 relates to Workforce issues in N.D and the occupational licensure of military members and spouses.

In North Dakota **We Provide** (Agriculture) **We Power** (Energy Resources) and **We Protect** by way of our military bases located in North Dakota, ie with military bases in Minot & Grand Forks, Fargo and Bismarck.

**Economic impact:** MAFB = \$550M. The State of ND = \$1.5B

**Workforce issues/trends.** Now versus 2011

According to a recently completed statewide workforce survey, 28% of job openings go unfilled for longer than three months. In addition, almost half of all hiring managers see an inability to hire and retain workers as a barrier to business growth.

Q: What is keeping workers from entering N.D? The labor market institution of occupational licensing could be a contributing factor. Occupational licensing is a form of government regulation that requires a worker to hold a credential to practice or operate in a certain profession. Occupational licensing can create unique barriers and challenges to entering the labor market or moving across state lines and there is a national movement, in the face of a national labor shortage, to re-examine these state-specific requirements. In ND today there are more than 80 licensed occupations, governed by more than 60 boards, commissions and agencies. We need to simplify the occupational licensing process

in North Dakota.

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Attachment 2

My civic leader experience: TF21 member (25 years) honorary commander, AFGSC Civic leader. Member of the Governor's Workforce Development Council

**In Military speak:** "They recruit the individual/soldier/airman, but they retain the family"

Talk about deployment drama.

\*What oil development employers think about retired military employees.

BRAC checklist 7 out of 10

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Attachment 3

## For SB 2306 Military Spouse Licensing Reciprocity

**From: Bruce Gjovig, Grand Forks** - U.S. Air Force Civic Leader (Appointee of USAF Chief of Staff) and member of the Grand Forks Base Retention & Investment Committee (BRIC)  
[Bruce@Gjovig.net](mailto:Bruce@Gjovig.net) 701-739-3132

*SB 2306 is 1) the right law for fairness for trailing military spouses, 2) an essential law for our airmen and military to retain a highly trained military force, 3) an important law to maintain our Air Force Bases' current and future missions, and 4) a good law for our workforce.*

Our Air Force needs to **retain highly trained airmen** and National Guard members working with nuclear missiles, bombers, ISR, sensors, data analytics, cyber security, international communications, and maintenance on complex technical systems – these are highly trained specialists needed to secure and protect our nation. How do we retain essential airmen?

**Airmen will stay in the military** to serve our country, providing their spouses also have a rewarding career. *Our airmen's commitment to their country should not conflict with their commitment to their family.* Too frequently service members retire or leave the service because the toll on their family is too heavy, not because they want to leave the military. This bill provides a remedy.

**The critical need to retain highly trained military members** is why the three service secretaries (Air Force, Army & Navy) sent a letter to all Governors on February 23, 2018 outlining ways state leadership can better support our service members. The letter stated: ***"We will encourage state leadership to consider the quality of schools near bases and whether reciprocity of professional licenses is available for military families when evaluating future basing or mission alternatives."***

*Existing and future basing missions at Grand Forks AFB, Minot AFB and our National Guard will – in part - depend on licensing reciprocity. This bill takes North Dakota from **Red** to **Green** on future basing decisions. North Dakota wants to support our military members and missions.*

**This bill eliminates unfair licensing barriers** - i.e. employment barriers - faced by trailing military spouses after receiving an assignment to North Dakota. Military families move every two or three years (on average) either to another state or overseas. The **trailing spouse's** situation is challenging because they encounter location **assignments**, rather than **location choices**, thus their career advancement is limited by their spouse's assignment location. Often the notice for a new assignment comes less than three months before the move, providing little time for a spouse to find and secure a new professional job and meet a new state's licensing requirements. When military families are transferred to North Dakota, they should be greeted with a **welcome mat**, not burdened with unnecessary licensing bureaucracy, delays, and government red tape.

Helping military spouses to continue their career in our communities without bureaucratic delays or extra licensing barriers is important to the airmen, the military, and therefore to us. Spouses in professionally licensed fields such as teaching, nursing, social services, medical, legal, engineering, accounting, or the cosmetic arts face challenges due to licensing delays or extra requirements or the high cost of transferring licenses to a new state. Eliminating or mitigating these barriers will improve career opportunities and thus quality of life for our military families, and ease the stress of transferring with favorable consideration for long-term career progress.

***SB 2306 grants reciprocal professional licenses to military spouses as long as they are in good standing in the originating state and they have professional practice experience in two of the last four years.*** If there is an outstanding licensing requirement, they will be able to obtain a **two-year provisional license** while they pursue their North Dakota license. This bill solves the problem of licensing reciprocity to help military spouses, helps with retention of airmen, gain educated workers, and supports our military.

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Attachment 3

The Bureau of Labor Statistics estimates that 22% of all workers required a government license to do their job in 2016, while **35% of military spouses** in the labor force work in occupations requiring a license or certification.

**The Grand Forks AFB welcomes about 450 new airmen each year, and Minot AFB welcomes about 1,500 new airmen** – as their predecessors move to another assignment. **Military spouses** attain more education than civilians of working age, as approximately 30% of the U.S. working age population has a college degree, while **40% of military spouses do**.

**Nationally, 63% of military spouses report they encountered difficulties with licensing in their last move.** That is from a 2016 survey by **Blue Star Families**, a national nonprofit aimed at helping military families who surveyed 8,390 families in 2016 and 10,192 families in 2018. Nationally 54% of airmen are married (69% of the officers and 51% of enlisted), and 20% of airmen are assigned overseas with many of their spouses stateside working and maintaining their families. In 2018, **70% encountered challenges in maintaining required licensure/certification.** *Finding a job is one of the top stressors of military families.* A top stress for a military family is **financial stress, caused by problems in spousal employment.**

**Despite being educated, experienced, team-oriented and community engaged,** the 2018 survey reports that **55%** of employed military spouses are underemployed when a two-career, two-income family is a necessity. Despite their credentials, 10-16% of military spouses are unemployed, and roughly 38% earn less than their civilian counterparts.

Also note: In 2018, **19%** of survey respondents felt the general population **understood the sacrifices** made by service members and their families, and **42%** felt the general population **appreciated those sacrifices.** I would like to think North Dakotans score higher than that.

This bill will assist in our state's **workforce shortage** which currently has more than **13,000 open jobs**, and allow the trailing spouse to continue and sustain their chosen career – a win-win situation. We have a **very low unemployment rate**, and if we have a percentage of our workforce that we are not utilizing because of licensing regulations, that seems like a lost opportunity.

**Military spouses make for great employees** as they are used to adapting to new situations, which makes them agile to demands in the workplace. They are well-educated, they are experienced; they are hardworking. They want to work. And we want to make sure they have the opportunities to work when they move.

Our Military families make many sacrifices for American security and prosperity. Among these are the **labor market disadvantages** faced by military spouses. Frequent moves and deployments take a toll on the career outcomes of military spouses. It is estimated that military spouses earn \$12,000 or more per year less than other workers, resulting in *losses of nearly \$190,000* over a 20-year military career. This problem has attracted attention from private industry and from government, both of which have taken steps to encourage the employment of military spouses. It is the right thing to do.

**Last, but not least, our military is of vital importance to our state.** The North Dakota Military Force Structure's Fiscal Year 2017 Economic Impact Analysis states that last year Military organizations in our state employed 13,900 people and created another 3,874 indirect jobs in North Dakota. Annual payroll for military employees is approximately \$693.9 Million and indirect salaries totaled \$182.6 Million. The military also has direct expense for construction, services, materials, equipment and supplies in the amount of \$271.3 Million. The total economic impact in North Dakota for 2017 was estimated at about \$1.15 Billion. These figures illustrate how devastating a base closure would be for our economy, as well as a lost new mission.

Thank you for your favorable consideration. *The Air Force recruits airmen and retains military families.*

March 12, 2019



Mar 12, 2019

SB 2306

Attachment 4

1 Testimony of

2 L John MacMartin, 717

3 Minot Area Chamber of Commerce

4 In support of 2306, March 12, 2019

5 Good Morning, Chairman and members of the Committee, I am L John MacMartin, President of the  
6 Minot Area Chamber of Commerce. I rise in support of SB 2306, relating to Occupational licensure of  
7 Military members and military spouses. I know that this is not the first session and it may not be the first  
8 time in this session that you have heard supporters of this bill or other similar bills stand to support  
9 changes in North Dakota statutes. Minot is supporting this legislative change because of the issues  
10 identified in a 2018 letter from the Secretaries of the Air Force, Army and Navy to the National  
11 Governors Association, the letter is attached to my testimony.

12 My purpose in being here is related directly to the needs of the military in our state and more  
13 specifically to the needs at Minot Air Force Base. The military members of the Air Force can move as  
14 frequently as every 18 months to two years and if you are in that move cycle and you have been in the  
15 Air Force for 20 years that is certainly a number of different residences over your career. Family units  
16 form at different times for the military just like in the civilian arena. As an individual marries, a spouse,  
17 male or female, becomes part of the greater military family. That spouse most often already has  
18 established a professional career, often with educational achievements, professional certifications and  
19 licensure. The frequent moves make a continued professional career extremely difficult for the spouse.  
20 This in turn makes it more difficult to retain the family.

21 The supporters of the military in North Dakota see this first as an issue of fairness and secondly as an  
22 issue that may prevent additional missions being located at a base, active duty or guard, and third as a  
23 red flag that says the state is not friendly to the military. This last item is critical as we move closer to  
24 the next Base Closure round. Mark Jantzer is the Chair of TF 21, Minot's base retention group, and also  
25 serves on the Chief of Staff of the Air Forces Civic Leaders Group. To illustrate how important this issue is  
26 to the Air Force, when he was in Washington DC last month for a civic leaders meeting with the  
27 Secretary and Chief of Staff of the Air Force, one of the primary points of discussion was progress being  
28 made by the various states on the issues outlined in the attached letter. In addition to ND, the states of  
29 MT, SD and NM are considering a number of bills this legislative cycle to address these issues. Many  
30 other states have already completed those efforts.

31 SB 2306 was the final vehicle decided upon to solve this issue and in the process the Senate killed two  
32 other bills. In testifying on the first of those bills, with a lot more words I quickly learned that the  
33 members of that committee wanted to hear directly from someone impacted. So rather than blather on,  
34 I will stop here and thank the Committee for the opportunity to appear. With me today there are two  
35 spouses from Minot AFB, Mary Beth and Steph. Mary Beth will offer her personal observations and her  
36 North Dakota experience for the Committee to consider.



Mar 12, 2019

Attachment 5

Testimony of  
MaryBeth Goodman  
In support of 2306

Good Morning Chairman and members of the committee. Thank you for allowing me to be present today and share my personal experience. My name is MaryBeth Goodman, I rise in support of SB2306. I am a licensed professional counselor in the great state of North Dakota. Come to think of it, I also hold similar titles in Nebraska, Colorado, Florida, Missouri, and Virginia, and my national certification in counseling. I have been practicing counseling for over 20 years. I hold special training certifications in the following disciplines: trauma, posttraumatic stress disorder, family systems, eating disorders, critical incident stress management, autism, and sensory processing disorders. My resume boasts experience with inner city psychiatric emergency rooms, residential treatment centers, nationally acclaimed eating disorder clinics, and veteran rehabilitation non-profit organizations. I have a 20 year job history that would impress even the most selective employers. I have been diligent in gathering continuing education units throughout my 20 years, and have amassed well over 750 hours of CEUs.

I am a military spouse. I have been married to my husband for 23 ½ years. We have had 12 formal duty stations in 9 different states. I am a self-proclaimed expert in transferring my license.

I began the process for licensure in North Dakota in October 2017. My license was granted in June 2018. 9 months. Now, My process always takes a bit longer because my degree was granted in 1998, long before digital records were kept. I was also required to submit all verification of all licenses held in other states. This means I had to pay all 8 states \$25-\$100 for official license verification. Requests for such requests delay the process significantly, when all of these records are readily available on states websites.

During this process I was told that the state attorney general would be reviewing my license packet before the board could make recommendations adding additional time to acquire my license.

I was treated with kindness and wonderful courtesy from the counseling board office. However, throughout this process I felt like my other state licenses were not valid, and that my 20 years of clinical experience did not matter. I eventually had to quote the Military Spouses License Portability Act or House Resolution 5683 and ask if I needed to get legal assistance to navigating the process.

I can only speak from my personal experience in the area of mental health counseling. I can tell you that in my twenty plus years of clinical practice in multiple states ... my techniques have changed only based on clinical and empirical evidence – not based on whether the client lives in North Dakota or Florida.

After consulting with several military spouses who represent the following professions teacher, dietician, nurse, physician, pysicl therapist, cosmetologist, and real estate agent, I urge you to consider the following as you are planning for the future of military spouse licensure in your state:

1. Education: Please be considerate of experienced spouses whose degree may be lacking by today's standards, but met the standards when they completed their formal education and allow Continuing Education Units to augment current day education standards. My degree comes from a Cacrep accredited institution. I was still asked to find syllabus and course catalogs from 20 years ago. If a twenty-year experienced North Dakota Licensed counselor was asked to meet today's degree requirements, chances are they would not.

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Attachment 5

2. Experience: On the job training and years of experience are invaluable in my opinion. I urge you to take work, practicum, and internship experience through supervisor recommendations of competency.
3. Finances: Please consider reducing fees or allowing licensure fees to be waived. The cost of submitting state licensure verification, transcripts, background screening, and postage makes licensure cost prohibitive for many. I personally spent \$487 on submitting "requirements" to this state, as well as the state application fee.
4. Expediency: My application process took 9 long months. 9 months that I could have been helping residents of North Dakota, 9 months that I could have been paying state income tax, a second income earlier may have caused my family to buy a home versus renting. Quickly establishing licensure and employment would truly help put money back into the community.

I am an asset to your state. I am here to fill vacancies that are unfilled and help solve the deficit of mental health providers. I volunteer 20 hours a month to assist in suicide prevention and suicide education in your communities. I am present in schools to help transition military children who are struggling with deployments and moving - that traditional educators may not relate too. I will supervise, educate and mentor licensure candidates who are graduating from local institutions. I am an active voter. I am a military spouse. I am not unique, there are 2 major installations in this state that boast the highest caliber of military spouse.

In closing I would like to thank you for allowing me to practice mental health counseling in this great state, thank you for giving me the opportunity to leave this state better than when I found it. I am sure you can relate to that, as that is what you all are called here to do as well.

MaryBeth Goodman, MA, LPC, NBCC

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TESTIMONY OF  
MAJOR GENERAL AL DOHRMANN  
NORTH DAKOTA NATIONAL GUARD  
BEFORE THE  
HOUSE INDUSTRY, BUSINESS, AND LABOR  
12 MARCH 2019  
SENATE BILL 2306

Good morning Mr. Chairman, members of the committee, I am Al Dohrmann, Adjutant General for the state of North Dakota. I am here today to testify in support of Senate Bill 2306.

This bill is important for a number of reasons. First, it directly benefits our military spouses, while concurrently addressing our workforce shortage. Second, it helps promote North Dakota as a military friendly state, which enhances our standing in any future Base Retention and Closure Commission actions and puts us in a competitive position to attract new military missions.

License portability for military spouses is an issue for all states as they compete for skilled workforce. Federal administrations, past and present, have actively worked to break down barriers to license portability for military spouses who, because of national security needs, frequently move. Military members, without opportunities for their trailing spouses, may have to choose between their families and their nation's call. We can help make it easier for these members to join and remain in the service by ensuring their spouses' professional licenses are welcome in North Dakota.

This bill will also support efforts to fill critical open positions in our state, reducing the shortage of our skilled workforce such as teachers, nurses, social workers, emergency medical technicians and other first responders. There are approximately 7000 family members that accompany airmen to Minot and Grand Forks Air Force Bases. If spouses move here with their military members so too will the children who will undoubtedly fill some of our open jobs requiring less skill when they reach a working age. With two active-duty Air Force Bases, a large National Guard presence, along with Army, Navy and Marine Corps reserve units in our state, we need to be a leader in providing a military friendly environment. Instead of a spouse and dependents not joining their service members at Minot or Grand Forks Air Force base, let's strive to be the state that these families call home when the service member is transferred to serve in a less military friendly state.

Secondly, with the prospect of a future Base Closure and Realignment Commission, we must remain competitive to retain our current military missions, which inject \$1.15 billion into our state's economy each year. I have attached a letter from the Secretaries of Army, Navy and Air Force where they clearly indicate that a state's support to its military members will be a factor in any future basing decisions. Senate Bill 2306 is an

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SB 2306

Attachment 6

important step to show, in a tangible way, that we value our military families' contributions to this state and to our nation. As I have often said, it is not just the uniformed member who serves, the Family serves too.

License portability, is just one component of an overall effort to ensure we provide a welcoming environment to the families of the over 1900 service members transferred to North Dakota each year. This Bill goes beyond support to our military, by also providing a workforce recruitment and retention tool to fill critical jobs and grow North Dakota's economy.

We have been working with the licensing boards and, with their support, there have already been strides in this area, but we need to do more. This bill does not ask professional licensure boards to blindly grant portability of licenses. Instead it solicits special consideration, given the unique circumstances involving military spouses who have a license in good standing from another state and reduces barriers to employment while living in North Dakota.

I am also testifying today as a member of the North Dakota Commission on Military Promotion and Strategic Sustainment, a group brought together by the Governor, chaired by the Lt. Governor. The commission develops policies and initiatives that support North Dakota's efforts to be a military friendly state. One of the Commission's objectives is to break-down the barriers to military spouses and dependents gaining employment in our state. Bill 2306 directly supports that effort.

I ask for your support of SB 2306 and will stand by for any questions that you may have.



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SB 2306

Attachment 6

Office of the Secretary of the Navy  
1051 Navy Pentagon  
Washington, DC 20350-1051

Office of the Secretary of the Army  
101 Army Pentagon  
Washington, DC 20310-0101

Office of the Secretary of the Air Force  
1670 Air Force Pentagon  
Washington, DC 20330-1670

FEB 23 2018

MEMORANDUM FOR THE NATIONAL GOVERNORS ASSOCIATION

SUBJECT: Consideration of Schools and Reciprocity of Professional Licensure for Military Families in Future Basing or Mission Alternatives

Thank you for your support of our men and women in the military. We are often asked what communities can do to support those who serve. While focus on the mission is always our priority, the factors military families cite most frequently as drawbacks to military service include military dependent's difficulty assimilating into local school systems following a duty station transfer, the quality of schools available for their children, and the ability of spouses to obtain jobs and sustain careers. With that in mind, we will encourage leadership to consider the quality of schools near bases and whether reciprocity of professional licenses is available for military families when evaluating future basing or mission alternatives.

Military families relocate frequently. The services endeavor to schedule transfers to minimize impact on the academic year, but this is not always possible. As a result, incoming students face difficulties transferring credits between school systems, adjusting to varied curriculum, and joining sports teams or clubs after the start of the school year. Exclusion from extra-curricular activities is particularly challenging for our military children, as they are critical to social development and self-esteem. Some school systems recognize this and accommodate military families during transfers. These schools should be commended and emulated.

Facilitating military spouses in continuing their work in a new place of residence without delays or extra expense is also important. Spouses in professionally licensed fields such as medical, legal, engineering, education, accounting, or the cosmetic arts face challenges due to delays or cost of transferring licenses to a new state or jurisdiction. Eliminating or mitigating these barriers will improve quality of life for our military families, and ease the stress of transferring duty stations with consideration for long-term career implications.

We realize improving schools and changing laws or regulations regarding professional licensure will take time. Over the long term, however, leaders who want to make a difference for the military and our missions will make the most impact if we focus on what matters. Reciprocity on licensure and the quality of education matter.

Mar 12 2019

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Attachment 6

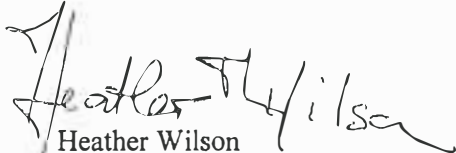
Thank you for your help and attention. We look forward to continuing to work with you and thank you again for your support of our men and women in the military.



Richard V. Spencer  
Secretary of the Navy



Mark T. Esper  
Secretary of the Army



Heather Wilson  
Secretary of the Air Force





State of North Dakota  
Doug Burgum, Governor

## Attachment 7

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**STATE BOARD OF PHARMACY**

Mhardy@ndboard.pharmacy  
www.nodakpharmacy.com  
Mark J. Hardy, PharmD  
Executive Director

### **Senate Bill No 2306 – Military Dependent Occupations & Professions**

House Industry, Business and Labor Committee – Peace Garden Room  
9:00 AM - Tuesday – March 12, 2019

Chairman Keiser, members of the House Industry, Business and Labor Committee, for the record I am Mark J. Hardy, PharmD, Executive Director of the North Dakota State Board of Pharmacy.

I appreciate the opportunity to discuss Senate Bill 2306 with you today.

The Board of Pharmacy has reviewed SB 2306 and are generally supportive of the tenets of the bill. We appreciated the Senate addressing a few areas of concern with the amendments. Our goal is to clarify and establish clear ability to receive the information we require to proceed with a provisional or temporary licensure. This attempts to ensure that safeguards remain in place for the Board to confirm the individual is fit for practice, which maintains the safety for North Dakota citizens.

The Board of Pharmacy has safeguards in place to ensure the individuals are properly educated and trained to practice pharmacy for the wellbeing and safety of the citizens in North Dakota. The North Dakota Board of Pharmacy currently participates in an electronic license transfer program [eLTLP] through the National Association of Boards of Pharmacy [NABP] in which all 50 states are members and participate. With eLTP a pharmacist licensed by one jurisdiction can request licensure transfer; their licensure is then verified along with any disciplinary actions and electronically sent to the state the professional wishes to become licensed. Understandably, Boards of Pharmacy are more mature with this capability due to the unique aspects of our profession. Also, there is a state law examination for the jurisdiction the person wishes to practice within. For our profession, specifically, the law is such a critical aspect of pharmacy practice. There are tremendous variations in controlled substance laws, dispensing and professional responsibility laws across state lines making pharmacists a safeguard between the prescribing practitioner and the patient.

The current license transfer process for pharmacists is very easy to navigate, allowing a candidate to sit for the computerized law test at a testing center of their choice, wherever is most convenient and the results are reported within days. We have reports of candidates being licensed in 10-14 days after successful application and testing.

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After the Senate's action on this Bill, a concerned individual pointed towards Florida statutes on the issues this bill is looking to accomplish. A couple of provisions listed below that may be worth further discussions to provide a better frame work of temporary or provisional licensure of military spouses:

- Page 5 line 7 – makes the provisional license a 2 year license, we request language that would say “up to” a 2 year license. In Florida, the standard is one year and that seems to be an appropriate amount of time to navigate the licensure process. However, the Boards should be able to outline this in rules. This provides latitude and also addresses any concerns on a Board's established licensure periods.
- Another consideration for temporary or provisional licensure taken from Florida is a provision of “proof that the applicant would be entitled to full licensure under the appropriate practice act and are eligible to take the respective licensure examinations”. This provision would avoid putting the Board in a difficult position of issuing a temporary license, if the candidate is not eligible to complete the licensure process.

The Board of Pharmacy appreciates the Committee's consideration of these amendments and is open to dialogue to accomplish the goal intended with this bill, which is a smooth transition into North Dakota for those members of our military and their spouses or family.

Thank you for listening to my testimony and I will be happy to answer any questions.



**Testimony of Keith Lund**  
**Economic Development Association of North Dakota**  
**In Support of SB 2306**  
**March 12, 2019**

Chairman Keiser and members of the House Industry, Business and Labor Committee:

My name is Keith Lund, president of the Grand Forks Region Economic Development Corporation. I am also the secretary/treasurer of the Economic Development Association of North Dakota (EDND) and it is in this capacity I am testifying in support of SB 2306.

EDND represents large and small and rural and urban economic development organizations on the front line of growing businesses and communities in North Dakota. The primary purpose of the organization is to promote the creation of new wealth throughout North Dakota to develop more vibrant communities and improve quality of life.

Workforce availability is the most significant challenge facing North Dakota businesses, limiting the growth potential of the state's economy. EDND supports the development of workforce attraction, development and retention strategies that address the needs of the state's businesses and industries. As of December 2018, North Dakota had an unemployment rate of 2.6 percent, which can make it difficult for businesses to find qualified candidates.

Career portability can be a challenge for a professional military spouse. The transitory nature of military service often requires military spouses to move every two to three years. Professional military spouses can be hindered from practicing their professions due to the time and financial constraints of meeting license requirements when moving across states lines. At a time when North Dakota has such an acute labor challenge, we should be doing everything we can to make it as simple as possible to add qualified individuals to the state's workforce.

Thank you for the opportunity to address the committee and express support for this bill and for your continued commitment to working together to address North Dakota's workforce needs.

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Good morning Chairman Keiser and members of the House Industry, Business, and Labor Committee. My name is Rheider McCormick, I am in my third year of law school at the University of North Dakota and am currently an intern working alongside Commissioner Kommer. The Commissioner requested that I provide testimony to offer support for the spirit of SB 2306 and efforts to ensure that our state's occupational licensing policies achieve important goals, including consumer protection, workforce mobility, and economic growth.

As you know, an occupational license is a credential that government – most often states – requires a worker to hold in certain occupations. Occupational licensing typically requires workers to meet state-specific educational, training, testing, and other requirements to practice in a licensed profession.

There are a wide range of benefits of occupational licensing, ranging from the safeguarding of public health and safety, supporting career development and creating career pathways, and the protection of consumers by guaranteeing minimum educational requirements and industry oversight. Occupational licensing, while often state-specific, is also influenced by industry-specific interstate compacts, federal regulations and other factors.

The share of American workers who hold an occupational license has grown five-fold since the 1950's, when only 5% of workers held licenses. Today, almost a quarter of all employed workers hold occupational licenses. States vary considerably in the share of their workforce that holds a license, ranging from 12% in South Carolina to 33% in Iowa. In North Dakota, 23% of our workforce holds a license. States differ in which occupations they license, and the criteria for those licenses. For example, Michigan requires that licensed security guards have three years of education and training, while most states require 11 days or less. Of the 1,100 occupations that were licensed in at least one state in 2016, only 60 were licensed in every state. Today in North Dakota there are over 80 licensed occupations governed by more than 60 boards, commissions, and agencies.

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Occupational licensing requirements can have detrimental impact on specific populations, as highlighted in SB2306. Former Federal Trade Commission Chairman Maureen Ohlhausen asserted that "occupational licensing disproportionality affects...military families and veterans." Licensing requirements can make it difficult for the 360,000 service members who leave or retire from active duty, guard, and reserve service each year, as well as one-third of "trailing spouses" who work in occupations that require licenses or certification that bar them from entering occupations that they may be qualified to practice. Compared to civilians, military spouses are 10 times more likely to have moved across states in the last year, making it difficult and costly for them to obtain a new license every time the move to a new state.

As noted in the Workforce Development Council's October 2018 Report of Recommendations, military organizations in North Dakota employ nearly 14,000 people and create another nearly 4,000 jobs indirectly, with total military impact in North Dakota estimated to exceed a billion dollars. Preserving the presence of our military service members is essential to our state on many levels, including our ability to meet workforce needs as members of our military possess unique skillsets to close the workforce gap, and easing unnecessary licensing barriers is part of a broader solution.

With a national workforce shortage, state policymakers play a critical role in occupational licensing policies, and in having this dialogue, we join a number of other states where measures are being taken to closely examine occupational licensing requirements, to remove unnecessary barriers.

Thank you for your time and I am happy to answer any questions you may have.

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**Testimony of Bonnie Storbakken for Engrossed SB 2306**  
**By Bonnie Storbakken, Executive Secretary for the North Dakota Board of Medicine**  
**House Industry, Business and Labor Committee**  
**March 12, 2019**

Hello Chairman Keiser and members of the House Industry, Business and Labor Committee. My name is Bonnie Storbakken. I am the Executive Secretary for the North Dakota Board of Medicine. I am here today to discuss our Board's concern regarding Engrossed SB 2306.

Our Board is responsible for licensing MDs, DOs, PAs, Genetic Counselors and Fluoroscopy Technicians. Within our licensure process we seek information regarding the applicant's training, work history as well as information pertaining to other jurisdictions where the applicant holds a license. Our Board is able to obtain primary source verifications pertaining to education, training and testing, and other jurisdictions where the applicant holds a license.

Section five of this bill removes the exemption for our Board under 43-51-01. This would require our Board to apply the definitions and law in chapter 43-51 to our processes despite having our process codified under NDCC chapter 43-17. For example, the following sections of this chapter would now apply to the North Dakota Board of Medicine, 43-51-03 Indirect Practice without a license; 43-51-04 Emergency Practice without a license; 43-51-05 Limited practice without a license. These would cause confusion and conflict with laws within our chapter such as 43-17-34 Practicing without a license; 43-17-38 Emergency Treatment by Non-resident Physician and potentially the telemedicine bill that is currently moving through the legislative process as SB 2094. 43-51-06 Licensure without examination would also conflict with our licensing requirements under 43-17-18. 43-51-07 seems to state that the medical licensing compact that is being legislated during this session would not be effective if passed until after an Administrative Rules process which would be contrary to compact language. 43-51-08 would conflict with our current disciplinary statutes and rules. The impact of the removal of the exemption for our Board in this Chapter is extremely broad and very problematic. If it is the intent of the Bill to apply the Military Licensing sections of the Bill to our Board then I would recommend that the exemptions currently listed in 43-51-01 remain and language is added to include our Board within the applicable sections. However, it is my recommendation that our



Board remain exempt from this chapter completely as we are unaware of any complaints regarding our current licensing process.

This Bill requires our Board to immediately implement the issuance of a license to an applicant who is a military spouse. A military spouse is defined as a foreign practitioner who is a spouse of a member of the armed forces.... The definition of "foreign practitioner", is 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. "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. It is clear the applicant must hold a license in another jurisdiction and be in good standing. These are things that our Board looks at through our current application process. However, this bill seems to bypass our licensing process. Without using our primary source verifications we currently use we would have no way of verifying current licensure in good standing.

Section six of this bill states that our board shall adopt rules regarding licensure of a military spouse. Adoption of rules are required under section seven as well to allow a military spouse to practice in this state if upon application they demonstrate competency which in part must be based on 2-4 years of experience and will not substantially increase the risk of harm to the public.

Subsection two of section seven then states that a board shall issue a provisional license to a military spouse for which one or more of the requirements under subsection one is not met. The only requirements in subsection one is a demonstration of competence with years of experience and no increase of substantial harm to the public. This is confusing at best. Which requirement are we allowed to bypass? The competency or the increased substantial risk to the public. In either case our Board may open itself up to some potential liability. It is also unclear within this section how long the applicant can take to meet all licensing requirements of the Board.

Section seven allows for a background check to be done but remains silent on the rest of our licensing process which is based on primary source verifications. Does this mean that the primary source verifications that are routinely done are bypassed completely? Or is the license issued and then the information is collected? If it is the latter, we may be required to revoke a license after it is issued. This could be cause

for an increase in legal fees to the Board and potential liability to the Board for allowing an unqualified applicant to practice in the State.

Section eight requires the Board to immediately implement the issuance of a license, provisional license or temporary license to a confirmed self-identified military spouse. This section also requires the maintenance of a record of military spouse applications. This section is somewhat confusing. It states immediately shall implement issuance of a license under 43-51-11.1 or section seven of this Bill. This could be read to mean that we then begin our process of licensing as we currently do or that we take the application and the background check and then immediately license.

Our current process has never been complained about. We are required under our Medical Practices Act to ensure that our licensees are safe for the public. In that we do primary source verifications as well as background checks prior to issuing any temporary or provisional licenses. This Bill allows for background checks but perhaps not the remainder of our process. It is arguable if SB 2306 will provide for any expedition of licensure at all. I say this because if we are to ensure that the applicant is in fact holding an unencumbered license from another jurisdiction we must do so through our current process which will not save any time to the applicant. Perhaps it is best to simply identify military spouse applicants at this point and then submit that information as required under section nine of this bill.

I would recommend that our Board retain its process for issuing licenses either by exempting our board from this language or by amending the language to allow the Board to use its current application process and creating a mechanism for identifying a military spouse applicant and ensuring that all steps are completed in the most expedited manner possible while maintaining the Board's ability to protect the public.

If the intent of this Bill is to provide an expedited process it would be important to note that SB 2173 has been introduced this session to adopt the Interstate Medical Licensure Compact. The aim of this compact is to provide an expedited process for licensing across the states. SB 2173 ensures that the proper credentialing process is completed by a home state and allows for a quick process in the other states the applicant has selected. This bill could be very problematic for us with the Medical Licensing Compact Bill SB 2173 which would require us to follow the compact rules for licensure.

Testimony in Opposition to SB 2306  
House Industry Business and Labor  
12 March 2019

Chairman Keiser and Members of the Committee,

My name is Bonnie Staiger and I am here today representing the ND State Board of Architecture and Landscape Architecture--100 years-old this year. For the past 22 years, our firm (the Staiger Consulting Group) has served as the board's Executive Director Team and provided central office functions. Among our many responsibilities, the licensing function is primary. Our board asks that you give the bill a Do Not Pass recommendation.

With respect for the sponsors of this bill, all military personnel and their spouses, we are here again to oppose this unfunded mandate and it's one-size-fits-all sweep. The bill makes no exception for boards such as ours that already have proactively developed a streamlined or national certification or multi-state reciprocity compacts and can grant licenses in a matter of a couple weeks or less. This bill requires those boards to bypass what they have in place and set up additional procedures that could take more time --not less--to follow. Plus, do so at no charge to the applicant.

Many of these 60+ boards, including ours, operate on tight budgets, part-time staff, and willingly uncompensated volunteer time. The fiscal impact to these boards is far from negligible and should be attached as a combined fiscal note to give you a complete picture.

For as long as we've been involved with the board of architecture, there has been a national focus on mobility or as we call it "reciprocity" through our membership and participation in the National Council of Architectural Registration Boards and the Council of Landscape Architectural Registration Boards. Collectively, these 55 state and territorial jurisdictions have collaborated to create a streamlined path by which an individual, can easily get licensed in multiple states by reciprocity without further qualifications or delays includes licensed military folks coming here.

This preserves each state's constitutional authority and responsibility to protect its citizens. Here in North Dakota we can receive, review, and issue a reciprocal license in about 30 days—assuming the applicant is in good standing with no pending disciplinary actions. In 2018, approximately 1059 (84 %) of 1253 total licensees were non-residents. In the reverse, this streamlining also allows our North Dakota based architects and landscape architects the opportunity to be licensed and easily work across state lines and many have projects in multiple jurisdictions.

During 3 days of hearings in the Senate for 3 related bills (SB 2026, SB 2127 and SB 2306) and a combined stream of opposition, it was revealed the impetus for all these bills may have root in a letter from 3 Secretaries of branches of armed services addressed to the National Governor's Association suggesting that military mobility is hampered by occupational licensing issues. The letter also called for school systems to recognize and accommodate military family transfers and improving school facilities and curricula. Yet, there was there no legislation introduced adding regulatory requirements to Century Code for those areas of concern.

Proponents of this bill and the other 2 (defeated in the Senate in preference to this bill) imply there is an urgent problem that needs to be addressed yet there are no data to support the problem exists in North Dakota—only generalized descriptions of issues that may exist elsewhere and could potentially exist here. These broad analogies do not seem an appropriate basis to adopt sweeping statutory policy.

In proponent testimony, one licensing board was referenced as being inordinately slow to respond to an applicant. We believe that issue may have been related to the added layer of oral exams required by a small segment of boards who regulate certain professions including behavioral health. We believe many of those procedures have been modified more recently and with advances in technology that particular incident would likely not happen today.

Especially problematic for all boards is the bypass creating a new Section 8 (page 6 lines 9-13). First, we notice that this language requires proof of being a military spouse but no parallel proof for military personnel. Secondly, it also seems to conflict with and nullify other areas in statute including definitions of Foreign Practitioner and Good Standing (page 3).

Not only would this bypass circumvent any board's streamlined process, it would also bypass public protections. In our case, implementation of this language would set us back 20 years and require us to assemble the required documentation outside of that mechanism (to insure of valid licenses, education and internship, and no open disciplinary actions). This would actually take longer than the normal timeline of less than 1 month. Further we would have to underwrite the costs to promulgate potentially unnecessary rule changes and absorb all these costs without charging the basic licensing fee?

In addition, boards would be required (Section 8) to give a license to practice those not quite qualified, to establish procedures to bring them into compliance, and monitor their remedial progress—bypassing language on page 5 lines 3-4. The result

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Attachment 11

would immediately allow a potentially unqualified individual to call him/herself an architect and begin designing buildings for public occupancy. Would the same exemption apply to unqualified attorneys, funeral directors, surgeons?

As a result, we ask that you include the attached amendments. These make 2 important corrections: consistent language for both members of the military and military spouses.

1. the first one allows all boards to act in accordance with the bill's noble intent: to begin licensing military spouses within any board's current procedures (currently permissible for military personnel on page 5 lines 22-24) and
2. the second gives boards the authority to withhold a license or temporary permit on the same 'risk of harm to the public' grounds as the bill already provides for revocation (page 4 lines 10-11).

Of course, another option is to amend out everything except the Section 10. Let's work together to assemble reliable data that can inform the DoD (and satisfy ourselves) of what is actually in place and demonstrate to their auditors that we can serve the mobility and retention needs of military personnel and spouses.

Attachment: Amendments prepared by Legislative Council for Rep. Keiser

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Attachment 11

19.0255.04001  
Title.

Prepared by the Legislative Council staff for  
Representative Keiser  
March 1, 2019

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2306

Page 4, line 24, remove the overstrike over "~~or shall grant on a~~"

Page 4, line 25, remove the overstrike over "~~case-by-case basis exceptions to the board's  
licensing standards~~"

Page 5, line 9, after the period insert "A board is not required to issue a provisional license or  
temporary permit under this subsection if the board determines issuance of the license  
or permit would substantially increase the risk of harm to the public."

Renumber accordingly



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**TESTIMONY OPPOSED TO SB 2306**

**PRESENTED BY JAMES SCHMIDT**

**EXECUTIVE DIRECTOR, NORTH DAKOTA STATE ELECTRICAL BOARD**

Mr. Chairman, Members of the Committee:

The North Dakota State Electrical Board already has an avenue to licensure for all individuals, including military personnel and their spouses, that have experience in the trade but come from a state that does not have similar license requirements as North Dakota. The board offers, under certain circumstances, a placement exam which if passed, allows the applicant to take the ND journeyman exam.

We believe our current vetting process is fair and reasonable for all, and we certainly apply it to military and their spouses or anyone who meets ND standards. Throughout all of the testimony on this bill and similar bills in the Senate, there was no indication any military spouse had difficulty obtaining an electrical license in ND.

Our main concern begins on page 3, Section 5, line 10. By removing the Electrical Board from the exemption list of Chapter 43-51-01 this will create conflicts in the Electrical Board's own chapter. The board's chapter 43-09 already has provisions covering many of the same issues which follow the board's mission:

**100.2 NDSEB MISSION - Ensure safety and protect life, health, and property in the daily use of electricity.**

There were reasons the previous legislatures exempted the electrical board based on its Mission, along with several other boards, from the provisions of chapters in NDCC 43-51 such as:

**NDCC 43-51-03 Indirect Practice Without a License**

**NDCC 43-51-04 Emergency Practice Without a License**

**NDCC 43-51-05 Limited Practice Without a License**

**NDCC 43-51-06 Licensure Without Examination**

This bill may also cause problems with our current reciprocity with other states. Our state currently is a member of the National Electrical Reciprocal Alliance (NERA) which has 19 member states. To be a member of this group the state must have certain minimum licensing requirements. To become a member of NERA, the current member states vote in any new members based on their licensure requirements. The purpose of this group is to allow ND electricians to move between states easily when electrical work slows in ND, or by the same token when for instance the oil boom hit ND a few years ago, electricians from other states could easily get licensed in ND. ND currently has 12 reciprocity licensing agreements with states for licensure of electricians.

I reached out to the other NERA member states and the respondents said a license issued under SB 2306 would not qualify for reciprocity. We are concerned if SB 2306 becomes law, this will jeopardize the board's ability to remain a member of the NERA group because our office would be forced to license individuals without the experience NERA group requires. The next result would also be that ND electrician's ability to move freely by reciprocity between states could also go away.

We therefore urge a do not pass vote on SB 2306 or amend the SB 2306 to allow the electrical board to remain exempt.

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We thank the Committee for hearing our concerns and I would be happy to answer any questions the committee may have.



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**Testimony in opposition of Engrossed Senate Bill 2306 -- licensure of military/spouses**

Jeanne Prom, Executive Director, [jepprom@nd.gov](mailto:jepprom@nd.gov)  
 North Dakota Real Estate Commission

House Industry, Business and Labor Committee  
 Representative George Keiser, Chair  
 9:00 a.m., March 12, 2019

Good morning, Chairman Keiser and members of the House Industry, Business and Labor Committee. I am Jeanne Prom, executive director of the North Dakota Real Estate Commission. The commission licenses real estate practitioners.

**The N.D. Real Estate Commission urges a Do Not Pass recommendation on Engrossed Senate Bill 2306 as written.** The commission urges a Do Not Pass recommendation because of the impact of the bill on the Commission's licensing standards, and on the N.D. real estate license law, which is NDCC chapter 43-<sup>51</sup><sub>23</sub>. This is not a comment on the value of the military in our state.

The current version of SB 2306 changes NDCC chapter 43-51 in 2 important ways:

- 1) Further streamlines and mandates licensing for military personnel and spouses, and
- 2) Expands the definition of "board" referred to in NDCC chapter 43-51.

**I will address the impact of both the additional streamlining and the wider definition of "board" on the real estate commission's current standards and law.**

**First, the expanded streamlining process** no longer allows for exceptions to a board's licensing standards on a case-by-case basis, but lowers those standards. For example: SB 2306, page 5 lines 4-6, does not allow for a personal credit check as part of a criminal history background check. SB 2306 does not allow for a delay or denial of a provisional license for unsatisfactory credit history or another cause. Rather, SB 2306 requires that a provisional or temporary license must be issued immediately, even if all licensing standards in North Dakota are not yet met. This mandate sidesteps a basic fiscal management standard set by the N.D. Real Estate Commission for all its licensees.

- The commission has set a reasonable standard for license applicants to demonstrate fiscal management – a satisfactory personal credit report.
- This protects the public, who, in working with licensed real estate agents, are involved in what are often the largest investments and monetary transactions in their life – buying or selling a home, farm or ranch, or business property.
- The N.D. Real Estate Commission conducts credit histories on all applicants.
- In the case of unsatisfactory credit histories, applicants are usually allowed time to take care of any issues before a license is issued.
- Even in the case of reciprocal/out-of-state applicants who are already licensed in other states, the commission does *not* issue a license before credit issues are managed.

Members of the North Dakota Real Estate Commission are: Roger Cymbaluk, Chair; Scott Breidenbach, Vice Chair; members: Sandra Meyer, Steven Bitz, Diane Louser. Staff: Jeanne Prom, executive director.

To restate, streamlining by issuing an immediate 2-year provisional or temporary license without first assuring a licensee has their personal fiscal problems under control creates a different, lower standard for military/spouse real estate license applicants. The N.D. Real Estate Commission understands the desire to expedite the application process. The commission can issue reciprocal licenses within a month. However, expediency should not be at the cost of lower standards.

**Secondly, I want to speak to changing the definition of “board” as used in NDCC chapter 43-51.**

- Prior to SB 2306, the real estate commission was specifically excluded from the definition of “board” in this chapter, except for 2 sections that applied specifically to the military and military spouses. (See page 4, lines 17-20 of SB 2306.)
- With the current version of SB 2306, the entire chapter 43-51 will now apply to the real estate commission.
- Some of the sections of chapter 43-51 may conflict with N.D. real estate license law in NDCC chapter 43-23, depending on the interpretation. For example: 43-51-07 – License compacts – This section permits written compacts and agreements with other states, but the written agreements do not become binding on North Dakota until implemented by administrative rules under this section (43-51-07). The real estate commission has existing reciprocal agreements in its own section of administrative rules, chapter 70. It is unclear if rules in chapter 70 would still be effective. They are permitted in existing administrative rule, but not administrative rule implemented under this section (43-51-07).
- It is important to point to 43-51-10 -- Application with other laws -- which states: “This chapter supplements and does not repeal the authority provided to each board. Nothing in this chapter prohibits a board from imposing conditions on foreign practitioners by administrative rule or compact which are more restrictive than those imposed in this chapter, if those restrictions are enacted to ensure the health, safety and welfare of the public.”

If section 43-51-10 on application of other laws is interpreted to allow the real estate commission to continue operating based on its existing statutes and rules that are more restrictive, because the additional restrictions are to protect the public, then the end effect of SB 2306 on the N.D. Real Estate Commission may be just the changes to the military renewals and military spouses licensing. Again, this is subject to interpretation. (NDCC chapter 43-23) (NDAC chapter 70)

**It would be clearer if the N.D. Real Estate Commission was excluded from the definition of “board ” in NDCC chapter 43-51, as it is in statute now and *not* how SB 2306 is written. To meet the intent of SB 2306, the real estate commission could be included in the provisions of 43-51-11 and 43-51-11.1 on military licensing, similar to how 43-51 is in statute now in: 43-51-01.1.a, 43-51-11.2. , 43-51-11.1.1, 43-51-11.2.d. and 43-51-11.1.3.**

**Finally, please consider efficiencies in the current SB 2306 mandates:** law and rule changes, an interim report, a possible interim study, and 2021 legislative bill drafts.

Thank you, Chairman Keiser and committee for your thoughtful consideration. I am available for your questions.





# North Dakota Board of Veterinary Medical Examiners

P.O. Box 5001, Bismarck, ND 58502  
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## SB 2306

House Industry, Business, and Labor Committee

March 12, 2019

John R. Boyce, Executive Secretary

Licensing boards are established by the Legislature for the purpose of public protection. Boards issue licenses to qualified applicants, and respond to complaints against licensees.

The Board of Veterinary Medical Examiners is one of the smaller licensing boards in North Dakota, with 541 licensed veterinarians and 349 licensed veterinary technicians. Last year, we issued new licenses to 20 veterinarians and 28 veterinary technicians. The board opposes SB 2306 because we believe there are more efficient approaches to expediting licensure for qualified military spouses where barriers may exist, without imposing unnecessary requirements and administrative burdens on all licensing boards. A more rational approach would be first to conduct the legislative management study outlined in Section 10 of the bill, and then propose legislation necessary to address any actual barriers to licensure for military spouses that are identified by the study.

Our board's main concern with this bill is with Section 7. The present wording of Subsection 1 (page 4, lines 24-26) allows a board to grant exceptions for military spouses on a case-by case basis, but this allowance has been removed in the proposed legislation, resulting in the only option being that the board "shall adopt rules." Rule changes are expensive; the last time our board adopted new rules, it cost the board almost \$1,900. In nearly 22 years serving as the board's Executive Secretary, I can recall only one or two instances of a military spouse applying for licensure. Those individuals were handled the same way as all other applicants, without undue barriers or delay. The present wording of Subsection 1 (page 4, line 23-31 and page 5, lines 1-5) includes three requirements. The proposed wording eliminates the second requirement (that the military spouse pay an application fee (page 5, lines 1-2)), leaving only two. Subsection 2 (page 5, lines 7-24) requires the board to issue a two-year provisional license or temporary permit "if one or more of the licensure requirements under subsection one have not been met." Since there are now only two requirements listed under subsection 1, and "one or more" presumably includes two, this wording would appear to require the board to issue a two year provisional license or temporary permit to any applicant, regardless of qualifications.

The Board of Veterinary Medical Examiners presently issues a temporary permit to qualified licensure applicants that allows them to practice in North Dakota until the next meeting of the board, at which time applicants take a written state board examination and appear before the board. The board meets twice per year, so any temporary permit lasts for a maximum of about six months. Further, our licenses are issued annually. Therefore, the requirement in this bill that our board "shall issue" a two-year



temporary permit makes no sense.

If a two-year temporary permit was to be issued, it would allow a veterinarian to practice in North Dakota for up to two years without demonstrating knowledge of North Dakota laws regarding the practice of veterinary medicine, which would not be in the public interest.

The fee established by the board for a temporary permit is \$25, and the board does not favor exempting a military spouse from paying the same fee as all other applicants.

The wording in Section 8 on page 6 requires the board to modify its application and renewal forms to inquire if the person is a military spouse. That change can be done fairly easily and at minimal cost. However, the second sentence of this section (lines 10-13) would require the board to “immediately” implement issuance of a license or temporary permit. The board requests that the word “immediately” be removed, because it is unclear what is meant by it.

The Board of Veterinary Medical Examiners has one part-time staff member. The requirements imposed by Sections 9 and 11 on page 6 (introduction of a bill to the next Legislative Assembly and adopting any rules necessary to implement the act) would pose a significant new workload on our small board, and a significant expense to the board, to address a problem that, for our board at least, simply does not exist.

## House Industry, Business and Labor Committee

SB 2306March 12, 2019Testimony of JoDee S. Wiedmeier, Executive Director  
North Dakota Board of Podiatric Medicine

Chairman Keiser and members of the committee, my name is JoDee Wiedmeier, Executive Director of the North Dakota Board of Podiatric Medicine. By statute, the Board is responsible for the licensing and regulation of the practice of podiatry in North Dakota. On behalf of the board, which is composed of four podiatrists, one physician, and one public member from throughout the state, I speak in opposition to SB 2306.

First, the board wants to indicate its support for the military and military families and the unique hardships that these families face. The board understands this bill wants to provide an avenue to expedite the licensure process for military spouses. However, this board already has an avenue to issue a temporary license before full licensure is granted for **any** applicant, not just military spouses, in order to get them into the work force here in North Dakota quickly.

Further, there is confusion as to exactly what is required under this bill. In reference to the amendment beginning on Page 4, Line 21, it is the board's understanding that it would be required to issue a license to a military spouse upon the submission of an application if (1) the spouse demonstrates competency which includes a minimum of two years experience in the previous four years and (2) that the issuance of this license will not substantially increase the risk to the public. This risk may be assessed by requiring the applicant to submit to a background check.

However, subsection 2, Page 5, Line 7, indicates that if either one of these licensure requirements is not met, meaning the applicant is not competent or is deemed to 'substantially increase the risk' to the public (by perhaps not passing a background check), then the board **shall** issue a two year provisional license to the applicant while the applicant works on meeting these requirements. It appears the board is required to issue a two year provisional license to an applicant that is not competent to treat patients while they work on becoming competent?

It further states that the provisional license remains in effect until the board either grants or denies the applicant's licensure under subsection 1 or grants full licensure under the traditional licensure method. So, can the board initially deny licensure under subsection 1? And, if so, does it still have to issue the two year provisional license because the language in subsection 2 states that the board **shall** issue a two-year provisional license?

Other questions also arise, such as what 'methods and standards' can be used by the board under subsection 1 and when can these be used since the license must be issued upon application? (Page 4, Line 29) And, what is a 'substantial' increase in risk to the public and can it only be accessed by a background check? (Page 5, Line 3) A medical practitioner can be a risk to the public in other ways, not just by failing a background check.

The board is concerned that in the rush to issue a license things may be overlooked and licenses issued that should not have been issued. Subsection 2(d) does indicate that the board can revoke the two-year temporary provisional license to protect the health and safety of the public. The board appreciates this provision; however, it would rather take the time upon application to fully vet the applicant because it is always more difficult to remove licensure once it has been granted. Further, revocation proceedings take time and funding. In addition, the podiatrist may be able to continue to treat patients during these proceedings which could pose a very definite risk to the public.

In summary, the board's first concern is its duty to protect the public by vetting applicants to make sure that they fully meet the requirements of licensure. The board is concerned that this bill will make it harder for it to do its job and could potentially put the public at risk. Further, the board already has an expedited procedure in place for **all** of its applicants and therefore, does not see the necessity of this bill as it relates to the Board of Podiatric Medicine.

Thank you for consideration. I would be happy to try to answer any questions.

Mar 15, 2019

Attachment 1

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2306

Page 3, lines 8 through 15, remove the overstrike

Page 3, line 16, remove overstrike over "b."

Page 4, line 10, remove overstrike over "1."

Page 4, line 13, remove overstrike over "a."

Page 4, line 13, remove "1."

Page 4, line 15, remove overstrike over "b."

Page 4, line 15, remove "2."

Page 4, lines 17 through 20, remove the overstrike

Page 5, line 3, overstrike "exception" and insert immediately thereafter "issuance of the license"

Page 5, line 7, after "issue" insert "up to"

Page 5, line 8, overstrike "one or more of"

Page 5, line 9, overstrike the first "not"

Page 5, line 9, after "been" insert "substantially"

Page 5, line 12, overstrike the second "the"

Page 5, line 13, overstrike "necessary"

Page 6, after line 5, insert

"5. Forty-five days after receipt of a completed application, a provisional or temporary license shall automatically be issued under subsection 2 until the board either grants or denies a license under subsection 1.

6. 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."

Mar 15, 2019

SB 2306

Attachment 1

Page 6, after line 8, insert "1."

Page 6, line 12, replace "implement issuance of" with "commence the process to issue"

Page 6, after line 13, insert

"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.

Renumber accordingly

Mar 15, 2019

Attachment 2

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2306

Page 3, lines 8 through 15, remove the overstrike

Page 3, line 16, remove overstrike over "b."

Page 4, lines 17 through 20, remove the overstrike

Page 5, line 7, after "issue" insert "up to"

Page 5, line 8, overstrike "one or more of"

Page 5, line 9, overstrike "not"

Page 5, line 12, overstrike the second "the"

Page 5, line 13, overstrike "necessary"

Page 6, after line 5, insert

<sup>Thirty</sup>  
"5. ~~Ninety~~ days after receipt of a completed application, a provisional or temporary license shall automatically be issued under subsection 2 until the board either grants or denies a license under subsection 1.

6. 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.

Page 6, after line 8, insert "1."

Page 6, line 12, replace "implement issuance of" with "commence the process to issue"

Page 6, after line 13, insert

"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.

Renumber accordingly



Mar 15, 2019

Attachment 3

19.0255.04002  
Title.

Prepared by the Legislative Council staff for  
Representative Laning  
March 14, 2019

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2306

Page 1, line 3, after the semicolon insert "and"

Page 1, line 5, remove "; to provide a"

Page 1, remove line 6

Page 1, line 7, remove "provide for a legislative management study"

Page 5, line 7, remove "two-year"

Page 5, line 11, after "subsection" insert "may not exceed two years and"

Page 6, after line 5, insert:

"5. A board shall make a determination within thirty days of receipt of a complete application for a license or permit under this section. An applicant may file an appeal if a board fails to make a timely determination under this section."

Page 6, remove lines 14 through 29

Renumber accordingly

Mar 20, 2019

SB 2306

Attachment 1

19.0255.04003  
Title.

Prepared by the Legislative Council staff for  
Representative Laning  
March 18, 2019

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2306

Page 1, line 3, after the semicolon insert "and"

Page 1, line 4, remove ", 43-51-11"

Page 1, line 5, remove "; to provide a"

Page 1, remove line 6

Page 1, line 7, remove "provide for a legislative management study"

Page 3, remove the overstrike over lines 8 through 15

Page 3, line 16, remove the overstrike over "b."

Page 4, remove lines 7 through 20

Page 4, line 24, remove the overstrike over "~~or shall grant on a~~"

Page 4, line 25, remove the overstrike over "~~case by case basis exceptions to the board's  
licensing standards~~"

Page 5, line 3, overstrike "exception" and insert immediately thereafter "issuance of the license"

Page 5, line 7, remove "two-year"

Page 5, line 8, overstrike "one or more of"

Page 5, line 9, overstrike "not"

Page 5, line 9, after "been" insert "substantially"

Page 5, line 11, after "subsection" insert "may not exceed two years and"

Page 5, line 13, overstrike "necessary"

Page 6, after line 5, insert:

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

6. 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."

Page 6, after line 8 insert:

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Attachment 1

"1."

Page 6, line 12, replace "implement issuance of" with "commence the process to issue"

Page 6, after line 13, insert:

"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."

Page 6, remove lines 14 through 29

Renumber accordingly

April 9, 2019

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4-16-19  
Att #1  
pg 1

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2306

That the House recede from its amendments as printed on pages 1137 and 1138 of the Senate Journal and pages 1263 and 1264 of the House Journal and that Engrossed Senate Bill No. 2306 be amended as follows:

Page 1, line 4, remove ", 43-51-11"

Page 1, line 5, remove "; to provide a"

Page 1, remove line 6

Page 1, line 7, replace "provide for a legislative management study" with "; and to provide for a report"

Page 3, remove the overstrike over lines 8 through 15

Page 3, line 16, remove the overstrike over "b."

Page 4, remove lines 7 through 20

Page 4, line 24, remove the overstrike over "~~or shall grant on a~~"

Page 4, line 25, remove the overstrike over "~~case by case basis exceptions to the board's licensing standards~~"

Page 5, line 3, overstrike "exception" and insert immediately thereafter "issuance of the license"

Page 5, line 7, remove "two-year"

Page 5, line 8, overstrike "one or more of"

Page 5, line 9, overstrike "not"

Page 5, line 9, after "been" insert "substantially"

Page 5, line 11, after "subsection" insert "may not exceed two years and"

Page 5, line 13, overstrike "necessary"

Page 6, after line 5, insert:

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

6. 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

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AH  
pg 2

state with respect to contractor licensing, North Dakota board of medicine, and state board of dental examiners."

Page 6, after line 8 insert:

"1."

Page 6, line 12, replace "implement issuance of" with "commence the process to issue"

Page 6, after line 13, insert:

"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."

Page 6, line 14, remove "**LEGISLATIVE**"

Page 6, line 15, replace "**MANAGEMENT**" with "**DEPARTMENT OF COMMERCE**"

Page 6, line 15, replace "2019-20 interim" with "2019-21 and 2021-23 bienniums"

Page 6, line 17, replace "Before August 2020" with "At least annually"

Page 6, line 18, replace "legislative management" with "department of commerce"

Page 6, line 19, after "sixty-seventh" insert "or sixty-eighth"

Page 6, remove lines 21 through 29

Renumber accordingly

Lanning SB 2306  
4-16-19  
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[BoardsandCommissions@nd.gov](mailto:BoardsandCommissions@nd.gov) or 701-328-2202

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April 18, 2019

SB 2306

4-18-19

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pg 1

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2306

That the House recede from its amendments as printed on pages 1137 and 1138 of the Senate Journal and pages 1263 and 1264 of the House Journal and that Engrossed Senate Bill No. 2306 be amended as follows:

Page 1, line 4, remove ", 43-51-11"

Page 1, line 5, remove "; to provide a"

Page 1, remove line 6

Page 1, line 7, replace "provide for a legislative management study" with "; and to provide for a report"

Page 3, remove the overstrike over lines 8 through 15

Page 3, line 16, remove the overstrike over "b."

Page 4, remove lines 7 through 20

Page 4, line 24, remove the overstrike over "or shall grant on a"

Page 4, line 25, remove the overstrike over "ease by ease basis exceptions to the board's licensing standards"

Page 5, line 3, overstrike "exception" and insert immediately thereafter "issuance of the license"

Page 5, line 7, remove "two-year"

Page 5, line 8, overstrike "one or more of"

Page 5, line 9, overstrike "not"

Page 5, line 9, after "been" insert "substantially"

Page 5, line 11, after "subsection" insert "may not exceed two years and"

Page 5, line 13, overstrike "necessary"

Page 6, after line 5, insert:

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

6. 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



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pg 2

state with respect to contractor licensing, North Dakota board of medicine, and state board of dental examiners."

Page 6, line 7, replace "chapter 43-51" with "sections 43-51-11 and 43-51-11.1 and section 7 of this Act"

Page 6, after line 8 insert:

"1."

Page 6, line 12, replace "implement issuance of" with "commence the process to issue"

Page 6, after line 13, insert:

"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."

Page 6, line 14, remove "**LEGISLATIVE**"

Page 6, line 15, replace "**MANAGEMENT**" with "**DEPARTMENT OF COMMERCE**"

Page 6, line 17, replace "chapter 43-51" with "sections 43-51-11 and 43-51-11.1 and section 7 of this Act"

Page 6, line 17, after the comma insert "on a form developed by the department of commerce,"

Page 6, line 18, replace "legislative management" with "department of commerce"

Page 6, line 19, remove "Each board shall prepare and request introduction of a bill to the sixty-seventh"

Page 6, remove lines 20 through 29

Renumber accordingly

Sixty-sixth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2306

SB 2306  
4-18-19  
4-18-19  
AH #2  
pg 1

Introduced by

Senators Meyer, Anderson, Burckhard, Hogue

Representatives Nathe, M. Ruby

*Meyer gave*

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, ~~43-51-11~~, and 43-51-11.1 of the North Dakota  
5 Century Code, relating to occupational licensure of military members and spouses; ~~to provide a~~  
6 ~~statement of legislative intent; to provide for a report to the legislative management; and to~~  
7 ~~provide for a legislative management study; and to provide for a report.~~

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

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

11 **15.1-13-13. Provisional teaching license - Period of effectiveness - Renewal.**

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

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

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

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

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pg 2

1       **15.1-13-17. Teaching license - Requirements - Exceptions.**

- 2       1. An individual may not engage in the profession of teaching unless:
- 3           a. The individual holds a teaching license issued by the board; or
- 4           b. The individual is approved to teach by the board.
- 5       2. An individual may be approved to teach by the board only if the individual has
- 6           previously held a North Dakota teaching certificate or license, holds a teaching
- 7           certificate or license issued by another state, or has filed a completed application for
- 8           licensure with the board.
- 9       3. The board shall grant a teaching license to an applicant who is a military spouse who
- 10           meets the requirements of section 43-51-11.1.
- 11       4. The board shall adopt rules establishing the terms and conditions under which an
- 12           individual may be approved to teach, as provided for in this section. The terms and
- 13           conditions may include the payment of a fine to the board in an amount not exceeding
- 14           two hundred fifty dollars per incident, enrollment in and completion of continuing
- 15           education courses, and submission of a completed application for licensure by a date
- 16           certain.

17       **SECTION 3.** A new section to chapter 15.1-13 of the North Dakota Century Code is created

18       and enacted as follows:

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

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

26       **SECTION 4.** A new section to chapter 15.1-18 of the North Dakota Century Code is created

27       and enacted as follows:

28       **Military spouses.**

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

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

3       **43-51-01. Definitions.**

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

5       1. "Board" means a board, commission, or other agency of state government created or  
6 identified in this title to regulate a particular occupation or profession and the  
7 education standards and practices board.

8       a. The term does not include the:

- 9               (1) State board of accountancy;  
10              (2) State electrical board;  
11              (3) North Dakota real estate appraiser qualifications and ethics board;  
12              (4) State real estate commission;  
13              (5) Secretary of state with respect to contractor licensing;  
14              (6) North Dakota board of medicine; and  
15              (7) State board of dental examiners.

16       b. ~~"Board" also~~ The term includes any other agency of state government which is  
17 created or identified outside this title to regulate a particular occupation or  
18 profession if the agency elects, by administrative rule, to invoke the authority in  
19 this chapter.

20       2. "Foreign practitioner" means an individual who currently holds and maintains a license  
21 in good standing to engage in an occupation or profession in a state or jurisdiction  
22 other than this state and who is not the subject of a pending disciplinary action in any  
23 state or jurisdiction.

24       3. "Good standing" means a foreign practitioner holds a current license that is not issued  
25 on a temporary or restricted basis, is not encumbered or on probation, and is not  
26 suspended or revoked.

27       4. "License" means a license, certificate, permit, or similar authorization to practice an  
28 occupation or profession which is issued by a government agency in another state or  
29 jurisdiction that imposes requirements for obtaining and maintaining a license which  
30 are ~~at least as stringent as~~ comparable to the requirements imposed in this state to  
31 obtain and maintain a license to practice the same profession or occupation.

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1 5. "Military spouse" means a foreign practitioner who is the spouse of a member of the  
2 armed forces of the United States or a reserve component of the armed forces of the  
3 United States stationed in this state in accordance with military orders or stationed in  
4 this state before a temporary assignment to duties outside of this state.

5 6. "Occupation or profession" means activity for which a license is required from a board  
6 or similar activity for which a license is required in another state or jurisdiction.

7 ~~SECTION 6. AMENDMENT. Section 43-51-11 of the North Dakota Century Code is~~  
8 ~~amended and reenacted as follows:~~

9 ~~43-51-11. Members of military License renewal.~~

10 ~~1. A board shall adopt rules to provide for or shall grant on a case-by-case basis~~  
11 ~~exceptions to the board's license renewal requirements in order to address renewal~~  
12 ~~compliance hardships that may result from:~~

13 ~~a.1. Activation of more than thirty days of a licensee who is a member of the national guard~~  
14 ~~or armed forces of the United States.~~

15 ~~b.2. Service in the theater or area of armed conflict by a licensee who is a member of the~~  
16 ~~regular active duty armed forces of the United States.~~

17 ~~2. For purposes of this section, the term board includes the state board of accountancy,~~  
18 ~~state electrical board, North Dakota real estate appraiser qualifications and ethics~~  
19 ~~board, state real estate commission, secretary of state with respect to contractor~~  
20 ~~licensing, North Dakota board of medicine, and state board of dental examiners.~~

21 **SECTION 6. AMENDMENT.** Section 43-51-11.1 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **43-51-11.1. Military spouses - Licensure.**

24 1. A board shall adopt rules regarding licensure of a military spouse **or shall grant on a**  
25 **case-by-case basis exceptions to the board's licensing standards** to allow a military  
26 spouse to practice the occupation or profession in the state if upon application to the  
27 board:

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

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- 1           b. ~~The military spouse pays any fees required by the board from which the applicant~~  
2           ~~is seeking a license; and~~
- 3           e. The board determines the exception issuance of the license will not substantially  
4           increase the risk of harm to the public. A board with authority to require an  
5           applicant to submit to a statewide and national criminal history record check  
6           under section 12-60-24 may order such a record check under this subdivision.
- 7       2. ~~Under subsection 1, a~~ board ~~may~~shall issue a two-year provisional license or  
8       temporary permit to a military spouse for which ~~one or more of~~ the licensure  
9       requirements under subsection 1 have ~~not~~ been substantially met. A board may not  
10      charge a military spouse any fees for a provisional license or temporary permit under  
11      this subsection. A provisional license or temporary permit issued under this subsection  
12      may not exceed two years and remains valid while the military spouse is making  
13      progress toward satisfying the ~~necessary~~ unmet licensure requirements. A military  
14      spouse may practice under a provisional license or temporary permit issued under this  
15      subsection until any of the following occurs:
- 16           a. The board grants or denies the military spouse a North Dakota license under  
17           subsection 1 or grants a North Dakota license under the traditional licensure  
18           method;
- 19           b. The provisional license or temporary permit expires; ~~or~~
- 20           c. The military spouse fails to comply with the terms of the provisional license or  
21           temporary permit; or
- 22           d. The board revokes the provisional license or temporary permit based on a  
23           determination revocation is necessary to protect the health and safety of the  
24           residents of the state.
- 25      3. ~~A board that is exempted from this chapter under subdivision a of subsection 1 of~~  
26      ~~section 43-51-01 may issue a license, provisional license, or temporary permit to a~~  
27      ~~military spouse in the same manner as provided under subsections 1 and 2. A board~~  
28      ~~that may elect to subject the board to this chapter under subdivision b of subsection 1~~  
29      ~~of section 43-51-01 may issue a license, provisional license, or temporary permit to a~~  
30      ~~military spouse in the same manner as provided under subsections 1 and 2 regardless~~  
31      ~~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.~~

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

6 5. If within thirty days of receipt of a completed application under subsection 1 the board  
7 does not grant or deny a license under subsection 1 or does not issue a provisional  
8 license or temporary permit under subsection 2, the board automatically shall issue a  
9 provisional license or temporary permit. A provisional license or temporary permit  
10 issued under this subsection remains valid until the board grants or denies the  
11 application for licensure under subsection 1 or issues a provisional license or  
12 temporary permit under subsection 2.

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

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

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

20 1. On each licensure application and renewal form, a board shall inquire and maintain a  
21 record of whether an applicant or licensee is a member of the military or military  
22 spouse. If an applicant self-identifies as and provides the board with satisfactory proof  
23 of being a military spouse, the board immediately shall ~~implement issuance~~  
24 ~~of~~ commence the process to issue a license, provisional license, or temporary permit  
25 under section 43-51-11.1.

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

30 **SECTION 8. OCCUPATIONAL LICENSURE BOARDS - REPORT TO ~~LEGISLATIVE~~**  
31 **MANAGEMENT DEPARTMENT OF COMMERCE.** During the ~~2019-20 interim~~ 2019-21 and

1 2021-23 bienniums, each occupational and professional board shall review its licensure laws  
2 and rules to determine whether the laws and rules are consistent with chapter 43-51. ~~Before~~  
3 ~~August 2020~~ At least annually, each occupational and professional board shall submit a report to  
4 the ~~legislative management~~ department of commerce on the status and outcome of that board's  
5 review of its laws and rules. Each board shall prepare and request introduction of a bill to the  
6 sixty-seventh or sixty-eighth legislative assembly to make the board's laws consistent with  
7 chapter 43-51.

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

14 ~~— SECTION 11. STATEMENT OF LEGISLATIVE INTENT. It is the intent of the sixty sixth~~  
15 ~~legislative assembly that occupational and professional boards subject to this Act adopt any~~  
16 ~~rules necessary to implement this Act before August 1, 2020.~~