

Introduced by

Senators Burckhard, Bekkedahl, Meyer

Representatives Nathe, Rohr, Satrom

1 A BILL for an Act to create and enact section 43-51-11.2 of the North Dakota Century Code,
2 relating to regulation of the practice of occupations and professions by military dependents; and
3 to amend and reenact sections 15.1-13-17, 27-11-01, 43-51-01, and 43-51-11.1 of the North
4 Dakota Century Code, relating to regulation of occupations and professions.

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

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

8 **15.1-13-17. Teaching license - Requirements - Exceptions.**

- 9 1. An individual may not engage in the profession of teaching unless:
- 10 a. The individual holds a teaching license issued by the board; ~~or~~
- 11 b. The individual is approved to teach by the board; or
- 12 c. The individual is a military dependent exempt under subsection 2 of section
13 43-51-11.2.
- 14 2. An individual may be approved to teach by the board only if the individual has
15 previously held a North Dakota teaching certificate or license, holds a teaching
16 certificate or license issued by another state, or has filed a completed application for
17 licensure with the board.
- 18 3. The board shall adopt rules establishing the terms and conditions under which an
19 individual may be approved to teach, as provided for in this section. The terms and
20 conditions may include the payment of a fine to the board in an amount not exceeding
21 two hundred fifty dollars per incident, enrollment in and completion of continuing
22 education courses, and submission of a completed application for licensure by a date
23 certain.

1 **SECTION 2. AMENDMENT.** Section 27-11-01 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **27-11-01. Practicing law and serving on courts of record without certificate of**
4 **admission and without payment of annual license fee prohibited - Penalty.**

5 Except as otherwise provided by state law or supreme court rule, including section
6 43-51-11.2, a person may not practice law, act as an attorney or counselor at law in this state,
7 or commence, conduct, or defend in any court of record of this state, any action or proceeding
8 in which the person is not a party concerned, nor may a person be qualified to serve on a court
9 of record unless that person has:

- 10 1. Secured from the supreme court a certificate of admission to the bar of this state; and
11 2. Secured an annual license therefor from the state board of law examiners.

12 Any person ~~who~~that violates this section is guilty of a class A misdemeanor.

13 **SECTION 3. AMENDMENT.** Section 43-51-01 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **43-51-01. Definitions.**

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

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

1 other than this state and who is not the subject of a pending disciplinary action in any
2 state or jurisdiction.

3 3. "Good standing" means a foreign practitioner holds a current license that is not issued
4 on a temporary or restricted basis, is not encumbered or on probation, and is not
5 suspended or revoked.

6 4. "License" means a license, certificate, permit, or similar authorization to practice an
7 occupation or profession which is issued by a government agency in another state or
8 jurisdiction that imposes requirements for obtaining and maintaining a license which
9 are at least as stringent as the requirements imposed in this state to obtain and
10 maintain a license to practice the same profession or occupation.

11 5. "Military dependent" means a foreign practitioner who is a dependent of a member of
12 the armed forces of the United States or a reserve component of the armed forces of
13 the United States stationed in this state in accordance with military orders or stationed
14 in this state before a temporary assignment to duties outside of this state. The term
15 includes a military spouse.

16 6. "Military spouse" means a foreign practitioner who is the spouse of a member of the
17 armed forces of the United States or a reserve component of the armed forces of the
18 United States stationed in this state in accordance with military orders or stationed in
19 this state before a temporary assignment to duties outside of this state.

20 6-7. "Occupation or profession" means activity for which a license is required from a board
21 or similar activity for which a license is required in another state or jurisdiction.

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

24 **43-51-11.1. Military spouses - Licensure.**

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

29 a. The military spouse demonstrates competency in the occupation or profession
30 through methods or standards determined by the board which must include

- 1 experience in the occupation or profession for at least two of the four years
2 preceding the date of application under this section;
- 3 b. The military spouse pays any fees required by the board from which the applicant
4 is seeking a license; and
- 5 c. The board determines the exception will not substantially increase the risk of
6 harm to the public.
- 7 2. Under subsection 1, a board may issue a provisional license or temporary permit to a
8 military spouse for which one or more of the licensure requirements have not been
9 met. A provisional license or temporary permit issued under this subsection remains
10 valid while the military spouse is making progress toward satisfying the necessary
11 unmet licensure requirements. A military spouse may practice under a provisional
12 license or temporary permit issued under this subsection until any of the following
13 occurs:
- 14 a. The board grants or denies the military spouse a North Dakota license under
15 subsection 1 or grants a North Dakota license under the traditional licensure
16 method;
- 17 b. The provisional license or temporary permit expires; or
- 18 c. The military spouse fails to comply with the terms of the provisional license or
19 temporary permit.
- 20 3. A board that is exempted from this chapter under subdivision a of subsection 1 of
21 section 43-51-01 may issue a license, provisional license, or temporary permit to a
22 military spouse in the same manner as provided under subsections 1 and 2. A board
23 that may elect to subject the board to this chapter under subdivision b of subsection 1
24 of section 43-51-01 may issue a license, provisional license, or temporary permit to a
25 military spouse in the same manner as provided under subsections 1 and 2 regardless
26 of whether the board has adopted rules to subject the board to this chapter. The state
27 board of architecture and landscape architecture is exempt from the mandate in
28 subsection 1; however, the board voluntarily may issue a license, provisional license,
29 or temporary permit under subsections 1 and 2.
- 30 4. A military spouse issued a license under this section has the same rights and duties as
31 a licensee issued a license under the traditional licensure method. A military spouse

1 who is exempt from board regulation under section 43-51-11.2 is not prohibited from
2 applying for licensure under this section.

3 **SECTION 5.** Section 43-51-11.2 of the North Dakota Century Code is created and enacted
4 as follows:

5 **43-51-11.2. Military dependents - Licensure exemption - Labor commissioner.**

6 1. For purposes of this section, the term "board" includes the boards exempted under
7 subdivision a of subsection 1 of section 43-51-01, the education standards and
8 practices board, and the supreme court and state board of law examiners.

9 2. During the initial twenty-four months of residence in this state, a military dependent
10 who is a foreign practitioner is exempt from board regulation over the practice of the
11 occupation or profession for which the military dependent is licensed.

12 a. This subsection does not prohibit a military dependent from applying for licensure
13 in this state.

14 b. This subsection does not apply to a military dependent who holds a board-issued
15 license.

16 c. Sections 43-51-08, 43-51-09, and 43-51-10 do not apply to this subsection.

17 d. This subsection applies notwithstanding any other limitation in state law on the
18 practice of an occupation or profession.

19 3. A board may seek from the labor commissioner a partial or total exemption from this
20 section. The labor commissioner may not grant an exemption under this subsection
21 unless the labor commissioner determines the exemption is necessary to ensure the
22 health, safety, and welfare of the public.