

1 **H. B. 4151**

2
3 (By Mr. Speaker, (Mr. Miley) and Delegate Armstead)

4 [By Request of the Executive]

5 [Introduced January 14, 2014; referred to the
6 Committee on Government Organization then the Judiciary.]

7
8
9
10 A BILL to repeal §30-1-6a and §30-1-6b of the Code of West
11 Virginia, 1931, as amended; and to further amend said code by
12 adding thereto a new article, designated §30-1B-1, §30-1B-2,
13 §30-1B-3, §30-1B-4 and §30-1B-5, all relating to professional
14 licensing requirements for certain military members and their
15 spouses; making legislative findings; providing for liberal
16 construction of article; requiring certain boards to consider
17 military education, training and experience upon application
18 for licensure, certification or registration; providing boards with
19 rule-making authority; allowing certain military members and
20 their spouses to renew state licenses for six months when out
21 of state on active duty; allowing spouses of military members
22 to obtain a temporary professional license under certain
23 conditions; providing a one-time waiver of renewal fee;
24 providing boards with rule-making authority; and requiring

1 boards to collect certain data on applications for licensure.

2 *Be it enacted by the Legislature of West Virginia:*

3 That §30-1-6a and §30-1-6b of the Code of West Virginia, 1931,
4 as amended, be repealed; and that said code be further amended by
5 adding thereto a new article, designated §30-1B-1, §30-1B-2,
6 §30-1B-3, §30-1B-4 and §30-1B-5, all to read as follows:

7 **ARTICLE 1B. PROVISIONS APPLICABLE TO MILITARY MEMBERS AND THEIR**

8 **SPOUSES.**

9 **§30-1B-1. Legislative findings and declarations; rule of**

10 **construction.**

11 (a) The Legislature finds that:

12 (1) In recognition of the enormous sacrifices made by members
13 of the Armed Forces of the United States of America and their
14 families in voluntary service to this state and our nation, the
15 citizens of West Virginia must endeavor to find new and innovative
16 ways to improve the lives of military families and support their
17 personal and professional growth;

18 (2) Many current and former members of the United States Armed
19 Forces have acquired extensive academic, professional and
20 occupational training and experience in various professions and
21 occupations while serving in the Armed Forces, comparable to or
22 exceeding that required in this state to register for examination
23 or qualify for licensure, certification or registration for similar

1 or related occupations and professions;

2 (3) Military families are ten times more likely to move from
3 one state to another than their civilian counterparts, and 35% of
4 military spouses work in professions that require state licenses,
5 certifications or registrations;

6 (4) Armed forces members who return to this state after being
7 called to active duty service, and spouses accompanying armed
8 forces members outside of this state or to this state for active
9 duty, are frequently delayed in beginning employment as
10 professionals because of issues with obtaining licenses,
11 certifications or registrations upon arrival or return to West
12 Virginia;

13 (5) The boards in this chapter have the particular expertise
14 necessary to evaluate and determine the adequacy of military
15 education, training and experience for licensure, certification or
16 registration and to adopt procedures that ease the burden of
17 transition for military families through waivers, temporary
18 licensing, or otherwise, while ensuring competency of professionals
19 and protecting the citizens of the state from harm.

20 (b) This article shall be liberally construed to effectuate
21 its purposes in the light of these findings and declarations.

22 **§30-1B-2. Consideration of military education, training and**
23 **experience for licensure or registration, generally.**

24 (a) Except as provided in subsection (c) of this section, and

1 notwithstanding any law to the contrary, all boards referred to in
2 this chapter shall, upon presentation of satisfactory evidence by
3 an applicant for licensure, certification or registration, consider
4 education, training or experience of an individual as a member of
5 the Armed Forces or Reserves of the United States, the National
6 Guard of any state, or the military reserves of any state, as part
7 of the evaluation process toward the qualifications to receive, or
8 take examination for, that respective professional license,
9 certification or registration.

10 (b) Boards referred to in this chapter may propose rules for
11 legislative approval in accordance with the provisions of article
12 three, chapter twenty-nine-a of this code as are necessary to
13 implement the provisions of this section. The proposed rules shall
14 establish criteria or requirements for military education, training
15 and experience that qualify the applicant to take an examination
16 for licensure, certification or registration or for a waiver of any
17 examination requirement to be licensed, certified or registered.

18 (c) The provisions of this section do not apply to the boards
19 referred to in this chapter whose license, certification, or
20 registration requirements are subject to the provisions of article
21 twenty-four of this chapter.

22 **§30-1B-3. Licensure, certification or registration of persons and**
23 **spouses of persons on military active duty outside**
24 **this state; extension of licenses or registration;**

1 waiver of certain license, certification or
2 registration requirements.

3 (a) During periods when the licensee, certificate holder or
4 registrant is on active duty as a member of the Armed Forces of the
5 United States, the National Guard of this state or any other state,
6 or any other military reserve component and deployed outside of
7 this state, and for six months after discharge from active duty,
8 the license, certification or registration of a person regulated by
9 a board in this chapter shall continue in good standing and shall
10 be renewed without payment of any dues or fees for the maintenance
11 or renewal of the license, certification or registration, and
12 without meeting continuing education requirements for the license,
13 certification or registration, when circumstances associated with
14 military duty prevent the individual from obtaining the required
15 continuing education.

16 (b) The licensee shall submit a waiver request to the
17 appropriate board, informing the board of circumstances which
18 include, but are not limited to, deployment outside of the United
19 States or in any combat area and verify that the individual
20 performs the licensed, certified or registered profession or
21 occupation as part of his or her military duties as annotated in
22 Defense Department Form 214 (DD214).

23 (c) During periods when the licensee, certificate holder or
24 registrant is accompanying his or her spouse who is on active duty

1 as a member of the Armed Forces of the United States, the National
2 Guard of this state or any other state or any other military
3 reserve component and deployed outside of this state, and for six
4 months after discharge from active duty, the license, certification
5 or registration of that person regulated by a board referred to in
6 this chapter, shall continue in good standing and shall be renewed
7 without payment of any dues or fees for the maintenance or renewal
8 of the license, certification or registration, and without meeting
9 continuing education requirements for the license certification or
10 registration when circumstances associated with accompanying a
11 spouse on military duty prevent the individual from obtaining the
12 required continuing education.

13 (d) The licensee shall submit a waiver request to the
14 appropriate board informing the board of these circumstances which
15 include, but are not limited to, deployment outside of the United
16 States or in any combat area.

17 **§30-1B-4. Temporary licensure, certification or registration of**
18 **spouses of persons on military active duty moving**
19 **into the state; waiver of certain license,**
20 **certification or registration fees.**

21 (a) Notwithstanding any other statute to the contrary, the
22 spouse of an active duty member of the Armed Forces of the United
23 States shall be issued a temporary license, certification or
24 registration by a board in this chapter within thirty days upon

1 submitting the following to the board:

2 (1) A completed application for temporary license,
3 certification or registration, as developed by the board;

4 (2) The required application fee;

5 (3) Proof that the applicant is married to a member of the
6 Armed Forces of the United States who is on active duty;

7 (4) Proof that the applicant holds a valid license,
8 certification or registration for the profession issued by another
9 state, the District of Columbia, or a possession or territory of
10 the United States; and

11 (5) Proof that the applicant or the applicant's spouse is a
12 resident in this state.

13 (b) Notwithstanding subsection (a) of this section, a board
14 may require the applicant to submit to a criminal background check,
15 to be paid for by the applicant, and the board may deny a request
16 for a temporary license if the criminal background check provides
17 reason to believe that the applicant does not meet the licensing
18 requirements of the board or presents a safety risk to the public.

19 (c) A temporary license expires six months after the date of
20 issuance and is not renewable.

21 (d) An applicant under this section may submit an application
22 for waiver of the temporary license application fee, as proscribed
23 by the board, and this waiver shall be granted if the applicant has
24 paid a fee for his or her previous license, certification, or

1 registration in another state, the District of Columbia, or a
2 possession or territory of the United States, within six months of
3 submitting the temporary license application to this state. The
4 applicant shall provide proof of the timing and amount of the
5 previous payment.

6 **§30-1B-5. Legislative rule-making authority; data collection.**

7 (a) Boards referred to in this chapter may propose rules for
8 legislative approval in accordance with the provisions of article
9 three, chapter twenty-nine-a of this code as are necessary to
10 implement the provisions of this article while ensuring competency,
11 protecting the citizens of this state from harm, and dealing with
12 issues specific to each profession.

13 (b) Boards referred to in this chapter shall collect data
14 about whether an applicant's spouse is an active duty member of the
15 Armed Forces of the United States on all application forms for
16 licensure.

NOTE: This bill creates a new article relating to military members and their spouses who obtain licensure through professional boards and transfers current code sections relating to the adequacy of military education, training, and experience and the maintenance of state licenses for out-of-state active duty members and their spouses to this article. The bill also permits spouses of active duty military members who move into the state to receive a temporary license, provides a waiver of application fees for some military spouses, provides rule-making authority for Chapter 30 professional licensing boards to implement these changes, and requires these boards to collect certain data.

§30-1B-1, §30-1B-2, §30-1B-3, §30-1B-4 and §30-1B-5 are new; therefore, it has been completely underscored.