

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 135**

4 (By Senators Wells, Yost, Edgell, D. Facemire,  
5 Helmick, Sypolt, Jenkins, Miller, Nohe, Plymale and Unger)

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7 [Originating in the Committee on Military;  
8 reported February 15, 2012.]  
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12 A BILL to amend the Code of West Virginia, 1931, as amended, by  
13 adding thereto two new sections, designated §30-1-6a and  
14 §30-1-6b, all relating to the professional and occupational  
15 licensure and registration of former and current members of  
16 the armed forces of the United States; requiring consideration  
17 of military education, training and experience for  
18 qualification for professional licensure; providing  
19 legislative findings; requiring acceptance of certain military  
20 education, training and experience toward qualification for  
21 licensure or registration; providing rule-making authority for  
22 licensing or registration boards; providing exceptions; and  
23 requiring the extension of licenses and the waiver of certain  
24 requirements for licenses or registration of persons and  
25 accompanying spouses on active duty in the armed forces of the  
26 United States.

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

2       That the Code of West Virginia, 1931, as amended, be amended  
3 by adding thereto two new sections, designated §30-1-6a and  
4 §30-1-6b, all to read as follows:

5 **ARTICLE 1.   GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF**  
6                   **EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.**

7 **§30-1-6a.    Consideration of military education, training and**  
8                   **experience for licensure or registration.**

9       (a) The Legislature finds that many members and former members  
10 of the United States armed forces have had extensive professional  
11 and occupational training and experience while in the armed forces  
12 in various professions and occupations; that in many instances, the  
13 level of academic education, training and experience may be  
14 comparable to or may exceed what is required to qualify for  
15 licensure or for examination for licensure in this state for a  
16 similar occupation or profession; and that certain training,  
17 education and experience of members and veterans of the armed  
18 forces should be sufficient to be applied toward meeting the  
19 requirements for licensure or registration in a comparable  
20 profession or occupation. The Legislature further finds that  
21 military veterans have expended and sacrificed a significant  
22 portion of their most productive earning potential working years of  
23 their lives to the service of their country and should be given the  
24 opportunity to take advantage of their military education,  
25 experience and training toward pursuing a purloined career in

1 licensed professions and occupations requiring licensure or  
2 registration in this chapter. The Legislature further finds that  
3 the state may be experiencing a shortage of qualified candidates  
4 for licensure for these various professions and occupations.  
5 Therefore, it is in the public interest of this state to  
6 accommodate and attract persons with the appropriate military  
7 education, training and experience to apply for licensure in a  
8 profession or occupation in West Virginia. However, the  
9 Legislature further finds that the licensing boards and commissions  
10 in this chapter have the particular expertise necessary to evaluate  
11 and determine what military education, training and experience is  
12 adequate to be acceptable toward meeting the qualifications for  
13 licensure or registration and whether it is necessary that the  
14 competency of those persons be determined and evaluated by  
15 examination before they are so licensed or registered. This  
16 section is enacted in view of these findings and shall be liberally  
17 construed in the light of these findings.

18 (b) Except as provided in subsection (c) of this section, all  
19 boards referred to in this chapter who are authorized to propose  
20 legislative rules shall, upon presentation of satisfactory evidence  
21 by an applicant for licensure or registration, accept education,  
22 training or experience of an individual as a member of the armed  
23 forces or reserves of the United States, the National Guard of any  
24 state or the military reserves of any state toward the  
25 qualifications to receive the license or registration. Boards  
26 referred to in this chapter may propose rules for legislative

1 approval in accordance with the provisions of article three,  
2 chapter twenty-nine-a of this code as are necessary to implement  
3 the provisions of this section. The proposed rules may establish  
4 criteria or requirements for military education, training and  
5 experience that qualify the applicant to take an examination for  
6 licensure or registration or for a waiver of any examination  
7 requirement to be licensed or registered.

8 (c) The provisions of this section do not apply to:

9 (1) The boards referred to in this chapter whose license  
10 requirements are subject to the provisions of article twenty-four  
11 of this chapter; and

12 (2) Attorneys-at-law in article two of this chapter whose  
13 license requirements are prescribed by the rules of the Supreme  
14 Court of Appeals of West Virginia.

15 **§30-1-6b. Licensure or registration of persons and spouses of**  
16 **persons on military active duty; extension of**  
17 **licenses or registration; waiver of certain license**  
18 **or registration requirements.**

19 Notwithstanding any other provision of this chapter to the  
20 contrary:

21 (1) The license or registration of a person licensed or  
22 registered by a board referred to in this chapter, during periods  
23 when the licensee or registrant is on active duty as a member of  
24 the armed forces of the United States, the National Guard of this  
25 state or any other state or any other military reserve component

1 and deployed outside of this state, and for six months after  
2 discharge from active duty, continue in good standing and shall be  
3 renewed without:

4 (A) Payment of any dues or fees for the maintenance or renewal  
5 of the license or registration; and

6 (B) Meeting continuing education requirements for the license  
7 or registration when:

8 (I) Circumstances associated with military duty prevent the  
9 individual from obtaining the required continuing education, and a  
10 waiver request has been submitted to the appropriate board, which  
11 circumstances include, but are not limited to, deployment outside  
12 of the United States or in any combat area; or

13 (ii) The individual performs the licensed or registered  
14 profession or occupation as part of his or her military duties as  
15 annotated in Defense Department Form 214 (DD214).

16 (2) The license or registration of a person licensed or  
17 registered by a board referred to in this chapter, during periods  
18 when the licensee or registrant is accompanying his or her spouse  
19 who is on active duty as a member of the armed forces of the United  
20 States, the National Guard of this state or any other state or any  
21 other military reserve component and deployed outside of this  
22 state, and for six months after discharge from active duty,  
23 continue in good standing and shall be renewed without:

24 (A) Payment of any dues or fees for the maintenance or renewal  
25 of the license or registration; and

26 (B) Meeting continuing education requirements for the license

1 or registration when circumstances associated with military duty  
2 prevent the individual from obtaining the required continuing  
3 education, and a waiver request has been submitted to the  
4 appropriate board, which circumstances include, but are not limited  
5 to, deployment of the spouse outside of the United States or in any  
6 combat area.

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(NOTE: The purpose of this bill is to require the consideration of military training, experience and education toward qualification for professional or occupational licensure. The bill also provides for the extension of licenses and the waiver of certain requirements for licenses or registration of individuals, and accompanying spouses, while on active duty in the Armed Forces of the United States.

All sections in this bill are new; therefore, strike-throughs and underscoring have been omitted.

This bill was recommended for introduction and passage during the 2012 Regular Session of the Legislature by the Select Committee on Veterans' Affairs.)