

1 **Senate Bill No. 323**

2 (By Senators Kessler (Mr. President) and M. Hall,

3 By Request of the Executive)

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5 [Introduced January 10, 2014; referred to the Committee on
6 Military; and then to the Committee on Government Organization.]

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10 A BILL to repeal §30-1-6a and §30-1-6b of the Code of West
11 Virginia, 1931, as amended; and to amend said code by adding
12 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
19 with rule-making authority; allowing certain military members
20 and their spouses to renew state licenses for six months when
21 out of state on active duty; allowing spouses of military
22 members to obtain a temporary professional license under

1 certain conditions; providing a one-time waiver of renewal
2 fee; providing boards with rule-making authority; and
3 requiring boards to collect certain data on applications for
4 licensure.

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

6 That §30-1-6a and §30-1-6b of the Code of West Virginia, 1931,
7 as amended, be repealed; and that said code be amended by adding
8 thereto a new article, designated §30-1B-1, §30-1B-2, §30-1B-3,
9 §30-1B-4 and §30-1B-5, all to read as follows:

10 **ARTICLE 1B. PROVISIONS APPLICABLE TO MILITARY MEMBERS AND THEIR**
11 **SPOUSES.**

12 **§30-1B-1. Legislative findings and declarations; rule of**
13 **construction.**

14 (a) The Legislature finds that:

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

21 (2) Many current and former members of the United States Armed
22 Forces have acquired extensive academic, professional and

1 occupational training and experience in various professions and
2 occupations while serving in the Armed Forces, comparable to or
3 exceeding that required in this state to register for examination
4 or qualify for licensure, certification or registration for similar
5 or related occupations and professions;

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

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

17 (5) The boards in this chapter have the particular expertise
18 necessary to evaluate and determine the adequacy of military
19 education, training and experience for licensure, certification or
20 registration and to adopt procedures that ease the burden of
21 transition for military families through waivers, temporary
22 licensing, or otherwise, while ensuring competency of professionals

1 and protecting the citizens of the state from harm.

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

4 **§30-1B-2. Consideration of military education, training and**
5 **experience for licensure or registration, generally.**

6 (a) Except as provided in subsection (c) of this section, and
7 notwithstanding any law to the contrary, all boards referred to in
8 this chapter shall, upon presentation of satisfactory evidence by
9 an applicant for licensure, certification or registration, consider
10 education, training or experience of an individual as a member of
11 the Armed Forces or Reserves of the United States, the National
12 Guard of any state, or the military reserves of any state, as part
13 of the evaluation process toward the qualifications to receive, or
14 take examination for, that respective professional license,
15 certification or registration.

16 (b) Boards referred to in this chapter may propose rules for
17 legislative approval in accordance with the provisions of article
18 three, chapter twenty-nine-a of this code as are necessary to
19 implement the provisions of this section. The proposed rules shall
20 establish criteria or requirements for military education, training
21 and experience that qualify the applicant to take an examination
22 for licensure, certification or registration or for a waiver of any

1 examination requirement to be licensed, certified or registered.

2 (c) The provisions of this section do not apply to the boards
3 referred to in this chapter whose license, certification, or
4 registration requirements are subject to the provisions of article
5 twenty-four of this chapter.

6 **§30-1B-3. Licensure, certification or registration of persons and**
7 **spouses of persons on military active duty outside**
8 **this state; extension of licenses or registration;**
9 **waiver of certain license, certification or**
10 **registration requirements.**

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

1 continuing education.

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

9 (c) During periods when the licensee, certificate holder or
10 registrant is accompanying his or her spouse who is on active duty
11 as a member of the Armed Forces of the United States, the National
12 Guard of this state or any other state or any other military
13 reserve component and deployed outside of this state, and for six
14 months after discharge from active duty, the license, certification
15 or registration of that person regulated by a board referred to in
16 this chapter, shall continue in good standing and shall be renewed
17 without payment of any dues or fees for the maintenance or renewal
18 of the license, certification or registration, and without meeting
19 continuing education requirements for the license certification or
20 registration when circumstances associated with accompanying a
21 spouse on military duty prevent the individual from obtaining the
22 required continuing education.

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

5 **§30-1B-4. Temporary licensure, certification or registration of**
6 **spouses of persons on military active duty moving**
7 **into the state; waiver of certain license,**
8 **certification or registration fees.**

9 (a) Notwithstanding any other statute to the contrary, the
10 spouse of an active duty member of the Armed Forces of the United
11 States shall be issued a temporary license, certification or
12 registration by a board in this chapter within thirty days upon
13 submitting the following to the board:

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

16 (2) The required application fee;

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

19 (4) Proof that the applicant holds a valid license,
20 certification or registration for the profession issued by another
21 state, the District of Columbia, or a possession or territory of
22 the United States; and

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

3 (b) Notwithstanding subsection (a) of this section, a board
4 may require the applicant to submit to a criminal background check,
5 to be paid for by the applicant, and the board may deny a request
6 for a temporary license if the criminal background check provides
7 reason to believe that the applicant does not meet the licensing
8 requirements of the board or presents a safety risk to the public.

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

11 (d) An applicant under this section may submit an application
12 for waiver of the temporary license application fee, as proscribed
13 by the board, and this waiver shall be granted if the applicant has
14 paid a fee for his or her previous license, certification, or
15 registration in another state, the District of Columbia, or a
16 possession or territory of the United States, within six months of
17 submitting the temporary license application to this state. The
18 applicant shall provide proof of the timing and amount of the
19 previous payment.

20 **§30-1B-5. Legislative rule-making authority; data collection.**

21 (a) Boards referred to in this chapter may propose rules for
22 legislative approval in accordance with the provisions of article

1 three, chapter twenty-nine-a of this code as are necessary to
2 implement the provisions of this article while ensuring competency,
3 protecting the citizens of this state from harm, and dealing with
4 issues specific to each profession.

5 (b) Boards referred to in this chapter shall collect data
6 about whether an applicant's spouse is an active duty member of the
7 Armed Forces of the United States on all application forms for
8 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, strike-throughs and underscoring have been omitted.