

1 COMMITTEE SUBSTITUTE

2 for

3 **H. B. 4151**

4 (By Mr. Speaker, (Mr. Miley) and Delegate Armstead)

5 [By Request of the Executive]

6 (Originating in the Committee on the Judiciary)

7
8 [February 12, 2014]

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, §30-1B-5, §30-1B-6, §30-1B-7, §30-1B-8 and
14 §30-1B-9, all relating to professional licensing requirements
15 for certain military members and their spouses; making
16 legislative findings; requiring certain boards to consider
17 military education, training and experience upon application
18 for licensure, certification or registration; providing for
19 licensure renewal during active duty and for six months
20 thereafter for service members and their spouses without
21 meeting requirements of continuing education in certain
22 circumstances and without payment of fees; requiring
23 licensees, certificate holders and registrants to submit
24 waiver requests to the boards; providing for expedited
25 temporary licenses for spouses of active duty service members
26 in certain circumstances; providing for waiver of temporary

1 license application fees in certain circumstances; providing
2 boards with rule-making authority; requiring boards to collect
3 certain data on applications for licensure; requiring boards
4 to report data on waivers and temporary licenses in their
5 annual reports; applicability; and providing for liberal
6 construction of article.

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

8 That §30-1-6a and §30-1-6b of the Code of West Virginia, 1931,
9 as amended, be repealed; and that said code be further amended by
10 adding thereto a new article, designated §30-1B-1, §30-1B-2,
11 §30-1B-3, §30-1B-4, §30-1B-5, §30-1B-6, §30-1B-7, §30-1B-8 and
12 §30-1B-9, all to read as follows:

13 **ARTICLE 1B. PROVISIONS APPLICABLE TO MILITARY MEMBERS AND THEIR**
14 **SPOUSES.**

15 **§30-1B-1. Legislative findings and declarations.**

16 The Legislature finds that:

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

23 (2) Many current and former members of the United States Armed
24 Forces have acquired extensive academic, professional and
25 occupational training and experience in various professions and

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

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

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

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

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

25 (a) Except as provided in section eight, and notwithstanding
26 any law to the contrary, all boards referred to in this chapter

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

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

13 (a) During periods when the licensee, certificate holder or
14 registrant is on active duty as a member of the Armed Forces of the
15 United States and deployed outside of this state, and for six
16 months after discharge from active duty, his or her license,
17 certification or registration shall continue in good standing and
18 shall be renewed, upon receipt of a waiver request pursuant to
19 subsection (b):

20 (1) Without meeting continuing education requirements for the
21 license, certification or registration when:

22 (A) Circumstances associated with the military duty prevent
23 the obtaining of continuing education, or

24 (B) The licensee, certificate holder or registrant performs
25 the profession or occupation as part of his or her military duties,

1 as may be evidenced by annotation on Defense Department Form 214
2 (DD214), National Guard Bureau Form 22 (NGB22) or other official
3 record; and

4 (2) Without payment of fees for the renewal of the license,
5 certification or registration.

6 (b) The licensee, certificate holder or registrant shall
7 submit a waiver request to the appropriate board, informing the
8 board of circumstances which include, but are not limited to, being
9 deployed outside of this state.

10 **§30-1B-4. Licensure, certification or registration of spouses of**
11 **persons on military active duty outside this state; extension**
12 **of licenses or registration; waiver of certain license,**
13 **certification or registration requirements.**

14 (a) During periods when the licensee, certificate holder or
15 registrant is accompanying his or her spouse who is on active duty
16 as a member of the Armed Forces of the United States and deployed
17 outside of this state, and for six months after his or her spouse
18 is discharged from active duty, his or her license, certification
19 or registration shall continue in good standing and shall be
20 renewed, upon receipt of a waiver request pursuant to subsection

21 (b):

22 (1) Without meeting continuing education requirements for the
23 license, certification or registration when:

24 (A) Circumstances associated with accompanying his or her
25 spouse who is on active duty prevent the obtaining of continuing

1 education, or

2 (B) The licensee, certificate holder or registrant presents
3 evidence that he or she performs or performed the profession or
4 occupation while accompanying his or her spouse on active duty; and

5 (2) Without payment of fees for the maintenance or renewal of
6 the license, certification or registration.

7 (b) The licensee, certificate holder or registrant shall
8 submit a waiver request to the appropriate board informing the
9 board of circumstances which include, but are not limited to,
10 accompanying a spouse who is deployed outside of this state.

11 **§30-1B-5. Temporary licensure, certification or registration of**
12 **spouses of persons on military active duty; waiver of certain**
13 **license, certification or registration fees.**

14 (a) Notwithstanding any law to the contrary, the spouse of a
15 person who is on active duty as a member of the Armed Forces of the
16 United States shall be issued a temporary license, certification or
17 registration by a board referred to in this chapter within thirty
18 days of submitting the following to the board:

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

21 (2) The required application fee;

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

24 (4) Proof that the applicant holds a valid license,
25 certification or registration for the profession issued by another

1 state, the District of Columbia, or a possession or territory of
2 the United States, and whose license, certification or registration
3 is not and has not been the subject of disciplinary action in that
4 jurisdiction.

5 (b) Notwithstanding subsection (a), a board may require the
6 applicant to submit to a criminal history records check, to be paid
7 for by the applicant, and the board may deny a request for a
8 temporary license, certification or registration if the criminal
9 history records check provides reason to believe that the applicant
10 does not meet the requirements of the board or presents a safety
11 risk to the public.

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

14 (d) An applicant under this section may submit an application
15 for waiver of the temporary license application fee, and the board
16 shall grant the waiver if the applicant has paid a fee for his or
17 her previous license, certification, or registration in another
18 state, the District of Columbia, or a possession or territory of
19 the United States, within six months immediately prior to
20 submitting an application for temporary license, certification or
21 registration. The applicant shall provide proof of the date and
22 amount of the previous payment.

23 **§30-1B-6. Rule-making authority.**

24 The Boards referred to in this chapter may propose rules for
25 legislative approval in accordance with the provisions of article
26 three, chapter twenty-nine-a of this code to implement the

1 provisions of this article. Proposed rules may:

2 (1) Establish criteria or requirements for military education,
3 training and experience that qualify the applicant to take an
4 examination for licensure, certification or registration or for a
5 waiver of any examination requirement to be licensed, certified or
6 registered; and

7 (2) Implement the provisions of this article while ensuring
8 competency, protecting the citizens of this state from harm, and
9 addressing issues specific to each profession.

10 **§30-1B-7. Data collection.**

11 The Boards referred to in this chapter shall collect data
12 about whether an applicant or his or her spouse is an active duty
13 member of the Armed Forces of the United States on all application
14 forms for licensure, certification or registration, and include
15 data regarding the numbers of temporary licenses and waivers of
16 fees and continuing education requirements in the annual reports
17 required by the provisions of section seventeen, article one of
18 this chapter.

19 **§30-1B-8. Applicability.**

20 The provisions of this article do not apply to the boards
21 referred to in this chapter whose license, certification, or
22 registration requirements are subject to the provisions of article
23 twenty-four of this chapter.

24 **§30-1B-9. Liberality of construction.**

25 This article shall be liberally construed and applied to

1 promote the public interest.