

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1863

By: Russell, Brecheen,
Stanislowski, David,
Ivester, Simpson and
Johnson (Constance) of the
Senate

and

Coody of the House

COMMITTEE SUBSTITUTE

An Act relating to professional licenses; creating the Post-Military Service Occupation, Education and Credentialing Act; providing short title; making certain legislative findings; recognizing certain education, training and experience of military members and their spouses; authorizing certain institutions of higher education to apply certain academic credits for certain students; limiting application of certain academic credits to certain period after military discharge; authorizing certain boards to adopt certain policies by certain time for educational credits; providing for institutions to promulgate rules by certain time; authorizing acceptance of military education, training and experience for occupational licenses; providing for certain training and experience to be applied most favorably to license qualifications; directing certain agencies to promulgate rules; authorizing agencies to expedite licenses for military spouses; limiting who is qualified for expedited procedures; providing for certain procedures to expedite certain licensure; stating qualifications for expedited license; authorizing certain procedures; allowing for automatic extension of license for active-duty military members; stating criteria for automatic

1 extension; authorizing renewal of license without
2 meeting certain requirements for certain military
3 members; allowing extension during active duty;
4 limiting extension period to certain time after
5 discharge from active duty; construing authority for
6 licensure; prohibiting automatic licensure without
7 certain verifications and qualifications; providing
8 for codification; and providing an effective date.

8 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

9 SECTION 1. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 4100 of Title 59, unless there
11 is created a duplication in numbering, reads as follows:

12 This act shall be known and may be cited as the "Post-Military
13 Service Occupation, Education and Credentialing Act".

14 SECTION 2. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 4100.1 of Title 59, unless there
16 is created a duplication in numbering, reads as follows:

17 The Legislature finds that military service members after
18 separating from military service are frequently delayed in getting
19 post-military employment even though the service member may have
20 applicable military education, training, and experience which could
21 qualify for an occupational license or certification, or which could
22 provide academic credit toward college, university or technical
23 degree requirements. The Legislature finds it is advantageous to
24 the state to create occupational and educational opportunities for

1 post-military service members who are honorably discharged and
2 spouses of active-duty service members who must leave work in
3 another state to accompany their service member on transfer and
4 assignment for military duty in this state. The Legislature
5 additionally finds that the spouse of an active-duty service member
6 assigned for duty in this state who possesses a valid professional
7 license or certification with current experience in another state
8 should be allowed to apply for the same professional license or
9 certification in this state and such application should be expedited
10 for better employment opportunities and based upon the person having
11 substantially equivalent education, training and experience for
12 licensure in this state.

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 4100.2 of Title 59, unless there
15 is created a duplication in numbering, reads as follows:

16 The Legislature hereby authorizes the public and private
17 institutions of higher education and the career and technology
18 centers in this state to utilize the Guide to the Evaluation of
19 Educational Experiences in the Armed Services, published by the
20 American Council on Education (ACE), to compare and apply academic
21 credit for education, training and experience received through
22 military duty or service which is applicable to the selected program
23 of study for an honorably discharged military service member who
24 becomes a student at an institution of higher education or career

1 and technology center within three (3) years after separation from
2 military service.

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 4100.3 of Title 59, unless there
5 is created a duplication in numbering, reads as follows:

6 A. In addition to any other power, duty or function authorized
7 for institutions of higher education or career and technology
8 centers, each governing board shall adopt, not later than January 1,
9 2013, a policy authorizing the institution or career and technology
10 center under the board's supervision and management to award
11 educational credits to a student enrolled in the institution or
12 career and technology center who is also honorably discharged from
13 the Armed Forces of the United States within three (3) years of
14 initial enrollment, for courses that are part of the student's
15 military training or service and that meet the standards of the
16 American Council on Education (ACE) or equivalent standards for
17 awarding academic credit if the award of educational credit is based
18 upon the institution's or technical career center's admission
19 standards and its role, scope and mission.

20 B. Each governing board shall adopt necessary rules and
21 procedures to implement the provisions of this section effective
22 beginning with the 2013-2014 academic year, and continuing
23 thereafter.

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 4100.4 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Every administrative body, state agency director or official
5 with authority over any occupational or professional license or
6 certification, and each of the respective examining and licensing
7 boards, shall, upon presentation of satisfactory evidence of
8 equivalent education, training and experience by an applicant for
9 certification or licensure, accept the education, training, and
10 experience completed by the individual as a member of the Armed
11 Forces or Reserves of the United States, National Guard of any
12 state, the Military Reserves of any state, or the Naval Militias of
13 any state, and apply it in the manner most favorable toward
14 satisfying the qualifications for issuance of the requested license
15 or certification or approval for license examination in this state.

16 B. Each agency director or official, and each examining and
17 licensing board, shall promulgate rules to implement the provisions
18 of this section.

19 SECTION 6. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 4100.5 of Title 59, unless there
21 is created a duplication in numbering, reads as follows:

22 A. Every agency, board or commission shall establish a
23 procedure to expedite endorsement of licenses or certifications for
24 military spouse applicants; provided, the military service member is

1 on active duty within this state or claims permanent residency in
2 this state for the six (6) months prior to assignment to active duty
3 or during the period of active duty.

4 B. Notwithstanding any other law to the contrary, each board
5 shall establish a procedure to expedite the issuance of a license,
6 certification or permit to perform professional services regulated
7 by each such board to a person:

8 1. Who is certified or licensed in another state to perform
9 professional services in a state other than the State of Oklahoma;

10 2. Whose spouse is an active-duty member of the Armed Forces of
11 the United States;

12 3. Whose spouse is subject to a military transfer to this
13 state; and

14 4. Who left employment in another state to accompany the
15 person's spouse to this state.

16 C. The procedures to expedite licensure or certification shall
17 include:

18 1. Issuing the person a license, certificate or permit, if, in
19 the opinion of the board, the requirements for certification or
20 licensure of the other state are substantially equivalent to those
21 required by this state; or

22 2. Developing a method to authorize the person to perform
23 professional services regulated by the board in this state by
24 issuing the person a temporary permit for a limited period of time

1 to allow the person to perform professional services while
2 completing any specific requirements in this state that were not
3 required in the state in which the person was licensed or certified.

4 SECTION 7. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 4100.6 of Title 59, unless there
6 is created a duplication in numbering, reads as follows:

7 A. Every agency, board or commission in this state with
8 authority to issue and regulate professional licenses or
9 certifications is authorized to provide for the automatic extension
10 of such professional license or certification for active-duty
11 military service members and to provide a reasonable period of time
12 after military service to activate the license or certification for
13 employment purposes.

14 B. Notwithstanding any other statutes to the contrary, any
15 member of the Armed Forces of the United States on active duty who
16 at the time of activation was:

17 1. A member in good standing with any administrative body of
18 the state; and

19 2. Duly licensed or certified to engage in his or her
20 profession or vocation in this state,
21 may be kept in good standing by the administrative body with which
22 he or she is licensed or certified.

23 C. While a licensee or certificate holder is deployed on active
24 duty as a member of the Armed Forces of the United States, the

1 license or certificate referenced in subsection B of this section
2 may be renewed without:

3 1. The payment of dues or fees; and

4 2. Obtaining continuing education credits when:

5 a. circumstances associated with military duty prevent

6 obtaining training and a waiver request has been

7 submitted to the appropriate administrative body,

8 b. the active-duty military member performs the licensed

9 or certified occupation as part of his or her military

10 duties as annotated in Defense Department Form 214 (DD

11 214), or

12 c. performing any other act typically required for the

13 renewal of the license or certificate.

14 D. The license or certificate issued pursuant to the provisions
15 of this section may be continued as long as the licensee or
16 certificate holder is a member of the Armed Forces of the United
17 States on active duty and for a period of at least one (1) year
18 after discharge from active duty.

19 SECTION 8. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 4100.7 of Title 59, unless there
21 is created a duplication in numbering, reads as follows:

22 Nothing in the Post-Military Service Occupation, Education and
23 Credentialing Act shall be construed to require the issuance of any
24 license or certificate to an applicant who does not otherwise meet

1 the stated eligibility standards, criteria, qualifications or
2 requirements for licensure or certification, nor shall the
3 provisions be construed to automatically allow issuance of any
4 license or certificate without testing or examination, without
5 proper consideration by the licensing and examination board, or
6 without proper verification that the applicant is not subject to
7 pending criminal charges or disciplinary actions, has not been
8 convicted of any offense prohibiting licensure or certification, and
9 has no other impairment which would prohibit licensure or
10 certification in this state.

11 SECTION 9. This act shall become effective November 1, 2012.

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