

HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE
FOR ENGROSSED
5 SENATE BILL NO. 1863

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

and

Coody, Wesselhoft and
Bennett 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

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

13
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

23 The Legislature finds that military service members after
24 separating from military service are frequently delayed in getting
1 separating from military service are frequently delayed in getting
2 post-military employment even though the service member may have
3 applicable military education, training, and experience which could
4 qualify for an occupational license or certification, or which could

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

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

19 The Legislature hereby authorizes the public and private
20 institutions of higher education and the career and technology
21 centers in this state to utilize the Guide to the Evaluation of
22 Educational Experiences in the Armed Services, published by the
23 American Council on Education (ACE), to compare and apply academic
24

1 credit for education, training and experience received through
2 military duty or service which is applicable to the selected program
3 of study for an honorably discharged military service member who
4 becomes a student at an institution of higher education or career
5 and technology center within three (3) years after separation from
6 military service.

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

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

1 B. Each governing board shall adopt necessary rules and
2 procedures to implement the provisions of this section effective
3 beginning with the 2013-2014 academic year, and continuing
4 thereafter.

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

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

20 B. Each agency director or official, and each examining and
21 licensing board, shall promulgate rules to implement the provisions
22 of this section.

1 SECTION 6. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 4100.5 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Every agency, board or commission shall establish a
5 procedure to expedite endorsement of licenses or certifications for
6 military spouse applicants; provided, the military service member is
7 on active duty within this state or claims permanent residency in
8 this state for the six (6) months prior to assignment to active duty
9 or during the period of active duty.

10 B. Notwithstanding any other law to the contrary, each board
11 shall establish a procedure to expedite the issuance of a license,
12 certification or permit to perform professional services regulated
13 by each such board to a person:

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

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

18 3. Whose spouse is subject to a military transfer to this
19 state; and

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

22 C. The procedures to expedite licensure or certification shall
23 include:

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

5 2. Developing a method to authorize the person to perform
6 professional services regulated by the board in this state by
7 issuing the person a temporary permit for a limited period of time
8 to allow the person to perform professional services while
9 completing any specific requirements in this state that were not
10 required in the state in which the person was licensed or certified.

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

14 A. Every agency, board or commission in this state with
15 authority to issue and regulate professional licenses or
16 certifications is authorized to provide for the automatic extension
17 of such professional license or certification for active-duty
18 military service members and to provide a reasonable period of time
19 after military service to activate the license or certification for
20 employment purposes.

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

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

3 2. Duly licensed or certified to engage in his or her
4 profession or vocation in this state,

5 may be kept in good standing by the administrative body with which
6 he or she is licensed or certified.

7 C. While a licensee or certificate holder is deployed on active
8 duty as a member of the Armed Forces of the United States, the
9 license or certificate referenced in subsection B of this section
10 may be renewed without:

11 1. The payment of dues or fees; and

12 2. Obtaining continuing education credits when:

13 a. circumstances associated with military duty prevent
14 obtaining training and a waiver request has been
15 submitted to the appropriate administrative body,

16 b. the active-duty military member performs the licensed
17 or certified occupation as part of his or her military
18 duties as annotated in Defense Department Form 214 (DD
19 214), or

20 c. performing any other act typically required for the
21 renewal of the license or certificate.

22 D. The license or certificate issued pursuant to the provisions
23 of this section may be continued as long as the licensee or

1 certificate holder is a member of the Armed Forces of the United
2 States on active duty and for a period of at least one (1) year
3 after discharge from active duty.

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

7 Nothing in the Post-Military Service Occupation, Education and
8 Credentialing Act shall be construed to require the issuance of any
9 license or certificate to an applicant who does not otherwise meet
10 the stated eligibility standards, criteria, qualifications or
11 requirements for licensure or certification, nor shall the
12 provisions be construed to automatically allow issuance of any
13 license or certificate without testing or examination, without
14 proper consideration by the licensing and examination board, or
15 without proper verification that the applicant is not subject to
16 pending criminal charges or disciplinary actions, has not been
17 convicted of any offense prohibiting licensure or certification, and
18 has no other impairment which would prohibit licensure or
19 certification in this state.

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

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22 COMMITTEE REPORT BY: COMMITTEE ON VETERANS AND MILITARY AFFAIRS,
23 dated 04/04/2012 - DO PASS, As Amended and Coauthored.

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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.