

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

893B0167

HOUSE BILL NO. 1111

Introduced by: Representatives Diedrich, Anderson, Bartels, Barthel, Beal, Borglum, Brunner, Chaffee, Chase, Dennert, Deutsch, Finck, Goodwin, Gosch, Greenfield (Lana), Hansen, Healy, Howard, Hunhoff, Jensen (Kevin), Johnson (Chris), Johnson (David), Lake, Latterell, Livermont, McCleerey, Mulally, Olson, Otten (Herman), Peterson (Kent), Peterson (Sue), Qualm, Randolph, Reed, Reimer, Smith (Jamie), St John, Weis, Wiese, Willadsen, and Zikmund and Senators Partridge, Bolin, Cammack, Cronin, Curd, DiSanto, Greenfield (Brock), Heinert, Kolbeck, Langer, Nesiba, Otten (Ernie), Rusch, Russell, Schoenbeck, Soholt, Solano, Steinhauer, Sutton, Wiik, and Youngberg

1 FOR AN ACT ENTITLED, An Act to provide for professional or occupational licensure for
2 certain active duty military personnel and spouses.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 36-1B-1 be amended to read:

5 36-1B-1. Notwithstanding any other provision in law and unless an applicant is found by the
6 board to have engaged in any act that ~~would~~ may constitute grounds for disciplinary action, any
7 licensing body under the provisions of ~~Title 36 shall expedite the issuance of a~~ this title shall,
8 within thirty days of receiving a completed application, issue a license, certificate, registration,
9 or permit required for the practice of any business, profession, or occupation in South Dakota
10 to an applicant whose application has been deemed completed by the board and:

11 (1) Who holds in good standing the same or similar valid license, certificate, registration,



1 or permit required for the practice of any business, profession, or occupation issued
2 by another state or the District of Columbia;

3 (2) ~~Whose spouse is a member of the armed forces of the United States;~~ Who is an active
4 duty member of the armed forces of the United States or the spouse of an active duty
5 member of the armed forces of the United States; and

6 (3) ~~Whose spouse~~ Who is the subject of a military transfer to South Dakota; ~~and~~

7 ~~(4) Who left employment to accompany the applicant's spouse to South Dakota;~~
8 ~~if in the opinion of the board, the requirements for the issuance of the license, certificate,~~
9 ~~registration, or permit in such state or the District of Columbia are substantially equivalent to~~
10 ~~those required in South Dakota.~~

11 An application is considered complete once the applicable licensing board has received all
12 required documentation necessary to process the application.

13 If a licensing body denies the issuance of a license, certificate, registration, or permit to an
14 applicant pursuant to this section, the licensing body shall report the denial and the reasons for
15 the denial to the Department of Labor and Regulation.

16 Section 2. That chapter 36-1B be amended by adding a NEW SECTION to read:

17 Any license, certificate, registration, or permit issued pursuant to § 36-1B-1 may be renewed
18 until any of the following events occur:

19 (1) Active duty orders transfer the applicant out of South Dakota;

20 (2) The applicant no longer holds in good standing the same or similar valid license,
21 certificate, registration, or permit required for the practice of any business,
22 profession, or occupation issued by another state or the District of Columbia;

23 (3) The applicant fails to adhere to the requirements of the applicable South Dakota
24 licensing body to maintain license, certificate, registration, or permit; or

1 (4) The full-time active duty status of the member of the armed forces stationed in South
2 Dakota is terminated.

3 Section 3. That § 36-1B-4 be amended to read:

4 36-1B-4. ~~An applicant for a license, certificate, registration, or permit pursuant to this~~
5 ~~chapter shall pay any fees required by the licensing board for which the applicant is seeking a~~
6 ~~license, certificate, registration, or permit. No licensing body under this title may charge an~~
7 ~~application fee or any other fee payable to the licensing body for a license, certificate,~~
8 ~~registration, or permit issued pursuant to § 36-1B-1.~~

9 Section 4. That § 36-1B-5 be amended to read:

10 36-1B-5. Each licensing body under the provisions of ~~Title 36~~ this title may promulgate
11 rules pursuant to chapter 1-26 to establish procedures to:

12 ~~— (1) — Provide for the issuance of a temporary license, certificate, registration, or permit;~~
13 ~~and~~

14 ~~— (2) — Expedite the issuance of a license, certificate, registration, or permit to military~~
15 ~~spouses provide for the expedited issuance of a license, certificate, registration, or~~
16 ~~permit pursuant to § 36-1B-1.~~

17 Section 5. That § 36-1B-2 be repealed.

18 ~~— 36-1B-2. If a board is unable to complete the review of the documentation provided by the~~
19 ~~applicant or make a final determination regarding substantial equivalency within thirty days of~~
20 ~~the receipt of a completed application, the board shall issue a temporary license, certificate,~~
21 ~~registration, or permit, provided the applicant otherwise meets the qualifications set forth in~~
22 ~~§ 36-1B-1.~~

23 Section 6. That § 36-1B-3 be repealed.

24 ~~— 36-1B-3. Any temporary license, certificate, registration, or permit issued pursuant to § 36-~~

1 ~~1B-2 shall be limited for a period not to exceed six months and shall authorize the applicant to~~
 2 ~~engage in the profession or occupation while the board completes its review of the~~
 3 ~~documentation provided by the applicant or the applicant completes any specific requirements~~
 4 ~~that may be required in South Dakota that were not required in the state or the District of~~
 5 ~~Columbia in which the applicant holds the license, certificate, registration, or permit. Nothing~~
 6 ~~in this section or § 36-1B-2 prohibits a licensing body under the provisions of Title 36 from~~
 7 ~~suspending or revoking a temporary license, certificate, registration, or permit for failure to~~
 8 ~~fulfill the requirements of this chapter.~~

9 Section 7. That § 13-42-67 be amended to read:

10 13-42-67. Unless there is cause to refuse to issue the certificate pursuant to §§ 13-42-7 to
 11 13-42-10, inclusive, the secretary shall ~~expedite the issuance of a~~, within thirty days of receiving
 12 a completed application, issue a teaching certificate to an applicant whose application has been
 13 deemed completed by the Department of Education and:

- 14 (1) Who holds in good standing a valid certificate issued by another state or the District
 15 of Columbia;
- 16 (2) ~~Whose spouse is a~~ Who is an active duty member of the armed forces of the United
 17 States or the spouse of an active duty member of the armed forces of the United
 18 States; and

19 (3) ~~Whose spouse~~ Who is the subject of a military transfer to South Dakota; ~~and~~

20 ~~(4) Who left employment to accompany the applicant's spouse to South Dakota;~~

21 ~~if in the opinion of the secretary, the requirements for the issuance of the certificate in such state~~
 22 ~~or the District of Columbia are substantially equivalent to those required in South Dakota.~~

23 An application is considered complete once the department has received all required
 24 documentation necessary to process the application ~~and the required application fee.~~ No

1 applicant for a certificate issued pursuant to this section is required to pay an application fee or
2 any other fee payable to the department.

3 If the secretary denies the issuance of a certificate to an applicant pursuant to this section,
4 the secretary shall report the denial and the reasons for the denial to the Department of Labor
5 and Regulation.

6 Section 8. That § 13-42-69 be amended to read:

7 13-42-69. Any ~~temporary~~ certificate issued pursuant to § ~~13-42-68~~ 13-42-67 shall be limited
8 for a period not to exceed ~~six months while the department completes its review of all required~~
9 ~~documentation or the applicant completes any requirements of this chapter or the rules~~
10 ~~promulgated pursuant to this chapter that were not required in the state or the District of~~
11 ~~Columbia in which the applicant holds the certificate~~ the applicant's length of tour during the
12 time the holder of the certificate continues to meet the eligibility requirements of § 13-42-67.
13 Nothing in this section ~~or § 13-42-68~~ prohibits the secretary from suspending or revoking the
14 ~~temporary~~ certificate for failure to fulfill the requirements of §§ ~~13-42-67 to 13-42-69, inclusive~~
15 § 13-42-67.

16 Section 9. That chapter 36-1B be amended by adding a NEW SECTION to read:

17 Nothing in this Act may be construed to override, supersede, or invalidate any compact or
18 agreement already in place within any profession regulated under titles 13 or 36.