

HOUSE BILL NO. 583

INTRODUCED BY B. BARKER, G. NIKOLAKAKOS, K. ZOLNIKOV, E. BUTTREY, P. GREEN, N. DURAM

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LICENSING AND CERTIFICATION LAWS; ~~AND~~ PROVIDING EDUCATIONAL CERTIFICATION AND ENDORSEMENT RECIPROCITY AND OCCUPATIONAL LICENSING RECIPROCITY FOR MILITARY MEMBERS, MILITARY SPOUSES, AND VETERANS; AMENDING SECTION 37-1-145, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. SECTION 1. ACTIVATED MILITARY PERSONNEL EXEMPTIONS. (1) UPON NOTICE AND PROOF OF DEPLOYMENT AS DESCRIBED IN THIS SUBSECTION, THE DEPARTMENT SHALL EXEMPT LICENSEES WHO DEPLOYED TO FEDERAL FUNDED ACTIVE DUTY AS MILITARY PERSONNEL FOR MORE THAN 90 CONSECUTIVE DAYS FROM:

(A) THE PAYMENT OF ANY LICENSE RENEWAL OR LATE RENEWAL FEES; AND

(B) ANY CONTINUING EDUCATION OR CERTIFICATION REQUIREMENTS OR AUDITS FOR A RENEWAL CYCLE THAT FALLS WITHIN THE PERIOD OF ACTIVE DUTY AND WITHIN THE 6 MONTHS FOLLOWING ACTIVE DUTY.

(2) IF A LICENSE IN SUBSECTION (1) TERMINATES AS PROVIDED IN 37-1-141, THE BOARD OR PROGRAM MAY IMPOSE REASONABLE CONDITIONS TO DEMONSTRATE COMPETENCY AS A CONDITION TO REACTIVATE THE LICENSE UPON NOTICE AND OPPORTUNITY FOR A HEARING PURSUANT TO 37-1-309.

NEW SECTION. Section 2. Certification reciprocity for military members, military spouses, and veterans -- requirements. (1) The superintendent of public instruction shall issue a teacher certificate AND ENDORSEMENT or specialist certificate as provided by Title 20 to a person:

(a) who is certified AND ENDORSED in good standing in another state or a United States territory as a teacher or specialist; AND

(b) (i) who is a member of the armed forces of the United States or whose spouse is a member of the armed forces of the United States;

~~(e)~~(ii) who is subject to military orders for a change of station to a duty station in this state, who is in

1 the process of a change of station to a duty station in this state, who has been honorably discharged and is
2 relocated to this state, or whose spouse is the subject of a military transfer to this state; ~~or~~

3 ~~(d)(III)~~ who is the spouse of a military member, and the spouse left employment to accompany the
4 military member to this state; OR

5 (IV) WHO IS THE DEPENDENT OF AN ACTIVE-DUTY MEMBER OF THE UNITED STATE ARMED FORCES WHO HAS
6 BEEN TRANSFERRED TO MONTANA, IS SCHEDULED TO BE TRANSFERRED TO MONTANA, IS DOMICILED IN MONTANA, OR
7 HAS MOVED TO MONTANA ON A PERMANENT CHANGE-OF-STATION BASIS.

8 (2) In issuing a certificate AND ENDORSEMENT under subsection (1), the superintendent of public
9 instruction may:

10 (a) issue the person a certificate AND ENDORSEMENT if the superintendent of public instruction
11 determines the requirements for certification AND ENDORSEMENT in the other state are substantially equivalent to
12 the requirements in this state; or

13 (b) if the requirements for certification AND ENDORSEMENT are not substantially equivalent, issue the
14 person a temporary teacher certificate AND ENDORSEMENT or specialist certificate to authorize the person as a
15 teacher or specialist while completing any specific requirements by the office of public instruction.

16 (3) The provisions of subsection (1) do not apply to a person whose teacher certificate or specialist
17 certificate is not in good standing with another state or who is subject to pending charges or final disciplinary
18 action for unprofessional conduct or impairment.

19
20 **NEW SECTION. Section 3. Licensing and certification reciprocity for military members, military**

21 **spouses, and veterans -- requirements.** (1) A board or program regulated by the department shall issue a
22 license or certificate as provided by Title 37 to a person:

23 (a) who is licensed or certified in good standing in another state or a United States territory to
24 practice a profession or occupation regulated by the department;

25 (b) who is a member of the armed forces of the United States or whose spouse is a member of the
26 armed forces of the United States;

27 (c) who is subject to military orders for a change of station to a duty station in this state, who is in
28 the process of a change of station to a duty station in this state, who has been honorably discharged and is

1 relocated to this state, or whose spouse is the subject of a military transfer to this state; or

2 (d) who is the spouse of a military member, ~~and the spouse left employment to accompany the~~
3 ~~military member to this state.~~

4 (2) In issuing a license or certificate under subsection (1), the board or program may:

5 (a) issue the person a license or certificate if the board or program determines the requirements for
6 licensure or certification in the other state are substantially equivalent to the requirements in this state; or

7 (b) if the requirements for licensure or certification are not substantially equivalent, issue the
8 person a temporary license or certificate to authorize the person to practice a profession or occupation while
9 completing any specific requirements by the board or program.

10 (3) The provisions of subsection (1) do not apply to a person whose license or certificate is not in
11 good standing with another state or who is subject to pending charges or final disciplinary action for
12 unprofessional conduct or impairment.

13

14 **SECTION 4. SECTION 37-1-145, MCA, IS AMENDED TO READ:**

15 **"37-1-145. Military training or experience to satisfy licensing or certification requirements --**
16 **rulemaking.** ~~(1) Each licensing board or the department on behalf of a program shall adopt rules that provide~~
17 ~~that certification or licensure requirements established by that board or program may be met by relevant military~~
18 ~~training, service, or education completed by an individual as a member of the armed forces or reserves of the~~
19 ~~United States, the national guard of a state, or the military reserves.~~

20 ~~(2) (a) An applicant for certification or licensure shall provide to the board or, if applying for licensure~~
21 ~~by a program, to the department satisfactory evidence, as specified in rule, of receiving military training,~~
22 ~~service, or education that is equivalent to relevant certification or licensure requirements.~~

23 ~~(b) The department and each licensing~~ Each board and program shall, upon presentation of
24 satisfactory evidence by an applicant for certification or licensure, accept relevant education, training, or service
25 completed by an individual as a member of in the armed forces or reserves of the United States, or the national
26 guard ~~of a state, or the military reserves, or naval militia of a state~~ toward the qualifications to receive the
27 license or certification."
28

1 NEW SECTION. Section 5. Codification instruction. (1) [~~Section 4~~ SECTIONS 1 AND 3] ~~is~~-ARE
2 intended to be codified as an integral part of Title ~~20~~ 37, chapter 4 1, and the provisions of Title ~~20~~ 37, chapter
3 4 1, apply to [~~section 4~~ SECTIONS 1 AND 3].

4 (2) [Section 2] is intended to be codified as an integral part of Title ~~37~~ 20, chapter 4 4, and the
5 provisions of Title ~~37~~ 20, chapter 4 4, apply to [section 2].

6
7 COORDINATION SECTION. SECTION 6. COORDINATION INSTRUCTION. IF BOTH HOUSE BILL NO. 152 AND
8 [THIS ACT] ARE PASSED AND APPROVED AND IF BOTH CONTAIN PROVISIONS RELATING TO OCCUPATIONAL LICENSING FOR
9 MILITARY SPOUSES UNDER TITLE 37, THEN HOUSE BILL NO. 152 IS VOID.

10

11 NEW SECTION. Section 7. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE JULY 1, 2024.

12

- END -