

Military Families Licensing Recognition Act.

Model Legislation

September 7, 2023

Section 1. This Act may be referred to as the “**Military Families Licensing Recognition Act.**”

Section 2. Definitions.

A. “Lawful occupation” means a course of conduct, pursuit or profession that includes the sale of goods or services that are not themselves illegal to sell irrespective of whether the individual selling them is subject to an occupational regulation.

B. "Military" means the Armed Forces of the United States including the Air Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard, and all reserve components and auxiliaries. It also includes the reserves and militia of any United States territory or state.

C. “Occupational licensing board” or “Board” shall be broadly construed to include the state, all agencies, boards, departments, units of state government and all subdivisions of the state that regulate a lawful occupation and issue an occupational license to an individual.

D. “Occupational license” is a governmental authorization that allows an individual to engage in a lawful occupation. It includes a military occupational specialty and other forms of government certification required to work legally in a lawful occupation.

E. “Person” or “applicant” means an active or retired member of military, or a person who is married to or is a dependent of an active or retired member of the military.

F. “Scope of practice” means the procedures, actions, processes, and work that a person may perform under an occupational license issued in this state.

Section 3. Recognition.

A. Notwithstanding any other law, the board shall issue an occupational license in the occupation applied for and at the same practice level, as determined by the board, to a person who pays all applicable fees and applies on a form established by the board. The form shall require the person to swear or affirm, under penalties of perjury, that the person meets the following requirements:¹

1. The person holds a current and valid occupational license issued by another state or the military in an occupation with a similar scope of practice;

¹ Do NOT insert a residency requirement. It is not relevant to this legislation where the person lives. This bill provides a benefit to all military personnel and their families by making it easier to work in this state, regardless of where they live. Legislators have other means to promote residency.

2. The person has held the occupational license in good standing for at least one year;
3. The person was required to meet education, training, or experience standards, or to pass an examination to qualify for the occupational license;²
4. The person does not have a disqualifying criminal record under this state's law for the license;
5. The person's occupational license was not revoked because of negligence or intentional misconduct related to the person's work in the occupation in any state or the military;
6. The person did not surrender an occupational license because of negligence or intentional misconduct related to the person's work in the occupation in any state or military; and
7. The person does not have a complaint, allegation or investigation pending that relates to unprofessional conduct or an alleged crime. If the person has a complaint, allegation or investigation pending, the board in this state shall not issue or deny an occupational license to the person until the complaint, allegation or investigation is resolved, or the person otherwise satisfies the criteria for licensure in this state to the satisfaction of the board in this state.

Section 4. Recognition of Work Experience.

A. The board shall issue an occupational license in the occupation applied for and at the same practice level, as determined by the board, to a person who pays all applicable fees and applies on a form established by the board. The form shall require the person to swear or affirm, under penalties of perjury, that the person meets the following requirements:

1. The person worked for at least three years in the lawful occupation; and
2. The person satisfies section 3, paragraphs 4 through 7.

Section 5. State law examination. A board may require an applicant to pass a jurisprudential examination specific to relevant state laws that regulate the occupation if an occupational license in this state requires all applicants to pass a jurisprudential examination specific to relevant state statutes and administrative rules that regulate the occupation.

² Do NOT insert a requirement that the personal qualifications be "substantially similar." The one-year of work experience covers any differences that may exist in the personal qualifications between the military training and the personal qualifications this state requires. It only is important that there ***was*** an examination, or an education, training or experience standard.

Section 6. Decision.

- A. The board shall issue an occupational license within 10 business days after receiving the application.
- B. The board may develop criteria to investigate and verify for accuracy all or a subset of the applications it receives prior or after its issuance of a license.
- C. The board may order the person to cease working if, upon further investigation, the board finds the sworn statement is invalid and gives notice to the person according to the board's rules. The board may report a perjurious application to the attorney general for possible prosecution.

Section 7. State laws and jurisdiction. A person who obtains an occupational license pursuant to this chapter is subject to the laws regulating the occupation in this state and the jurisdiction of the board in this state.

Section 8. Limitations.

- A. An occupational license issued pursuant to this chapter is valid only in this state. It does not make the person eligible to work in another state under an interstate compact or reciprocity agreement unless otherwise provided in law.
- B. Nothing in this chapter shall be construed to:
 - 1. prohibit a person from applying for an occupational license under another statute or rule in state law;
 - 2. prevent this state from entering into a licensing compact or reciprocity agreement with another state, foreign province, or foreign country;
 - 3. prevent this state from recognizing occupational credentials issued by a private certification organization, international organization, or other entity;
 - 4. apply to an occupation regulated by the state supreme court; and
 - 5. require a private certification organization to grant or deny private certification to any individual.

Section 9. Notice. A board shall display prominently the following on its website, applications, and related communications: "Pursuant to the **Military Families Licensing Recognition Act**, active and retired military personnel and their families may qualify for an occupational license based on an occupational specialty, license and work experience in the military or other states."

CONTACT INFORMATION

Meagan Forbes
Senior Legislative Counsel
Director of Legislation
Institute for Justice
901 North Glebe Road-Suite 900
Arlington VA 22203-1854

(703) 682-9320

www.IJ.org/legislation

e: MForbes@ij.org