WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2012

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4037

(By Delegates Iaquinta, Longstreth, Fleischauer, Jones, Stephens, Walker and Azinger)

Passed March 1, 2012

To Take Effect Ninety Days From Passage
AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §30-1-6a and §30-1-6b, all relating to the professional and occupational licensure and registration of former and current members of the armed forces of the United States; providing legislative findings and declarations; requiring consideration and appropriate acceptance of military education, training and experience for qualification for professional licensure; providing rule-making authority for licensing or registration boards; providing exceptions; and requiring the extension of licenses and the waiver of certain requirements for licenses or registration of certain persons and accompanying spouses on active duty in the armed forces of the United States.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto two new sections, designated §30-1-6a and §30-1-6b, all to read as follows:
ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.

§30-1-6a. Legislative findings and declarations; consideration of military education, training and experience for licensure or registration, generally; rule of construction.

(a) The Legislature finds that:

(1) Many current and former members of the United States Armed Forces have acquired extensive academic, professional and occupational training and experience in various professions and occupations while serving in the Armed Forces.

(2) In many instances, that level of academic education, training and experience may be comparable to, or may exceed, what is required in this state to register for examination, or qualify for licensure, certification or registration for a similar or related occupation or profession.

(3) Armed forces service members often leave the military with documented training, education and experience which may be sufficient for application toward the requirements in this state to register for examination, or qualify for licensure, certification or registration in a comparable profession or occupation.

(4) Armed forces members who are separating from service are frequently delayed getting post-service employment even though they have applicable military education, training and experience which can qualify them for professional license, certifications or registration.

(5) Military veterans have expended and sacrificed a significant portion of their most productive earning potential and working years to the service of their country; however, reported unemployment rates of veterans are higher than
national averages, and accordingly, military veterans should be given the opportunity to take advantage of their military education, experience and training, as appropriate, toward pursuing a career in many of the professions and occupations identified in this chapter.

(6) The state may be experiencing a shortage of qualified candidates for licensure, certification or registration for these various professions and occupations. Therefore, it is in the public interest of this state to accommodate and attract persons with the appropriate military education, training and experience, to apply for licensure, certification or registration in a profession or occupation in West Virginia.

(7) The boards in this chapter have the particular expertise necessary to evaluate and determine what military education, training and experience is adequate, acceptable and appropriate to be applied toward the qualifications for licensure, certification or registration and whether it is necessary that the competency of those persons be determined and evaluated by examination before they are so licensed, certified or registered.

(b) Except as provided in subsection (d) of this section, and notwithstanding any law to the contrary, all boards referred to in this chapter shall, upon presentation of satisfactory evidence by an applicant for licensure, certification or registration, accept education, training or experience of an individual as a member of the Armed Forces or Reserves of the United States, the National Guard of any state, or the military reserves of any state, as part of the evaluation process toward the qualifications to receive, or take examination for, that respective professional license, certification, or registration.

(c) Boards referred to in this chapter may propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code as are necessary to implement the provisions of this section. The proposed rules shall establish criteria or requirements for military education, training and experience that qualify the
applicant to take an examination for licensure, certification or registration or for a waiver of any examination requirement to be licensed, certified or registered.

(d) The provisions of this section do not apply to the boards referred to in this chapter whose license, certification or registration requirements are subject to the provisions of article twenty-four of this chapter.

(e) This section shall be liberally construed to effectuate its purpose in the light of these findings and declarations.

§30-1-6b. Licensure, certification or registration of persons and spouses of persons on military active duty outside this state; extension of licenses or registration; waiver of certain license, certification or registration requirements.

(a) During periods when the licensee, certificate holder or registrant is on active duty as a member of the Armed Forces of the United States, the National Guard of this state or any other state, or any other military reserve component and deployed outside of this state, and for six months after discharge from active duty, the license, certification or registration of a person regulated by a board in this chapter shall continue in good standing and shall be renewed without payment of any dues or fees for the maintenance or renewal of the license, certification or registration, and without meeting continuing education requirements for the license, certification or registration, when circumstances associated with military duty prevent the individual from obtaining the required continuing education.

(b) The licensee shall submit a waiver request to the appropriate board, informing the board of circumstances which include, but are not limited to, deployment outside of the United States or in any combat area and verify that the individual performs the licensed, certified or registered profession or occupation as part of his or her military duties as annotated in Defense Department Form 214 (DD214).
(c) During periods when the licensee, certificate holder or registrant is accompanying his or her spouse who is on active duty as a member of the Armed Forces of the United States, the National Guard of this state or any other state, or any other military reserve component and deployed outside of this state, and for six months after discharge from active duty, the license, certification or registration of that person regulated by a board referred to in this chapter, shall continue in good standing and shall be renewed without payment of any dues or fees for the maintenance or renewal of the license, certification or registration, and without meeting continuing education requirements for the license certification or registration when circumstances associated with accompanying a spouse on military duty prevent the individual from obtaining the required continuing education.

(d) The licensee shall submit a waiver request to the appropriate board informing the board of these circumstances which include, but are not limited to, deployment outside of the United States or in any combat area.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect ninety days from passage.

The within is approved this the 16th day of March, 2012.

Governor
PRESENTED TO THE GOVERNOR

MAR 6 2012

Time 3:00pm