

VETO MESSAGE: No

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Job law benefits military spouses," Burlington County Times, 6-14-13

LAW/RWH

P.L.2013, CHAPTER 264, *approved January 17, 2014*
Assembly, No. 3427 (*Second Reprint*)

1 AN ACT concerning professional or occupational licensure for
2 certain military spouses and supplementing Title 45 of the
3 Revised Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. a. As used in this section:

9 “Another jurisdiction” means the District of Columbia, a
10 territory of the United States, or a state other than New Jersey.

11 “Board” means a professional or occupational board designated
12 in section 2 of P.L.1978, c.73 (C.45:1-15) that issues a professional
13 or occupational license, certificate of registration, or certification.

14 “Nonresident military spouse” means a ²**[nonresident of]** person
15 who is not domiciled in² this State who is the spouse of an active
16 duty member of the Armed Forces of the United States who has
17 been transferred to this State in the course of the member’s service,
18 is legally domiciled in this State, or has moved to this State on a
19 permanent change-of-station basis.

20 b. ²Notwithstanding the provisions of any law, rule or regulation
21 to the contrary, each board shall issue, upon application, a license to
22 a nonresident military spouse who meets the requirements of this
23 section, so that the nonresident military spouse may practice
24 lawfully the person’s profession or occupation. At the discretion of
25 the board, a nonresident military spouse shall receive a license
26 under this subsection:

27 (1) pursuant to any law, rule, or regulation providing for
28 licensure by endorsement or reciprocity in the profession or
29 occupation regulated by the board; or

30 (2) pursuant to an application for a temporary courtesy license
31 pursuant to subsection d. of this section.

32 c.² Notwithstanding the provisions of any other law, rule, or
33 regulation to the contrary, each board shall establish criteria for the
34 issuance of a temporary courtesy license to a nonresident military
35 spouse so that the nonresident military spouse may lawfully practice
36 the profession or occupation regulated by that board in this State on
37 a temporary basis, subject to the requirements of subsection ²**[c.]**
38 d.² of this section ²**[¹where]** when² applicable¹.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AMV committee amendments adopted December 10, 2012.

²Senate SMV committee amendments adopted May 30, 2013.

1 ²**[c.] d.**² A nonresident military spouse who applies for a
2 temporary courtesy license pursuant to ²paragraph (2) of²
3 subsection b. of this section shall be entitled to receive that license
4 if that person:

5 (1) holds a current license to practice the profession or
6 occupation in another jurisdiction that the board determines has
7 licensure requirements to practice the profession or occupation that
8 are equivalent to those adopted by the board;

9 (2) was engaged in the active practice of the profession or
10 occupation in another jurisdiction for at least two of the five years
11 immediately preceding the date of application for the temporary
12 courtesy license, for which purpose relevant full-time experience in
13 the discharge of official duties in the Armed Forces of the United
14 States or an agency of the federal government shall be credited in
15 the counting of years of service;

16 (3) has not committed an act in another jurisdiction that would
17 have constituted grounds for the denial, suspension, or revocation
18 of a license to practice the profession or occupation in this State;

19 (4) has not been disciplined, and is not the subject of an
20 investigation of an unresolved complaint, or a review procedure or
21 disciplinary proceeding, which was conducted by, or is pending
22 before, a professional or occupational licensing or credentialing
23 entity in another jurisdiction;

24 (5) pays for, and authorizes the board to conduct, a criminal
25 history record background check of that person pursuant to
26 P.L.2002, c.104 (C.45:1-28 et seq.) ²if such check is required to
27 practice the occupation or practice regulated by that board²;

28 (6) pays any fee the board reasonably requires for the issuance
29 of the temporary courtesy license; ²**[and]**²

30 (7) ²has satisfied any continuing education requirements in the
31 jurisdiction where that person holds a current license to practice the
32 profession or occupation, and, at the discretion of the board,
33 completes such continuing education hours or credits as may be
34 required by the board within the time frame the board may
35 establish;

36 (8) at the discretion of the board and if applicable, successfully
37 completes a New Jersey jurisprudence examination required of
38 resident applicants or any other examination specifically predicated
39 on New Jersey law required for practice in the profession or
40 occupation; and

41 (9)² complies with any other requirements the board may
42 reasonably determine are necessary to effectuate the purposes of
43 this section.

44 ²**[d.] e.** A nonresident military spouse who holds a temporary
45 license pursuant to paragraph (2) of subsection b. of this section
46 shall be entitled to the same rights and be subject to the same
47 obligations as provided by the respective board for New Jersey

1 residents, except that revocation or suspension of a nonresident
2 military spouse's license in the nonresident military spouse's state
3 of residence or any jurisdiction in which the nonresident military
4 spouse held licensure shall automatically cause the same revocation
5 or suspension of the person's temporary courtesy license in New
6 Jersey if that revocation or suspension was on the basis of a charge
7 or commission of a criminal offense, competency, or harmful or
8 inappropriate behavior.

9 f. A board may require a nonresident military spouse who has
10 not been engaged in the active practice of the profession or
11 occupation in another jurisdiction during the two years immediately
12 preceding the application to undergo additional training, testing,
13 mentoring, monitoring or education should the board deem it
14 necessary.²

15 g.² A temporary courtesy license issued pursuant to this section
16 shall be valid for a period of one year and may be extended at the
17 discretion of the board for an additional one year upon application
18 of the holder of the temporary courtesy license.

19 ²**[e.] h.**² Each board shall adopt rules and regulations pursuant
20 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
21 1 et seq.), to carry out the purposes of this section, except that,
22 notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et
23 seq.) to the contrary, each board may adopt, immediately upon
24 filing with the Office of Administrative Law, regulations the board
25 deems necessary to implement the provisions of this section, which
26 shall be effective for a period not to exceed six months and may
27 thereafter be amended, adopted, or re-adopted by the board in
28 accordance with the requirements of P.L.1968, c.410 (C.52:14B-1
29 et seq.).

30
31 2. This act shall take effect immediately.

32
33
34
35

36 _____
37 Provides for temporary professional or occupational licensure for
qualified nonresident military spouses.

ASSEMBLY, No. 3427

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED NOVEMBER 19, 2012

Sponsored by:

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex)

Assemblyman TROY SINGLETON

District 7 (Burlington)

Assemblyman TIMOTHY J. EUSTACE

District 38 (Bergen and Passaic)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblyman JAY WEBBER

District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

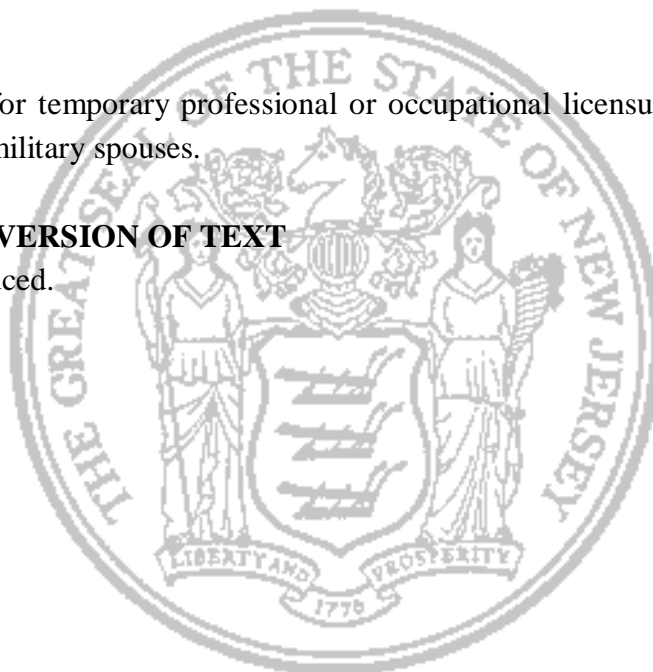
Assemblywoman Wagner, Assemblymen Wilson and Diegnan

SYNOPSIS

Provides for temporary professional or occupational licensure for qualified nonresident military spouses.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/11/2012)

1 AN ACT concerning professional or occupational licensure for
2 certain military spouses and supplementing Title 45 of the
3 Revised Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. a. As used in this section:

9 “Another jurisdiction” means the District of Columbia, a
10 territory of the United States, or a state other than New Jersey.

11 “Board” means a professional or occupational board designated
12 in section 2 of P.L.1978, c.73 (C.45:1-15) that issues a professional
13 or occupational license, certificate of registration, or certification.

14 “Nonresident military spouse” means a nonresident of this State
15 who is the spouse of an active duty member of the Armed Forces of
16 the United States who has been transferred to this State in the
17 course of the member’s service, is legally domiciled in this State, or
18 has moved to this State on a permanent change-of-station basis.

19 b. Notwithstanding the provisions of any other law, rule, or
20 regulation to the contrary, each board shall establish criteria for the
21 issuance of a temporary courtesy license to a nonresident military
22 spouse so that the nonresident military spouse may lawfully practice
23 the profession or occupation regulated by that board in this State on
24 a temporary basis, subject to the requirements of subsection c. of
25 this section.

26 c. A nonresident military spouse who applies for a temporary
27 courtesy license pursuant to subsection b. of this section shall be
28 entitled to receive that license if that person:

29 (1) holds a current license to practice the profession or
30 occupation in another jurisdiction that the board determines has
31 licensure requirements to practice the profession or occupation that
32 are equivalent to those adopted by the board;

33 (2) was engaged in the active practice of the profession or
34 occupation in another jurisdiction for at least two of the five years
35 immediately preceding the date of application for the temporary
36 courtesy license, for which purpose relevant full-time experience in
37 the discharge of official duties in the Armed Forces of the United
38 States or an agency of the federal government shall be credited in
39 the counting of years of service;

40 (3) has not committed an act in another jurisdiction that would
41 have constituted grounds for the denial, suspension, or revocation
42 of a license to practice the profession or occupation in this State;

43 (4) has not been disciplined, and is not the subject of an
44 investigation of an unresolved complaint, or a review procedure or
45 disciplinary proceeding, which was conducted by, or is pending
46 before, a professional or occupational licensing or credentialing
47 entity in another jurisdiction;

1 (5) pays for, and authorizes the board to conduct, a criminal
2 history record background check of that person pursuant to
3 P.L.2002, c.104 (C.45:1-28 et seq.);

4 (6) pays any fee the board reasonably requires for the issuance
5 of the temporary courtesy license; and

6 (7) complies with any other requirements the board may
7 reasonably determine are necessary to effectuate the purposes of
8 this section.

9 d. A temporary courtesy license issued pursuant to this section
10 shall be valid for a period of one year and may be extended at the
11 discretion of the board for an additional one year upon application
12 of the holder of the temporary courtesy license.

13 e. Each board shall adopt rules and regulations pursuant to the
14 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
15 seq.), to carry out the purposes of this section, except that,
16 notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et
17 seq.) to the contrary, each board may adopt, immediately upon
18 filing with the Office of Administrative Law, regulations the board
19 deems necessary to implement the provisions of this section, which
20 shall be effective for a period not to exceed six months and may
21 thereafter be amended, adopted, or re-adopted by the board in
22 accordance with the requirements of P.L.1968, c.410 (C.52:14B-1
23 et seq.).
24

25 2. This act shall take effect immediately.
26
27

28 STATEMENT
29

30 This bill provides for temporary professional or occupational
31 licensure for qualified nonresident military spouses in New Jersey.

32 The bill defines "nonresident military spouse" to mean a
33 nonresident of this State who is the spouse of an active duty
34 member of the Armed Forces of the United States who has been
35 transferred to this State in the course of the member's service, is
36 legally domiciled in this State, or has moved to this State on a
37 permanent change-of-station basis.

38 The bill directs the several professional and occupational
39 licensing boards in the Division of Consumer Affairs to establish
40 criteria for the issuance of a temporary courtesy license to a
41 nonresident military spouse so that the nonresident military spouse
42 may lawfully practice the profession or occupation regulated by that
43 board on a temporary basis, subject to the requirements of the bill.

44 A nonresident military spouse who applies for a temporary
45 courtesy license pursuant to the bill is entitled to receive that
46 license if that person:

- 47 • holds a current license to practice the profession or occupation
48 in another jurisdiction (the District of Columbia, a territory of

- 1 the United States, or a state other than New Jersey) that the
2 board determines has licensure requirements that are
3 equivalent to those adopted by the board;
- 4 • was engaged in the active practice of the profession or
5 occupation in another jurisdiction for at least two of the five
6 years immediately preceding the date of application for the
7 temporary courtesy license, for which purpose relevant full-
8 time experience in the discharge of official duties in the Armed
9 Forces of the United States or an agency of the federal
10 government is to be credited in the counting of years of
11 service;
 - 12 • has not committed an act in another jurisdiction that would
13 have constituted grounds for the denial, suspension, or
14 revocation of a license to practice the profession or occupation
15 in this State;
 - 16 • has not been disciplined, and is not the subject of an
17 investigation of an unresolved complaint, or a review
18 procedure or disciplinary proceeding, which was conducted by,
19 or is pending before, a professional or occupational licensing
20 or credentialing entity in another jurisdiction;
 - 21 • pays for, and authorizes the board to conduct, a criminal
22 history record background check of that person;
 - 23 • pays any fee the board reasonably requires for the issuance of
24 the temporary courtesy license; and
 - 25 • complies with any other requirements that the board may
26 reasonably determine are necessary to effectuate the purposes
27 of the bill.

28 A temporary courtesy license issued pursuant to the bill is to be
29 valid for a period of one year and may be extended at the discretion
30 of the board for an additional one year upon application of the
31 holder of the temporary courtesy license.

32 The bill provides each board with expedited rulemaking
33 authority in order to implement its provisions as soon as
34 practicable.

35 This bill is consistent with legislative efforts being made in other
36 states across the nation to make it easier for qualified military
37 spouses to maintain their professional or occupational licenses and
38 pursue employment options as they move from one jurisdiction to
39 another across the United States. Temporary licensure can help
40 military spouses to bridge the gap from the time when they move
41 into the State and the time when they can attain full licensure,
42 which can be a time consuming process.

ASSEMBLY MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3427

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 10, 2012

The Assembly Military and Veterans' Affairs Committee reports favorably and with committee amendments Assembly, No. 3427.

As amended, this bill provides for temporary professional or occupational licensure for qualified nonresident military spouses in New Jersey.

The bill defines "nonresident military spouse" to mean a nonresident of this State who is the spouse of an active duty member of the Armed Forces of the United States who has been transferred to this State in the course of the member's service, is legally domiciled in this State, or has moved to this State on a permanent change-of-station basis.

The bill directs the several professional and occupational licensing boards in the Division of Consumer Affairs to establish criteria for the issuance of a temporary courtesy license to a nonresident military spouse so that the nonresident military spouse may lawfully practice the profession or occupation regulated by that board on a temporary basis, subject to the requirements of the bill where applicable.

A nonresident military spouse who applies for a temporary courtesy license pursuant to the bill is entitled to receive that license if, where applicable, that person:

- holds a current license to practice the profession or occupation in another jurisdiction (the District of Columbia, a territory of the United States, or a state other than New Jersey) that the board determines has licensure requirements that are equivalent to those adopted by the board;
- was engaged in the active practice of the profession or occupation in another jurisdiction for at least two of the five years immediately preceding the date of application for the temporary courtesy license, for which purpose relevant full-time experience in the discharge of official duties in the Armed Forces of the United States or an agency of the federal government is to be credited in the counting of years of service;

- has not committed an act in another jurisdiction that would have constituted grounds for the denial, suspension, or revocation of a license to practice the profession or occupation in this State;
- has not been disciplined, and is not the subject of an investigation of an unresolved complaint, or a review procedure or disciplinary proceeding, which was conducted by, or is pending before, a professional or occupational licensing or credentialing entity in another jurisdiction;
- pays for, and authorizes the board to conduct, a criminal history record background check of that person;
- pays any fee the board reasonably requires for the issuance of the temporary courtesy license; and
- complies with any other requirements that the board may reasonably determine are necessary to effectuate the purposes of the bill.

A temporary courtesy license issued pursuant to the bill is to be valid for a period of one year and may be extended at the discretion of the board for an additional one year upon application of the holder of the temporary courtesy license.

The bill provides each board with expedited rulemaking authority in order to implement its provisions as soon as practicable.

This bill is consistent with legislative efforts being made in other states across the nation to make it easier for qualified military spouses to maintain their professional or occupational licenses and pursue employment options as they move from one jurisdiction to another across the United States. Temporary licensure can help military spouses to bridge the gap from the time when they move into the State and the time when they can attain full licensure, which can be a time consuming process.

COMMITTEE AMENDMENTS

The committee amended the bill to clarify that the requirements for a temporary professional or occupational license are to be applied as applicable to the specific license.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 3427

STATE OF NEW JERSEY 215th LEGISLATURE

DATED: JANUARY 9, 2013

SUMMARY

Synopsis: Provides for temporary professional or occupational licensure for qualified nonresident military spouses.

Type of Impact: Indeterminate. Professional Board Accounts.

Agencies Affected: Department of Law and Public Safety; Division of Consumer Affairs.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate – See comments below		
State Revenue	Indeterminate – See comments below		

- The Office of Legislative Services (OLS) notes that the cost to this bill is indeterminate. The bill allows the various professional boards to charge a reasonable fee for the issuance of the temporary courtesy license and requires the applicant to pay for a criminal history record background check, where applicable. It is unknown, however, how many new applicants may emerge under the provisions of this bill or how many applicants may have registered differently if these provisions had been available upon their initial arrival in the State.
- Establishes a temporary courtesy license valid for a period of one year, with the potential for renewal upon the application of the holder of the temporary courtesy license.
- Requires the applicant to pay for, and submit to, a criminal history record background check.
- Requires the applicant to pay a reasonable licensure fee, determined by the board, for the issuance of the temporary courtesy license.

BILL DESCRIPTION

Assembly Bill No. 3427 (1R) of 2012 provides for temporary professional or occupational licensure for qualified nonresident military spouses in New Jersey.

The bill directs several professional and occupational licensing boards in the Division of Consumer Affairs as designated in section 2 of P.L.1978, c.73 (C.45:1-15) to establish criteria for the issuance of a temporary courtesy license to a nonresident military spouse so that the nonresident military spouse may lawfully practice the profession or occupation regulated by that board on a temporary basis, subject to the requirements of the bill.

A nonresident military spouse who applies for a temporary courtesy license pursuant to the bill is entitled to receive such a license if that person:

- holds a current license to practice the profession or occupation in another jurisdiction (the District of Columbia, a territory of the United States, or a state other than New Jersey) that the board determines has licensure requirements that are equivalent to those adopted by the board;
- was engaged in the active practice of the profession or occupation in another jurisdiction for at least two of the five years immediately preceding the date of application for the temporary courtesy license, for which purpose relevant full time experience in the discharge of official duties in the Armed Forces of the United States or an agency of the federal government is to be credited in the counting of years of service;
- has not committed an act in another jurisdiction that would have constituted grounds for the denial, suspension, or revocation of a license to practice the profession or occupation in this State;
- has not been disciplined, and is not the subject of an investigation of an unresolved complaint, or a review procedure or disciplinary proceeding, which was conducted by, or is pending before, a professional or occupational licensing or credentialing entity in another jurisdiction;
- pays for, and authorizes the board to conduct, a criminal history record background check of that person;
- pays any fee the board reasonably requires for the issuance of the temporary courtesy license; and
- complies with any other requirements that the board may reasonably determine are necessary to effectuate the purposes of the bill.

A temporary courtesy license issued pursuant to the bill is to be valid for a period of one year and may be extended at the discretion of the board for an additional year upon application of the holder of the temporary courtesy license.

The bill provides the board with expedited rulemaking authority in order to implement its provisions as soon as practicable.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS notes that the cost to this bill is indeterminate. The bill allows the various boards to charge a reasonable fee for the issuance of the temporary courtesy license and requires the applicant to pay for a criminal history record background check, where applicable.

It is unknown, however, how many new applicants would emerge under the provisions of this bill which may increase revenue. Additionally, it is unknown or how many of the currently registered applicants may have registered differently if these provisions had been available upon their initial arrival in the State. For example, under this bill if a military spouse currently would have paid for a two or three year occupational license at the established fee and the temporary license fee is set at a lower rate, the State may collect less revenue.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Senior Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO

[First Reprint]
ASSEMBLY, No. 3427

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 23, 2013

The Senate Military and Veterans' Affairs Committee reports favorably and with committee amendments Assembly Bill No. 3427 (1R).

As amended, this bill provides for temporary professional or occupational licensure for qualified nonresident military spouses in New Jersey.

The bill defines "nonresident military spouse" to mean a person who is not domiciled in this State who is the spouse of an active duty member of the Armed Forces of the United States who has been transferred to this State in the course of the member's service, is legally domiciled in this State, or has moved to this State on a permanent change-of-station basis.

The bill directs the several professional and occupational licensing boards in the Division of Consumer Affairs to establish criteria for the issuance of a temporary courtesy license to a nonresident military spouse so that the nonresident military spouse may lawfully practice the profession or occupation regulated by that board on a temporary basis, subject to the requirements of the bill where applicable.

A nonresident military spouse who applies for a temporary courtesy license pursuant to the bill is entitled to receive that license if, when applicable, that person:

- holds a current license to practice the profession or occupation in another jurisdiction (the District of Columbia, a territory of the United States, or a state other than New Jersey) that the board determines has licensure requirements that are equivalent to those adopted by the board;
- was engaged in the active practice of the profession or occupation in another jurisdiction for at least two of the five years immediately preceding the date of application for the temporary courtesy license, for which purpose relevant full-time experience in the discharge of official duties in the Armed Forces of the

United States or an agency of the federal government is to be credited in the counting of years of service;

- has not committed an act in another jurisdiction that would have constituted grounds for the denial, suspension, or revocation of a license to practice the profession or occupation in this State;
- has not been disciplined, and is not the subject of an investigation of an unresolved complaint, or a review procedure or disciplinary proceeding, which was conducted by, or is pending before, a professional or occupational licensing or credentialing entity in another jurisdiction;
- pays for, and authorizes the board to conduct, a criminal history record background check of that person;
- pays any fee the board reasonably requires for the issuance of the temporary courtesy license;
- satisfies the requirements of any law, rule, or regulation providing for licensure by endorsement or reciprocity;
- has satisfied any continuing education requirements in the jurisdiction where that person holds a current license, and at the discretion of the board, completes such continuing education hours or credits as may be required by the board;
- successfully completes a New Jersey jurisprudence examination or any other examination as required by the board; and
- complies with any other requirements that the board may reasonably determine are necessary to effectuate the purposes of the bill.

The revocation or suspension of a nonresident military spouse's license in the nonresident military spouse's state of residence or any jurisdiction in which the nonresident military spouse held licensure will automatically cause the same revocation or suspension in New Jersey if based upon a charge or commission of a criminal offense, competency, or harmful or inappropriate behavior.

A board may require a nonresident military spouse who has not been engaged in the active practice of the profession or occupation in another jurisdiction during the two years immediately preceding the application to undergo additional training, testing, mentoring, monitoring or education should the board deem it necessary.

A temporary courtesy license issued pursuant to the bill is to be valid for a period of one year and may be extended at the discretion of the board for an additional one year upon application of the holder of the temporary courtesy license.

The bill provides each board with expedited rulemaking authority in order to implement its provisions as soon as practicable.

This bill is consistent with legislative efforts being made in other states across the nation to make it easier for qualified military spouses to maintain their professional or occupational licenses and pursue employment options as they move from one jurisdiction to another across the United States. Temporary licensure can help military

spouses to bridge the gap from the time when they move into the State and the time when they can attain full licensure, which can be a time consuming process.

As amended, this bill is identical to Senate Bill No. 2544 (1R) of 2012-2013.

COMMITTEE AMENDMENTS

The committee amended the bill to modify the language defining nonresident military spouse, add language to permit licensure by endorsement or reciprocity, and address continuing education and testing requirements and revocation or suspension matters.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 3427

STATE OF NEW JERSEY 215th LEGISLATURE

DATED: JUNE 11, 2013

SUMMARY

- Synopsis:** Provides for temporary professional or occupational licensure for qualified nonresident military spouses.
- Type of Impact:** Indeterminate. Professional Board Accounts.
- Agencies Affected:** Department of Law and Public Safety; Division of Consumer Affairs.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate – See comments below		
State Revenue	Indeterminate – See comments below		

- The Office of Legislative Services notes that the cost to this bill is indeterminate. The bill allows the various professional boards to charge a reasonable fee for the issuance of the temporary courtesy license and requires the applicant to pay for a criminal history record background check, where applicable. It is unknown, however, how many new applicants may emerge under the provisions of this bill or how many applicants may have registered differently if these provisions had been available upon their initial arrival in the State.
- Establishes a temporary courtesy license valid for a period of one year, with the potential for renewal upon the application of the holder of the temporary courtesy license.
- Requires certain applicants to pay for, and submit to, a criminal history record background check.
- Requires the applicant to pay a reasonable licensure fee, determined by the board, for the issuance of the temporary courtesy license.

BILL DESCRIPTION

Assembly Bill No. 3427 (2R) of 2012 provides for temporary professional or occupational licensure for qualified nonresident military spouses in New Jersey.

The bill defines “nonresident military spouse” to mean a person who is not domiciled in this State who is the spouse of an active duty member of the Armed Forces of the United States who has been transferred to this State in the course of the member’s service, is legally domiciled in this State, or has moved to this State on a permanent change-of-station basis.

The bill directs the several professional and occupational licensing boards in the Division of Consumer Affairs to establish criteria for the issuance of a temporary courtesy license to a nonresident military spouse so that the nonresident military spouse may lawfully practice the profession or occupation regulated by that board on a temporary basis, subject to the requirements of the bill where applicable.

A nonresident military spouse who applies for a temporary courtesy license pursuant to the bill is entitled to receive that license if, when applicable, that person:

- holds a current license to practice the profession or occupation in another jurisdiction (the District of Columbia, a territory of the United States, or a state other than New Jersey) that the board determines has licensure requirements that are equivalent to those adopted by the board;
- was engaged in the active practice of the profession or occupation in another jurisdiction for at least two of the five years immediately preceding the date of application for the temporary courtesy license, for which purpose relevant full-time experience in the discharge of official duties in the Armed Forces of the United States or an agency of the federal government is to be credited in the counting of years of service;
- has not committed an act in another jurisdiction that would have constituted grounds for the denial, suspension, or revocation of a license to practice the profession or occupation in this State;
- has not been disciplined, and is not the subject of an investigation of an unresolved complaint, or a review procedure or disciplinary proceeding, which was conducted by, or is pending before, a professional or occupational licensing or credentialing entity in another jurisdiction;
- pays for, and authorizes the board to conduct, a criminal history record background check of that person;
- pays any fee the board reasonably requires for the issuance of the temporary courtesy license;
- satisfies the requirements of any law, rule, or regulation providing for licensure by endorsement or reciprocity;
- has satisfied any continuing education requirements in the jurisdiction where that person holds a current license, and at the discretion of the board, completes such continuing education hours or credits as may be required by the board;

- successfully completes a New Jersey jurisprudence examination or any other examination as required by the board; and
- complies with any other requirements that the board may reasonably determine are necessary to effectuate the purposes of the bill.

The revocation or suspension of a nonresident military spouse's license in the nonresident military spouse's state of residence or any jurisdiction in which the nonresident military spouse held licensure will automatically cause the same revocation or suspension in New Jersey if based upon a charge or commission of a criminal offense, competency, or harmful or inappropriate behavior.

A board may require a nonresident military spouse who has not been engaged in the active practice of the profession or occupation in another jurisdiction during the two years immediately preceding the application to undergo additional training, testing, mentoring, monitoring or education should the board deem it necessary.

A temporary courtesy license issued pursuant to the bill is to be valid for a period of one year and may be extended at the discretion of the board for an additional one year upon application of the holder of the temporary courtesy license.

The bill provides each board with expedited rulemaking authority in order to implement its provisions as soon as practicable.

This bill is consistent with legislative efforts being made in other states across the nation to make it easier for qualified military spouses to maintain their professional or occupational licenses and pursue employment options as they move from one jurisdiction to another across the United States. Temporary licensure can help military spouses to bridge the gap from the time when they move into the State and the time when they can attain full licensure, which can be a time consuming process.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services notes that the cost to this bill is indeterminate. The bill allows the various boards to charge a reasonable fee for the issuance of the temporary courtesy license and requires the applicant to pay for a criminal history record background check, where applicable.

It is unknown, however, how many new applicants would emerge under the provisions of this bill which may increase revenue. Additionally, it is unknown or how many of the currently registered applicants may have registered differently if these provisions had been available upon their initial arrival in the State. For example, under this bill if a military spouse currently would have paid for a two or three year occupational license at the established fee and the temporary license fee is set at a lower rate, the State may collect less revenue.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Senior Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]
ASSEMBLY, No. 3427

STATE OF NEW JERSEY

DATED: JUNE 13, 2013

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 3427 (2R).

This bill provides for temporary professional or occupational licensure for qualified nonresident military spouses in New Jersey.

The bill defines “nonresident military spouse” to mean a person who is not domiciled in this State who is the spouse of an active duty member of the Armed Forces of the United States who has been transferred to this State in the course of the member’s service, is legally domiciled in this State, or has moved to this State on a permanent change-of-station basis.

The bill directs the several professional and occupational licensing boards in the Division of Consumer Affairs to establish criteria for the issuance of a temporary courtesy license to a nonresident military spouse so that the nonresident military spouse may lawfully practice the profession or occupation regulated by that board on a temporary basis, subject to the requirements of the bill where applicable.

A nonresident military spouse who applies for a temporary courtesy license pursuant to the bill is entitled to receive that license if, when applicable, that person:

- holds a current license to practice the profession or occupation in another jurisdiction (the District of Columbia, a territory of the United States, or a state other than New Jersey) that the board determines has licensure requirements that are equivalent to those adopted by the board;
- was engaged in the active practice of the profession or occupation in another jurisdiction for at least two of the five years immediately preceding the date of application for the temporary courtesy license, for which purpose relevant full-time experience in the discharge of official duties in the Armed Forces of the United States or an agency of the federal government is to be credited in the counting of years of service;
- has not committed an act in another jurisdiction that would have constituted grounds for the denial, suspension, or revocation of a license to practice the profession or occupation in this State;

- has not been disciplined, and is not the subject of an investigation of an unresolved complaint, or a review procedure or disciplinary proceeding, which was conducted by, or is pending before, a professional or occupational licensing or credentialing entity in another jurisdiction;
- pays for, and authorizes the board to conduct, a criminal history record background check of that person;
- pays any fee the board reasonably requires for the issuance of the temporary courtesy license;
- satisfies the requirements of any law, rule, or regulation providing for licensure by endorsement or reciprocity;
- has satisfied any continuing education requirements in the jurisdiction where that person holds a current license, and at the discretion of the board, completes such continuing education hours or credits as may be required by the board;
- successfully completes a New Jersey jurisprudence examination or any other examination as required by the board; and
- complies with any other requirements that the board may reasonably determine are necessary to effectuate the purposes of the bill.

The revocation or suspension of a nonresident military spouse's license in the nonresident military spouse's state of residence or any jurisdiction in which the nonresident military spouse held licensure will automatically cause the same revocation or suspension in New Jersey if based upon a charge or commission of a criminal offense, competency, or harmful or inappropriate behavior.

A board may require a nonresident military spouse who has not been engaged in the active practice of the profession or occupation in another jurisdiction during the two years immediately preceding the application to undergo additional training, testing, mentoring, monitoring or education should the board deem it necessary.

A temporary courtesy license issued pursuant to the bill is to be valid for a period of one year and may be extended at the discretion of the board for an additional one year upon application of the holder of the temporary courtesy license.

The bill provides each board with expedited rulemaking authority in order to implement its provisions as soon as practicable.

FISCAL IMPACT:

The Office of Legislative Services notes that the cost to this bill is indeterminate. The bill allows the various boards to charge a reasonable fee for the issuance of the temporary courtesy license and requires the applicant to pay for a criminal history record background check, where applicable.

It is unknown, however, how many new applicants would emerge under the provisions of this bill which may increase revenue. Additionally, it is unknown how many of the currently registered

applicants may have registered differently if these provisions had been available upon their initial arrival in the State. For example, under this bill if a military spouse currently would have paid for a two or three year occupational license at the established fee and the temporary license fee is set at a lower rate, the State may collect less revenue.

SENATE, No. 2544

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 7, 2013

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senators A.R.Bucco and Allen

SYNOPSIS

Provides for temporary professional or occupational licensure for qualified nonresident military spouses.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/31/2013)

1 AN ACT concerning professional or occupational licensure for
2 certain military spouses and supplementing Title 45 of the
3 Revised Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. a. As used in this section:

9 “Another jurisdiction” means the District of Columbia, a
10 territory of the United States, or a state other than New Jersey.

11 “Board” means a professional or occupational board designated
12 in section 2 of P.L.1978, c.73 (C.45:1-15) that issues a professional
13 or occupational license, certificate of registration, or certification.

14 “Nonresident military spouse” means a nonresident of this State
15 who is the spouse of an active duty member of the Armed Forces of
16 the United States who has been transferred to this State in the
17 course of the member’s service, is legally domiciled in this State, or
18 has moved to this State on a permanent change-of-station basis.

19 b. Notwithstanding the provisions of any other law, rule, or
20 regulation to the contrary, each board shall establish criteria for the
21 issuance of a temporary courtesy license to a nonresident military
22 spouse so that the nonresident military spouse may lawfully practice
23 the profession or occupation regulated by that board in this State on
24 a temporary basis, subject to the requirements of subsection c. of
25 this section where applicable.

26 c. A nonresident military spouse who applies for a temporary
27 courtesy license pursuant to subsection b. of this section shall be
28 entitled to receive that license if that person:

29 (1) holds a current license to practice the profession or
30 occupation in another jurisdiction that the board determines has
31 licensure requirements to practice the profession or occupation that
32 are equivalent to those adopted by the board;

33 (2) was engaged in the active practice of the profession or
34 occupation in another jurisdiction for at least two of the five years
35 immediately preceding the date of application for the temporary
36 courtesy license, for which purpose relevant full-time experience in
37 the discharge of official duties in the Armed Forces of the United
38 States or an agency of the federal government shall be credited in
39 the counting of years of service;

40 (3) has not committed an act in another jurisdiction that would
41 have constituted grounds for the denial, suspension, or revocation
42 of a license to practice the profession or occupation in this State;

43 (4) has not been disciplined, and is not the subject of an
44 investigation of an unresolved complaint, or a review procedure or
45 disciplinary proceeding, which was conducted by, or is pending
46 before, a professional or occupational licensing or credentialing
47 entity in another jurisdiction;

1 (5) pays for, and authorizes the board to conduct, a criminal
2 history record background check of that person pursuant to
3 P.L.2002, c.104 (C.45:1-28 et seq.);

4 (6) pays any fee the board reasonably requires for the issuance
5 of the temporary courtesy license; and

6 (7) complies with any other requirements the board may
7 reasonably determine are necessary to effectuate the purposes of
8 this section.

9 d. A temporary courtesy license issued pursuant to this section
10 shall be valid for a period of one year and may be extended at the
11 discretion of the board for an additional one year upon application
12 of the holder of the temporary courtesy license.

13 e. Each board shall adopt rules and regulations pursuant to the
14 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
15 seq.), to carry out the purposes of this section, except that,
16 notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et
17 seq.) to the contrary, each board may adopt, immediately upon
18 filing with the Office of Administrative Law, regulations the board
19 deems necessary to implement the provisions of this section, which
20 shall be effective for a period not to exceed six months and may
21 thereafter be amended, adopted, or re-adopted by the board in
22 accordance with the requirements of P.L.1968, c.410 (C.52:14B-1
23 et seq.).
24

25 2. This act shall take effect immediately.
26
27

28 STATEMENT
29

30 This bill provides for temporary professional or occupational
31 licensure for qualified nonresident military spouses in New Jersey.

32 The bill defines "nonresident military spouse" to mean a
33 nonresident of this State who is the spouse of an active duty
34 member of the Armed Forces of the United States who has been
35 transferred to this State in the course of the member's service, is
36 legally domiciled in this State, or has moved to this State on a
37 permanent change-of-station basis.

38 The bill directs the several professional and occupational
39 licensing boards in the Division of Consumer Affairs to establish
40 criteria for the issuance of a temporary courtesy license to a
41 nonresident military spouse so that the nonresident military spouse
42 may lawfully practice the profession or occupation regulated by that
43 board on a temporary basis, subject to the requirements of the bill
44 where applicable.

45 A nonresident military spouse who applies for a temporary
46 courtesy license pursuant to the bill is entitled to receive that
47 license if, where applicable, that person:

S2544 BEACH, GREENSTEIN

- 1 • holds a current license to practice the profession or occupation
2 in another jurisdiction (the District of Columbia, a territory of
3 the United States, or a state other than New Jersey) that the
4 board determines has licensure requirements that are
5 equivalent to those adopted by the board;
- 6 • was engaged in the active practice of the profession or
7 occupation in another jurisdiction for at least two of the five
8 years immediately preceding the date of application for the
9 temporary courtesy license, for which purpose relevant full-
10 time experience in the discharge of official duties in the Armed
11 Forces of the United States or an agency of the federal
12 government is to be credited in the counting of years of
13 service;
- 14 • has not committed an act in another jurisdiction that would
15 have constituted grounds for the denial, suspension, or
16 revocation of a license to practice the profession or occupation
17 in this State;
- 18 • has not been disciplined, and is not the subject of an
19 investigation of an unresolved complaint, or a review
20 procedure or disciplinary proceeding, which was conducted by,
21 or is pending before, a professional or occupational licensing
22 or credentialing entity in another jurisdiction;
- 23 • pays for, and authorizes the board to conduct, a criminal
24 history record background check of that person;
- 25 • pays any fee the board reasonably requires for the issuance of
26 the temporary courtesy license; and
- 27 • complies with any other requirements that the board may
28 reasonably determine are necessary to effectuate the purposes
29 of the bill.

30 A temporary courtesy license issued pursuant to the bill is to be
31 valid for a period of one year and may be extended at the discretion
32 of the board for an additional one year upon application of the
33 holder of the temporary courtesy license.

34 The bill provides each board with expedited rulemaking
35 authority in order to implement its provisions as soon as
36 practicable.

37 This bill is consistent with legislative efforts being made in other
38 states across the nation to make it easier for qualified military
39 spouses to maintain their professional or occupational licenses and
40 pursue employment options as they move from one jurisdiction to
41 another across the United States. Temporary licensure can help
42 military spouses to bridge the gap from the time when they move
43 into the State and the time when they can attain full licensure,
44 which can be a time consuming process.

SENATE MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO
SENATE, No. 2544

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 23, 2013

The Senate Military and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 2544.

As amended, this bill provides for temporary professional or occupational licensure for qualified nonresident military spouses in New Jersey.

The bill defines "nonresident military spouse" to mean a person who is not domiciled in this State who is the spouse of an active duty member of the Armed Forces of the United States who has been transferred to this State in the course of the member's service, is legally domiciled in this State, or has moved to this State on a permanent change-of-station basis.

The bill directs the several professional and occupational licensing boards in the Division of Consumer Affairs to establish criteria for the issuance of a temporary courtesy license to a nonresident military spouse so that the nonresident military spouse may lawfully practice the profession or occupation regulated by that board on a temporary basis, subject to the requirements of the bill where applicable.

A nonresident military spouse who applies for a temporary courtesy license pursuant to the bill is entitled to receive that license if, when applicable, that person:

- holds a current license to practice the profession or occupation in another jurisdiction (the District of Columbia, a territory of the United States, or a state other than New Jersey) that the board determines has licensure requirements that are equivalent to those adopted by the board;
- was engaged in the active practice of the profession or occupation in another jurisdiction for at least two of the five years immediately preceding the date of application for the temporary courtesy license, for which purpose relevant full-time experience in the discharge of official duties in the Armed Forces of the United States or an agency of the federal government is to be credited in the counting of years of service;

- has not committed an act in another jurisdiction that would have constituted grounds for the denial, suspension, or revocation of a license to practice the profession or occupation in this State;
- has not been disciplined, and is not the subject of an investigation of an unresolved complaint, or a review procedure or disciplinary proceeding, which was conducted by, or is pending before, a professional or occupational licensing or credentialing entity in another jurisdiction;
- pays for, and authorizes the board to conduct, a criminal history record background check of that person;
- pays any fee the board reasonably requires for the issuance of the temporary courtesy license;
- satisfies the requirements of any law, rule, or regulation providing for licensure by endorsement or reciprocity;
- has satisfied any continuing education requirements in the jurisdiction where that person holds a current license, and at the discretion of the board, completes such continuing education hours or credits as may be required by the board;
- successfully completes a New Jersey jurisprudence examination or any other examination as required by the board; and
- complies with any other requirements that the board may reasonably determine are necessary to effectuate the purposes of the bill.

The revocation or suspension of a nonresident military spouse's license in the nonresident military spouse's state of residence or any jurisdiction in which the nonresident military spouse held licensure will automatically cause the same revocation or suspension in New Jersey if based upon a charge or commission of a criminal offense, competency, or harmful or inappropriate behavior.

A board may require a nonresident military spouse who has not been engaged in the active practice of the profession or occupation in another jurisdiction during the two years immediately preceding the application to undergo additional training, testing, mentoring, monitoring or education should the board deem it necessary.

A temporary courtesy license issued pursuant to the bill is to be valid for a period of one year and may be extended at the discretion of the board for an additional one year upon application of the holder of the temporary courtesy license.

The bill provides each board with expedited rulemaking authority in order to implement its provisions as soon as practicable.

This bill is consistent with legislative efforts being made in other states across the nation to make it easier for qualified military spouses to maintain their professional or occupational licenses and pursue employment options as they move from one jurisdiction to another across the United States. Temporary licensure can help military spouses to bridge the gap from the time when they move into the State

and the time when they can attain full licensure, which can be a time consuming process.

As amended, this bill is identical to Assembly Bill No. 3427 (2R) of 2012-2013.

COMMITTEE AMENDMENTS

The committee amended the bill to modify the language defining nonresident military spouse, add language to permit licensure by endorsement or reciprocity, and address continuing education and testing requirements and revocation or suspension matters.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 2544
STATE OF NEW JERSEY
215th LEGISLATURE

DATED: MAY 22, 2013

SUMMARY

Synopsis: Provides for temporary professional or occupational licensure for qualified nonresident military spouses.

Type of Impact: Indeterminate. Professional Board Accounts.

Agencies Affected: Department of Law and Public Safety; Division of Consumer Affairs.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate – See comments below		
State Revenue	Indeterminate – See comments below		

- The Office of Legislative Services notes that the cost to this bill is indeterminate. The bill allows the various professional boards to charge a reasonable fee for the issuance of the temporary courtesy license and requires the applicant to pay for a criminal history record background check, where applicable. It is unknown, however, how many new applicants may emerge under the provisions of this bill or how many applicants may have registered differently if these provisions had been available upon their initial arrival in the State.
- Establishes a temporary courtesy license valid for a period of one year, with the potential for renewal upon the application of the holder of the temporary courtesy license.
- Requires the applicant to pay for, and submit to, a criminal history record background check.
- Requires the applicant to pay a reasonable licensure fee, determined by the board, for the issuance of the temporary courtesy license.

BILL DESCRIPTION

Senate Bill No. 2544 of 2013 provides for temporary professional or occupational licensure for qualified nonresident military spouses in New Jersey.

The bill directs several professional and occupational licensing boards in the Division of Consumer Affairs as designated in section 2 of P.L.1978, c.73 (C.45:1-15) to establish criteria for the issuance of a temporary courtesy license to a nonresident military spouse so that the nonresident military spouse may lawfully practice the profession or occupation regulated by that board on a temporary basis, subject to the requirements of the bill.

A nonresident military spouse who applies for a temporary courtesy license pursuant to the bill is entitled to receive such a license if that person:

- holds a current license to practice the profession or occupation in another jurisdiction (the District of Columbia, a territory of the United States, or a state other than New Jersey) that the board determines has licensure requirements that are equivalent to those adopted by the board;
- was engaged in the active practice of the profession or occupation in another jurisdiction for at least two of the five years immediately preceding the date of application for the temporary courtesy license, for which purpose relevant full time experience in the discharge of official duties in the Armed Forces of the United States or an agency of the federal government is to be credited in the counting of years of service;
- has not committed an act in another jurisdiction that would have constituted grounds for the denial, suspension, or revocation of a license to practice the profession or occupation in this State;
- has not been disciplined, and is not the subject of an investigation of an unresolved complaint, or a review procedure or disciplinary proceeding, which was conducted by, or is pending before, a professional or occupational licensing or credentialing entity in another jurisdiction;
- pays for, and authorizes the board to conduct, a criminal history record background check of that person;
- pays any fee the board reasonably requires for the issuance of the temporary courtesy license; and
- complies with any other requirements that the board may reasonably determine are necessary to effectuate the purposes of the bill.

A temporary courtesy license issued pursuant to the bill is to be valid for a period of one year and may be extended at the discretion of the board for an additional year upon application of the holder of the temporary courtesy license.

The bill provides the board with expedited rulemaking authority in order to implement its provisions as soon as practicable.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services notes that the cost to this bill is indeterminate. The bill allows the various boards to charge a reasonable fee for the issuance of the temporary courtesy license and requires the applicant to pay for a criminal history record background check, where applicable.

It is unknown, however, how many new applicants would emerge under the provisions of this bill which may increase revenue to the State. Additionally, it is unknown or how many of the currently registered applicants may have registered differently if these provisions had been available upon their initial arrival in the State. For example, under this bill if a military spouse currently would have paid for a two or three year occupational license at the established fee and the temporary license fee is set at a lower rate, the State may collect less revenue.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Senior Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2544

STATE OF NEW JERSEY

DATED: JUNE 13, 2013

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2544 (1R).

This bill provides for temporary professional or occupational licensure for qualified nonresident military spouses in New Jersey.

The bill defines “nonresident military spouse” to mean a person who is not domiciled in this State who is the spouse of an active duty member of the Armed Forces of the United States who has been transferred to this State in the course of the member’s service, is legally domiciled in this State, or has moved to this State on a permanent change-of-station basis.

The bill directs the several professional and occupational licensing boards in the Division of Consumer Affairs to establish criteria for the issuance of a temporary courtesy license to a nonresident military spouse so that the nonresident military spouse may lawfully practice the profession or occupation regulated by that board on a temporary basis, subject to the requirements of the bill where applicable.

A nonresident military spouse who applies for a temporary courtesy license pursuant to the bill is entitled to receive that license if, when applicable, that person:

- holds a current license to practice the profession or occupation in another jurisdiction (the District of Columbia, a territory of the United States, or a state other than New Jersey) that the board determines has licensure requirements that are equivalent to those adopted by the board;
- was engaged in the active practice of the profession or occupation in another jurisdiction for at least two of the five years immediately preceding the date of application for the temporary courtesy license, for which purpose relevant full-time experience in the discharge of official duties in the Armed Forces of the United States or an agency of the federal government is to be credited in the counting of years of service;
- has not committed an act in another jurisdiction that would have constituted grounds for the denial, suspension, or revocation of a license to practice the profession or occupation in this State;

- has not been disciplined, and is not the subject of an investigation of an unresolved complaint, or a review procedure or disciplinary proceeding, which was conducted by, or is pending before, a professional or occupational licensing or credentialing entity in another jurisdiction;
- pays for, and authorizes the board to conduct, a criminal history record background check of that person;
- pays any fee the board reasonably requires for the issuance of the temporary courtesy license;
- satisfies the requirements of any law, rule, or regulation providing for licensure by endorsement or reciprocity;
- has satisfied any continuing education requirements in the jurisdiction where that person holds a current license, and at the discretion of the board, completes such continuing education hours or credits as may be required by the board;
- successfully completes a New Jersey jurisprudence examination or any other examination as required by the board; and
- complies with any other requirements that the board may reasonably determine are necessary to effectuate the purposes of the bill.

The revocation or suspension of a nonresident military spouse's license in the nonresident military spouse's state of residence or any jurisdiction in which the nonresident military spouse held licensure will automatically cause the same revocation or suspension in New Jersey if based upon a charge or commission of a criminal offense, competency, or harmful or inappropriate behavior.

A board may require a nonresident military spouse who has not been engaged in the active practice of the profession or occupation in another jurisdiction during the two years immediately preceding the application to undergo additional training, testing, mentoring, monitoring or education should the board deem it necessary.

A temporary courtesy license issued pursuant to the bill is to be valid for a period of one year and may be extended at the discretion of the board for an additional one year upon application of the holder of the temporary courtesy license.

The bill provides each board with expedited rulemaking authority in order to implement its provisions as soon as practicable.

FISCAL IMPACT:

The Office of Legislative Services notes that the cost to this bill is indeterminate. The bill allows the various boards to charge a reasonable fee for the issuance of the temporary courtesy license and requires the applicant to pay for a criminal history record background check, where applicable.

It is unknown, however, how many new applicants would emerge under the provisions of this bill which may increase revenue. Additionally, it is unknown how many of the currently registered

applicants may have registered differently if these provisions had been available upon their initial arrival in the State. For example, under this bill if a military spouse currently would have paid for a two or three year occupational license at the established fee and the temporary license fee is set at a lower rate, the State may collect less revenue.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2544 STATE OF NEW JERSEY 215th LEGISLATURE

DATED: JUNE 13, 2013

SUMMARY

- Synopsis:** Provides for temporary professional or occupational licensure for qualified nonresident military spouses.
- Type of Impact:** Indeterminate. Professional Board Accounts.
- Agencies Affected:** Department of Law and Public Safety; Division of Consumer Affairs.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate – See comments below		
State Revenue	Indeterminate – See comments below		

- The Office of Legislative Services notes that the cost to this bill is indeterminate. The bill allows the various professional boards to charge a reasonable fee for the issuance of the temporary courtesy license and requires the applicant to pay for a criminal history record background check, where applicable. It is unknown, however, how many new applicants may emerge under the provisions of this bill or how many applicants may have registered differently if these provisions had been available upon their initial arrival in the State.
- Establishes a temporary courtesy license valid for a period of one year, with the potential for renewal upon the application of the holder of the temporary courtesy license.
- Requires certain applicants to pay for, and submit to, a criminal history record background check.
- Requires the applicant to pay a reasonable licensure fee, determined by the board, for the issuance of the temporary courtesy license.

BILL DESCRIPTION

Senate Bill No. 2544 (1R) of 2013 provides for temporary professional or occupational licensure for qualified nonresident military spouses in New Jersey.

The bill defines “nonresident military spouse” to mean a person who is not domiciled in this State who is the spouse of an active duty member of the Armed Forces of the United States who has been transferred to this State in the course of the member’s service, is legally domiciled in this State, or has moved to this State on a permanent change-of-station basis.

The bill directs the several professional and occupational licensing boards in the Division of Consumer Affairs to establish criteria for the issuance of a temporary courtesy license to a nonresident military spouse so that the nonresident military spouse may lawfully practice the profession or occupation regulated by that board on a temporary basis, subject to the requirements of the bill where applicable.

A nonresident military spouse who applies for a temporary courtesy license pursuant to the bill is entitled to receive that license if, when applicable, that person:

- holds a current license to practice the profession or occupation in another jurisdiction (the District of Columbia, a territory of the United States, or a state other than New Jersey) that the board determines has licensure requirements that are equivalent to those adopted by the board;
- was engaged in the active practice of the profession or occupation in another jurisdiction for at least two of the five years immediately preceding the date of application for the temporary courtesy license, for which purpose relevant full-time experience in the discharge of official duties in the Armed Forces of the United States or an agency of the federal government is to be credited in the counting of years of service;
- has not committed an act in another jurisdiction that would have constituted grounds for the denial, suspension, or revocation of a license to practice the profession or occupation in this State;
- has not been disciplined, and is not the subject of an investigation of an unresolved complaint, or a review procedure or disciplinary proceeding, which was conducted by, or is pending before, a professional or occupational licensing or credentialing entity in another jurisdiction;
- pays for, and authorizes the board to conduct, a criminal history record background check of that person;
- pays any fee the board reasonably requires for the issuance of the temporary courtesy license;
- satisfies the requirements of any law, rule, or regulation providing for licensure by endorsement or reciprocity;
- has satisfied any continuing education requirements in the jurisdiction where that person holds a current license, and at the discretion of the board, completes such continuing education hours or credits as may be required by the board;

- successfully completes a New Jersey jurisprudence examination or any other examination as required by the board; and
- complies with any other requirements that the board may reasonably determine are necessary to effectuate the purposes of the bill.

The revocation or suspension of a nonresident military spouse's license in the nonresident military spouse's state of residence or any jurisdiction in which the nonresident military spouse held licensure will automatically cause the same revocation or suspension in New Jersey if based upon a charge or commission of a criminal offense, competency, or harmful or inappropriate behavior.

A board may require a nonresident military spouse who has not been engaged in the active practice of the profession or occupation in another jurisdiction during the two years immediately preceding the application to undergo additional training, testing, mentoring, monitoring or education should the board deem it necessary.

A temporary courtesy license issued pursuant to the bill is to be valid for a period of one year and may be extended at the discretion of the board for an additional one year upon application of the holder of the temporary courtesy license.

The bill provides each board with expedited rulemaking authority in order to implement its provisions as soon as practicable.

This bill is consistent with legislative efforts being made in other states across the nation to make it easier for qualified military spouses to maintain their professional or occupational licenses and pursue employment options as they move from one jurisdiction to another across the United States. Temporary licensure can help military spouses to bridge the gap from the time when they move into the State and the time when they can attain full licensure, which can be a time consuming process.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services notes that the cost to this bill is indeterminate. The bill allows the various boards to charge a reasonable fee for the issuance of the temporary courtesy license and requires the applicant to pay for a criminal history record background check, where applicable.

It is unknown, however, how many new applicants would emerge under the provisions of this bill which may increase revenue. Additionally, it is unknown or how many of the currently registered applicants may have registered differently if these provisions had been available upon their initial arrival in the State. For example, under this bill if a military spouse currently would have paid for a two or three year occupational license at the established fee and the temporary license fee is set at a lower rate, the State may collect less revenue.

Section: Law and Public Safety

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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).