

The Senate Committee on Veterans, Military, and Homeland Security offered the following substitute to SB 316:

A BILL TO BE ENTITLED
AN ACT

To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to provide for military spouses licensed in other states to practice certain professions and occupations to obtain a license by endorsement to practice in this state; to provide for definitions; to provide for requirements; to provide for statutory construction; to provide for conforming amendments; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by revising Code Section 43-1-34, relating to military spouses and veterans licensure, as follows:

"43-1-34.

(a) As used in this Code section, the term:

(1) 'License' means a document, permit, certificate of registration, or other authorization issued by or on behalf of a professional licensing board or other board that is required under this title for a person to engage in a profession, business, or trade.

(2) 'Military' means the United States armed forces, including the National Guard.

~~(3) 'Military spouse' means a spouse of a service member or transitioning service member.~~

~~(4)~~(3) 'Other board' means a board created pursuant to this title that is not a professional licensing board.

~~(5)~~(4) 'Service member' means an active or reserve member of the armed forces, including the National Guard.

~~(6)~~(5) 'Transitioning service member' means a member of the military on active duty status or on separation leave who is within 24 months of retirement or 12 months of separation.

(b) No later than July 1, 2017, each professional licensing board and other board shall adopt rules and regulations implementing a process by which ~~military spouses and~~ transitioning service members may qualify for temporary licenses, licenses by endorsement, expedited licenses, or a combination thereof for each profession, business, or trade for which a license is issued. Such process may include the issuance of a license to an applicant based upon such applicant:

(1) Holding a license from another state for which the training, experience, and testing substantially meet or exceed the requirements under this state to obtain a license; and

(2) Obtaining a specialty, certification, training, or experience in the military while a service member which substantially meets or exceeds the requirements to obtain a license in this state.

(c) Any professional licensing board or other board created after June 30, 2016, shall adopt within one year of its creation the rules and regulations required by subsection (b) of this Code section."

SECTION 2.

Said title is amended by adding a new Code section to read as follows:

"43-1-34.1.

(a) As used in this Code section, the term:

(1) 'License' shall have the same meaning as provided in Code Section 43-1-34.

(2) 'Military' shall have the same meaning as provided in Code Section 43-1-34.

(3) 'Other board' shall have the same meaning as provided in Code Section 43-1-34.

(4) 'Service member' shall have the same meaning as provided in Code Section 43-1-34.

(5) 'State' means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(6) 'Transitioning service member' shall have the same meaning as provided in Code Section 43-1-34.

(b) Notwithstanding any other provisions of law, a professional licensing board or other board shall issue an expedited license by endorsement to any individual that:

(1) Is a spouse of a service member or transitioning service member stationed within this state;

(2) Holds a current license to practice such occupation or profession issued by another state for which the training, experience, and testing are substantially similar in qualifications and scope to the requirements under this state to obtain a license;

(3) Is in good standing in such other state; and

(4) Passes any examination that may only be required to demonstrate knowledge of the laws and rules and regulations of this state specific to the practice of the profession, business, or trade for which such expedited license by endorsement is being sought.

(c) Nothing contained in this Code section shall be construed to invalidate, override, or amend any licensing compact entered into by the State of Georgia."

SECTION 3.

Said title is further amended by revising subsection (g) of Code Section 43-10-8, relating to certificate of registration required for barbers and cosmetologists, as follows:

"(g)(1) Notwithstanding any other provisions of this chapter, any current or discharged member of the military ~~or any spouse of a current or discharged member of the military~~ may apply to the board for the immediate issuance of a certificate of registration issued pursuant to this chapter, provided that such individual holds a license or certification from another state for which the training, experience, and testing substantially meet or exceed the requirements in this state to obtain the certificate of registration for which such individual is applying.

(2) As used in this ~~paragraph~~ subsection, the term:

(A) 'Discharge' means an honorable discharge or a general discharge from active military service. The term 'discharge' shall not mean a discharge under other than honorable conditions, a bad conduct discharge, or a dishonorable discharge.

(B) 'Military' means any regular or reserve component of the United States armed forces, the Georgia Army National Guard, or the Georgia Air National Guard."

SECTION 4.

Said title is further amended by revising Code Section 43-14-16, relating to limited reciprocal licensing of military spouses as Electrical Contractors Class I, Journeyman Plumbers, Conditioned Air Contractors Class I, or Utility Foremen, as follows:

"43-14-16.

~~(a) As used in this Code section, the term 'military' means the armed forces of the United States or a reserve component of the armed forces of the United States, including the National Guard.~~

~~(b) The spouse of any member of the military who resides in this state due to the assignment of the military spouse and who holds a license or certification from another state the training, experience, and testing for which substantially meet or exceed the Georgia requirements to obtain a license or certification as an Electrical Contractor Class I, Journeyman Plumber, Conditioned Air Contractor Class I, or Utility Foreman shall be entitled to apply to the licensing board for the immediate issuance of such a license or~~

~~certification. In order to qualify under this subsection, an applicant shall make application not later than 180 days after his or her relocation to the State of Georgia. Such application shall be in such form and shall require such documentation as the division director shall determine. A committee composed of the division director, members of the Governor's Office of Workforce Development, and members of the relevant divisions of the licensing board representing the profession for which the applicant is seeking a license, with a chairperson appointed by the Governor from among the membership of the committee, shall determine whether the training, experience, and testing for obtaining a license in the relevant foreign state substantially meet or exceed the requirements to obtain the professional licenses provided in this state. If the applicant satisfies the requirements of this Code section, the division director shall direct the appropriate division to issue the appropriate license, and the division shall immediately issue such license; provided, however, that the applicant shall satisfy all financial and insurance requirements for the issuance of such license. This Code section shall only apply to the initial issuance of a license. After the initial issuance of a license, the licensee shall be subject to any provisions relating to the renewal of the license applicable to all licensees Reserved.~~

SECTION 5.

Said title is further amended by revising Code Section 43-41-19, relating to reciprocal professional licensing of military spouses as residential and general contractors, as follows:

"43-41-19.

~~(a) As used in this Code section, the term 'military' means the armed forces of the United States or a reserve component of the armed forces of the United States, including the National Guard.~~

~~(b) The spouse of any member of the military who resides in this state due to the assignment of the military spouse and who holds a license or certification from another state the training, experience, and testing for which substantially meet or exceed the Georgia requirements to obtain a license or certification as a residential-light commercial contractor shall be entitled to apply to the licensing board for the immediate issuance of such a license. In order to qualify under this subsection, an applicant shall make application not later than 180 days after his or her relocation to the State of Georgia. Such application shall be in such form and shall require such documentation as the division director shall determine. A committee composed of the division director, members of the Governor's Office of Workforce Development, and members of the relevant divisions of the licensing board representing the profession for which the applicant is seeking a license, with a chairperson appointed by the Governor from among the membership of the committee, shall determine whether the training, experience, and testing for obtaining a~~

~~license in the relevant foreign state substantially meet or exceed the requirements to obtain the professional licenses provided in this state. If the applicant satisfies the requirements of this Code section, the division director shall direct the appropriate division to issue the license, and such division shall immediately issue such license; provided, however, that the applicant shall satisfy all financial and insurance requirements for the issuance of such license. This Code section shall only apply to the initial issuance of a license. After the initial issuance of a license, the licensee shall be subject to any provisions relating to the renewal of the license applicable to all licensees Reserved.~~"

SECTION 6.

Said title is further amended by revising subsection (a) of Code Section 43-50-42, relating to issuance and renewal of temporary license by State Board of Veterinary Medicine, as follows:

"(a) Pursuant to Code Section 43-1-34, the board may issue a temporary license to ~~military spouses and~~ transitioning service members."

SECTION 7.

All laws and parts of laws in conflict with this Act are repealed.