

# SENATE, No. 279

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator THOMAS H. KEAN, JR.**

**District 21 (Morris, Somerset and Union)**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

**SYNOPSIS**

Revises requirements and process for temporary courtesy licenses and certificates issued by State Board of Examiners, NJ Board of Nursing, and other professional and occupational licensing boards to nonresident military spouses.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning licensure and certification of military spouses,  
2 amending various parts of statutory law, and supplementing  
3 P.L.2013, c.68.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. Section 1 of P.L.2013, c.68 (C.18A:26-2.14) is amended to  
9 read as follows:

10 1. a. As used in this section, "nonresident military spouse"  
11 means a person (1) whose spouse is an active duty member of the  
12 Armed Forces of the United States who is the subject of a military  
13 transfer to New Jersey, and (2) who has left employment in another  
14 state to accompany such spouse to New Jersey.

15 b. Notwithstanding any other provision of law to the contrary,  
16 the State Board of Education shall establish a procedure for the  
17 issuance of a temporary instructional certificate to a nonresident  
18 military spouse that authorizes a board of education to employ the  
19 nonresident military spouse as a teacher if, at the time of  
20 application, the nonresident military spouse:

21 (1) Holds a valid and current license or certificate to teach  
22 issued by another state for which there is an equivalent and  
23 currently-issued New Jersey grade level or subject endorsement;

24 (2) Demonstrates competency in teaching in a manner  
25 determined by the State Board of Examiners, such as having taught  
26 successfully under the out-of-State license or certificate for at least  
27 three years, as documented by a letter of experience from a past  
28 supervisor or authorized district representative; having met the New  
29 Jersey grade point average requirement for an instructional  
30 certificate under State Board of Education regulations; or having  
31 completed continuing education units; and

32 (3) Pays **[any applicable fees]** a criminal history record check  
33 fee if required by the State Board of Examiners.

34 c. A temporary instructional certificate issued under this  
35 section shall be valid for **[180]** 365 days and **[may]** shall be  
36 extended at the discretion of the State Board of Examiners for  
37 another **[180 days]** four years on application of the holder of the  
38 temporary instructional certificate provided that the holder  
39 demonstrates progress towards obtaining a New Jersey standard  
40 instructional certificate in a time and manner as determined by the  
41 board. The temporary instructional certificate shall authorize the  
42 nonresident military spouse to be employed as a teacher by a board  
43 of education on a temporary basis while completing any specific  
44 additional requirements for an instructional certificate in New

**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.**

1 Jersey that were not required in the other state in which the  
2 nonresident military spouse holds a license or certificate to teach.

3 d. Nothing in this section shall be construed to prohibit a  
4 nonresident military spouse from obtaining a New Jersey certificate  
5 of eligibility, certificate of eligibility with advanced standing, or  
6 standard certificate under State Board of Education regulations,  
7 including the regulation for interstate reciprocity.

8 e. The State Board of Education shall promulgate regulations  
9 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
10 (C.52:14B-1 et seq.), necessary to effectuate the provisions of this  
11 section.

12 (cf: P.L.2013, c.68, s.1)

13

14 2. (New section) The Department of Education shall establish  
15 procedures to expedite the processing of an application submitted  
16 by a nonresident military spouse, as defined in subsection a. of  
17 section 1 of P.L.2013, c.68 (C.18A:26-2.14), for a New Jersey  
18 standard instructional certificate. Nothing in this section shall be  
19 construed to authorize the issuance of a standard instructional  
20 certificate to a nonresident military spouse who has not met the  
21 applicable State requirements for the certificate.

22

23 3. Section 1 of P.L.2013, c.264 (C.45:1-15.5) is amended to  
24 read as follows:

25 1. a. As used in this section:

26 "Another jurisdiction" means the District of Columbia, a territory  
27 of the United States, or a state other than New Jersey.

28 "Board" means a professional or occupational board designated  
29 in section 2 of P.L.1978, c.73 (C.45:1-15) that issues a professional  
30 or occupational license, certificate of registration, or certification.

31 "Nonresident military spouse" means a person who is not  
32 domiciled in this State who is the spouse of an active duty member  
33 of the Armed Forces of the United States who has been transferred  
34 to this State in the course of the member's service, is legally  
35 domiciled in this State, or has moved to this State on a permanent  
36 change-of-station basis.

37 b. Notwithstanding the provisions of any law, rule or regulation  
38 to the contrary, each board shall issue, upon application, a license to  
39 a nonresident military spouse who meets the requirements of this  
40 section, so that the nonresident military spouse may practice  
41 lawfully the person's profession or occupation. At the discretion of  
42 the board, a nonresident military spouse shall receive a license  
43 under this subsection:

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

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

1 c. Notwithstanding the provisions of any other law, rule, or  
2 regulation to the contrary, each board shall establish criteria for the  
3 issuance of a temporary courtesy license to a nonresident military  
4 spouse so that the nonresident military spouse may lawfully practice  
5 the profession or occupation regulated by that board in this State on  
6 a temporary basis, subject to the requirements of subsection d. of  
7 this section when applicable.

8 d. A nonresident military spouse who applies for a temporary  
9 courtesy license pursuant to paragraph (2) of subsection b. of this  
10 section shall be entitled to receive that license if that person:

11 (1) holds a current license to practice the profession or  
12 occupation in another jurisdiction that the board determines has  
13 licensure requirements to practice the profession or occupation that  
14 are equivalent to those adopted by the board;

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

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

25 (4) has not been disciplined, and is not the subject of an  
26 investigation of an unresolved complaint, or a review procedure or  
27 disciplinary proceeding, which was conducted by, or is pending  
28 before, a professional or occupational licensing or credentialing  
29 entity in another jurisdiction;

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

34 (6) **【pays any fee the board reasonably requires for the issuance**  
35 **of the temporary courtesy license】** (Deleted by amendment,  
36 P.L. , c. ) (pending before the Legislature as this bill);

37 (7) has satisfied any continuing education requirements in the  
38 jurisdiction where that person holds a current license to practice the  
39 profession or occupation, and, at the discretion of the board,  
40 completes such continuing education hours or credits as may be  
41 required by the board within the time frame the board may  
42 establish;

43 (8) at the discretion of the board and if applicable, successfully  
44 completes a New Jersey jurisprudence examination required of  
45 resident applicants or any other examination specifically predicated  
46 on New Jersey law required for practice in the profession or  
47 occupation; and

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

4 e. A nonresident military spouse who holds a temporary license  
5 pursuant to paragraph (2) of subsection b. of this section shall be  
6 entitled to the same rights and be subject to the same obligations as  
7 provided by the respective board for New Jersey residents, except  
8 that revocation or suspension of a nonresident military spouse's  
9 license in the nonresident military spouse's state of residence or any  
10 jurisdiction in which the nonresident military spouse held licensure  
11 shall automatically cause the same revocation or suspension of the  
12 person's temporary courtesy license in New Jersey if that revocation  
13 or suspension was on the basis of a charge or commission of a  
14 criminal offense, competency, or harmful or inappropriate behavior.

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

21 g. A temporary courtesy license issued pursuant to this section  
22 shall be valid for a period of one year and **【may】 shall** be extended  
23 **【at the discretion of the board for an additional one year】**  
24 indefinitely provided the applicant's spouse is stationed in this State  
25 upon application of the holder of the temporary courtesy license.

26 h. Each board shall adopt rules and regulations pursuant to the  
27 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
28 seq.), to carry out the purposes of this section, except that,  
29 notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et  
30 seq.) to the contrary, each board may adopt, immediately upon  
31 filing with the Office of Administrative Law, regulations the board  
32 deems necessary to implement the provisions of this section, which  
33 shall be effective for a period not to exceed six months and may  
34 thereafter be amended, adopted, or re-adopted by the board in  
35 accordance with the requirements of P.L.1968, c.410 (C.52:14B-  
36 1 et seq.).

37 i. Each board shall establish an expedited licensing process for  
38 the issuance of temporary courtesy licenses to nonresident military  
39 spouses pursuant to this section.

40 (cf: P.L.2013, c.264, s.1)

41

42 4. Section 1 of P.L.2012, c.76 (C.45:11-26.2) is amended to  
43 read as follows:

44 1. a. As used in this section:

45 "Another jurisdiction" means a state or territory of the United  
46 States other than New Jersey, or the District of Columbia.

47 "Board" means the New Jersey Board of Nursing.

1 "Nonresident military spouse" means a nonresident of this State  
2 who is the spouse of an active duty member of the Armed Forces of  
3 the United States who has been transferred to this State in the  
4 course of the member's service, is legally domiciled in this State, or  
5 has moved to this State on a permanent change-of-station basis.

6 b. Notwithstanding the provisions of any other law or  
7 regulation to the contrary, the board shall establish criteria for the  
8 issuance of a temporary courtesy license to practice nursing to a  
9 nonresident military spouse so that the nonresident military spouse  
10 may lawfully practice nursing in this State on a temporary basis,  
11 subject to the requirements of subsection c. of this section.

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

15 (1) holds a current license to practice nursing in another  
16 jurisdiction [that the board determines has licensure requirements to  
17 practice nursing that are equivalent to those adopted by the board];

18 (2) was engaged in the active practice of nursing in another  
19 jurisdiction for at least two of the five years immediately preceding  
20 the date of application for the temporary courtesy license, for which  
21 purpose relevant full-time experience in the discharge of official  
22 duties in the Armed Forces of the United States or an agency of the  
23 federal government shall be credited in the counting of years of  
24 service;

25 (3) has not committed an act in another jurisdiction that would  
26 have constituted grounds for the denial, suspension, or revocation  
27 of a license to practice nursing in this State;

28 (4) has not been disciplined, and is not the subject of an  
29 investigation of an unresolved complaint, or a review procedure or  
30 disciplinary proceeding, which was conducted by, or is pending  
31 before, a professional or occupational licensing or credentialing  
32 entity in another jurisdiction;

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

36 (6) [pays such fee as the board reasonably requires for the  
37 issuance of the temporary courtesy license] (Deleted by  
38 amendment, P.L. , c. ) (pending before the Legislature as this  
39 bill); and

40 (7) complies with such other requirements as the board may  
41 reasonably determine necessary to effectuate the purposes of this  
42 section.

43 d. A temporary courtesy license issued pursuant to this section  
44 shall be valid for a period of one year and [may] shall be extended  
45 [at the discretion of the board for an additional year] indefinitely  
46 provided the applicant's spouse is stationed in this State upon  
47 application of the holder of the temporary courtesy license.

1 e. The board shall adopt rules and regulations pursuant to the  
2 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
3 1 et seq.), to carry out the purposes of this section, except that,  
4 notwithstanding any provision of P.L.1968, c.410 (C.52:14B-  
5 1 et seq.) to the contrary, the board may adopt, immediately upon  
6 filing with the Office of Administrative Law, such regulations as  
7 the board deems necessary to implement the provisions of this  
8 section, which shall be effective for a period not to exceed six  
9 months and may thereafter be amended, adopted, or re-adopted by  
10 the board in accordance with the requirements of P.L.1968, c.410  
11 (C.52:14B-1 et seq.).

12 f. The board shall establish an expedited licensing process for  
13 the issuance of temporary courtesy licenses to nonresident military  
14 spouses pursuant to this section.

15 (cf: P.L.2012, c.76, s.1)

16

17 5. Sections 1 and 2 of this act shall take effect immediately.  
18 Sections 3 and 4 shall take effect on the first day of the third month  
19 next following the date of enactment, except that the New Jersey  
20 Nursing Board and a professional or occupational board designated  
21 in section 2 of P.L.1978, c.73 (C.45:1-15) may take any anticipatory  
22 administrative action in advance of that date as shall be necessary  
23 for the implementation of this act.

24

25

#### 26 STATEMENT

27

28 This bill revises the requirements and process for the issuance of  
29 temporary courtesy licenses and certificates to nonresident military  
30 spouses.

31 Current law, P.L.2013, c.68 (C.18A:26-2.14), provides a process  
32 for an individual who is licensed to teach in another state and is  
33 married to an active duty member of the military, who has been  
34 transferred to New Jersey, to obtain a temporary instructional  
35 certificate to be employed as a teacher in New Jersey on a  
36 temporary basis while completing any additional requirements for a  
37 New Jersey instructional certificate. The temporary instructional  
38 certificate is valid for 180 days and may be extended by the State  
39 Board of Examiners for another 180 days. This bill amends current  
40 law to provide that the temporary instructional certificate will be  
41 valid for 365 days and will be extended by the State board for  
42 another four years if the holder demonstrates progress towards  
43 obtaining a standard instructional certificate in a time and manner  
44 as determined by the board. The bill also provides that the applicant  
45 need only pay a criminal history record check fee.

46 The bill supplements existing law to require the Department of  
47 Education to establish procedures to expedite the processing of an

1 application submitted by a nonresident military spouse for a New  
2 Jersey instructional certificate.

3 Also under current law, the New Jersey Board of Nursing may  
4 grant a temporary courtesy license to a nonresident military spouse  
5 only if the applicant holds a current license to practice nursing in  
6 another jurisdiction which the board determines has licensure  
7 requirements to practice nursing that are equivalent to those  
8 adopted by the board. This bill removes the provision that the  
9 board is required to determine whether the out-of-State license held  
10 by the applicant has requirements equivalent to those adopted by  
11 the board. The bill also clarifies that the board may only charge  
12 fees related to conducting a criminal history record check.  
13 Additionally, the bill requires the board to establish an expedited  
14 licensing process for the issuance of temporary courtesy licenses to  
15 nonresident military spouses.

16 This bill clarifies that a professional or occupational board may  
17 only charge fees related to conducting a criminal history record  
18 check to nonresident military spouses. The bill would also require  
19 each board to extend indefinitely temporary courtesy licenses to  
20 nonresident military spouses so long as the applicant's spouse is  
21 stationed in New Jersey. Additionally, the bill requires each board  
22 to establish an expedited licensing process for the issuance of  
23 temporary courtesy licenses to nonresident military spouses.