

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

400U0539

SENATE BILL NO. 117

Introduced by: The Committee on State Affairs at the request of the Office of the Governor

1 FOR AN ACT ENTITLED, An Act to provide for an expedited endorsement of certain licenses,
2 certificates, registrations, and permits for spouses of active duty military personnel.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Notwithstanding any other provision in law and unless an applicant is found by
5 the board to have engaged in any act that would constitute grounds for disciplinary action, any
6 licensing body under the provisions of Title 36 shall expedite the issuance of a license,
7 certificate, registration, or permit required for the practice of any business, profession, or
8 occupation in South Dakota to an applicant whose application has been deemed completed by
9 the board and:

- 10 (1) Who holds the same or similar valid license, certificate, registration, or permit
11 required for the practice of any business, profession, or occupation issued by another
12 state or the District of Columbia;
- 13 (2) Whose spouse is a member of the armed forces of the United States;
- 14 (3) Whose spouse is the subject of a military transfer to South Dakota; and
- 15 (4) Who left employment to accompany the applicant's spouse to South Dakota;



1 if in the opinion of the board, the requirements for the issuance of the license, certificate,
2 registration, or permit in such state or the District of Columbia are substantially equivalent to
3 those required in South Dakota. An application is considered complete once the applicable
4 licensing board has received all required documentation necessary to process the application.

5 Section 2. If a board is unable to complete the review of the documentation provided by the
6 applicant or make a final determination regarding substantial equivalency within thirty days of
7 the receipt of a completed application, the board shall issue a temporary license, certificate,
8 registration, or permit, provided the applicant otherwise meets the qualifications set forth in
9 section 1 of this Act.

10 Section 3. Any temporary license, certificate, registration, or permit issued pursuant to
11 section 2 of this Act shall be limited for a period not to exceed six months and shall authorize
12 the applicant to engage in the profession or occupation while the board completes its review of
13 the documentation provided by the applicant or the applicant completes any specific
14 requirements that may be required in South Dakota that were not required in the state or the
15 District of Columbia in which the applicant holds the license, certificate, registration, or permit.
16 Nothing in section 2 or 3 of this Act prohibits a licensing body under the provisions of Title 36
17 from suspending or revoking a temporary license, certificate, registration, or permit for failure
18 to fulfill the requirements of this Act.

19 Section 4. An applicant for a license, certificate, registration, or permit pursuant to this Act
20 shall pay any fees required by the licensing board for which the applicant is seeking a license,
21 certificate, registration, or permit.

22 Section 5. Each licensing body under the provisions of Title 36 may promulgate rules
23 pursuant to chapter 1-26 to establish procedures to:

24 (1) Provide for the issuance of a temporary license, certificate, registration, or permit;

1 and

2 (2) Expedite the issuance of a license, certificate, registration, or permit to military
3 spouses.

4 Section 6. That chapter 13-42 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Unless there is cause to refuse to issue the certificate pursuant to §§ 13-42-7 to 13-42-10,
7 inclusive, the secretary shall expedite the issuance of a teaching certificate to an applicant whose
8 application has been deemed completed by the Department of Education and:

- 9 (1) Who holds a valid certificate issued by another state or the District of Columbia;
- 10 (2) Whose spouse is a member of the armed forces of the United States;
- 11 (3) Whose spouse is the subject of a military transfer to South Dakota; and
- 12 (4) Who left employment to accompany the applicant's spouse to South Dakota;

13 if in the opinion of the secretary, the requirements for the issuance of the certificate in such state
14 or the District of Columbia are substantially equivalent to those required in South Dakota. An
15 application is considered complete once the department has received all required documentation
16 necessary to process the application and the required application fee.

17 Section 7. That chapter 13-42 be amended by adding thereto a NEW SECTION to read as
18 follows:

19 If the secretary is unable to complete the review of the documentation required by the
20 applicant or make a final determination regarding substantial equivalency within thirty days of
21 the receipt of a completed application, the secretary shall issue a temporary certificate, if the
22 applicant otherwise meets the qualifications set forth in section 6 of this Act.

23 Section 8. That chapter 13-42 be amended by adding thereto a NEW SECTION to read as
24 follows:

1 Any temporary certificate issued pursuant to section 7 of this Act shall be limited for a
2 period not to exceed six months while the department completes its review of all required
3 documentation or the applicant completes any requirements of this chapter or the rules
4 promulgated pursuant to this chapter that were not required in the state or the District of
5 Columbia in which the applicant holds the certificate. Nothing in section 7 or 8 of this Act
6 prohibits the secretary from suspending or revoking the temporary certificate for failure to fulfill
7 the requirements of this Act.

8 Section 9. That § 13-42-3 be amended to read as follows:

9 13-42-3. The South Dakota Board of Education shall promulgate rules pursuant to chapter
10 1-26 establishing the requirements and criteria that an applicant ~~must~~ shall meet in order to be
11 issued a teacher's certificate by the secretary of the Department of Education authorizing the
12 holder of the certificate to accept a teaching or administrative position in any elementary or
13 secondary school in the field specified by the certificate. The rules shall specify the duration and
14 the method of renewal or reinstatement, the amount of the fee for issuing the certificate, the
15 application procedures for certificates, the endorsements to certificates, the requirements for
16 certification, the procedures for processing applications and issuing certificates for military
17 spouses, and other procedures necessary for the administration of teacher certification. In
18 addition to teacher certificate renewal based on academic coursework, the rules for teacher
19 certificate renewal shall include guidelines and criteria by which an applicant may receive credit
20 toward renewal based on private or public sector experience that was not obtained through
21 academic coursework if the experience is related to the applicant's teaching field.