

# HOUSE BILL REPORT

## HB 1009

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**As Reported by House Committee On:**

Innovation, Community & Economic Development, & Veterans

**Title:** An act relating to military spouse employment.

**Brief Description:** Concerning military spouse employment.

**Sponsors:** Representatives Leavitt, Barkis, Ryu, Paul, Donaghy, Slatter, Simmons, Low, Volz, Schmidt, Christian, Lekanoff, Griffey, Doglio, Robertson, Orwall, Calder, Reeves, Bronoske, Bergquist, Shavers, Riccelli and Ormsby.

**Brief History:**

**Committee Activity:**

Innovation, Community & Economic Development, & Veterans: 1/11/23, 1/13/23 [DPS].

**Brief Summary of Substitute Bill**

- Establishes requirements for certain state agencies and licensing authorities related to the professional licensing and employment of military spouses.
- Allows a military spouse to terminate an employment contract without penalty after his or her service member spouse receives orders for a permanent change of station.

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**HOUSE COMMITTEE ON INNOVATION, COMMUNITY & ECONOMIC DEVELOPMENT, & VETERANS**

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers, Christian, Corry, Cortes, Paul, Senn, Shavers, Street, Waters and Ybarra.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Cassie Jones (786-7303).

**Background:**

Professional Licensing.

Washington regulates a variety of businesses and professions. A business or profession may be regulated directly by an agency or under a board, commission, or other authority that may have sole or shared jurisdiction. Each regulated business and profession is governed under a separate set of laws. Generally, businesses and professions allow for some form of reciprocity for licensees from other states.

Professions Regulated in Title 18 RCW.

Title 18 RCW establishes licensing requirements for many businesses and professions. In some fields, individuals are regulated. In others, it is an entity that is regulated. Authorities that issue licenses, certificates, registrations, or permits to individuals under Title 18 RCW include the following:

- the Department of Health (DOH) directly regulates or collaborates with a board or commission to oversee health professions, including physicians, nurses, and dentists;
- the Department of Licensing (DOL) directly regulates or collaborates with a board or commission to oversee a wide variety of professions, including architects, cosmetologists, and funeral directors;
- the Department of Labor and Industries (LNI) regulates contractors and plumbers;
- the Board of Accountancy oversees certified public accountants;
- the Department of Ecology regulates persons licensed to dig wells;
- the Department of Financial Institutions regulates escrow agents;
- the State Director of Fire Protection, an appointee of the Chief of the Washington State Patrol, oversees persons licensed or certified to perform services related to fire protection sprinkler systems, including fire protection sprinkling fitters; and
- county auditors register process servers.

Professions Regulated Outside of Title 18 RCW.

The DOL regulates a number of professions outside of Title 18 RCW. These include:

- notary publics;
- driver training instructors;
- timeshare salespersons; and
- a number of categories related to professional athletics.

The LNI also regulates professions outside of Title 18 RCW. These include:

- electricians;
- elevator mechanics and contractors; and
- boiler pressure/vessel commissioning.

A number of other authorities regulate professions outside of Title 18 RCW. These include:

- the Professional Educator Standards Board (PESB) for certification of teachers in this

- state;
- the Washington State Bar Association for attorneys and legal technicians;
- the Department of Children, Youth, and Families for child care providers; and
- the Department of Social and Health Services for medical interpreters.

#### Expedited Professional Licensing for Military Spouses.

A licensing authority, regulating under Title 18 or certain other statutes, must establish procedures to expedite the issuance of a license, certificate, registration, or permit to perform professional services (license) to a qualified military spouse. A qualified military spouse is a person who:

- is certified or licensed to perform professional services in another state;
- has a spouse that is transferred by the military to Washington; and
- left employment in another state to accompany his or her spouse to Washington.

The procedures must include a process for issuing the military spouse a license if, in the opinion of the authority, the requirements for licensure of the other state are substantially equivalent to Washington's requirements.

Each licensing authority must develop a method to authorize a military spouse who meets the established criteria to receive a temporary license. The temporary license allows the military spouse to perform services regulated by the authority while completing any specific requirements that may be required in Washington that are not related to training or practice standards and were not required in the other state. However, an authority is not required to issue a temporary license if the standards of the other state are substantially unequal to Washington standards.

#### Reporting Requirements.

The DOL and the DOH are required to report on their efforts to implement legislation modifying professional licensing procedures for military spouses:

- in a biennial report to the Legislature;
- in an annual report to the Military Transition Council; and
- annually before the Joint Committee on Veterans and Military Affairs.

#### Employment Contracts.

In general, Washington is an at-will employment state, which means either the employee or employer may terminate an employment relationship at any time without fear of liability. One exception to the at-will employment doctrine is if an employment contract exists.

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#### **Summary of Substitute Bill:**

The LNI is removed from the requirement that licensing authorities establish procedures to expedite the issuance of a license to a qualified military spouse. The criteria for a qualified military spouse are modified to remove the requirement that the military spouse left

employment in another state to accompany his or her spouse to Washington.

A licensing authority must issue a license, or a temporary license, to a qualified military spouse within 30 days of receipt of a completed application. A completed application includes all supporting materials, related application fees, fingerprints, and required documentation associated with a criminal background check. A temporary license must be valid for a period of no less than 180 days.

The DOH, the DOL, the PESB, and the other authorities with licensing responsibilities under Title 18 RCW, except the LNI, must:

- identify a contact or coordinator within the authority to assist military spouse applicants and licensees; and
- provide training to each board or commission member on the culture of military spouses, the military spouse experience, and issues related to military spouse career paths by January 1, 2024, or within 90 days of appointment.

The Department of Veterans Affairs (DVA) must create an internet-based training that may be used by each authority to satisfy the training requirement.

In addition, licensing authorities are encouraged to:

- appoint a military spouse to serve on its licensing board or commission;
- conduct a review of the authority's licensing application process for military spouses and identify barriers to military spouse employment; and
- review licensing fees and related expenses and identify possible ways to reduce costs for military spouses.

#### Military Spouse Assistance Web Page.

The DOH, the DOL, the Employment Security Department (ESD), the DVA, and the PESB are each required to establish a military spouse assistance web page, which must contain:

- each authority's rules and procedures, including any required fees, related to the licensing of military spouses;
- contact information for each authority's military spouse contact or coordinator; and
- links to the military spouse assistance web pages of other agencies.

A direct link to the agency's military spouse assistance web page must be displayed on the agency's home page.

#### Military Spouse Employment Demonstration Campaign.

The DVA, the ESD, and the Department of Commerce must consult local chambers of commerce, associate development organizations, and businesses to initiate a demonstration campaign to increase military spouse employment. This campaign may include partnerships with chambers of commerce that result in business owners sharing, with the local chamber of commerce, information on the number of military spouses employed and the local chambers of commerce providing this information to the DVA.

### Employment Contracts.

A military spouse may terminate an employment contract without penalty at any time after the service member receives orders for a permanent change of station if the spouse provides written notice to the employer of the termination. The military spouse also must provide written proof of the official orders showing that the service member has received orders for a permanent change of station. Termination of the employment contract is effective on the day written notice is given or on a date mutually agreed to by the parties to the employment contract.

### Reporting Requirements.

The DOL, the DOH, and the PESB are required to report on their efforts to implement legislation modifying professional licensing procedures for military spouses:

- beginning in 2024, in an annual report to the Legislature; and
- annually before the Joint Committee on Veterans and Military Affairs.

### **Substitute Bill Compared to Original Bill:**

The substitute bill changes the original bill by:

- requiring an authority to issue a qualified military spouse a license or a temporary license within 30 days of receiving a completed application, rather than within 30 days of submission of a completed application;
- defining a "completed application" to include all supporting materials, related application fees, fingerprints, and required documentation associated with a criminal background check;
- modifying a provision allowing a military spouse to terminate an employment contract without penalty by excluding from the definition of "penalty" any requirements established by state or federal law; and
- specifying that section 4 of the bill, relating to requiring expedited professional licensing for military spouses, goes into effect on October 1, 2023.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill contains multiple effective dates. Please see the bill.

### **Staff Summary of Public Testimony:**

(In support) Military families face unique challenges including moving every two to three years. These moves take a toll on children and parents. Military spouses are constantly uprooted to new locations not of their choosing and face negative long-term impacts from

financial and economic challenges. Ninety percent of military spouses report that they experience career stagnation. Most of these spouses are women. They also face a high unemployment rate, professional isolation, childcare shortages, and housing issues. One-fifth of military families are food-insecure. Government deficiencies in professional licensing exacerbate these issues. Employers assume that military spouses will leave employment and are not willing to hire them despite their diverse skillsets. This bill will support military families by removing barriers to employment for military spouses.

Washington is the sixth most populated state as it relates to active-duty military. We can do more to support them and their families. We honor service members but fail to recognize sacrifices of military spouses. Spousal employment issue is a fact of military readiness. Service member retention is influenced by family satisfaction. This bill will expedite licensing and alleviate the national labor crisis and allow spouses to work in underserved areas. Supporting this bill will support military families and encourage them to set roots in Washington state.

Two areas are addressed in the bill: reducing licensure to 30 days or less and requiring a 180-day temporary license. The bill also improves access to licensure processes via the agency websites. Thirty-four other states already have this policy. Recent federal law seeks to assist but it is not clear how and when it will be implemented. Accessing information is a barrier for spouses and this bill provides a clear roadmap to the information and get spouses working. Educators are another example of spouses that struggle to transfer licenses and gain employment. This bill would allow them to find gainful employment quickly. Washington is especially in need of educators. Supporting military families is good for all. This bill will help remove expensive and time-consuming employment barriers.

(Opposed) None.

**Persons Testifying:** Representative Mari Leavitt, prime sponsor; Aaron Czyzewski, Food Lifeline and Washington Military Family Hunger Coalition; Maria Tobin, South Sound Military and Communities Partnership; Tammie Perreault, Department of Defense; Breck Lebegue; Anthony Varela, Veteran Legislative Coalition; Allison Gunta; Coryn Davis; and Barbara Mapes.

**Persons Signed In To Testify But Not Testifying:** None.