

SENATE BILL REPORT

2SHB 1009

As Reported by Senate Committee On:
Labor & Commerce, March 20, 2023
Ways & Means, April 3, 2023

Title: An act relating to military spouse employment.

Brief Description: Concerning military spouse employment.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Leavitt, Barkis, Ryu, Paul, Donaghy, Slatter, Simmons, Low, Volz, Schmidt, Christian, Lekanoff, Griffey, Doglio, Robertson, Orwall, Caldier, Reeves, Bronoske, Bergquist, Shavers, Riccelli and Ormsby).

Brief History: Passed House: 2/15/23, 98-0.

Committee Activity: Labor & Commerce: 3/13/23, 3/20/23 [DP-WM].
Ways & Means: 3/28/23, 4/03/23 [DPA].

Brief Summary of Amended Bill

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

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña, Vice Chair; King, Ranking Member; Braun, MacEwen, Robinson, Schoesler and Stanford.

Staff: Susan Jones (786-7404)

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.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Mullet, Vice Chair, Capital; Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Billig, Boehnke, Braun, Conway, Dhingra, Hasegawa, Hunt, Keiser, Muzzall, Nguyen, Pedersen, Saldaña, Torres, Van De Wege, Wagoner and Wellman.

Staff: Amanda Cecil (786-7460)

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 the Businesses and Professions Title of the Revised Code of Washington. The Businesses and Professions Title of the Revised Code of Washington (Title 18 RCW) establishes licensing requirements for many businesses and professions. In some fields, individuals are regulated. In others, an entity is regulated. Authorities that issue licenses, certificates, registrations, or permits to individuals under this title 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 (L&I) 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 the Businesses and Professions Title of the Revised Code of Washington. 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.

L&I 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 RCW or certain other statutes, must establish procedures to issue a temporary 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 the person's spouse to Washington.

The procedures must include a process for issuing the military spouse a license if, in the opinion of the licensing authority, the requirements for licensure of the other state are substantially equivalent to Washington's requirements. Each licensing authority must develop a method and adopt rules 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. DOL and 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. 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.

Summary of Bill: The bill as referred to committee not considered.

Summary of Amended Bill: Modifying Expedited Professional Licensing for Military Spouses. L&I and the Department of Financial Institutions, with respect to licensing of

escrow agents, are removed from the requirement that licensing authorities establish procedures to expedite the issuance of a license to a qualified military spouse as well as certificates, registrations, and permits. The criteria for a qualified military spouse are modified to remove the requirement that the military spouse left employment in another state to accompany the person's spouse to Washington.

A licensing authority must issue a 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 licensing authority must issue a temporary license to a qualified military spouse within 30 days of receipt of a completed application. A completed application means that the authority has received a copy of the certificate issued by the other state for a certificated education professional, related application fees, fingerprints, and required documentation associated with a criminal background check. A temporary license must be valid for no less than 180 days.

Nothing in this law requires the authority to issue a license if the standards of the other state are substantially unequal to Washington standards.

PESB is also required to adopt rules for expedited professional certification for military spouses.

Agency Contact and Training. Each licensing authority 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. 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. DOH, DOL, the Employment Security Department (ESD), DVA, and 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. DVA, 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 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 with written proof of the official orders showing 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. DOL, DOH, and 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.

EFFECT OF WAYS & MEANS COMMITTEE AMENDMENT(S):

- Provides that a complete application for a temporary license includes a copy of the certificate issued by the other state for a certificated education professional.
- Renumbers and re-letters certain subsections.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony on Second Substitute House Bill (Labor & Commerce): PRO: Moving every few years takes a toll on military families, including military spouses. There is an economic challenge living on one income. One in five military families face food insecurity in Washington. In 2020, military spouses were

unemployed at a rate of seven times their peers. Military spouses suffer from career stagnation. Challenges in licensing leads to gaps in employment, unemployment and underemployment. The bill removes barriers to employment. The bill will be a tremendous help to military families.

Military spouses help with military readiness. We cannot expect military members to focus on service when their families are facing challenges at home. Studies show if there is military spouse satisfaction, military members are more likely to stay in the military. It helps with military readiness. This is critically important for national security to ensure military spouses have opportunity for employment. It is one of the key determination of whether military spouses can keep employment. The bill ensures there are key points of contact for military spouses. Washington current practices should be embodied in statute.

OTHER: OSPI supports the intent to streamline onramps to the teaching profession for military spouses. There are concerns that the bill will not result in faster and more efficient hiring. Removal of certain supporting materials in Section 4(3) omits the requirement of supporting materials to secure a temporary license. These materials are required for full licensure in Section 4(2). These documents include transcripts, verification of program completion, a copy of their out of state license, and verification of three years experience by another employer. Districts rely on OSPI to verify this information before they take on a new educator. We believe districts won't take on the risk of hiring unverified candidates regardless of the temporary license provided in the bill.

Persons Testifying (Labor & Commerce): PRO: Representative Mari Leavitt, Prime Sponsor; Aaron Czyzewski, Food Lifeline; Maria Tobin, South Sound Military & Communities Partnership; Anthony Varela, Veterans Legislative Coalition; Tammie Perreault, Department of Defense.

OTHER: Anna Hernandez-French, Office of Superintendent of Public Instruction.

Persons Signed In To Testify But Not Testifying (Labor & Commerce): No one.

Staff Summary of Public Testimony on Bill as Amended by Committee (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: Washington State has many active duty personnel and this will help get military spouses back to work during this staffing crisis. The impacts of this bill are far greater than the implementation cost.

Persons Testifying (Ways & Means): PRO: Maria Tobin, South Sound Military & Communities Partnership.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.