

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND  
FORESTRY  
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

Subchapter 11. Licensing Procedures

35:1-11-1. Application for license [AMENDED]

35:1-11-2. Expiration date of license [AMENDED]

**AUTHORITY:**

Oklahoma Constitution, Article 6, Section 31; State Board of Agriculture; and 2 O.S. § 2-4; and 59 O.S. § 4100 et seq.

**ADOPTION:**

January 23, 2018

**EFFECTIVE:**

Immediately upon Governor's approval

**EXPIRATION:**

Effective through September 14, 2018, unless superseded by another rule or disapproved by the Legislature.

**SUPERSEDED EMERGENCY ACTIONS:**

N/A

**INCORPORATIONS BY REFERENCE:**

N/A

**FINDING OF EMERGENCY:**

The proposed emergency rule amendments are intended to avoid violation of state law and to avoid serious prejudice to the public interest by mitigating the hardship on active duty military and their spouses of acquiring and maintaining professional licensing and certification necessary for employment when transferred to a new duty station within Oklahoma or on deployment while residing in Oklahoma.

**GIST/ANALYSIS:**

The purpose of the proposed emergency rule amendments is to revise the Department's rules to avoid conflict with the Oklahoma Post-Military Service Occupation, Education and Credentialing Act, 59 O.S. § 4100 et seq., that require expedited professional licensing and certification for active duty military and their spouses. The proposed emergency rule amendments also provide for the automatic renewal of professional licenses and certifications and the waiver of fees and continuing education during deployment of active duty military.

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**PURSUANT THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F):**

**SUBCHAPTER 11. LICENSING PROCEDURES**

**35:1-11-1. Application for license**

(a) Where any license is required by law, the application for such license shall be on a form prescribed by the Board. The forms may be obtained upon request to the Board.

(b) To the extent that any license or certification issued by the Board requires the presentation of satisfactory evidence of equivalent education training, and experience by an applicant; the Board shall accept the education, training, and experience completed by the applicant as a member of the Armed Forces or Reserves of any state, or the Naval Militias of any state and apply such military education, training, and experience in the most favorable manner to satisfy educational requirements or other qualifications for issuance of the requested license or certification.

(c) To the extent possible, the Board shall expedite endorsement of licenses or certifications for military spouse applicants who possess a valid professional license or certification in another state and must leave work in another state to accompany their service member on transfer and assignment for military duty in this state if the military service member is on active duty within this state or claims permanent residency in this state for the six (6) months prior to assignment to active duty or during the period of active duty. The procedures to expedite licensure or certification shall include:

(1) Issuing the person a license, certificate, or permit, if, in the opinion of the Board or designee, the requirements for certification or licensure of the other state are substantially equivalent to those required by the this state; or

(2) Issuing a temporary permit for a limited period of time to allow the person to perform professional services while completing any specific requirements in this state that were not required in the other state in which the person was licensed or certified.

**35:1-11-2. Expiration date of license**

(a) The specific requirements and expiration dates for each license are set forth in the Oklahoma Agricultural Code, 2 O.S. 2001, Sections 1-1, et seq., or as subsequently amended, or by rule.

(b) Upon notice to the Board or its designee, active-duty military service members shall be eligible for automatic extensions of professional licenses or certifications during and after military service or deployment, as follows:

(1) The professional license or certification in good standing shall remain in good standing and shall not expire during active military service, deployment, or a reasonable time following military service or deployment;

(2) The payment of fees to renew a professional license or certification shall be waived if such fees accrue during active military service or deployment; and

(3) Requirements to obtain continuing education shall be waived when

(A) Circumstances associated with military duty prevent continuing training and a waiver request has been submitted to the Board or its designee;

- (B) The active-duty military member performs the licensed or certification occupation as part of his or her military duties as annotated in Defense Department Form 214 (DD 214); or
  - (C) performing any other act typically required for the renewal of the license or certificate; and
- (4) The automatic extension of a professional license or certificate may be continued as long as the licensee or certificate holder is a member of the Armed Forces of the United States on active duty and for a period of at least one (1) year after discharge from active duty.