THE ATTORN
A STATE THE AND A STATE OF A STAT

_		
<u> </u>		
ł		
<u> </u>		
-		
		3 •
()		
_ <u>_</u>		
*		
	÷	
· · · · · ·	2 	
	۴	
-		
27 0		
·		
2		
. 16		
<u> </u>		
s		1
. .		
- x-		
<u> </u>		
······		
· · · · · · · · · · · · · · · · · · ·		
1	5	
i		
۹,		
<u>`</u>		
-		
b r		
<u> </u>		
		1
· · · ·		
•		
- 		
÷		
Ťe.		4
· · · · ·	· · · · · · · · · · · · · · · · · · ·	
· /		
•		
i		
-		
() ()		
2		
· ·		
	••••••••••••••••••••••••••••••••••••••	
-		
,		· · · · · · · · · · · · · · · · · · ·
		4

Susan M. Boone Page 2 March 25, 2024

(1) provides a conv of such military orders to the licensing
authority in the jurisdiction in which the new residency is located;
(2) and in a solution dimension of the
1 Jond etanding suith
 (A) the linearize outhouity that issued the account
 (A) the line outhouity that issued the concord
(A) the line outhoutty that issued the conversed
 (A) the line outbouity that issued the account
. (A) the linearies antherity that isomed the accord
. (A) the linearing onthe structure that isomed the servered
(A) the line suther its that is and the assumed
(A) the lineurine authority that issued the asymptotic
(A) the line outhority that issued the concerd
(A) the linearing on the site that issued the converse
(A) the linearies anthority: that issued the servered
(A) the linearity that issued the assumed

license; and

(B) every other licensing authority that has issued to the servicemember or the spouse of a servicemember a license valid at a similar scope of practice and in the discipline applied in the jurisdiction of such licensing authority;

(3) submits to the authority of the licensing authority in the new jurisdiction for the purposes of standards of practice,

Susan M. Boone Page 3 March 25, 2024

<u></u>	
ſ <u></u>	
1	
(<u></u>	
.' <u>k</u>	
· •	
· · · ·	
	process of relocating to South Carolina and desire to work in a licensed profession
	or occupation after relocating. They, however, do not currently qualify, or do not intend to meet the qualifications, for a South Carolina license either under the
-	intend to meet the qualifications, for a South Carolina license either under the
	······································
_)	
1 *	
<u>1</u>	
inin 27 <u>}.</u> ,	
Γ	
<u>e., i</u>	
<u>په در ان </u>	
, .	
·	

Susan M. Boone Page 4 March 25, 2024

Law/Analysis

\	The resolution of a conflict between federal law and state law turns on application of the	
Lift 1		
a <u></u>		
1		
13 . 13 . Tu in		
. ^		
	has previously opined on the circumstances where federal law is found to displace state law.	
	Although the Tenth Amendment to the United States Constitution states that "[t]he	
	papers rat delegated to the United Steps by the Constitution nor prohibited by it	
-		

to the States, are reserved to the States respectively, or to the people," see Gregory

1

Page 5 March 25, 2024

as an obstacle to the accomplishment and execution of the full objectives of Congress.

Louisiana Public Service v. FCC, 476 U.S. 355, 368-69 (1986).

<u>Op. S.C. Att'y Gen.</u>, 2011 WL 6959373, at 2-3 (December 9, 2011). The South Carolina Supreme Court explained, however, that the Supremacy Clause does not act to supersede a State's power without clear evidence of Congressional intent to do so.

This Court has recognized that "[f]ederal legislation threatening to trench on the States' arrangements for conducting their own governments should be treated with great skepticism, and read in a way that processes a Stately shares discussive of the state of the st

own power, in the absence of the plain statement in the language of the legislation of Congress' intent to alter the usual constitutional balance of state and federal powers." <u>Edwards v. State</u>, 383 S.C. 82, 92, 678 S.E.2d 412, 417 (2009) (quoting <u>Nixon v. Mo. Mun. League</u>, 541 U.S. 125, 140, 124 S.Ct. 1555, 158 L.Ed.2d 291 (2004) (citing <u>Gregory v. Ashcroft</u>, 501 U.S. 452, 460–61, 111 S.Ct. 2395, 115 L.Ed.2d 410 (1991))). "This plain statement rule is nothing more than an acknowledgement that the States retain substantial sovereign powers under our Susan M. Boone Page 6 March 25, 2024

presents the first conflict with 50 U.S.C. § 4025a where it states, "Nothing in this section should be construed as requiring a board or commission to grant licensure to the spouse of an active duty member of the United States Armed Forces absent evidence that <u>all state law requirements for</u> <u>licensure have been met.</u>" S.C. Code § 40-1-630(A) (Supp. 2023) (emphasis added). The emphasized language demonstrates the Legislature intended to allow a licensing board to require that an applicant demonstrate compliance with "state law requirements" before issuing a temporary license. <u>Id.</u> Subsection (B)(1)(d) then requires an applicant to submit "a fingerprint-based

1	
\$_ {``	
<u>77</u>	
- }	A
Ŀ	
3	
ľ	-
7	
Ŀ	
h	
K_	
,	
I.	
1	
Μ,	
Ń	
-	
<u> </u>	
í"	
-	a
7	
-	
4	
•	

has a criminal history in this State and a fingerprint-based background check conducted by the Federal Bureau of Investigation to determine if the person has other criminal history." S.C. Code 40-1-630(B)(1)(d)(i). However, 50 U.S.C. § 4025a(a) states "[i]n any case ... such covered

Susan M. Boone Page 7 March 25, 2024

	10250(a). ("[0])ad some diamer shall be associated in the similar result of the similar result of the second secon		
и.			
. (====================================		_	
		1	
_			
_} <u>-</u>			
_			
:1			
1		_	
_ F _			
, }			
·. —			
ł			
		-	
_		_	
		_	
		4	
		_	
		_	
· • - •		4	
		_	
·		_	

the discipline applied for in the jurisdiction of such new residency...") (emphasis added).

د به	<u></u>	
	,	
1 <u>, </u>		
j=		
1 • =		
1 f 1=		
_ 4		
1		
l,		
1. j		
-1		

Susan M. Boone Page 8 March 750, 2024

provisions

