

FEB 25 2022

010.01-008**Licensing**BUREAU OF
LEGISLATIVE RESEARCH**A. General**

1. All division action regarding licensure shall be governed by Ark. Code Ann. §§ 20-23-101 *et seq.*; these Rules and, when applicable, Ark. Code Ann §§25-15-208 to -213.

2. The division is responsible for licensure of boiler inspectors employed by insurance companies, Ark. Code Ann. § 20-23-402; boiler operators, Ark. Code Ann. § 20-23-404; and sellers, installers, and repairers of boilers, unfired pressure vessels, hot water storage containers and pressure piping, Ark. Code Ann. § 20-23-405.

B. Requirement to Keep Current Address on File

All persons holding a license or permit issued by the division are required to provide the division with information so that the division can remain in contact and provide notice of complaints and/or hearings. The licensee is required to provide written notice to the board of any change in business and/or residence address within ten (10) working days of the change. Service of notices of hearing sent by mail will be addressed to latest address on file with the division.

C. Review of Application

The application and supporting documentation will be reviewed by division staff. The division will inform the applicant in writing if it determines that the application is incomplete, and will specify why the application is incomplete. When a completed application, a supplemental application, or the requested information is returned, the agency will reinitiate action on the application for license. If all requirements are met, a license will be issued or the applicant will be allowed to take the licensing examination, whichever is applicable.

D. Denial of License

1. If a preliminary determination is made that the application should be denied, the division will inform the applicant of the opportunity for a hearing on the application.

2. The grounds or basis for the proposed denial of a license will be set forth in writing by the division. Any hearing on the denial of a license will be conducted in accordance with A.C.A. § 25-15-208 and A.C.A. § 25-15-213, and unless otherwise provided by law, the applicant has the burden of establishing entitlement to the license.

E. Suspension, Revocation, Annulment or Withdrawal

1. Prior to the entry of a final order to suspend, revoke, annul, or withdraw a license, or to impose other sanctions upon a licensee, the division will serve the licensee a notice of hearing in the manner set out in A.C.A. § 25-15-208 and Rule 010.01.007(G).

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2. The division has the burden of proving the alleged facts and violations of law stated in the notice.

3. A license will not be renewed if there is an unpaid administrative fine. Further failure to pay an administrative fine may result in suspension or revocation of a license.

F. Emergency Action

1. If the division finds that the public health, safety, or welfare imperatively requires emergency action and incorporates that finding in its order, the division can summarily suspend, limit, or restrict a license. The notice requirement in 010.01.007(G) does not apply and must not be construed to prevent a hearing at the earliest time practicable.

2. Emergency Order:

An emergency adjudicative order must contain findings that the public health, safety, and welfare imperatively require emergency action to be taken by the division. The written order must include notification of the date on which division proceedings are scheduled for completion.

Written Notice. The written emergency adjudicative order will be immediately delivered to persons who are required to comply with the order. One or more of the following procedures will be used:

- a. Personal delivery;
- b. Certified mail, return receipt requested, to the last address on file with the division;
- c. First class mail to the last address on file with the division;
- d. Fax. Fax may be used as the sole method of delivery if the person required to comply with the order has filed a written request that division orders be sent by fax and has provided a fax number for that purpose.
- e. Oral notice. Unless the written emergency order is served by personal delivery on the same day that the order issues, the division shall make reasonable immediate efforts to contact by telephone the persons who are required to comply with the order.

3. Unless otherwise provided by law, within ten (10) days after emergency action taken pursuant to paragraph E1 of this rule, the division must initiate a formal suspension or revocation proceeding.

G. Voluntary Surrender of License

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The licensee, in lieu of formal disciplinary proceedings, may offer to surrender his or her license, subject to the division's determination to accept the proffered surrender, rather than conducting a formal disciplinary proceeding.

H. Duty of Sanctioned Licensee

In every case in which a license is revoked, suspended, or surrendered, the licensee shall, within thirty (30) days of the revocation, suspension, or surrender, do the following:

1. Return his or her license and any license pocket cards to the division's office;
2. Notify all of his or her clients or employer in writing that his or her license has been revoked, suspended, or surrendered;
3. Notify all clients or his or her employer to make arrangements for other services, calling attention to any urgency in seeking the substitution of another licensee;
4. Deliver to all clients or employer any papers or property to which they are entitled, or notify the client or employer of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property;
5. Refund any part of the fees paid in advance that have not been earned;
6. Keep and maintain a record of the steps taken to accomplish the foregoing;
7. File with the division a list of all other state, federal, and administrative jurisdictions by which he or she is licensed. Upon such filing, the division will notify those entitled of the revocation, suspension, or surrender; and
8. The sanctioned licensee shall, within thirty (30) days of revocation, suspension, or surrender of the license, file an affidavit with the agency that he or she has fully complied with the provisions of the order and completely performed the foregoing or provide a full explanation of the reasons for his or her non-compliance. Such affidavit shall also set forth the address where communications may thereafter be directed to the respondent.

I. Reinstatement After Suspension

1. An order suspending a license may provide that a person desiring reinstatement may file with the Director of the Department of Labor a verified petition requesting reinstatement.
2. The petition for reinstatement must set out the following:
 - a. That the individual has fully and promptly complied with the requirements of section 010.01.008(H) of these rules pertaining to the duty of a sanctioned licensee;

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b. That the individual has refrained from practicing in this occupation or business during the period of suspension;

c. That the individual's license fee is current or has been tendered to the division; and

d. That the individual has fully complied with any requirements imposed as conditions for reinstatement.

3. Any knowing misstatement of fact may constitute grounds for denial or revocation of reinstatement.

4. Failure to comply with the provisions of sections 101.01.008(H)7 and (H)8 of this Rule precludes consideration for reinstatement.

5. No individual will be reinstated unless the Director of Labor approves reinstatement upon a recommendation from the Boiler Advisory Board by a majority vote.

J. Re-Licensure for Revoked or Surrendered License and General Reinstatement

1. No individual who has had his or her license revoked or who has surrendered his or her license for an act of bad faith or a violation of law, rule or ethics will be licensed, except on petition made to the division. The application for re-licensure is not allowed until at least two (2) years after the revocation or surrender of license took effect.

a. The applicant bears the burden of proof that he or she is rehabilitated following the revocation or surrender of his or her license, that he or she can engage in the conduct authorized by the license without undue risk to the public health, safety, and welfare, and that he or she is otherwise qualified for the license pursuant to Ark. Code Ann. § 20-23-101 *et seq.*

b. The division may impose any appropriate conditions or limitations on a license to protect the public health, safety, and welfare.

c. The division may require that the person seeking re-licensure take the licensing examination if applicable.

2. Reinstatement

a. An individual may seek reinstatement under this subsection, Rule 010.01-008(J)(2), provided the applicant for reinstatement demonstrates that he or she:

i was previously licensed by the division at any time;

ii. was licensed in good standing at the time of licensing;

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iii did not have his or her license revoked for: an act of bad faith or a violation of law, rule or ethics; and

iv. is not holding a suspended or probationary license in this state or a sister state.

b. The Department of Labor's Code Enforcement Manager shall ensure that any application for reinstatement is handled in an expedited manner.

K. Sellers, Installers, and Repairers

1. All persons, firms, or corporations engaged in the sale or installation of boilers, unfired pressure vessels, hot water storage containers, or pressure piping or engaged in the repair of boilers or unfired pressure vessels shall be licensed by the division. Ark. Code Ann. § 20-23-405.

2. The annual license fee shall be seventy-five dollars (\$75) per year, payable in advance on or before January 31 of each calendar year.

3. Applicants for a license who are manufacturers shall have the appropriate ASME stamp as required in the ASME Codes adopted in Rule 010.01.012.

4. Applicants for a license that perform welded repairs shall possess the National Board "R" stamp or shall certify that they perform welded repairs only on vessels owned and operated by the applicant.

L. Inspectors

1. Inspectors of boilers employed by insurance companies insuring boilers in Arkansas, must have a certificate of competency and commission issued by the division. Ark. Code Ann. § 20-23-401.

2. The initial license fee shall be twenty-five dollars (\$25), and the renewal fee shall be fifteen (\$15) annually.

3. Applicants for a license must be employed by an insurance company and must have passed the written examination for boiler inspectors administered by the National Board of Boiler and Pressure Vessel Inspectors.

4. This Rule, 010.01.008(L), does not apply to boiler inspectors in the employ of the department.

M. Boiler Operators

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1. Boiler operators shall be licensed by the Boiler Inspection Division. Ark. Code Ann. § 20-23-404.

2. An applicant for a boiler operator's license shall:

a. have six (6) months of training under the supervision of a licensed boiler operator, which shall be confirmed by the applicant's employer and submitted to the division with the application; and

b. pass an examination administered by the division. Such examination may be in writing or may be administered orally. The applicant must score 70% for a passing grade on the examination.

3. An applicant shall pay an initial fee of twenty-five dollars (\$25) for examination and licensure. The license shall be renewed annually at a fee of seventeen dollars (\$17).

4. A restricted license may be issued to an applicant who has passed the examination, but does not have the requisite six (6) months of training. Such a restricted license shall authorize the license holder to work under the direction and supervision of a regularly licensed boiler operator and is effective for one (1) year from the date of issue. The fee for a restricted license shall be twenty-five dollars (\$25).

N. Restricted Lifetime Licenses, Ark. Code Ann. § 20-23-406

1. Boiler Inspectors

To qualify for a restricted lifetime boiler inspector's certificate of competency and commission, an applicant shall:

a. have been commissioned as a boiler inspector for no fewer than twelve (12) years;

b. be at least sixty-five (65) years of age; and

c. have a current boiler inspector commission issued by the Boiler Inspection Division.

2. Boiler Operators

To qualify for a restricted lifetime boiler operator's certificate of competency and commission, an applicant shall:

a. have been commissioned as a boiler operator for no fewer than twelve (12) years;

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- b. be at least sixty-five (65) years of age; and
- c. have a current boiler operator license issued by the Boiler Inspection

Division.

3. Installers, Sellers Or Repairers

To qualify for a restricted lifetime license as a boiler installer, seller or repairer, an applicant shall:

- a. have been licensed for no fewer than twelve (12) years;
- b. be at least sixty-five (65) years of age; and
- c. have a current license issued by the Boiler Inspection Division.

4. Application

a. An application for a restricted lifetime license shall be on a form approved by the division.

b. An applicant for any restricted lifetime license listed above must submit satisfactory proof of age which may include one of the following:

- (i) a birth certificate;
- (ii) a passport or certificate of arrival in the United States;
- (iii) a state-issued driver's license or identification card;
- (iv) any document issued by the U.S. Military which includes a photograph or information including name, sex, date of birth, and other identifying information; or
- (v) any other document of similar reliability acceptable to the division.

5. Restrictions

A person holding a restricted lifetime license must comply with Ark. Code Ann. §§ 20-23-101 *et seq.* and these Rules in the same manner and to the same extent as any regularly licensed individual.

6. Fees

Each applicant for a restricted lifetime license pursuant to this Rule shall pay a one time fee of fifty dollars (\$50.00).

O. ~~Active duty service members, returning military veterans, and spouses~~

~~1. As used in this rule, “returning military veteran” means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.~~

~~2. Temporary license~~

~~a. An individual who is the holder in good standing of a substantially equivalent license in another state, shall be issued a temporary license of the same class while completing the application process for full licensure, provided the individual is one of the following:~~

~~i. an active duty military service member stationed in the State of Arkansas;~~

~~ii. a returning military veteran applying within one (1) year of his or her discharge from active duty; or~~

~~iii. the spouse of a person under Rule 010.01-008(O)(2)(a)(i) or (ii) above.~~

~~b. A temporary license under this rule shall expire on its face in thirty (30) days, although it is subject to renewal until a final administrative decision on full licensure is made.~~

~~c. If a full license is granted and the license fee paid, the license shall expire on the same date or in the same manner as other licenses of that class or type, regardless of the date of issue or renewal.~~

~~d. The Department of Labor’s Code Enforcement Manager shall ensure that any application for temporary licensure under Rule 010.01-008(O) is handled in an expedited manner.~~

~~e. When considering an application for full licensure of an active duty military service member stationed in the State of Arkansas or a returning military veteran applying within one (1) year of his or her discharge from active duty, the division shall:~~

~~(i) consider whether or not the applicant’s military training and experience is substantially similar to the experience required by Rule 010.01-008(K) through (M) for the class of license being sought; and~~

~~(ii) accept the applicant’s military training and experience in lieu of the experience required by Rule 010.01-008(K) through (M) if the Code Enforcement Manager or division, determines the military training and experience is a satisfactory substitute.~~

~~_____ f. _____ A license held by an active duty military service member deployed outside the State of Arkansas or his or her spouse shall not expire until one hundred eighty (180) days following the active duty military service member's or spouse's return from active deployment. The licensee must submit proof of deployment and deployment dates.~~

Automatic Licensure for Uniformed Service Members for Boiler Operator License

1. _____ As used in this subsection, a "uniformed service veteran" means a former member of the United States Uniformed Services discharged under circumstances other than dishonorable.

2. _____ The Boiler Inspection Section, Division of Labor, Department of Labor and Licensing shall grant automatic licensure to an individual who is the holder in good standing of a license with a similar scope of practice issued by another state, territory, or district of the U. S. and is:

a. _____ A uniformed service member stationed in the State of Arkansas;

b. _____ A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or

c. _____ The spouse of:

i. _____ A person under 2(a) or (b) above;

ii. _____ A uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; or

iii. _____ A uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.

3. _____ The division shall grant such automatic licensure upon receipt of all the below:

a. _____ Payment of the initial licensure fee;

b. _____ Evidence that the individual holds a license with a similar scope of practice in another state; and

c. _____ Evidence that the applicant is a qualified applicant under section 2 above.

4. _____ The expiration date of a license for a deployed uniform service member or spouse will be extended for one hundred and eight (180) days following the date of the uniformed service member's return from deployment.

5. _____ This subsection shall apply only to applicants for a license as a boiler operator.

P. Earn and Learn

1. The division shall grant a license to an individual applicant for a boiler operator's license who:

a. Completed an apprenticeship as a boiler operator in an apprenticeship program that meets the federal guidelines set out in 29 C.F.R. Part 29, as existing on March 1, 2021.

b. Passes the examination with the score required of all applicants;

c. Pays the licensing fee unless waived;

d. Does not have a disqualifying criminal record as determined by the division under state law; and

e. Completes all other requirements for licensure unrelated to training and education.

2. Should the division deny an application under subsection P.(1) above, the division shall provide the applicant with a written denial detailing the reason for the denial.

3. An apprenticeship for a boiler operator is not required to exceed the six (6) months required by subsection M. above, except as otherwise required by federal law.

Q. Initial License Fee Waiver

1. The division shall waive the initial license fee for an individual applicant if the applicant:

a. Is receiving assistance through the Arkansas Medicaid Program; the Supplemental Nutrition Assistance Program, the Special Supplemental Nutrition Program for Women, Infants, and Children, the Temporary Assistance for Needy Families Program; or the Lifeline Assistance Program;

b. Was approved for unemployment within the last twelve (12) months; or

c. Has an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

R. Reciprocity

1. An applicant applying for reciprocal licensure shall meet the following requirements:

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a. Shall hold a substantially similar license in another United States jurisdiction. A license from another state is substantially similar to the license sought by the applicant if the other state's licensure qualifications require:

i. For sellers, installers, and repairers, the appropriate ASME Code stamp as required per Rule 010.01-08(K);

ii. For inspectors, employment by an insurance company and proof of successful passage of the examination for boiler inspectors administered by the National Board of Boiler and Pressure Vessel Inspectors; and

iii. For boiler operators, an examination requirement with an experience requirement of at least six (6) months.

b. Shall hold his or her license in good standing and shall provide a letter from the licensing authority attesting the disciplinary status of the applicant and show that he or she has not had a license revoked for:

i. an act of bad faith; or

ii. a violation of law, rule, or ethics.

c. Shall not hold a suspended or probationary license in a United States jurisdiction.

2. Required documentation: an applicant shall submit a fully-executed application, with the required fee, and the documentation described below:

a. As evidence that the applicants license from another jurisdiction is substantially-similar to Arkansas's, the applicant shall submit the following:

i. Evidence of current and active licensure in the sister state. The division may verify this information online, if the jurisdiction at issue provides primary source verification on its website, or by telephone to the sister state's licensing entity; and

ii. Evidence that the sister state's licensing requirements match those listed in Rule 010.01-008(R)(1)(a). The division may verify this information online or by telephone with the sister state's licensing entity.

b. To demonstrate that he or she meets the requirement in Rule 010.01-008(R)(1)(b), the applicant shall provide the division with:

i. The names of all states in which the applicant is currently or has been previously licensed;

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ii. Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that he or she has not had his or her license revoked for the reasons listed in Rule 010.01-008(R)(1)(b) and (c). The division may verify this information online or by telephone with the other state's licensing entity.

c. As evidence that the applicant is sufficiently competent, he or she shall:

i. If an applicant is seeking a license as a seller, installer or repairer, proof of the appropriate ASME Code stamp as required per Rule 010.01-08(K);

ii. If an applicant is seeking a license as an inspector, proof of employment by an insurance company authorized to insure boilers in Arkansas and proof of successful passage of the examination for boiler inspectors administered by the National Board of Boiler and Pressure Vessel Inspectors; and

iii. If an applicant is seeking a license as a boiler operator, proof of at least six (6) months experience.

3. Temporary and Provision License

a. The division shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under Rule 010.01- 008(R)(2)(a) and (b).

b. A temporary and provisional license shall be effective for at least 90 days or until the divisions makes a decision on the application, unless the division determines that the applicant does not meet the requirements in Rule 010.01-008(R)(2)(a)-(c), in which case the temporary and provisional license shall be revoked immediately.

c. An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may provide only the information necessary for the issuance of a temporary and provisional license.

4. License for a Person From a State that Does Not License Boiler Operators:

a. Required qualifications: An applicant from a state that does not license boiler operators shall meet the following requirements:

i. have six (6) months experience as a boiler operator; and

ii. pass the examination administered by the division.

b. Required documentation: An applicant for a boiler operator license shall submit a fully-executed application, the required fee, and the documentation described below to show that the applicant is sufficiently competent:

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i. letter(s) from former employers verifying six (6) months
experience as a boiler operator; and

ii. a passing score on the examination administered by the division.

State of Arkansas *As Engrossed: S1/19/21 S1/26/21*
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 78

By: Senators Hill, D. Wallace, T. Garner, Irvin, J. Hendren, J. English, Flippo
By: Representatives Lynch, Cozart, Brown, Evans

For An Act To Be Entitled

AN ACT TO ESTABLISH THE ARKANSAS OCCUPATIONAL
LICENSING OF UNIFORMED SERVICE MEMBERS, VETERANS, AND
SPOUSES ACT OF 2021; TO MODIFY THE AUTOMATIC
OCCUPATIONAL LICENSURE REQUIREMENTS FOR UNIFORMED
SERVICES MEMBERS, RETURNING UNIFORMED SERVICES
VETERANS, AND THEIR SPOUSES; TO DECLARE AN EMERGENCY;
AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH ARKANSAS OCCUPATIONAL
LICENSING OF UNIFORMED SERVICE MEMBERS,
VETERANS, AND SPOUSES ACT OF 2021; AND TO
DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 17-1-106 is repealed.

~~17-1-106. Automatic licensure for active duty service members,
returning military veterans, and spouses—Definitions.~~

~~(a) As used in this section:~~

~~(1) “Automatic licensure” means the granting of occupational
licensure without an individual’s having met occupational licensure
requirements provided under this title or by the rules of the occupational
licensing entity;~~

~~(2) “Occupational licensing entity” means an office, board,
commission, department, council, bureau, or other agency of state government~~



1 ~~having authority to license, certify, register, permit, or otherwise~~
2 ~~authorize an individual to engage in a particular occupation or profession;~~

3 ~~(3) "Occupational licensure" means a license, certificate,~~
4 ~~registration, permit, or other form of authorization required by law or rule~~
5 ~~that is required for an individual to engage in a particular occupation or~~
6 ~~profession; and~~

7 ~~(4) "Returning military veteran" means a former member of the~~
8 ~~United States Armed Forces who was discharged from active duty under~~
9 ~~circumstances other than dishonorable.~~

10 ~~(b)(1) An occupational licensing entity shall grant automatic~~
11 ~~licensure to engage in an occupation or profession to an individual who is~~
12 ~~the holder in good standing of a substantially equivalent occupational~~
13 ~~license issued by another state, territory, or district of the United States~~
14 ~~and is:~~

15 ~~(A) An active duty military service member stationed in~~
16 ~~the State of Arkansas;~~

17 ~~(B) A returning military veteran applying for licensure~~
18 ~~within one (1) year of his or her discharge from active duty; or~~

19 ~~(C) The spouse of a person under subdivisions (b)(1)(A)~~
20 ~~and (b)(1)(B) of this section.~~

21 ~~(2) However, an occupational licensing entity shall be required~~
22 ~~to provide automatic licensure if the proposed rules are not approved as~~
23 ~~required under subdivision (d)(2) of this section.~~

24 ~~(c) An occupational licensing entity may submit proposed rules~~
25 ~~recommending an expedited process and procedure for occupational licensure~~
26 ~~instead of automatic licensure as provided under subsection (b) of this~~
27 ~~section to the Administrative Rules Subcommittee of the Legislative Council.~~

28 ~~(d) The Administrative Rules Subcommittee of the Legislative Council~~
29 ~~shall:~~

30 ~~(1) Review the proposed rules of an occupational licensing~~
31 ~~entity as submitted for public comment and at least thirty (30) days before~~
32 ~~the public comment period ends under the Arkansas Administrative Procedure~~
33 ~~Act, § 25-15-201 et seq.; and~~

34 ~~(2) Approve the proposed rules submitted under subsection (c) of~~
35 ~~this section based on:~~

36 ~~(A) A determination of whether the expedited process and~~

~~procedure provide the least restrictive means of accomplishing occupational licensure; and~~

~~(B) Any other criteria the Administrative Rules Subcommittee of the Legislative Council determines necessary to achieve the objectives of this section.~~

~~(c) The Administrative Rules Subcommittee of the Legislative Council may:~~

~~(1) Establish a subcommittee to assist in the duties assigned under this section;~~

~~(2) Assign information filed with the Administrative Rules Subcommittee of the Legislative Council under this section to one (1) or more subcommittees of the Legislative Council, including without limitation a subcommittee created under subdivision (c)(1) of this section; or~~

~~(3) Delegate its duties under this section to one (1) or more subcommittees of the Legislative Council, subject to final review and approval of the Administrative Rules Subcommittee of the Legislative Council.~~

~~(f) An occupational licensing entity shall:~~

~~(1) Submit proposed rules authorized under subsection (c) of this section to the Administrative Rules Subcommittee of the Legislative Council for review and approval before the proposed rules are promulgated under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.; and~~

~~(2) Provide to the House Committee on Aging, Children and Youth, Legislative and Military Affairs an annual report stating the number of automatic licenses and expedited occupational licenses granted under this section to:~~

~~(A) Active duty military service members stationed in the State of Arkansas;~~

~~(B) Returning military veterans applying within one (1) year of their discharge from active duty; or~~

~~(C) The spouse of a person under subdivisions (f)(2)(A) and (f)(2)(B) of this section.~~

SECTION 2. Arkansas Code Title 17, Chapter 1, is amended to add an additional chapter to read as follows:

Chapter 4 – Arkansas Occupational Licensing of Uniformed Service Members, Veterans, and Spouses Act of 2021

1
2 17-4-101. Title.

3 This chapter shall be known and may be cited as the "Arkansas
4 Occupational Licensing of Uniformed Service Members, Veterans, and Spouses
5 Act of 2021".
6

7 17-4-102. Legislative findings and intent.

8 (a) The General Assembly finds that:

9 (1) Arkansas sets the bar as a national leader in addressing
10 employment barriers faced by uniformed service members, uniformed service
11 veterans, and their spouses in attaining occupational licensure;

12 (2) Arkansas is one (1) of only four (4) states to successfully
13 address eight (8) or more of the ten (10) issues affecting uniformed service
14 families identified by the United States Department of Defense;

15 (3) Of the United States Department of Defense's ten (10) issues
16 in fiscal year 2020, four (4) of the issues concern occupational licensure of
17 spouses of uniformed service members;

18 (4) Annually, fourteen and a half percent (14.5%) of spouses of
19 uniformed service members move across state lines as opposed to one and one-
20 tenth percent (1.1%) of civilians;

21 (5) States can continue to improve the attainment of
22 occupational licensure and to eliminate barriers impeding employment of
23 spouses of uniformed service members following a move across state lines;

24 (6) Acts 2019, No. 820, established provisions for the granting
25 of automatic occupational licensure or expedited occupational licensure to
26 active-duty service members, recently separated veterans, and their spouses
27 who hold occupational licensure in good standing in another jurisdiction; and

28 (7) Additional steps need to be taken to clarify, simplify, and
29 elevate the occupational licensure process for uniformed service members,
30 uniformed service veterans, and their spouses.

31 (b) It is the intent of the General Assembly to address occupational
32 licensure barriers that impede the launch and sustainability of civilian
33 occupational careers and employment faced by uniformed service members,
34 uniformed service veterans, and their spouses due to frequent uniformed
35 service assignment by:

36 (1) Providing:

1 (A) Automatic occupational licensure or expedited
2 occupational licensure to current license holders to expedite their entry
3 into the workforce of this state;

4 (B) Temporary or provisional licensure to initial
5 licensure candidates while expediting full licensure;

6 (C) Legislative oversight of rulemaking by occupational
7 licensing entities to ensure removal of occupational licensure barriers faced
8 by uniformed service members, uniformed service veterans, and their spouses;
9 and

10 (D) Guidance to assure effective rulemaking and clear
11 license application instructions to uniformed service members, uniformed
12 service veterans, and their spouses;

13 (2) Recognizing uniformed service education, training,
14 experience, and credentials of uniformed service members and uniformed
15 service veterans applying for initial occupational licensure; and

16 (3) Extending licensure expiration and any continuing education
17 required for occupational licensure renewal when a uniformed service member
18 is deployed.

19
20 17-4-103. Definitions.

21 As used in this chapter:

22 (1) "Automatic occupational licensure" means the granting of
23 occupational licensure without an individual's having met occupational
24 licensure requirements provided under this title or by the rules of the
25 relevant occupational licensing entity;

26 (2) "Occupational licensing entity" means an office, board,
27 commission, department, council, bureau, or other agency of state government
28 having authority to license, certify, register, permit, or otherwise
29 authorize an individual to engage in a particular occupation or profession,
30 not including occupations or professions within the judicial branch of
31 government or occupations or professions subject to the superintending
32 control of the Supreme Court;

33 (3) "Occupational licensure" means a license, certificate,
34 registration, permit, or other form of authorization required by law or rule
35 that is required for an individual to engage in a particular occupation or
36 profession;

1 (4) "Uniformed service member" means:

2 (A) An active or reserve component member of the United
3 States Air Force, United States Army, United States Coast Guard, United
4 States Marine Corps, United States Navy, United States Space Force, or
5 National Guard;

6 (B) An active component member of the National Oceanic and
7 Atmospheric Administration Commissioned Officer Corps; or

8 (C) An active or reserve component member of the United
9 States Commissioned Corps of the Public Health Service; and

10 (5) "Uniformed service veteran" means a former member of the
11 United States uniformed services discharged under conditions other than
12 dishonorable.

13
14 17-4-104. Applicability.

15 Unless otherwise stated in this chapter, this chapter applies to:

16 (1) A uniformed service member stationed in the State of
17 Arkansas;

18 (2) A uniformed service veteran who resides in or establishes
19 residency in the State of Arkansas; and

20 (3) The spouse of:

21 (A) A person listed in subdivision (1) or (2) of this
22 section;

23 (B) A uniformed service member who is assigned a tour of
24 duty that excludes the uniformed service member's spouse from accompanying
25 the uniformed service member and the spouse relocates to this state; and

26 (C) A uniformed service member who is killed or succumbs
27 to his or her injuries or illness in the line of duty if the spouse
28 establishes residency in the state.

29
30 17-4-105. Automatic occupational licensure.

31 An occupational licensing entity shall grant automatic occupational
32 licensure to engage in an occupation or profession to an individual who is:

33 (1) Listed in § 17-4-104; and

34 (2) The holder in good standing of occupational licensure with
35 similar scope of practice issued by another state, territory, or district of
36 the United States.

1
2 17-4-106. Expedited occupational licensure.

3 (a)(1) An occupational licensing entity may submit proposed rules
4 recommending an expedited process for the attainment of occupational
5 licensure instead of automatic occupational licensure as provided under § 17-
6 4-105 to the Administrative Rules Subcommittee of the Legislative Council.

7 (2) The proposed rules described in subdivision (a)(1) of this
8 section shall include temporary or provisional occupational licensure
9 provisions with a term of ninety (90) days or more.

10 (3) The occupational licensing entity shall provide automatic
11 occupational licensure if the proposed expedited occupational licensure rules
12 are not approved as required by § 17-4-109.

13 (b)(1) An occupational licensing entity shall expedite the process for
14 initial occupational licensure for an individual who is listed in § 17-4-104.

15 (2) An occupational licensing entity shall provide the applicant
16 under subdivision (b)(1) of this section with a temporary or provisional
17 license upon receipt of required documentation or the successful completion
18 of any examination required by the relevant occupational licensing entity to
19 enable the applicant to secure employment in his or her occupation or
20 profession.

21
22 17-4-107. Acceptance of uniformed service education, training,
23 experience, or service-issued credential.

24 An occupational licensing entity shall accept relevant and applicable
25 uniformed service education, training, or service-issued credential toward
26 occupational licensure qualifications or requirements when considering an
27 application for initial licensure of an individual who is:

28 (1) A uniformed service member; or

29 (2) A uniformed service veteran who makes an application within
30 one (1) year of his or her discharge from uniformed service.

31
32 17-4-108. Extension of license expiration and continuing education
33 requirements.

34 (a) An occupational licensing entity shall extend the expiration date
35 of an occupational licensure for a deployed uniformed service member or his
36 or her spouse for one hundred eighty (180) days following the date of the

1 uniformed service member's return from deployment.

2 (b)(1) An occupational licensing entity shall allow a full or partial
3 exemption from a continuing education requirement that is required as a
4 component of occupational licensure for an individual who is listed in
5 subsection (a) of this section until one hundred eighty (180) days following
6 the date of the uniformed service member's return from deployment.

7 (2) An occupational licensing entity that allows full or partial
8 exemption from continuing education requirements may require evidence of
9 completion of continuing education before granting a subsequent occupational
10 licensure or authorizing the renewal of an occupational licensure.

11
12 17-4-109. Legislative oversight of rules.

13 (a) The Administrative Rules Subcommittee of the Legislative Council
14 shall:

15 (1) Review the proposed rules of an occupational licensing
16 entity as submitted for public comment at least thirty (30) days before the
17 public comment period ends under the Arkansas Administrative Procedure Act, §
18 25-15-201 et seq.; and

19 (2) Approve the proposed rules submitted under § 17-4-106 based
20 on:

21 (A) A determination of whether the expedited process
22 provides the least restrictive means of attaining occupational licensure; and

23 (B) Any other criteria the Administrative Rules
24 Subcommittee of the Legislative Council determines necessary to achieve the
25 objectives of this section.

26 (b) The Administrative Rules Subcommittee of the Legislative Council
27 may:

28 (1) Establish a further subcommittee to assist in the duties
29 assigned to the Administrative Rules Subcommittee of the Legislative Council
30 under this section;

31 (2) Assign information filed with the Administrative Rules
32 Subcommittee of the Legislative Council under this section to one (1) or more
33 subcommittees of the Legislative Council, including without limitation a
34 subcommittee created under subdivision (b)(1) of this section; or

35 (3) Delegate the duties of the Administrative Rules Subcommittee
36 of the Legislative Council under this section to one (1) or more

1 subcommittees of the Legislative Council, which shall be subject to the final
2 review and approval of the Administrative Rules Subcommittee of the
3 Legislative Council.

4
5 17-4-110. Responsibilities of occupational licensing entities.

6 An occupational licensing entity shall:

7 (1) Submit proposed rules authorized under § 17-4-106 to the
8 Administrative Rules Subcommittee of the Legislative Council for review and
9 approval before the proposed rules are promulgated under the Arkansas
10 Administrative Procedure Act, § 25-15-201 et seq.;

11 (2) If the proposed rules are not approved as required under §
12 17-4-109, provide automatic occupational licensure to an individual listed in
13 § 17-4-104;

14 (3) Post prominently on the occupational licensing entity's
15 website a link entitled "Military Member Licensure" that directly leads to
16 information applicable to an individual listed in § 17-4-104; and

17 (4) Provide to the House Committee on Aging, Children and Youth,
18 Legislative and Military Affairs an annual report stating the number of
19 individuals granted automatic occupational licensure and expedited
20 occupational licensure under this chapter.

21
22 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
23 General Assembly of the State of Arkansas that current laws and
24 administrative rules regarding the issuance of occupational licenses,
25 certificates, and permits are barriers and create a hardship for uniformed
26 service members, uniformed service veterans, and their spouses; that
27 additional expedited processes, automatic licensure, and extended expiration
28 dates of occupational licenses, certificates, and permits is needed to ensure
29 that uniformed service members, uniformed service veterans, and their spouses
30 may practice their chosen occupation or profession in the State of Arkansas;
31 and that this act is immediately necessary to remove barriers and hardships
32 in obtaining occupational licenses, certificates, and permits for uniformed
33 service members, uniformed service veterans, and their spouses. Therefore, an
34 emergency is declared to exist, and this act being immediately necessary for
35 the preservation of the public peace, health, and safety shall become
36 effective on:

1 (1) The date of its approval by the Governor;

2 (2) If the bill is neither approved nor vetoed by the Governor,
3 the expiration of the period of time during which the Governor may veto the
4 bill; or

5 (3) If the bill is vetoed by the Governor and the veto is
6 overridden, the date the last house overrides the veto.

7
8
9 */s/Hill*

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12 **APPROVED: 2/23/21**
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State of Arkansas

As Engrossed: S3/10/21

93rd General Assembly

A Bill

Regular Session, 2021

SENATE BILL 153

By: Senators Gilmore, *B. Ballinger, Beckham, Bledsoe, B. Davis, Flipppo, T. Garner, K. Hammer, Hester, B. Johnson, D. Sullivan, C. Tucker, D. Wallace*

By: Representatives Ray, *Beaty Jr., M. Berry, Boyd, Brooks, Brown, Furman, Haak, McCollum, Underwood, Wardlaw*

For An Act To Be Entitled

AN ACT TO CREATE THE WORKFORCE EXPANSION ACT OF 2021;
AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE WORKFORCE EXPANSION ACT OF
2021.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 4, Chapter 25, Subchapter 1, is amended
to add an additional section to read as follows:

4-25-110. Fee waiver for certain individuals.

(a) Notwithstanding any law to the contrary, the initial filing fees, permit fees, and licensing fees associated with the formation of a business in this state shall be waived for applicants who meet the requirements in the Workforce Expansion Act of 2021, § 17-4-101 et seq.

(b) Appropriate state entities shall:

(1) Publish notice of the fee waiver on:

(A) The website maintained by the appropriate state entity; and

(B) Any relevant forms that an applicant is required to complete; and

(2) Promulgate any necessary rules to implement this section.



1 SECTION 2. Arkansas Code Title 17, is amended to add an additional
2 chapter to read as follows:

3 Chapter 4 – Workforce Expansion Act of 2021

4
5 17-4-101. Title.

6 This chapter shall be known and may be cited as the "Workforce
7 Expansion Act of 2021".

8
9 17-4-102. Legislative findings – Purpose.

10 (a) The General Assembly finds that:

11 (1) Entrepreneurs and workers must pay various fees in order to
12 work in a government-regulated profession or occupation or to start a small
13 business in Arkansas;

14 (2) Families trying to break the cycle of government dependency
15 should not have to pay the state to earn a living; and

16 (3) Arkansas should waive initial fees associated with
17 occupational and professional regulations and the formation of a business for
18 low-income individuals.

19 (b) It is the purpose of this chapter to increase access to
20 professional and occupational licenses that would otherwise be cost
21 prohibitive for certain individuals.

22
23 17-4-103. Definitions.

24 As used in this chapter:

25 (1) "License" means a license, certificate, registration,
26 permit, or other form of authorization required by law or rule that is
27 required for an individual to engage in a particular occupation or
28 profession; and

29 (2)(A) "Licensing entity" means an office, board, commission,
30 department, council, bureau, or other agency of state government having
31 authority to license, certify, register, permit, or otherwise authorize an
32 individual to engage in a particular occupation or profession.

33 (B) "Licensing entity" does not include a political
34 subdivision of the state or any other local or regional governmental entity,
35 including without limitation a city of the first class, a city of the second
36 class, an incorporated town, or a county.

1 17-4-104. Fee waiver.

2 (a) Notwithstanding any law to the contrary, a licensing entity shall
3 not require an initial fee for individuals who are seeking to receive a
4 license in this state if the applicant:

5 (1) Is receiving assistance through the Arkansas Medicaid
6 Program, the Supplemental Nutrition Assistance Program, the Special
7 Supplemental Nutrition Program for Women, Infants, and Children, the
8 Temporary Assistance for Needy Families Program, or the Lifeline Assistance
9 Program;

10 (2) Was approved for unemployment within the last twelve (12)
11 months; or

12 (3) Has an income that does not exceed two hundred percent
13 (200%) of the federal poverty income guidelines.

14 (b) The waiver of the initial fee does not include fees for:

15 (1) A criminal background check;

16 (2) An examination or a test; or

17 (3) A medical or drug test.

18 (c) The Department of Human Services and the Division of Workforce
19 Services shall collaborate with a licensing entity concerning verification of
20 eligibility for public benefits for applicants, which may include obtaining a
21 signed consent form from the applicant.

22
23 17-4-105. Licensing entity duties.

24 A licensing entity shall:

25 (1) Publish notice of the fee waiver on:

26 (A) The website maintained by the licensing entity; and

27 (B) Any relevant forms that an applicant is required to
28 complete; and

29 (2) Promulgate any necessary rules to implement this chapter.
30

31 SECTION 3. EFFECTIVE DATE.

32 SECTIONS 1 and 2 of this act shall be effective on and after January 1,
33 2022.
34

35 /s/Gilmore

36 APPROVED: 4/15/21

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1875

By: Representative Bryant
By: Senator Hester

For An Act To Be Entitled

AN ACT TO CREATE THE EARN AND LEARN ACT; TO ALLOW
INDIVIDUALS TO WORK AND EARN A PAYCHECK WHILE ALSO
FULFILLING LICENSING REQUIREMENTS AND GAINING THE
SKILLS TO FILL THE NEEDS OF AN EXPANDING WORKFORCE;
AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE EARN AND LEARN ACT; AND TO
ALLOW INDIVIDUALS TO WORK AND EARN A
PAYCHECK WHILE ALSO FULFILLING LICENSING
REQUIREMENTS AND GAINING THE SKILLS TO
FILL THE NEEDS OF AN EXPANDING WORKFORCE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 17 is amended to add an additional
chapter to read as follows:

CHAPTER 4

EARN AND LEARN ACT

17-4-101. Title.

This chapter shall be known and may be cited as the "Earn and Learn
Act".

17-4-102. Legislative findings – Purpose.

(a) The General Assembly finds that:



1 (1) Apprenticeships prioritize on-the-job training and provide
2 workers the opportunity to earn a paycheck while working towards industry-
3 recognized credentials;

4 (2) Apprenticeships allow employers to build a skilled workforce
5 according to industry standards; and

6 (3) Occupational licensing prevents the citizens of this state
7 from taking full advantage of apprenticeships because many apprenticeship-
8 friendly jobs require a license to legally work in this state.

9 (b) It is the purpose of this chapter to allow individuals to work and
10 earn a paycheck while also fulfilling licensing requirements and gaining the
11 skills to fill the needs of an expanding workforce.

12
13 17-4-103. Definitions.

14 As used in this chapter:

15 (1) "Apprenticeship" means a program that meets the federal
16 guidelines set out in 29 C.F.R. Part 29, as existing on March 1, 2021, and
17 existing programs currently implementing work requirements as approved by the
18 United States Office of Apprenticeship as meeting the requirements of an
19 apprenticeship;

20 (2) "License" means a license, certificate, registration,
21 permit, or other form of authorization required by law or rule that is
22 required for an individual to engage in a particular occupation or
23 profession; and

24 (3) "Licensing entity" means an office, board, commission,
25 department, council, bureau, or other agency of state government having
26 authority to license, certify, register, permit, or otherwise authorize an
27 individual to engage in a particular occupation or profession.

28
29 17-4-104. Treatment of apprenticeships regarding licenses.

30 (a) A licensing entity shall grant a license to an applicant who:

31 (1) Completes an apprenticeship in the licensed occupation or
32 profession;

33 (2) Passes an examination, if deemed to be necessary by the
34 licensing entity;

35 (3) Pays any fees deemed necessary by the licensing entity;

36 (4) Does not have a disqualifying criminal record as determined

1 by the licensing entity under state law; and

2 (5) Completes all other requirements for licensure unrelated to
3 training and education.

4 (b) If a licensing entity denies a license to an applicant under this
5 chapter, the licensing entity shall:

6 (1) Provide the applicant with a denial in writing; and

7 (2) Explain the reason for the denial in the written decision,
8 such as whether the licensing entity determined that the applicant's
9 apprenticeship program does not correspond to the profession or occupation or
10 level of license for which the applicant applied.

11 (c)(1) A licensing entity shall establish a passing score for
12 examinations that does not exceed the passing score required under the
13 standard licensing processes.

14 (2) If the licensing entity does not require an examination for
15 the standard licensing process for a profession or occupation, an applicant
16 who completes an apprenticeship for the profession or occupation is not
17 required to pass an examination.

18 (d)(1) A licensing entity shall establish a licensing fee that does
19 not exceed the licensing fee required under the standard licensing processes.

20 (2) If the licensing entity does not require a fee for the
21 standard licensing process for a profession or occupation, an applicant who
22 completes an apprenticeship in the profession or occupation is not required
23 to pay a fee.

24 (e) Except as otherwise required by federal law, an apprenticeship for
25 a profession or occupation is not required to exceed the number of hours
26 required by the licensing entity for the profession or occupation.

27
28 17-4-105. Construction.

29 This chapter does not apply to:

30 (1) A licensing entity that does not license individual workers
31 for which there is an apprenticeship program established under 29 C.F.R. Part
32 29, as existing on March 1, 2021;

33 (2) A license that requires the educational equivalent of a
34 bachelor's degree or higher; or

35 (3) A license issued by the State Board of Barber Examiners or
36 the Department of Health regarding cosmetology.

1
2 SECTION 2. DO NOT CODIFY. Rules.

3 (a) All licensing entities as required under this act shall promulgate
4 rules necessary to implement this act.

5 (b)(1) When adopting the initial rules to implement this act, the
6 final rule shall be filed with the Secretary of State for adoption under §
7 25-15-204(f):

8 (A) On or before January 1, 2022; or

9 (B) If approval under § 10-3-309 has not occurred by
10 January 1, 2022, as soon as practicable after approval under § 10-3-309.

11 (2) A licensing entity shall file the proposed rule with the
12 Legislative Council under § 10-3-309(c) sufficiently in advance of January 1,
13 2022, so that the Legislative Council may consider the rule for approval
14 before January 1, 2022.

15
16 SECTION 3. EFFECTIVE DATE.

17 This act is effective on and after January 1, 2022.
18
19

20 **APPROVED: 4/21/21**
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