

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: S3/28/19

# A Bill

SENATE BILL 564

5 By: Senators Irvin, T. Garner, J. Hendren, D. Wallace  
6 By: Representative Bentley  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE OCCUPATIONAL  
10 LICENSURE OF ACTIVE DUTY SERVICE MEMBERS, RETURNING  
11 MILITARY VETERANS, AND THEIR SPOUSES; TO PROVIDE  
12 AUTOMATIC LICENSURE; TO REQUIRE REVIEW AND APPROVAL  
13 OF RULES SUBMITTED BY OCCUPATIONAL LICENSING  
14 ENTITIES; AND FOR OTHER PURPOSES.

## Subtitle

18 TO AMEND THE LAW CONCERNING THE  
19 OCCUPATIONAL LICENSURE OF ACTIVE DUTY  
20 SERVICE MEMBERS, RETURNING MILITARY  
21 VETERANS, AND THEIR SPOUSES; TO PROVIDE  
22 AUTOMATIC LICENSURE; TO REQUIRE REVIEW  
23 AND APPROVAL OF RULES SUBMITTED.  
24  
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
27

28 SECTION 1. DO NOT CODIFY. Legislative Intent.

29 The General Assembly finds that:

30 (1) The current law regarding the issuance of licenses,  
31 certificates, and permits required to enable the holder to lawfully engage in  
32 a profession, trade, or employment in this state continues to constitute a  
33 hardship on active duty service members, returning military veterans, and  
34 their spouses;

35 (2) Acts 2017, No. 248, amended the law to require that all  
36 state boards and commissions promulgate rules to expedite the process and



1 procedures for full licensure, certification, or permitting for active duty  
 2 service members, returning military veterans, and their spouses;

3 (3) State boards and commissions required to promulgate rules by  
 4 Acts 2017, No. 248, have failed to do so in accordance with the law; and

5 (4) Automatic licensure is necessary to remedy these hardships  
 6 and allow active duty service members, returning military veterans, and their  
 7 spouses to engage in their chosen professions.

8  
 9 Section 2. Arkansas Code § 17-1-106 is amended to read as follows:

10 17-1-106. ~~Licensure, certification, or permitting of~~ Automatic  
 11 licensure for active duty service members, returning military veterans, and  
 12 spouses – ~~Definition~~ Definitions.

13 (a) As used in this section:

14 (1) "Automatic licensure" means the granting of occupational  
 15 licensure without an individual's having met occupational licensure  
 16 requirements provided under this title or by the rules of the occupational  
 17 licensing entity;

18 (2) "Occupational licensing entity" means an office, board,  
 19 commission, department, council, bureau, or other agency of state government  
 20 having authority to license, certify, register, permit, or otherwise  
 21 authorize an individual to engage in a particular occupation or profession;

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

26 (4) "returning Returning military veteran" means a former member  
 27 of the United States Armed Forces who was discharged from active duty under  
 28 circumstances other than dishonorable.

29 ~~(b)(1) A state board or commission that issues licenses, certificates,~~  
 30 ~~or permits required to enable the holder to lawfully engage in a profession,~~  
 31 ~~trade, or employment in this state~~ An occupational licensing entity shall  
 32 allow grant the following individuals to secure employment with a temporary  
 33 license, certificate, or permit while completing the application process for  
 34 full licensure or certification or permitting automatic licensure to engage  
 35 in an occupation or profession if the to an individual who is the holder in  
 36 good standing of a substantially equivalent license, certificate, or permit

1 occupational license issued by another state, territory, or district of the  
2 United States and is:

3 ~~(1)(A)~~ An active duty military service member stationed in the  
4 State of Arkansas;

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

7 ~~(3)(C)~~ The spouse of a person under subdivisions ~~(b)(1)~~  
8 (b)(1)(A) and ~~(2)~~ (b)(1)(B) of this section.

9 (2) However, an occupational licensing entity shall be required  
10 to provide automatic licensure if the proposed rules are not approved as  
11 required under subsection (d)(2) of this section.

12 ~~(c) A state board or commission shall expedite the process and~~  
13 ~~procedures for full licensure, certification, or permitting for the following~~  
14 ~~individuals:~~

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

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

19 ~~(3) The spouse of a person under subdivisions (c)(1) and (2) of~~  
20 ~~this section.~~

21 ~~(d) When considering an application for full licensure,~~  
22 ~~certification, or permitting for an active duty military service member~~  
23 ~~stationed in the State of Arkansas or a returning military veteran applying~~  
24 ~~within one (1) year of his or her discharge from active duty, a state board~~  
25 ~~or commission:~~

26 ~~(1) Shall consider whether or not the applicant's military~~  
27 ~~training and experience in the area of licensure, certification, or~~  
28 ~~permitting is substantially similar to experience or education required for~~  
29 ~~licensure, certification, or permitting; and~~

30 ~~(2) Shall accept the applicant's military training and~~  
31 ~~experience in the area of licensure, certification, or permitting in lieu of~~  
32 ~~experience or education required for licensure, certification, or permitting~~  
33 ~~if the state board or commission determines the military training and~~  
34 ~~experience is a satisfactory substitute for the experience or education~~  
35 ~~required for licensure, certification, or permitting.~~

36 ~~(e) A license, certificate, or permit required to enable the holder to~~

1 ~~lawfully engage in a profession, trade, or employment in this state held by~~  
2 ~~an active duty military service member deployed outside the State of Arkansas~~  
3 ~~or his or her spouse shall not expire until one hundred eighty (180) days~~  
4 ~~following the active duty military service member's or spouse's return from~~  
5 ~~active deployment.~~

6 ~~(f)(1) A state board or commission shall allow a full or partial~~  
7 ~~exemption from continuing education required as part of licensure,~~  
8 ~~certification, or permitting for a profession, trade, or employment in this~~  
9 ~~state for the following individuals:~~

10 ~~(A) An active duty military service member deployed~~  
11 ~~outside of the State of Arkansas;~~

12 ~~(B) A returning military veteran within one (1) year of~~  
13 ~~his or her discharge from active duty; or~~

14 ~~(C) The spouse of a person under subdivisions (f)(1) and~~  
15 ~~(2) of this section.~~

16 ~~(2) A state board or commission allowing a full or partial~~  
17 ~~exemption from continuing education required under subdivision (f)(1) of this~~  
18 ~~section may require evidence of completion of continuing education before~~  
19 ~~issuing the individual a subsequent license, certificate, or permit or~~  
20 ~~authorizing the renewal of a license, certificate, or permit.~~

21 ~~(g) All state boards and commissions shall promulgate rules necessary~~  
22 ~~to carry out the provisions of this section.~~

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

27 (d) The Administrative Rules and Regulations Subcommittee of the  
28 Legislative Council shall:

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

33 (2) Approve the proposed rules submitted under subsection (c)  
34 based on:

35 (A) A determination of whether the expedited process and  
36 procedure provide the least restrictive means of accomplishing occupational

1 licensure; and

2 (B) Any other criteria the Administrative Rules and  
3 Regulations Subcommittee of the Legislative Council determines necessary to  
4 achieve the objectives of this section.

5 (e) The Administrative Rules and Regulations Subcommittee of the  
6 Legislative Council may:

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

9 (2) Assign information filed with the Administrative Rules and  
10 Regulations Subcommittee of the Legislative Council under this section to one  
11 (1) or more subcommittee of the Legislative Council, including without  
12 limitation a subcommittee created under subdivision (e)(1) of this section;  
13 or

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

18 (f) An occupational licensing entity shall:

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

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

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

30 (B) Returning military veterans applying within one (1)  
31 year of his or her discharge from active duty; or

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

34  
35 SECTION 3. TEMPORARY LANGUAGE. DO NOT CODIFY. An occupational  
36 licensing entity proposing rules recommending an expedited process and

1 procedure for occupational licensure instead of automatic licensure as  
2 provided under § 17-1-106(b) to the Administrative Rules and Regulations  
3 Subcommittee of the Legislative Council shall complete the review and  
4 approval process of the proposed rules required by § 17-1-106 within one (1)  
5 year of the effective date of this act.

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*/s/Irvin*

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**APPROVED: 4/9/19**

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