

1 State of Arkansas As Engrossed: S1/19/21 S1/26/21  
2 93rd General Assembly **A Bill**  
3 Regular Session, 2021

SENATE BILL 78

4  
5 By: Senators Hill, D. Wallace, T. Garner, Irvin, J. Hendren, J. English, Flippo  
6 By: Representatives Lynch, Cozart, Brown, Evans  
7

8 **For An Act To Be Entitled**

9 AN ACT TO ESTABLISH THE ARKANSAS OCCUPATIONAL  
10 LICENSING OF UNIFORMED SERVICE MEMBERS, VETERANS, AND  
11 SPOUSES ACT OF 2021; TO MODIFY THE AUTOMATIC  
12 OCCUPATIONAL LICENSURE REQUIREMENTS FOR UNIFORMED  
13 SERVICES MEMBERS, RETURNING UNIFORMED SERVICES  
14 VETERANS, AND THEIR SPOUSES; TO DECLARE AN EMERGENCY;  
15 AND FOR OTHER PURPOSES.  
16  
17

18 **Subtitle**

19 TO ESTABLISH ARKANSAS OCCUPATIONAL  
20 LICENSING OF UNIFORMED SERVICE MEMBERS,  
21 VETERANS, AND SPOUSES ACT OF 2021; AND TO  
22 DECLARE AN EMERGENCY.  
23  
24

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

26  
27 SECTION 1. Arkansas Code § 17-1-106 is repealed.

28 ~~17-1-106. Automatic licensure for active duty service members,~~  
29 ~~returning military veterans, and spouses—Definitions.~~

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

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

35 ~~(2) “Occupational licensing entity” means an office, board,~~  
36 ~~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~~

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

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

6 ~~(e) The Administrative Rules Subcommittee of the Legislative Council~~  
 7 ~~may:~~

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

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

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

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

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

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

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

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

32  
 33 SECTION 2. Arkansas Code Title 17, Chapter 1, is amended to add an  
 34 additional chapter to read as follows:

35 Chapter 4 – Arkansas Occupational Licensing of Uniformed Service Members,  
 36 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.

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