

MARKUP

Act 746 – Authorize Occupational or Professional Licensure for certain individuals

Act 725 – Workforce Expansion Act

Ark. Admin. Code 007.33.8-2 (Formerly cited as AR ADC 029.00.2)

PART 2. RULES

A. APPLICATIONS FOR STATE BOARD EXAMINATIONS AND LICENSURE.

3. Application to the Board for Examination or Licensure.

(a) Applicants responsible for complete credentials. It shall be the responsibility of the applicant to furnish the necessary credentials as the Board deems necessary or as required by law. Submission of credentials does not mean automatic acceptance for examination.

1. The Board shall waive the initial license application fee 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.

(b) All credentials other than the National Board Part IV score must be in the hands of the Executive Director, with a postmark and or electronic receipt from the National Board of Chiropractic Examiners no later than forty-five (45) days before the intended examination date. The National Board Part IV score must be in the hands of the Executive Director with the postmark and or electronic receipt from the National Board of Chiropractic Examiners no later than seven (7) days before the examination date. Incomplete applications will not be considered and will be returned by the Executive Director with the notation "Application Incomplete."

(c) The Board's decision at the time of the credentials survey shall be final for that examination.

(d) Effective January 1, 2008, every person applying for a license issued by the Board shall provide written authorization to the Board to allow the Identification Bureau of the Arkansas State Police to release the results of a criminal history background check to the Board. Each applicant shall complete a state fingerprint card in the presence of a law enforcement officer, and shall have that officer sign the card, giving his/her jurisdiction, the date, and his/her badge number. The applicant shall be responsible for payment of all fees associated with the background check.

(e) Each applicant will be notified by the Board as to his/her acceptability for examination by notice mailed not more than fourteen (14) days after the Board has met to review and pass on said applicants.

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Act 725 – Workforce Expansion Act

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PART 2. RULES

A. APPLICATIONS FOR STATE BOARD EXAMINATIONS AND LICENSURE.

(f) Upon denial for cause, the applicant shall have the right to petition the Board for a hearing to prove his/her qualifications, with the burden of proof, at such hearing to rest with the applicant.

(g) If this Board deems it necessary, it may, at any time prior to licensure, require applicant to supply to the Board's satisfaction such further information or documents necessary to establish the applicant's qualifications.

(h) The Board shall grant a license to an applicant who fulfills the Arkansas requirements for licensure and is a person who holds a Federal I-766 United States Citizenship and Immigration Services-issued Employment Authorization Document, known popularly as a “work permit.”

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S3/10/21

A Bill

SENATE BILL 153

5 By: Senators Gilmore, *B. Ballinger, Beckham, Bledsoe, B. Davis, Flippo, T. Garner, K. Hammer, Hester,*
6 *B. Johnson, D. Sullivan, C. Tucker, D. Wallace*
7 By: Representatives Ray, *Beaty Jr., M. Berry, Boyd, Brooks, Brown, Furman, Haak, McCollum,*
8 *Underwood, Wardlaw*

For An Act To Be Entitled

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

Subtitle

16 TO CREATE THE WORKFORCE EXPANSION ACT OF
17 2021.

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

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

24 4-25-110. Fee waiver for certain individuals.

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

29 (b) Appropriate state entities shall:

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

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

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

35 (2) Promulgate any necessary rules to implement this section.
36



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

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1735

5 By: Representative Penzo
6 By: Senator Hester
7

For An Act To Be Entitled

9 AN ACT TO AUTHORIZE OCCUPATIONAL OR PROFESSIONAL
10 LICENSURE FOR CERTAIN INDIVIDUALS; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

14 TO AUTHORIZE OCCUPATIONAL OR PROFESSIONAL
15 LICENSURE FOR CERTAIN INDIVIDUALS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code Title 17, Chapter 1, Subchapter 1, is amended
22 to add an additional section to read as follows:

23 17-1-109. Licensing of certain individuals – Definitions.

24 (a) As used in this section:

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

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

34 (b) An occupational or professional licensing entity shall grant an
35 occupational or professional license under this section to an individual who
36 fulfills the requirements to practice an occupation or profession in this



1 state and is a person who holds a Federal Form I-766 United States
 2 Citizenship and Immigration Services-issued Employment Authorization
 3 Document, known popularly as a "work permit".

4 (c) This section is a state law within the meaning of subsection (d)
 5 of 8 U.S.C. § 1621, as existing on January 1, 2021.

6
 7 SECTION 2. DO NOT CODIFY. Rules implementing this act.

8 (a) All occupational or professional licensing entities shall
 9 promulgate rules necessary to implement this act.

10 (b)(1) When adopting the initial rules to implement this act, the
 11 final rule shall be filed with the Secretary of State for adoption under §
 12 25-15-204(f):

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

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

16 (2) An occupational or professional licensing entity shall file
 17 the proposed rule with the Legislative Council under § 10-3-309(c)
 18 sufficiently in advance of January 1, 2022, so that the Legislative Council
 19 may consider the rule for approval before January 1, 2022.

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 22 **APPROVED: 4/19/21**
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