

# ARKANSAS STATE BOARD OF HEALTH

DEPARTMENT OF HEALTH  
CENTER FOR LOCAL PUBLIC HEALTH  
ENVIRONMENTAL HEALTH BRANCH  
ENGINEERING SECTION

## RULES PERTAINING TO WATER OPERATOR LICENSING

Promulgated under the authority of Act 333 of 1957,  
Act 1001 of 1991 and Act 494 of 1997

This Revision Effective

~~October 8, 2020~~  
By the Arkansas Board of Health

## SECTION I. AUTHORITY

The following Rules Pertaining to Water Operator Licensing are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the Laws of the State of Arkansas including, without limitation, Act 96 of 1913, as amended, Act 333 of 1957 as amended Act 1001 of 1991 as amended and Act 494 of 1997 as amended. (See Arkansas Codes Annotated, Title 17, Chapter 51, Sections 101 - 106, and Sections 201 - 205)

## SECTION II. PURPOSE

These Rules are adopted for the purpose of ensuring that all public water systems in the State of Arkansas are operated by personnel who have shown their competence and knowledge of the public health and scientific principles necessary to produce and deliver adequate quantities of water which meets or exceeds the National Primary and Secondary Drinking Water Standards.

## SECTION III. DEFINITIONS

- A. **ADVANCED TREATMENT** means the application of physical processes (Some examples are aerators, clarifiers or filters.) to water, for the purposes of improving the quality or condition of the water.
- B. **BOARD** means the Arkansas State Board of Health.
- C. **COMMITTEE** means the Drinking Water Advisory And Operator Licensing Committee.
- D. **DEPARTMENT** means the Arkansas Department of Health.
- E. **LATE RENEWAL** means an application for renewal when the application for renewal or the associated fee is received more than thirty (30) days following the beginning of a renewal period.
- F. **OPERATE** means to make decisions or conduct acts that contribute to the production, treatment, or delivery of potable water by the water system, if such decisions or acts involve process control or system integrity.
- G. **OPERATING SHIFT** means that period of time during which operator decisions that affect public health are necessary for proper operation of the water system.
- H. **OWNER** means any person, firm, corporation, institution, or governmental agency, or their agent, owning, operating, or modifying any public water system, water distribution facility or water treatment facility.
- I. **PUBLIC WATER SYSTEM or PWS** means all sources and their surroundings

from which water is derived for drinking or domestic purposes by the public, and all structures, conduits, and appurtenances in connection therewith by which water for such use is obtained, treated, conditioned, stored or delivered to the public, if such system has at least fifteen service connections or serves an average of twenty-five individuals daily at least 60 days per year.

1. COMMUNITY PUBLIC WATER SYSTEM means any public water systems, which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.
  2. NON-COMMUNITY PUBLIC WATER SYSTEM means a public water system that serves at least 15 service connections or 25 persons per day that is not a community water system.
    - a. NON-TRANSIENT NON-COMMUNITY PUBLIC WATER SYSTEM means a Non-Community Water System that serves at least 25 of the same individuals at least 180 days (or portions thereof) per year.
    - b. TRANSIENT NON-COMMUNITY PUBLIC WATER SYSTEM is any Non-Community Public Water System that is not a Non-Transient Non-Community Public Water System.
  3. CONSECUTIVE SYSTEMS are public water systems that obtain all or part of their water supply, either directly or indirectly, from another public water system.
  4. SMALL WATER SYSTEM shall mean a Public Water System serving a total population of less than 500, including the population of any consecutive Public Water Systems that it operates.
- J. SURFACE WATER means water that flows over or rests upon the surface of the earth.
- K. SURFACE WATER INFLUENCED SOURCE means any source with significant occurrence of insects or other macro-organisms, algae, or large diameter pathogens such as *Giardia lamblia*, or which is subject to significant changes in water quality which are determined to be in direct relationship with the climatological or surface water conditions.
- L. TREATMENT means the application of physical processes and/or the addition of chemicals to water which a public water system provides to the public, for the purposes of improving the quality of the water, except that the addition of gaseous chlorine, calcium hypochlorite or sodium hypochlorite alone shall not be defined as treatment.

- I
- M. WATER DISTRIBUTION FACILITIES shall mean that portion of the public water system in which water is stored and conveyed from the water treatment facilities or other supply point to the premises of a water consumer. This type of facility would also include groundwater sources without treatment.
1. A single pressure plane distribution facility is a distribution network that has only one pressure gradient downstream of the source of supply.
  2. A multiple pressure plane distribution facility is a distribution network that has more than a single pressure gradient downstream of the source of supply. A booster pump station or a pressure reducing valve could create the additional pressure gradient. A booster pump or a pressure reducing valve serving an individual or small group of service connections would not be considered as a separate pressure gradient.
- N. WATER OPERATOR means any person who during the performance of their regular duties, at all community public water system, all non-transient non-community public water system, or any other non-community public water system that utilizes a surface water source or surface water influenced source, exercises individual judgment, whether directly or indirectly, that might affect the safety, quality, or quantity of water delivered from the water system. (The term Operator generally includes, but is not limited to, Managers, Assistant Managers, Superintendents, Assistant Superintendents, Construction and Maintenance Foremen, treatment plant personnel and other persons responsible for the operation and maintenance of wells, reservoirs, water treatment facilities, water distribution facilities, and pumping facilities.)
- O. WATER OPERATOR(S) IN RESPONSIBLE CHARGE is defined as the water operator(s) designated by the owner to be the licensed operator(s) who is in direct supervision of the water system regarding the daily operational activities and protocols that an operator(s) follows when operating a public water system, water treatment facility and/or distribution facility.
- P. WATER OPERATOR-IN-TRAINING means any Water Operator who has successfully completed the formal license examination, but has not met the experience requirement.
- Q. WATER TREATMENT FACILITIES shall mean that portion of the public water system in which water is obtained and treated.

#### SECTION IV. APPLICABILITY

These Rules apply to Public Water Systems and any individual who seeks certification or licensure to perform the duties of a Water Operator or other activities for which certification or licensure as a Water Operator is available from the Department of Health. All Public Water Systems and any individual performing the duties of a Water Operator must comply with these Rules.

## SECTION V. LICENSE TYPE AND GRADE OF LICENSE REQUIRED

- A. The owners of all community public water systems, all non-transient non-community public water systems, and those other non-community public water systems that utilize a surface water source or surface water influenced groundwater source must place the direct supervision of the water system under an available Water Operator(s) in Responsible Charge holding a valid license equal to or greater than the classification of the treatment facility and/or distribution facility.
- B. All Community public water systems, all Non-Transient Non-Community public water systems and those other non-community public water systems that utilize a surface water source or surface water influenced groundwater source must have a licensed operator available for each operating shift.
- C. Water Operators that perform water treatment facility duties must hold a valid active Water Treatment Operator License. Water Operators that perform duties in a water distribution facility must hold a valid active Water Distribution Operator License. Water Operators that perform both water treatment facility and water distribution facility duties must hold a valid active Water Treatment Operator License and a valid active Water Distribution Operator License.
- D. Water Treatment Facilities shall be classified as Grade I, Grade II, Grade III and Grade IV facilities according to the facilities size and complexity of treatment, with Grade IV being the largest most complex.
- E. Water Distribution Facilities shall be classified as Very Small Water System, Grade I, Grade II, Grade III and Grade IV facilities according to the facilities size and complexity of treatment, with Grade IV being the largest most complex.
- F. Water Treatment Facilities and Distribution Facilities shall be classified in accordance with Table 1. Water Operators, Operators In Responsible Charge or Operators-In-Training of these facilities shall be licensed in the appropriate grades and license types in accordance with Table 1. (See page 5 and Attachment 1.)
- G. Community and non-transient non-community public water systems and any other non-community public water system that utilizes a surface water source or surface water influenced source shall be classified based on the highest level of certification required to operate any of the system's treatment facilities and the highest level of certification required to operate any of the system's distribution facilities.

# Public Water System and Operator Required Licenses

## WATER TREATMENT OPERATOR LICENSE

TYPE OF TREATMENT	POPULATION SERVED (Include consecutive system population.)	IS ORC* OR A SUPERIOR?	LICENSE GRADE REQUIRED
CHEMICAL ADDITION	25 TO 3,299	//////////	I
	3,300 TO 9,999	YES	II
		NO	I
	10,000 TO 49,999	YES	III
		NO	II
	50,000 OR GREATER	YES	IV
		NO	III
ADVANCED TREATMENT	25 TO 3,299	//////////	II
	3,300 TO 9,999	YES	III
		NO	II
	10,000 OR GREATER	YES	IV
		NO	III

## WATER DISTRIBUTION OPERATOR LICENSE

DISTRIBUTION FACILITY COMPLEXITY	POPULATION SERVED (Include consecutive system population, if operated by this water system.)	IS ORC* OR A SUPERIOR?	LICENSE GRADE REQUIRED
SINGLE PRESSURE PLANE - NO PUMP(S) EXCEPT SOURCE/WTP PUMP(S)	25 TO 499	//////////	SMALL SYSTEM
	500 TO 3,299	//////////	I
	3,300 TO 9,999	YES	II
		NO	I
	10,000 TO 49,999	YES	III
		NO	II
	50,000 OR GREATER	YES	IV
		NO	III
MULTIPLE PRESSURE PLANES	25 TO 499	//////////	I
	500 TO 3,299	//////////	II
	3,300 TO 9,999	YES	III
		NO	II
	10,000 OR GREATER	YES	IV
		NO	III

\*Operator in Responsible Charge

- H. During routine sanitary surveys of public water systems, Department staff shall examine the organizational structure of each system, and identify all positions or classes of positions for which licensure is required and determine if they are a supervisory position for licensing purposes.
- I. The licensure determinations may be appealed by the public water systems to the Committee for their review and determination.
- J. Licensed operators must notify this office in writing of any changes in their employment, contract operation or volunteer status with a Public Water System.

## SECTION VI. CRIMINAL OFFENSES

### A. Prohibiting Criminal Offenses

1. An individual is not eligible to receive or hold a license issued by the Board if that individual has pleaded guilty or nolo contendere to or been found guilty of any of the offenses detailed in Ark. Code Ann. §17-3-102 et. seq. by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court, unless the conviction was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013 § 16-90-1401 et. seq. or otherwise sealed pardoned or expunged under prior law.
2. The Board may grant a waiver as authorized by Ark. Code Ann. § 17-3-102 in certain circumstances.
3. The Board is not authorized to conduct criminal background checks, but may inquire about criminal convictions upon application or renewal of a license. Any applicant or licensee which provides false information to the Board regarding a criminal conviction may be subject to suspension, revocation or denial of a license.

### B. Pre-Licensure Prohibiting Offense Determination

1. Pursuant to Act 990 of 2019, an individual may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.
2. The individual must obtain the pre-licensure criminal background check petition form from the Board.
3. The Board will respond with a decision in writing to a completed petition within a reasonable time.
4. The Board's response will state the reason(s) for the decision.

5. All decisions of the Board in response to the petition will be determined by the information provided by the individual.
6. Any decision made by the Board in response to a pre-licensure criminal background check petition is not subject to appeal.
7. The Board will retain a copy of the petition and response and it will be reviewed during the formal application process.

## SECTION VII. EDUCATION REQUIREMENTS

- A. Applicants for licensing shall have a high school diploma or General Equivalency Diploma or GED. On a case by case basis, the Committee may determine that an applicant's experience or relevant training can be substituted for the requisite high school diploma or General Equivalency Diploma. Any training or experience used for such substitution shall not be used to meet the minimum experience requirement.
- B. The mandatory minimum training requirements that must be met for each license grade and license type are contained in Table 2.

TRAINING HOUR REQUIREMENTS FOR LICENSE EXAMS										
Course Name	Length	D-SS	D-1	D-2	D-3	D-4	T-1	T-2	T-3	T-4
PWS Rules and SDWA Compliance	8 hr	X	X	X	X	X	X	X	X	X
Basic Water Works Math	8 hr.	X	X	X	X	X	X	X	X	X
Applied Water Works Math	8 hr.			X	X	X		X	X	X
Distribution Basic	24 hr.	X	X	X	X	X				
Distribution Intermediate	24 hr.			X	X	X				
Distribution Advanced	24 hr.					X				
Treatment Basic	24 hr.						X	X	X	X
Treatment Intermediate	24 hr.							X	X	X
Treatment Advanced	24 hr.								X	X
Tot. hrs.		40	40	72	72	96	40	72	96	96

**Table 2**

- C. Applicants for licensure must meet the minimum mandatory training requirements prior to sitting for the license exam. It is the responsibility of the applicant to meet the mandatory training prior to sitting for an exam. Failure to



meet the training requirements for the license exam grade and type taken will result in the invalidation of the license exam and forfeiture of the exam fee.

- D. The Licensing Committee, after determining that a required training course is not, and has not been, reasonably available in a geographical area of the State, may waive the mandatory training requirement for that course and area, for a specified period of time.
- E. All operators sitting for an exam after January 1, 2003 must meet the required training. Equivalent training attended prior to this date may be substituted for the required training requirements.
- F. Operators upgrading a license in good standing will be considered to have the training required for the license held.
- G. Education substitution for post secondary degrees will be as follows:
  - 1. Bachelors or Associates of Science or Applied Science Degree in an applicable physical science may be substituted for all the minimum training requirements except the Rules Course and the course required for the specific license examination to be taken.
  - 2. A Bachelors or Associates of Applied Science in Water and Wastewater Technology may be substituted for the entire minimum training requirements except the Rules Course.
  - 3. Post secondary degrees used to meet Education requirements cannot also be used to meet Experience requirement.

## SECTION VIII. EARN AND LEARN

Pursuant to Act 811 of 2021, an applicant shall receive a water operator license if they meet the criteria set forth below.

As used in this Rule, "apprenticeship" means a program that meets the federal guidelines set out in 29 C.F.R. Part 29, as existing on March 1, 2021, and approved by the United States Office of Apprenticeship as meeting the requirements of an apprenticeship.

- A. An applicant for licensure under this Rule shall provide satisfactory proof of completion of apprenticeship via official documentation from the apprenticeship program. This documentation may be in the form of a certificate, diploma, or similar official credential, or letter on official program letterhead.
- B. An applicant for licensure under this Rule shall provide satisfactory documentation that the completed apprenticeship program meets the federal guidelines set out in 29 C.F.R. Part 29, as existing on March 1, 2021, and that the program has been approved by the United States Office of Apprenticeship or the Arkansas Department of Workforce Services.

- C. An applicant for licensure under this Rule shall meet all the other non-educational requirements for licensure under these Rules, including sections V., VI., IX., X., XII., and XV.
- D. If an applicant is denied a license for failing to meet the criteria in A-C, the applicant shall be provided the reason for denial in writing.

## SECTION ~~VIII~~IX. EXAMINATION REQUIREMENTS

- A. Applicants for licensing shall be examined to determine their skills, knowledge, ability, and judgment in the safe and proper operation of a public water system. The examination must consist of validated questions and be developed utilizing proper exam development procedures and validation protocols.
- B. An individual desiring to obtain a Water Operator License by examination shall file a license application, including the required license and exam fees, with the certification program not later than 60 days preceding the date of examination. The application will be valid for one year.
- C. An individual desiring to be examined shall be required to provide adequate photographic identification prior to receiving and when returning an examination. All exams and related materials must be returned, prior to leaving the exam session. Failure to return the exam and related materials will result in administrative actions, penalties or criminal charges.
- D. Separate examinations shall be prepared for each certification classification. For grades I-IV a separate examination shall be prepared for the water treatment plant operation license and the distribution facility operation license.
- E. Grade I-IV examinations shall be written and consist of at least 100 questions. The very small system examination shall be written and consist of at least 50 questions. All examinations will be closed book, with math formulas provided.
- F. All examinations shall be scored by the Committee, or by others designated by the Committee, and the applicant shall be notified of the outcome. The test booklet shall not be returned to the applicant.
- G. Applicants who fail to pass the examination may repeat the examination at subsequent examination sessions. An additional examination fee is required for each examination. This fee must be received 15 days prior to sitting for the exam. An additional application is not required for repeated examinations, if the examination is repeated within one (1) year.

## SECTION ~~IX~~X. EXPERIENCE REQUIREMENTS

- A. Evaluation of the Experience requirement shall be based on completion of the

following periods of approved work:

- |    |                                   |                           |
|----|-----------------------------------|---------------------------|
| 1. | Grade IV Treatment License        | Three (3) years           |
|    | Grade IV Distribution License     | Three (3) years           |
| 2. | Grade III Treatment License       | Two (2) years             |
|    | Grade III Distribution License    | Two (2) years             |
| 3. | Grade II Treatment License        | One (1) Year              |
|    | Grade II Distribution License     | One (1) year              |
| 4. | Grade I Treatment License         | Six (6) months            |
|    | Grade I Distribution License      | Six (6) Months            |
| 5. | Small System Distribution License | No experience requirement |

- B. In order for work to meet the Experience requirement it must be from work or the supervision of work that is directly related to the license being obtained.
- C. Certain post-secondary degrees may be substituted for experience credit towards meeting the experience requirement. The degree must be shown on the license application to be considered for credit. Experience credit will be allowed as shown in Table 3 at the end of this section.
- D. Post secondary degree used to meet Experience requirement cannot be used to meet Education requirements.

### POST SECONDARY DEGREE EXPERIENCE CREDIT

Post Secondary Degree	License	Experience Allowed	License Appropriate Water System Experience Required
Bachelor of Science degrees in Engineering, Chemistry, Biology, or other applicable physical sciences	Grade I	6 Months	Not Applicable
	Grade II	9 Months	3 Months
	Grade III	18 Months	6 Months
	Grade IV	24 Months	12 Months
Associate of Applied Science Degrees in Water and Wastewater Technology	Grade I	6 Months	Not Applicable
	Grade II	9 Months	3 Months
	Grade III	18 Months	6 Months
	Grade IV	24 Months	12 Months
Associate of Applied Science Degrees in Engineering, Electronics, Environmental Science, or other applicable physical sciences	Grade I	6 Months	Not Applicable
	Grade II	6 Months	3 Months
	Grade III	9 Months	6 Months
	Grade IV	12 Months	12 Months

Table 3

## SECTION ~~XXI~~. ISSUANCE OF LICENSES AND PERMITS

- A. A license shall not be issued to any applicant until the education, examination and experience requirements have been successfully completed, or until the applicant has been successfully evaluated for reciprocity.
- B. An Operator-In-Training certificate shall be issued to a license applicant when the experience requirement has not been completed and the license examination has been successfully completed.
- C. Temporary permits will not be issued. To issue a Temporary Permit to an unlicensed operator of a public water system the Department must assure that its issuance will not jeopardize public health and safety. The Department cannot provide this assurance due to improved knowledge of water borne disease outbreaks and because Public Water Systems have an increased risk of microbial contamination.
- D. Inactive Licenses are no longer allowed. Licenses placed in the inactive status, when it was allowed, may be reinstated at any time, after approval by the Department, by paying the required reinstatement fees and passing an examination on current Public Water System Rules, policies, and Safe Drinking Water Act compliance requirements. The Department shall require license examination be passed to reinstate the license if the inactive period exceeds ten (10) years. Examinations may be waived provided the operator can prove

through closely related work that the operator has kept current with present Public Water System requirements.

## SECTION ~~XI~~XII. FEES ESTABLISHED

### A. Examination

The fee shall be \$25.00 per examination, the initial exam fee shall be paid at the time of License Application and all subsequent exam fees must be received 15 days in advance of the examination.

### B. License

The fee shall be \$10.00, paid at the time of License Application.

### C. License Renewal

The fee shall be \$10.00 for each two (2) year renewal period for each license or Operator-In-Training certificate renewed.

### D. Penalty for Late Renewal

The fee for penalty for late renewal shall be \$5.00.

### E. Reciprocity Evaluation

The fee for evaluating an applicant for reciprocity shall be \$25.00 per license evaluated.

### F. Reinstatement of Inactive License

The fee for reinstating an Inactive License shall be \$10.00 for each renewal period during which the license has not been active, provided that the total fee shall not exceed \$35.00.

### G. Reinstatement of Revoked License

The fee due to revocation shall be \$10.00 for each two (2) year renewal period and \$10.00 for a re-issuance of License.

### H. Initial Licensure Fee Waiver

1. Pursuant to Act 725 of 2021, an applicant may receive a waiver of the initial licensure fee, if eligible. Eligible applicants are applicants who:

a. Are receiving assistance through the Arkansas, or current state of residence equivalent, Medicaid Program, the Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental

Nutrition Program for Women, Infants, and Children (SSNP), the Temporary Assistance for Needy Families Program (TEA), or the Lifeline Assistance Program (LAP);

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

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

2. Applicants shall provide documentation showing their receipt of benefits from the appropriate State Agency.

a. For Medicaid, SNAP, SSNP, TEA, or LAP, documentation from the Arkansas Department of Human Services (DHS), or current state of residence equivalent agency;

b. For unemployment benefits approval in the last twelve (12) months, the Arkansas Department of Workforce Services, or current state of residence equivalent agency; or

c. 3) For proof of income, copies of all United States Internal Revenue Service Forms indicating applicant's total personal income for the most recent tax year e.g., "W2," "1099," etc.

3. Applicants shall attest that the documentation provided under (b) is a true and correct copy and fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

## SECTION ~~XII~~XIII. EXAMINATION SESSIONS

### A. Arkansas Water Works and Water Environment Association District Meeting

The Arkansas Department of Health shall assign personnel to conduct examinations for applicants for Licenses in each Arkansas Water Works and Water Environment Association District, upon request, during the months of July and November, at a predetermined and publicized location and time.

### B. Annual Industry Association Conferences

The Arkansas Department of Health shall assign personnel to conduct examinations for applicants for Licenses in conjunction with the annual conferences of all major industry associations, upon request, with time and place to be publicized.

### C. Other scheduled examination sessions.

The Arkansas Department of Health shall assign personnel to conduct

examinations for applicants for Licenses at other examination sessions set by the Committee, at a predetermined and publicized location.

D. Special examinations

Any applicant for License may request a special examination to be given at a date other than the normally scheduled exam session. This request must be in writing to the Executive Secretary of the Licensing Committee and should detail the reasons the special examination is needed.

SECTION ~~XIII~~XIV. LICENSES

A. Issued

On satisfactory fulfillment of the certification requirements the Executive Secretary of the Committee shall issue a suitable license to the applicant designating their competency. The license shall state the licensed individual's name, the license grade and the license number.

B. Permanent

The license shall be permanent unless revoked for cause; replaced by a higher grade license; invalidated due to Section XIV, Subsection A; or invalidated due to obtaining or renewing the license through fraud; deceit; or the submission of inaccurate qualifications or renewal data.

C. Endorsement

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

- a. The applicant shall hold a substantially similar license in another United States jurisdiction.
  - 1) A license from another state is substantially similar to an Arkansas Water Operator license if the other state's licensure qualifications require:
    - a) High School Diploma or GED
    - b) Drinking Water training similar to Table 2
    - c) Passing of proficiency test meeting SECTION VIII.A
    - d) Require Training instruction for License maintenance similar to SECTION XIV. A
  - 2) The applicant shall hold his or her occupational licensure in good standing;
  - 3) The applicant shall not have had a license revoked for:
    - a) An act of bad faith; or

- b) A violation of law, rule, or ethics;
    - 4) The applicant shall not hold a suspended or probationary license in a United States jurisdiction;
  - b. The applicant shall be sufficiently competent in drinking water treatment for treatment license or water distribution for distribution license; and
  - c. Applicant should have knowledge and necessary skills to:
    - 1) Operate and maintain water treatment plants for treatment license
    - 2) Operate and maintain water distribution for distribution license
    - 3) These skills will include
      - a) Basic algebra, chemistry and biology knowledge
      - b) Mechanical and laboratory aptitude
2. Required documentation an applicant shall submit are a fully-executed application, the required fee, and the documentation described below:
- a. As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas', the applicant shall submit the following information:
    - 1) Evidence of current and active licensure in that state. The Committee may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other's state's licensing board; and
    - 2) Evidence that the other state's licensure requirements match those listed in 1.a. The Board may verify this information online or by telephone to the other's state's licensing board.
  - b. To demonstrate that the applicant meets the requirements in 1.a. 1). through 4)., the applicant shall provide the Board with:
    - 1) The names of all states in which the applicant is currently licensed or has been previously licensed;
    - 2) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant has not had his license revoked for the reasons listed in 1.a.3) and does not hold a license on suspended or probationary status as described in 1.a.4). The Board may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other's state's licensing board.
  - c. As evidence that the applicant is sufficiently competent in the



field of drinking water treatment for treatment license or water distribution for distribution license, an applicant shall:

- 1) Pass an appropriate grade water treatment or water distribution license exam
- d. The following documentation must be provided:
  - 1) Proof License is current
  - 2) List of all state licenses as called for in C.2.b.1)
  - 3) Letters and other documents called for in C.2.b.2)
3. Temporary and Provisional License
  - a. Board shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under C.2.a. and b.
  - b. The temporary and provisional license shall be effective for [at least 90 days] [or] [until the Board makes a decision on the application], unless the Board determines that the applicant does not meet the requirements in sections C.1.a. & b. & c., in which case the provisional and temporary license shall be immediately revoked.
  - c. An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary and provisional license.

D. Reciprocity from State not Offering Reciprocity to Arkansas Water Operators

1. The Board shall require an applicant to take the mandatory license training as shown in Table 2 or document substantially equivalent training to Table 2 requirements if the applicant is licensed in another state that does not offer reciprocity to Arkansas residents that is similar to reciprocity provided to out-of-state applicants in A.C.A. § 17-1-108.
2. Reciprocity in another state will be considered similar to reciprocity under A.C.A. § 17-1-108 if the reciprocity provisions in the other state:
  - a. Provide the least restrictive path to licensure for Arkansas applicants;
  - b. Do not require Arkansas applicants to participate in the apprenticeship, education, or training required as a prerequisite to licensure of a new professional in that state, except that the state may require Arkansas applicants to participate in continuing education or training that is required for all professionals in that state to maintain the licensure.
  - c. Do not require Arkansas applicants to take a state-specific education unless required to do so under the same conditions described in A.C.A. § 17-1-108.

E. License for Person from State that doesn't License Water Operators

1. Required Qualifications. An applicant from a state that does not license Drinking Water Treatment or Distribution Operators shall meet the following requirements:
  - a. The applicant shall be sufficiently competent in drinking water treatment for treatment license or water distribution for distribution license; and
  - b. The applicant must:
    - 1) Meet the mandatory license training as shown in Table 2
    - 2) Pass an appropriate grade water treatment or water distribution license exam
    - 3) Fulfill the Experience requirements listed in Section IX
2. Required documentation an applicant shall submit are fully-executed application, the required fee, and the documentation described below:
  - a. As evidence that the applicant is sufficiently competent in the field of drinking water treatment for treatment license or water distribution for distribution license, an applicant shall:
    - 1) Pass an appropriate grade water treatment or water distribution license exam
    - 2) The applicant must:
      - a) Document attendance completion of the mandatory license training as shown in Table 2
      - b) Document passing the appropriate grade water treatment or water distribution license exam
      - c) Document fulfillment of the experience requirements listed in Section IX for the license

#### F. Automatic Licensure

##### 1. Definitions

- a. "Automatic licensure" means granting the occupational licensure without an individual having met occupational licensure requirements provided under the Arkansas Code or by other provisions in these Rules. ~~As used in this subsection "automatic licensure" means granting the occupational licensure without an individual's having met occupational licensure requirements provided under this title or by the rules of the occupational licensing entity.~~
- b. "Uniformed service member" means an active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard; an active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or an active or reserve component member of the United States

Commissioned Corps of the Public Health Service. ~~As used in this subsection, "returning military veteran" means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.~~

~~b.c.~~ "Uniformed service veteran" means a former member of the United States uniformed services discharged under conditions other than dishonorable.

## 2. Applicability

a. This Rule applies to a:

1) ~~(1)~~ — uniformed service member stationed in the State of Arkansas;

2) ~~(2)~~ — uniformed service veteran who resides in or establishes residency in the State of Arkansas;

3) ~~(3)~~ — The spouse of (1) or (2) including a:

uniformed service member who is assigned a tour of duty that excludes the spouse from accompanying the uniformed service member and the spouse relocates to Arkansas;

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 Arkansas.

## 3. Automatic Licensure

a. Automatic Licensure shall be granted to persons listed in Section 2 (a) if:

The person is a holder in good standing of occupational licensure with similar scope of practice issued by another state, territory, or district of the United States and;

The person pays the licensure fee in Section XI.A

## 4. Credit toward initial licensure

Relevant and applicable uniformed service education, training, or service-issued credential shall be accepted toward initial licensure for a uniformed service member or a uniformed service veteran who makes an application within one (1) year of his or her discharge from uniformed service.

## 5. Expiration Dates and Continuing Education

a. A license expiration date shall be extended for a deployed uniformed service member or spouse for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

b. A uniformed service member or spouse shall be exempt from

continuing education requirements in Section XIV.A for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

c. Any uniformed service member or spouse exercising the exemption shall provide evidence of completion of continuing education before renewal or grant of a subsequent license.

~~c. The Board shall grant automatic licensure to an individual who holds a substantially equivalent license in another U.S. jurisdiction and is:~~

~~d. An active duty military service member stationed in the State of Arkansas;~~

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

~~f. The spouse of a person under F.3.a or F.3.b~~

~~2. The Board shall grant such automatic licensure upon receipt of all of the below:~~

~~a. Payment of the initial licensure fee;~~

~~b. Evidence that the individual holds a substantially equivalent license in another state; and~~

~~c. Evidence that the applicant is a qualified applicant under Section XIII.C.1.a~~

#### G. Suspension

The Department with the knowledge and approval of the Director of the Arkansas Department of Health shall suspend a Water Operator's license, Operator-In-Training certificate or deny issuance of a license or certificate for cause, including but not limited to when it is found the license holder, operator in training or applicant:

1. Has practiced fraud or deception;
2. That reasonable care, judgment, or the application of their knowledge or ability was not used in the performance of their duties that resulted in water quality being compromised or any non-compliance with any state or federal requirement;
3. That the license holder, operator in training or applicant is incompetent, unable or not willing to perform their duties properly.

The suspension or denial shall remain in effect until the Committee reviews the case.

#### H. Revocation

The Committee shall hold a public hearing into the suspension. The Department will present their case and the Water Operator will have the

opportunity to present his or her defense. The Committee shall then uphold or deny the suspension. If the suspension is upheld, the Committee shall report the findings of the Public Hearing to the Board and recommend the license remain suspended for a recommended time period or be revoked. The Board shall then reinstate, suspend or revoke the license.

I. Reinstatement

Any Licensed Water System Operator or Operator-In-Training who for any reason, other than revocation, desires to have a license reinstated may request, in a hearing before the Committee; that the Committee re-instate the license, with or without conditions. If the license is re-instated, payment of the applicable fees under Section XI, Subsection C and F must be remitted.

SECTION ~~XIV~~XV. MAINTENANCE OF LICENSE

- A. In order to renew a Water Operator License or Operator-In-Training Certificate, the operator must certify to the Committee the attendance, at a minimum, of twenty-four (24) hours per two year renewal period of approved training instruction. No additional training instruction will be required to renew additional licenses each renewal period. At least twelve (12) of the approved hours must be in subjects directly applicable to the field of water supply, treatment, distribution, pumping, metering, or management; or the study of approved materials on the same subjects. The remaining twelve (12) hours of approved training may be indirectly applicable subject matter, such as personal operator safety, wastewater, plumbing inspection or cross-connection control certification courses. The various water operator associations' annual and monthly district meetings will be considered as directly applicable training. This subsection is effective with the start of the July 1, 2003 to June 30, 2005 renewal period.
- B. The Water Operator is responsible for submitting adequate documentation of the completion of the required training, at the time of license renewal. This documentation must include the date, subject, sponsor, and number of approved training hours for each training session completed and submitted for training credit.
- C. A License that has not been renewed in accordance with this section, within ninety days after the license has expired, shall be lapsed and invalid.
- D. Any licensee whose License has expired can request, within one (1) year of the date of expiration, the license be reinstated by the Department upon documentation of past renewal training requirements and the payment of the fees as stated in Section XI, Subsection C and D.
- E. A Water Operator license or Operator-In-Training certificate that has been expired for more than one (1) year cannot be reinstated. It is necessary for such a license or certificate holder to reapply and be reexamined according to the requirements for new applicants.

## SECTION ~~XV~~XVI. SPECIAL PURPOSE LICENSE

A special purpose license is authorized for Transient Non-Community Public Water Systems that utilize groundwater sources that are Surface Water Influenced Sources. The license shall be restricted to these systems that utilize cartridge/bag filtration technology. The License exam will be a modified Small Water System License with specific questions added related to the very specialized simple to operate water treatment equipment (cartridge filtration) and microbial inactivation processes, being utilized by these systems to meet the Safe Drinking Water Act. The Act requires these systems to be operated by qualified personnel and this license will be used to demonstrate the operators of these systems meet that requirement.

The license exam shall have a minimum of 50 questions related to the topics of cartridge/bag filtration technology, microbial inactivation processes, surface water treatment rules, water distribution questions, and groundwater sources. Holders of this license shall be required to meet the same maintenance of license requirements as a Small System Distribution License holder or attend an Arkansas Department of Health renewal training course, each renewal period, designed specifically to address this type of system and the technology to which this license applies.

Operators of these specific systems may also utilize the Treatment and Distribution Licenses required of Surface Source Transient Non-Community Public Water System's.

## SECTION ~~XVI~~XVII. DRINKING WATER ADVISORY AND OPERATOR LICENSING COMMITTEE

- A. The Committee shall elect a Chair who shall serve for a term of one year. The election shall occur at the first meeting of the state fiscal year.
- B. The Committee shall utilize "Robert's Rules of Order" as a guide for procedures for conducting business.
- C. In the event that more than one person is appointed to the Committee at a particular Board meeting, the new appointees shall draw lots to determine which of the vacant terms that each shall fill.

## SECTION ~~XVII~~XVIII. MEETINGS

The Licensing Committee shall meet at least once a year and in special meetings called by the Chair or requested by the Arkansas Department of Health.

## SECTION ~~XVIII~~XIX. ADMINISTRATIVE PENALTY AUTHORITY

The Arkansas Department of Health shall have the authority to assess administrative penalties against any individual or any public water system for failure to comply with any

portion of these rules, in accordance with the requirements of A.C.A §§ 20-7-101, et seq, and A.C.A §§ 14-262-101, et seq.

## SECTION ~~XIX~~XXI. SEVERABILITY

If any provision of these Rules, or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of these Rules which can be given effect without the invalid provisions or applications, and to this end the provisions hereto are declared to be severable.

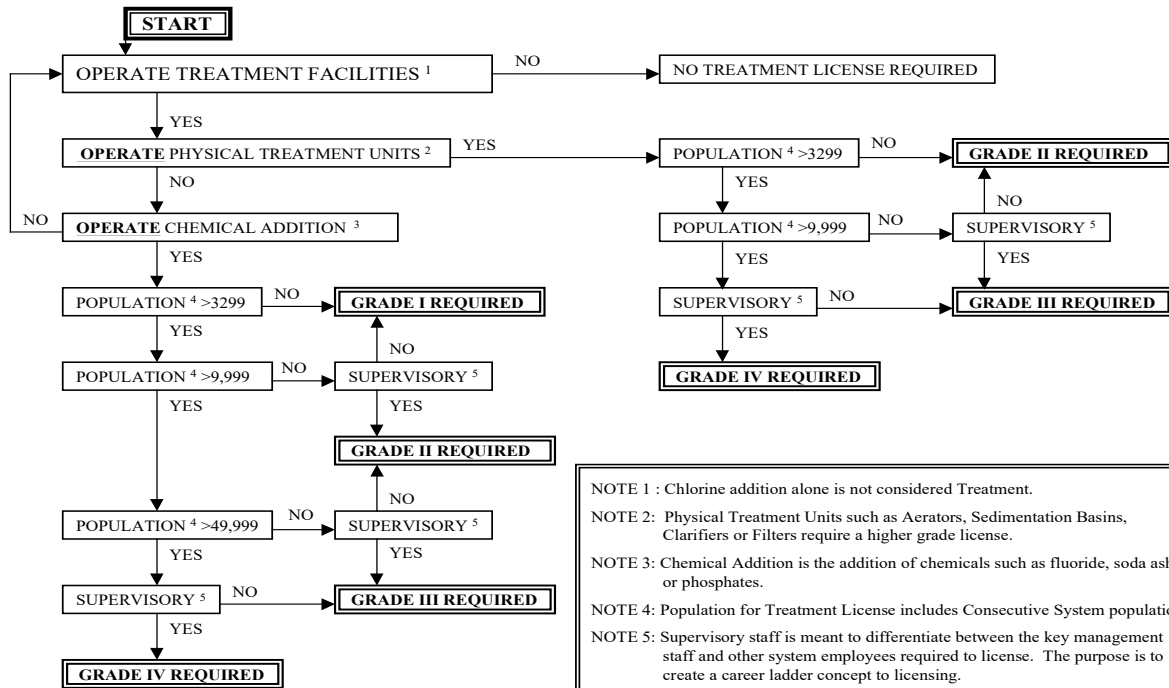
### CERTIFICATION

This will certify that the foregoing Rules Pertaining to Water Operator Licensing were adopted by the Arkansas Board of Health at a regular session of said Board held in Little Rock, Arkansas, on the ~~1st~~ \_\_\_\_ day of ~~August, 2019~~ August, 2022.

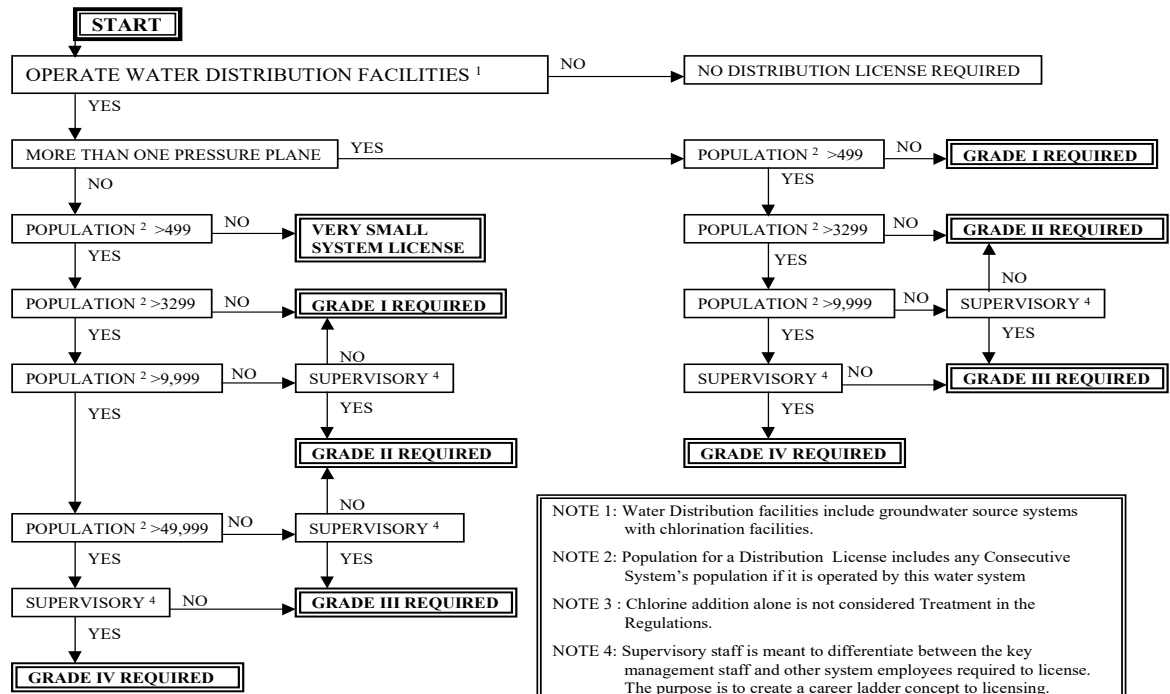
~~José Romero~~Jennifer Dillaha, MD  
~~Secretary~~Director and State Health  
Officer  
Secretary of the Arkansas Board of  
Health

## (Attachment 1)

### TREATMENT LICENSE GRADE REQUIRED



### DISTRIBUTION LICENSE GRADE REQUIRED





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.

17-4-106. Expedited occupational licensure.

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

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

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

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

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

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

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

(1) A uniformed service member; or

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

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

(a) An occupational licensing entity shall extend the expiration date of an occupational licensure for a deployed uniformed service member or his 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.  
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19

20 APPROVED: 4/21/21  
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