

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

# A Bill

SENATE BILL 564

5 By: Senator Irvin  
6

## For An Act To Be Entitled

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

## Subtitle

15  
16 TO AMEND THE LAW CONCERNING THE  
17 OCCUPATIONAL LICENSURE OF ACTIVE DUTY  
18 SERVICE MEMBERS, RETURNING MILITARY  
19 VETERANS, AND THEIR SPOUSES; TO PROVIDE  
20 AUTOMATIC LICENSURE; TO REQUIRE REVIEW  
21 AND APPROVAL OF RULES SUBMITTED.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
26

27 SECTION 1. DO NOT CODIFY. Legislative Intent.

28 The General Assembly finds that:

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

34 (2) Acts 2017, No. 248, amended the law to require that all  
35 state boards and commissions promulgate rules to expedite the process and  
36 procedures for full licensure, certification, or permitting for active duty



1 service members, returning military veterans, and their spouses;

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

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

7  
 8 Section 2. Arkansas Code § 17-1-106 is amended to read as follows:

9 17-1-106. ~~Licensure, certification, or permitting of Automatic~~  
 10 licensure for active duty service members, returning military veterans, and  
 11 spouses - ~~Definition~~ Definitions.

12 (a) As used in this section:

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

17 (2) "Court" means the Supreme Court, the Clerk of the Supreme  
 18 Court, and the State Board of Law Examiners having authority to issue an  
 19 individual a license to practice law in this state;

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

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

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

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

1 to engage in an occupation or profession if the to an individual who is the  
 2 holder in good standing of a substantially equivalent ~~license, certificate,~~  
 3 ~~or permit~~ occupational license issued by another state, territory, or  
 4 district of the United States and is:

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

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

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

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

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

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

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

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

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

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

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

1 ~~required for licensure, certification, or permitting.~~

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

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

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

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

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

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

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

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

30 (d) The Administrative Rules and Regulations Subcommittee of the  
 31 Legislative Council shall:

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

36 (2) Approve the proposed rules submitted under subsection (c)

1 based on:

2 (A) A determination of whether the expedited process and  
3 procedure provide the least restrictive means of accomplishing occupational  
4 licensure; and

5 (B) Any other criteria the Administrative Rules and  
6 Regulations Subcommittee of the Legislative Council determines necessary to  
7 achieve the objectives of this section.

8 (e) The Administrative Rules and Regulations Subcommittee of the  
9 Legislative Council may:

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

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

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

21 (f) An occupational licensing entity or the court shall:

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

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

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

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

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

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SECTION 3. TEMPORARY LANGUAGE. DO NOT CODIFY. An occupational licensing entity or the court proposing rules recommending an expedited process and procedure for occupational licensure instead of automatic licensure as provided under § 17-1-106(b) to the Administrative Rules and Regulations Subcommittee of the Legislative Council shall complete the review and approval process of the proposed rules required by § 17-1-106 within one (1) year of the effective date of this act.