

Stricken language would be deleted from and underlined language would be added to present law.
Act 135 of the Regular Session

State of Arkansas
93rd General Assembly
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As Engrossed: S1/19/21 S1/26/21
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 Arkansas Code § 17-1-106 is repealed.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~~



~~having authority to license, certify, register, permit, or otherwise authorize an individual to engage in a particular occupation or profession;~~

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

~~(4) "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)(1) An occupational licensing entity shall grant automatic licensure to engage in an occupation or profession to an individual who is the holder in good standing of a substantially equivalent occupational license issued by another state, territory, or district of the United States and is:~~

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

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

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

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

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

~~(d) The Administrative Rules Subcommittee of the Legislative Council shall:~~

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

~~(2) Approve the proposed rules submitted under subsection (c) of this section based on:~~

~~(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

17-4-101. Title.

This chapter shall be known and may be cited as the "Arkansas Occupational Licensing of Uniformed Service Members, Veterans, and Spouses Act of 2021".

17-4-102. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Arkansas sets the bar as a national leader in addressing employment barriers faced by uniformed service members, uniformed service veterans, and their spouses in attaining occupational licensure;

(2) Arkansas is one (1) of only four (4) states to successfully address eight (8) or more of the ten (10) issues affecting uniformed service families identified by the United States Department of Defense;

(3) Of the United States Department of Defense's ten (10) issues in fiscal year 2020, four (4) of the issues concern occupational licensure of spouses of uniformed service members;

(4) Annually, fourteen and a half percent (14.5%) of spouses of uniformed service members move across state lines as opposed to one and one-tenth percent (1.1%) of civilians;

(5) States can continue to improve the attainment of occupational licensure and to eliminate barriers impeding employment of spouses of uniformed service members following a move across state lines;

(6) Acts 2019, No. 820, established provisions for the granting of automatic occupational licensure or expedited occupational licensure to active-duty service members, recently separated veterans, and their spouses who hold occupational licensure in good standing in another jurisdiction; and

(7) Additional steps need to be taken to clarify, simplify, and elevate the occupational licensure process for uniformed service members, uniformed service veterans, and their spouses.

(b) It is the intent of the General Assembly to address occupational licensure barriers that impede the launch and sustainability of civilian occupational careers and employment faced by uniformed service members, uniformed service veterans, and their spouses due to frequent uniformed service assignment by:

(1) Providing:

(A) Automatic occupational licensure or expedited occupational licensure to current license holders to expedite their entry into the workforce of this state;

(B) Temporary or provisional licensure to initial licensure candidates while expediting full licensure;

(C) Legislative oversight of rulemaking by occupational licensing entities to ensure removal of occupational licensure barriers faced by uniformed service members, uniformed service veterans, and their spouses; and

(D) Guidance to assure effective rulemaking and clear license application instructions to uniformed service members, uniformed service veterans, and their spouses;

(2) Recognizing uniformed service education, training, experience, and credentials of uniformed service members and uniformed service veterans applying for initial occupational licensure; and

(3) Extending licensure expiration and any continuing education required for occupational licensure renewal when a uniformed service member is deployed.

17-4-103. Definitions.

As used in this chapter:

(1) "Automatic occupational 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 relevant occupational licensing entity;

(2) "Occupational licensing entity" means an office, board, commission, department, council, bureau, or other agency of state government having authority to license, certify, register, permit, or otherwise authorize an individual to engage in a particular occupation or profession, not including occupations or professions within the judicial branch of government or occupations or professions subject to the superintending control of the Supreme Court;

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

(4) "Uniformed service member" means:

(A) 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;

(B) An active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or

(C) An active or reserve component member of the United States Commissioned Corps of the Public Health Service; and

(5) "Uniformed service veteran" means a former member of the United States uniformed services discharged under conditions other than dishonorable.

17-4-104. Applicability.

Unless otherwise stated in this chapter, this chapter applies to:

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

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

(3) The spouse of:

(A) A person listed in subdivision (1) or (2) of this section;

(B) A uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; and

(C) A 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 the state.

17-4-105. Automatic occupational licensure.

An occupational licensing entity shall grant automatic occupational licensure to engage in an occupation or profession to an individual who is:

(1) Listed in § 17-4-104; and

(2) The holder in good standing of occupational licensure with similar scope of practice issued by another state, territory, or district of 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

uniformed service member's return from deployment.

(b)(1) An occupational licensing entity shall allow a full or partial exemption from a continuing education requirement that is required as a component of occupational licensure for an individual who is listed in subsection (a) of this section until one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(2) An occupational licensing entity that allows full or partial exemption from continuing education requirements may require evidence of completion of continuing education before granting a subsequent occupational licensure or authorizing the renewal of an occupational licensure.

17-4-109. Legislative oversight of rules.

(a) The Administrative Rules Subcommittee of the Legislative Council shall:

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

(2) Approve the proposed rules submitted under § 17-4-106 based on:

(A) A determination of whether the expedited process provides the least restrictive means of attaining occupational licensure; and

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

(b) The Administrative Rules Subcommittee of the Legislative Council may:

(1) Establish a further subcommittee to assist in the duties assigned to the Administrative Rules Subcommittee of the Legislative Council 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 (b)(1) of this section; or

(3) Delegate the duties of the Administrative Rules Subcommittee of the Legislative Council under this section to one (1) or more

subcommittees of the Legislative Council, which shall be subject to the final review and approval of the Administrative Rules Subcommittee of the Legislative Council.

17-4-110. Responsibilities of occupational licensing entities.

An occupational licensing entity shall:

(1) Submit proposed rules authorized under § 17-4-106 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.;

(2) If the proposed rules are not approved as required under § 17-4-109, provide automatic occupational licensure to an individual listed in § 17-4-104;

(3) Post prominently on the occupational licensing entity's website a link entitled "Military Member Licensure" that directly leads to information applicable to an individual listed in § 17-4-104; and

(4) Provide to the House Committee on Aging, Children and Youth, Legislative and Military Affairs an annual report stating the number of individuals granted automatic occupational licensure and expedited occupational licensure under this chapter.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that current laws and administrative rules regarding the issuance of occupational licenses, certificates, and permits are barriers and create a hardship for uniformed service members, uniformed service veterans, and their spouses; that additional expedited processes, automatic licensure, and extended expiration dates of occupational licenses, certificates, and permits is needed to ensure that uniformed service members, uniformed service veterans, and their spouses may practice their chosen occupation or profession in the State of Arkansas; and that this act is immediately necessary to remove barriers and hardships in obtaining occupational licenses, certificates, and permits for uniformed service members, uniformed service veterans, and their spouses. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Hill

APPROVED: 2/23/21