

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
92nd General Assembly  
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As Engrossed: S3/28/19  
**A Bill**

SENATE BILL 564

By: Senators Irvin, T. Garner, J. Hendren, D. Wallace  
By: Representative Bentley

### **For An Act To Be Entitled**

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

### **Subtitle**

TO AMEND THE LAW CONCERNING THE OCCUPATIONAL LICENSURE OF ACTIVE DUTY SERVICE MEMBERS, RETURNING MILITARY VETERANS, AND THEIR SPOUSES; TO PROVIDE AUTOMATIC LICENSURE; TO REQUIRE REVIEW AND APPROVAL OF RULES SUBMITTED.

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

SECTION 1. DO NOT CODIFY. Legislative Intent.

The General Assembly finds that:

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

(2) Acts 2017, No. 248, amended the law to require that all state boards and commissions promulgate rules to expedite the process and



procedures for full licensure, certification, or permitting for active duty service members, returning military veterans, and their spouses;

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

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

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

17-1-106. ~~Licensure, certification, or permitting of Automatic licensure for~~ active duty service members, returning military veterans, and spouses – ~~Definition~~ 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 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) A state board or commission that issues licenses, certificates, or permits required to enable the holder to lawfully engage in a profession, trade, or employment in this state~~ An occupational licensing entity shall allow grant the following individuals to secure employment with a temporary license, certificate, or permit while completing the application process for full licensure or certification or permitting automatic licensure to engage in an occupation or profession if the to an individual who is the holder in good standing of a substantially equivalent license, certificate, or permit

occupational license issued by another state, territory, or district of the United States and is:

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

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

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

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

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

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

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

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

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

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

~~(e) A license, certificate, or permit required to enable the holder to~~

~~lawfully engage in a profession, trade, or employment in this state held by an active duty military service member deployed outside the State of Arkansas or his or her spouse shall not expire until one hundred eighty (180) days following the active duty military service member's or spouse's return from active deployment.~~

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

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

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

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

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

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

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 and Regulations Subcommittee of the Legislative Council.

(d) The Administrative Rules and Regulations 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) 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 and Regulations Subcommittee of the Legislative Council determines necessary to achieve the objectives of this section.

(e) The Administrative Rules and Regulations 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 and Regulations Subcommittee of the Legislative Council under this section to one (1) or more subcommittee of the Legislative Council, including without limitation a subcommittee created under subdivision (e)(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 and Regulations 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 and Regulations 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 his or her discharge from active duty; or

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

SECTION 3. TEMPORARY LANGUAGE. DO NOT CODIFY. An occupational licensing entity 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.

*/s/Irvin*