

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

RULE 19 LICENSURE FOR ACTIVE DUTY SERVICE MEMBERS, RETURNING MILITARY VETERANS, AND SPOUSES

The following rules are promulgated under the authority of ACA 17-1-106.

19.1 EXPEDITED PROCESSING FOR FULL LICENSURE~~TEMPORARY LICENSURE~~

The Board will give preference in the order of processing to applications for full licensure filed by the following individuals:

- (1) An active duty military service member stationed in the State of Arkansas;
- (2) A returning military veteran applying for licensure within one year of his or her discharge from active duty; or
- (3) The spouse of a person identified under Rule 19.1(1) or 19.1(2).

~~Upon the Board's receipt of an application for full licensure, the Board will grant to the following individuals a temporary license while completing the application process for full licensure, if the individual is the holder in good standing of a CPA license from another U.S. jurisdiction:~~

- ~~(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 (1) or (2) above.~~

~~Completing the application process for full licensure means either:~~

- ~~1) Approval of the application for full licensure by the Board; or~~
- ~~2) The expiration of any period of time permitted to seek judicial review of the denial of an application for full licensure or completion of any judicial review proceeding and any subsequent remand proceedings following judicial review, whichever is later.~~

19.2 EXPEDITED PROCESSING FOR FULL LICENSURE~~TEMPORARY LICENSURE DURING EXPEDITED LICENSURE PROCESS~~

As part of the expedited process for full licensure set forth in Rule 19.1, upon the Board's receipt of an application for full licensure together with evidence that the applicant is the holder of a CPA or PA license in good standing from another U.S. jurisdiction, the Board will grant to an eligible applicant a temporary license while completing the application process:

Completing the application process for full licensure means either:

- (1) Approval of the application for full licensure by the Board; or
- (2) The expiration of any period of time permitted to seek judicial review of the denial of an application for full licensure or completion of any judicial review proceeding and any subsequent remand proceedings following judicial review, whichever is later.

The Board will give preference in the order of processing to applications for full licensure filed by

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 (1) or (2) above.~~

19.3 CONSIDERATION OF MILITARY TRAINING AND EXPERIENCE

When considering an application for full licensure from 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, the Board will:

- (1) Consider whether or not the applicant's military training and experience in the practice of accounting is substantially similar to the experience or education required for licensure.
- (2) Accept the applicant's military training and experience in the practice of accounting in lieu of experience or education required for licensure, if the Board determines that the military training and experience is a satisfactory substitute for the experience or education required for licensure.

19.4 EXTENSION OF EXPIRATION DATE OF LICENSE

- (a) The license of an active duty military service member or spouse of an active duty military service member will not expire until one hundred (180) days following the active duty service member's or spouse's return from active deployment.

RULE 19 LICENSURE FOR ACTIVE DUTY SERVICE MEMBERS, RETURNING MILITARY VETERANS, AND SPOUSES

19.1 EXPEDITED PROCESSING FOR FULL LICENSURE

The Board will give preference in the order of processing to applications for full licensure filed by the following individuals:

- (1) An active duty military service member stationed in the State of Arkansas;
- (2) A returning military veteran applying for licensure within one year of his or her discharge from active duty; or
- (3) The spouse of a person identified under Rule 19.1(1) or 19.1(2).

19.2 TEMPORARY LICENSURE DURING EXPEDITED LICENSURE PROCESS

As part of the expedited process for full licensure set forth in Rule 19.1, upon the Board's receipt of an application for full licensure together with evidence that the applicant is the holder of a CPA or PA license in good standing from another U.S. jurisdiction, the Board will grant to an eligible applicant a temporary license while completing the application process:

Completing the application process for full licensure means either:

- (1) Approval of the application for full licensure by the Board; or
- (2) The expiration of any period of time permitted to seek judicial review of the denial of an application for full licensure or completion of any judicial review proceeding and any subsequent remand proceedings following judicial review, whichever is later.

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When considering an application for full licensure from 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, the Board will:

- (1) Consider whether or not the applicant's military training and experience in the practice of accounting is substantially similar to the experience or education required for licensure.
- (2) Accept the applicant's military training and experience in the practice of accounting in lieu of experience or education required for licensure, if the Board determines that the military training and experience is a satisfactory substitute for the experience or education required for licensure.

19.4 EXTENSION OF EXPIRATION DATE OF LICENSE

- (a) The license of an active duty military service member or spouse of an active duty military service member will not expire until one hundred (180) days following the active duty service member's or spouse's return from active deployment.

QUESTIONNAIRE FOR FILING PROPOSED RULES WITH THE
ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY Department of Labor and Licensing
DIVISION Arkansas State Board of Public Accountancy
DIVISION DIRECTOR Jimmy Corley, Executive Director
CONTACT PERSON Jimmy Corley
ADDRESS 101 E. Capitol, Suite 450 Little Rock, AR 72201
PHONE NO. 501.682.5533 **FAX NO.** 501.682.5538 **E-MAIL** james.corley@arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Jimmy Corley
PRESENTER E-MAIL james.corley@arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.**
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.**
- C. If you have a method of indexing your rules, please give the proposed citation after “Short Title of this Rule” below.**
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:**

Jessica C. Sutton
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

1. What is the short title of this rule? **Rule 19 Licensure for military members/veterans/spouses**
2. What is the subject of the proposed rule? **Expedited licensure and temporary licensure for military members/veterans/spouses**
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes **X** No _____
If yes, please provide the federal rule, regulation, and/or statute citation. **Act 820 of 2019**
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?
Yes _____ No **X** _____
If yes, what is the effective date of the emergency rule? _____
When does the emergency rule expire? _____
Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes _____ No _____

5. Is this a new rule? Yes _____ No X If yes, please provide a brief summary explaining the rule.

Does this repeal an existing rule? Yes _____ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes X No _____ If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. **ACA 17-1-106(c)**

7. What is the purpose of this proposed rule? Why is it necessary? **To comply with the requirements of Act 820 of 2019.**

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

<https://asbpa.arkansas.gov/Websites/accountancy/images/Proposed%20Rules%202017/Proposed%20Rules%202020/23%20Rule%2019%20mark%20up.pdf>

9. Will a public hearing be held on this proposed rule? Yes _____ No X If yes, please complete the following:

Date: _____

Time: _____

Place: _____

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

June 30, 2020

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

August 1, 2020 (estimate)

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice.

See attachment

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e).

SOS is included on email to BLR

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

Unknown

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Department of Labor and Licensing

DIVISION Arkansas State Board of Public Accountancy

PERSON COMPLETING THIS STATEMENT Jimmy Corley, Executive Director

TELEPHONE NO. 501.682.5533 **FAX NO.** 501.682.5538 **EMAIL:** james.corley@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Licensure for military members/veterans/spouses

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes _____ No X _____
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes X _____ No _____
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes X _____ No _____

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;
- (b) The reason for adoption of the more costly rule;
- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and
- (d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.
4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:
- (a) What is the cost to implement the federal rule or regulation? NA

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ 0 _____

Next Fiscal Year

\$ 0 _____

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ 0 _____

Next Fiscal Year

\$ 0 _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes _____ No X

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously

with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.