

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) Apprenticeships prioritize on-the-job training and provide workers the opportunity to earn a paycheck while working towards industry-recognized credentials;

(2) Apprenticeships allow employers to build a skilled workforce according to industry standards; and

(3) Occupational licensing prevents the citizens of this state from taking full advantage of apprenticeships because many apprenticeship-friendly jobs require a license to legally work in this state.

(b) It is the purpose of this chapter 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.

17-4-103. Definitions.

As used in this chapter:

(1) "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 existing programs currently implementing work requirements as approved by the United States Office of Apprenticeship as meeting the requirements of an apprenticeship;

(2) "License" 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

(3) "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.

17-4-104. Treatment of apprenticeships regarding licenses.

(a) A licensing entity shall grant a license to an applicant who:

(1) Completes an apprenticeship in the licensed occupation or profession;

(2) Passes an examination, if deemed to be necessary by the licensing entity;

(3) Pays any fees deemed necessary by the licensing entity;

(4) Does not have a disqualifying criminal record as determined

by the licensing entity under state law; and

(5) Completes all other requirements for licensure unrelated to training and education.

(b) If a licensing entity denies a license to an applicant under this chapter, the licensing entity shall:

(1) Provide the applicant with a denial in writing; and

(2) Explain the reason for the denial in the written decision, such as whether the licensing entity determined that the applicant's apprenticeship program does not correspond to the profession or occupation or level of license for which the applicant applied.

(c)(1) A licensing entity shall establish a passing score for examinations that does not exceed the passing score required under the standard licensing processes.

(2) If the licensing entity does not require an examination for the standard licensing process for a profession or occupation, an applicant who completes an apprenticeship for the profession or occupation is not required to pass an examination.

(d)(1) A licensing entity shall establish a licensing fee that does not exceed the licensing fee required under the standard licensing processes.

(2) If the licensing entity does not require a fee for the standard licensing process for a profession or occupation, an applicant who completes an apprenticeship in the profession or occupation is not required to pay a fee.

(e) Except as otherwise required by federal law, an apprenticeship for a profession or occupation is not required to exceed the number of hours required by the licensing entity for the profession or occupation.

17-4-105. Construction.

This chapter does not apply to:

(1) A licensing entity that does not license individual workers for which there is an apprenticeship program established under 29 C.F.R. Part 29, as existing on March 1, 2021;

(2) A license that requires the educational equivalent of a bachelor's degree or higher; or

(3) A license issued by the State Board of Barber Examiners or the Department of Health regarding cosmetology.

SECTION 2. DO NOT CODIFY. Rules.

(a) All licensing entities as required under this act shall promulgate rules necessary to implement this act.

(b)(1) When adopting the initial rules to implement this act, the final rule shall be filed with the Secretary of State for adoption under § 25-15-204(f):

(A) On or before January 1, 2022; or

(B) If approval under § 10-3-309 has not occurred by January 1, 2022, as soon as practicable after approval under § 10-3-309.

(2) A licensing entity shall file the proposed rule with the Legislative Council under § 10-3-309(c) sufficiently in advance of January 1, 2022, so that the Legislative Council may consider the rule for approval before January 1, 2022.

SECTION 3. EFFECTIVE DATE.

This act is effective on and after January 1, 2022.

APPROVED: 4/21/21