

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

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

SENATE BILL 491

By: Senator J. English

## For An Act To Be Entitled

AN ACT TO AMEND CERTAIN LAWS REGARDING APPRENTICESHIP AND TRAINING PROGRAMS; TO AMEND THE DUTIES OF THE CAREER EDUCATION AND WORKFORCE DEVELOPMENT BOARD AND OFFICE OF SKILLS DEVELOPMENT RELATED TO APPRENTICESHIP PROGRAMS AND APPRENTICESHIP PROGRAM SPONSORS; TO AMEND THE NAME AND MAKEUP OF THE STATE APPRENTICESHIP COORDINATION STEERING COMMITTEE; TO AMEND THE NAME OF THE STATE APPRENTICESHIP COMMITTEE; TO ESTABLISH THE STATE ELECTRICAL APPRENTICESHIP COMMITTEE; TO AMEND THE USE OF THE ARKANSAS CONSTRUCTION INDUSTRY CRAFT TRAINING TRUST FUND; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND CERTAIN LAWS REGARDING APPRENTICESHIP AND TRAINING PROGRAMS AND RELATED DUTIES; TO AMEND AND ESTABLISH APPRENTICESHIP COMMITTEES; AND TO AMEND THE USE OF THE ARKANSAS CONSTRUCTION INDUSTRY CRAFT TRAINING TRUST FUND.

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

SECTION 1. Arkansas Code § 6-50-503(c)(2) and (3), concerning the industries and occupations selected for programs within the Arkansas Youth Apprenticeship/Work-Based Learning Act of 1991, are amended to read as follows:



(2) The division, the State Arkansas Apprenticeship Coordination Steering Committee, the Office of Skills Development, and local sites shall take joint responsibility for identifying the industries and occupations selected in subdivision (c)(1) of this section.

(3) ~~The State Apprenticeship Coordination Steering Committee~~ Office of Skills Development is responsible for identifying ~~traditional~~ apprenticeship programs that are currently in place.

SECTION 2. Arkansas Code § 6-50-703(a) and (b), concerning the Arkansas Existing Workforce Training Program, is amended to read as follows:

(a) There is hereby created the Arkansas Existing Workforce Training Program, to be administered by a governing council composed of equal representation from the Division of Higher Education, the ~~Division of Career and Technical Education~~ Office of Skills Development, and the Arkansas Economic Development Commission.

(b) The primary purpose of the program shall be to provide financial assistance to Arkansas business and industry for upgrading the knowledge and skills of the existing ~~work force~~ workforce or a potential new workforce and to increase the capacity of state-supported educational institutions to supply the ongoing training needs of Arkansas companies.

SECTION 3. Arkansas Code § 6-52-201 is amended to read as follows:  
6-52-201. Definitions.

In this subchapter:

(1) "Apprenticeship training program" means a training program that provides on-the-job training, ~~preparatory instruction~~, supplementary instruction, or related instruction in a trade or occupation that has been certified as an apprenticeable occupation by the United States Department of Labor Office of Apprenticeship;

~~(2) "BAT" means the United States Office of Apprenticeship;~~

~~(3) "Coordination committee" means the State Apprenticeship Coordination Steering Committee;~~

~~(4) "Preparatory instruction" means a course of instruction lasting six (6) months or less that teaches the basic skills required for an individual to comply with the terms of his or her apprenticeship agreement as required by § 6-52-207;~~

~~(5)(2)~~ "Program sponsor" means any person, association, committee, business, or organization operating an apprenticeship program and in whose name the program is registered or is in the process of registration by the United States Department of Labor Office of Apprenticeship;

~~(6)(3)~~ "Related instruction" means organized off-the-job instruction in theoretical or technical subjects required for the completion of an apprenticeship program for a particular apprenticeable trade;

~~(7)(4)~~ "Supplementary instruction" means a course of instruction for persons employed as journeymen craftsmen in an apprenticeable trade that is designed to provide new skills or upgrade current skills; and

~~(8)~~ [Repealed.]

(5)(A) "Pre-apprenticeship" means programs that provide instruction or training to increase math, literacy, and other vocational and prevocational skills needed to enter a Registered Apprenticeship program.

(B) "Pre-apprenticeship" programs are not:

(i) Registered with the United States Department of Labor during the term of the pre-apprenticeship training; or

(ii) Federally vetted, but a high-quality pre-apprenticeship should have a minimum of one (1) registered apprenticeship partner or a strong relationship with at least one (1) apprenticeship program, feature training and curriculum that aligns with that program, and include a wide range of support services designed specifically to help participants succeed; and

(6) "Youth apprenticeship" means a registered apprenticeship program that has been validated by the United States Department of Labor or a State Apprenticeship Agency serving individuals between the ages of sixteen (16) and twenty-four (24) and is sponsored by employers, labor management organizations, or other organizations.

SECTION 4. Arkansas Code § 6-52-203 is amended to read as follows:  
6-52-203. Rules.

The Office of Skills Development and the ~~State~~ Arkansas Apprenticeship Coordination Steering Committee shall promulgate rules necessary to implement the provisions of this subchapter.

SECTION 5. Arkansas Code § 6-52-204 is amended to read as follows:

6-52-204. ~~State~~ Arkansas Apprenticeship Coordination Steering Committee.

(a)(1) The Governor shall appoint an ~~apprenticeship and training advisory committee~~ Arkansas Apprenticeship Coordination Steering Committee composed of members with the following qualifications:

(A) ~~Two (2) members~~ One (1) member representing ~~employers of members of apprenticeable trades~~ employer organizations;

(B) ~~Two (2) members~~ One (1) member representing labor unions or bargaining agents for members of apprenticeable trades;

(C) ~~Two (2) members~~ One (1) member representing the minority and female workforce who have knowledge of apprenticeship and are familiar with the needs of vocational and technical education; ~~and~~

(D) Two (2) members who teach or immediately supervise ~~preparatory instruction, supplementary instruction, or related instruction~~ courses.

(E) Three (3) members representing employers who are actively utilizing registered apprenticeship who have knowledge of apprenticeship and are familiar with the needs of vocational and technical education;

(F) One (1) member representing the Division of Career and Technical Education who has knowledge of apprenticeship and is familiar with the needs of vocational and technical education;

(G) One (1) member representing a state supported two-year or four-year institution of higher education who has knowledge of apprenticeship and is familiar with the needs of vocational and technical education;

(H) One (1) member representing the Workforce Innovation and Opportunity Act workforce system who has knowledge of apprenticeship and is familiar with the needs of vocational and technical education; and

(I) One (1) member representing the Office of Skills Development.

(2) Members of the ~~coordination~~ committee shall serve terms of four (4) years.

(3) Vacancies shall be filled for the unexpired portion of a term vacated.

(4) The Governor shall consult the Office of Skills Development

before making an appointment under this subsection.

(5) Appointments made by the Governor under this subsection shall be subject to confirmation by the Senate.

(b) Advisory members of the ~~coordination~~ committee shall include the following:

(1) ~~One (1) person~~ Two (2) persons designated by ~~and~~ representing the Office of Skills Development; and

(2) ~~One (1) person designated by and representing the Division of Labor;~~

~~(3) One (1) person designated by and representing the United States~~ Department of Labor Office of Apprenticeship;

~~(4) One (1) person designated by and representing the Career and Technical Education Program of the College of Education and Health Professions of the University of Arkansas at Fayetteville; and~~

~~(5) One (1) person representing the general public who is familiar with the goals and needs of apprenticeship in Arkansas and who is not otherwise eligible for service on the coordination committee.~~

~~(c)(1) The member representing the general public shall be appointed by the Office of Skills Development for a term of four (4) years.~~

~~(2) All other nonvoting members of the coordination committee shall serve at the pleasure of the agency or institution each respective member represents.~~

~~(d) The apprenticeship coordination steering committee as outlined in this section will become the State Apprenticeship Coordination Steering Committee.~~

SECTION 6. Arkansas Code § 6-52-205 is amended to read as follows:

6-52-205. State Arkansas Apprenticeship Coordination Steering Committee - Duties.

(a) The State Arkansas Apprenticeship Coordination Steering Committee shall recommend to the Career Education and Workforce Development Board a statewide plan for the development of a comprehensive program of apprenticeship training ~~which~~ that shall include but not be limited to the following:

(1) Formulas and administrative procedures to be used in requesting appropriations of state funds for apprenticeship training and

apprenticeship expansion efforts;

(2) Forms, formulas, and administrative procedures to be used in distributing available funds to apprenticeship training programs and apprenticeship expansion efforts; and

(3) The content and method of the public notice required by this subchapter.

(b)(1) The Office of Skills Development shall furnish the ~~coordination~~ committee with the current data necessary to develop the plan.

(2) All state boards and agencies shall cooperate with the ~~coordination~~ committee and shall furnish information and material on request.

(c) Pursuant to this section, the reporting procedures shall be included in the state plan for apprenticeship.

SECTION 7. Arkansas Code § 6-52-206 is amended to read as follows:

6-52-206. Recommendations.

(a) Recommendations of the ~~State~~ Arkansas Apprenticeship Coordination Steering Committee submitted to the Office of Skills Development must be acted on and either accepted or rejected.

(b) A recommendation which is rejected must be returned immediately to the ~~coordination~~ committee, accompanied by written notice of the reasons for rejecting the recommendation.

SECTION 8. Arkansas Code § 6-52-208(a), concerning duties of apprenticeship program sponsors, is amended to read as follows:

(a) The apprenticeship program sponsor of each apprenticeship training program shall:

(1) Establish standards and goals for ~~preparatory instruction,~~ supplementary instruction, and related instruction for apprentices in the program;

(2) Establish rules governing the on-the-job training and other instruction for apprentices in the program;

(3) Plan and organize instructional materials designed to provide technical and theoretical knowledge and basic skills required by apprentices in the program;

(4) Recommend qualified instructors for the program;

(5) Monitor and evaluate the performance and progress of each

apprentice in the program and the program as a whole; and

(6) Interview applicants and select those most qualified for entrance into the program.

SECTION 9. Arkansas Code § 6-52-208, concerning the duties of apprenticeship program sponsors, is amended to add an additional subsection to read as follows:

(e)(1) An apprenticeship program sponsor shall provide the names of the employers who enroll apprentices into the program to the Office of Skills Development on or before September 1 of each fiscal year.

(2) The office shall not publish the names of the employers who have enrolled apprentices, nor use the employer names for a purpose other than program administration and research, unless approved by the employer.

(3) The names of employers provided by apprenticeship program sponsors under subsection (e) of this section shall be exempt from the Freedom of Information Act of 1967, § 25-19-101 et seq.

SECTION 10. Arkansas Code § 6-55-104(b), concerning administration of the Arkansas Construction Industry Craft Training Program, is amended to read as follows:

(b) The program will be administered by the Office of Skills Development in collaboration with the ~~State~~ Arkansas Apprenticeship Coordination Steering Committee created by § 6-52-204.

SECTION 11. Arkansas Code § 6-55-105 is amended to read as follows:  
6-55-105. Program plan.

In addition to the duties of the ~~State~~ Arkansas Apprenticeship Coordination Steering Committee contained in § 6-52-205, the committee is authorized to develop a plan for the Arkansas Construction Industry Craft Training Program which shall include, but not be limited to, the following:

(1) Formulas and administrative procedures to be used in requesting appropriations of state funds for the program;

(2) Forms, formulas, and administrative procedures to be used in distributing funds to construction craft training programs; and

(3) Other administrative procedures or rules as may be necessary for the equitable and efficient operation of the program.

SECTION 12. Arkansas Code § 6-55-107(c), concerning the use of the Arkansas Construction Craft Training Trust Fund, is amended to read as follows:

(c) The fund may also be used to support youth apprenticeship or pre-apprenticeship construction trade programs in secondary vocational centers.

(d) Upon the recommendation of the ~~State~~ Arkansas Apprenticeship Coordination Steering Committee, the Office of Skills Development shall expend the moneys in the fund from time to time to support the training program prescribed in this chapter.

SECTION 13. Arkansas Code § 6-55-108 is amended to read as follows:  
6-55-108. Rules.

The Office of Skills Development and the ~~State~~ Arkansas Apprenticeship Coordination Steering Committee shall promulgate rules necessary to implement the provisions of this chapter.

SECTION 14. Arkansas Code Title 17, Chapter 28, Subchapter 3, is amended to add additional sections to read as follows:

17-28-313. Powers of Career Education and Workforce Development Board.

The Career Education and Workforce Development Board shall have the following powers:

(1) To ensure that all persons working as apprentice electricians are properly registered;

(2) To adopt rules as to the qualifications, training, and supervision of apprentice electricians subject to the approval of the Department of Labor and Licensing; and

(3) To adopt rules establishing the roles and duties of the following organizations or officials in the electrical apprenticeship program in compliance with the National Electrical Standards as approved and registered with the United States Department of Labor Office of Apprenticeship:

(A) The Office of Skills Development; and

(B) The State Electrical Apprenticeship Committee.

17-28-314. State Electrical Apprenticeship Committee.

(a) The Career Education and Workforce Development Board shall appoint a State Electrical Apprenticeship Committee consisting of seven (7) voting members as follows:

(1) One (1) member shall be an Arkansas state-licensed journeyman electrician;

(2) One (1) member shall be an engineer, professional or registered, with knowledge of the electrical trade;

(3) Four (4) members shall be Arkansas state-licensed master electricians; and

(4) One (1) member shall be an employer representative who employs electrical apprentices in the State of Arkansas.

(b) One (1) of the voting members shall be appointed from each congressional district, and three (3) of the voting members shall be appointed from the state at large.

(c) The Director of the Office of Skills Development or his or her designee shall serve as a nonvoting advisory member of the committee.

(d) Voting members shall serve four-year terms.

(e) The members of the committee may receive expense reimbursement in accordance with § 25-16-901 et seq.

(f) The board shall prescribe committee members' qualifications and duties.

(g) The board may remove a member for cause.

SECTION 15. Arkansas Code § 17-38-402 is amended to read as follows:

17-38-402. Powers of Career Education and Workforce Development Board.

The Career Education and Workforce Development Board shall have the following powers:

(1) To ensure that all persons working as apprentice plumbers are properly registered;

(2) To adopt rules as to the qualifications, training, and supervision of apprentice plumbers subject to the approval of the Department of Health;

(3) To adopt rules establishing the roles and duties of the following organizations or officials in the plumbing apprenticeship program in compliance with the National Plumbing Standards as approved and registered with the United States Department of Labor, ~~Bureau of Apprenticeship and~~

Training Office of Apprenticeship:

- (A) The Office of Skills Development; and
- (B) The State Plumbing Apprenticeship Committee; and
- ~~(C) The local apprenticeship committee; and~~
- (4) [Repealed.]

SECTION 16. Arkansas Code § 17-38-403 is amended to read as follows:  
 17-38-403. State Plumbing Apprenticeship Committee.

(a) The Career Education and Workforce Development Board shall appoint a State Plumbing Apprenticeship Committee consisting of seven (7) voting members as follows:

- (1) Two (2) shall be Arkansas state-licensed journeyman plumbers;
- (2) One (1) shall be a citizen member; and
- (3) Four (4) shall be Arkansas state-licensed master plumbers.

~~(b)(1)~~ One (1) of the voting members shall be appointed from each congressional district, and three (3) of the voting members shall be appointed from the state at large.

~~(2) At least three (3) of the six (6) journeyman plumber and master plumber members must be members of existing functioning local apprenticeship committees.~~

(c) The Director of the Office of Skills Development or his or her designee shall serve as a nonvoting advisory member to the State Plumbing Apprenticeship Committee.

(d) Voting members shall serve four-year terms.

(e) The members of the State Plumbing Apprenticeship Committee may receive expense reimbursement in accordance with § 25-16-901 et seq.

(f) The board shall prescribe State Plumbing Apprenticeship Committee members' qualifications and prescribe their duties.

(g) The board may remove a member for cause.

SECTION 17. Arkansas Code §§ 17-38-404 and 17-38-405 are repealed.

~~17-38-404. Hardship status — Criteria and applications.~~

~~(a)(1) The local apprenticeship committee shall establish criteria for eligibility for hardship status. The applicant for hardship status must reside at least thirty (30) miles by the most direct route from the nearest~~

~~established apprenticeship school.~~

~~(2) The thirty mile criterion is a minimum qualification to be considered as hardship, and complete qualifications will be established by the local apprenticeship committee or the State Apprenticeship Committee.~~

~~(b) If the local apprenticeship committee does not act on the application within forty five (45) days of the date it was filed, the application shall be automatically transmitted to the State Apprenticeship Committee, which shall act on the application at its next regularly scheduled meeting after receipt thereof.~~

~~(c) If the State Apprenticeship Committee fails to act, the application shall be automatically transmitted to the Career Education and Workforce Development Board, which shall act on the application within forty-five (45) days after receipt.~~

~~17-38-405. Hardship status — Appeals.~~

~~(a) The decision of the local apprenticeship committee regarding the hardship application may be appealed to the State Apprenticeship Committee, and the State Apprenticeship Committee shall act on the appeal at its next regularly scheduled meeting upon receipt of the appeal.~~

~~(b) The decision of the State Apprenticeship Committee may be appealed to the Career Education and Workforce Development Board. The board shall act on the appeal within forty five (45) days of receipt.~~

~~(c) All actions of the State Apprenticeship Committee may be appealed to the board in accordance with the board's established policies.~~

SECTION 18. Arkansas Code § 19-5-1114(b)(2), concerning the use of the Arkansas Construction Industry Craft Training Trust Fund, is amended to read as follows:

(2) The fund shall be used to support training programs set out in the Arkansas Construction Industry Craft Training Act, § 6-55-101 et seq., administered by the Office of Skills Development and the State Arkansas Apprenticeship Coordination Steering Committee.

SECTION 19. Arkansas Code § 25-16-903(38), concerning stipends for the State Apprenticeship Committee, is amended to read as follows:

(38) State Plumbing Apprenticeship Committee;

SECTION 20. Arkansas Code § 25-16-903(62), concerning stipends for the State Apprenticeship Coordination Steering Committee, is amended to read as follows:

(62) ~~State~~ Arkansas Apprenticeship Coordination Steering Committee;

SECTION 21. Arkansas Code § 25-16-903, concerning stipends for certain state boards, is amended add an additional subdivision to read as follows:

(70) State Electrical Apprenticeship Committee.