

1 State of Arkansas As Engrossed: H3/9/21 H3/15/21 H3/18/21

2 93rd General Assembly

# A Bill

3 Regular Session, 2021

HOUSE BILL 1553

4

5 By: Representative Bryant

6 By: Senator Hester

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8

## For An Act To Be Entitled

9 AN ACT TO CREATE THE EARN AND LEARN ACT OF 2021; TO  
10 ALLOW INDIVIDUALS TO WORK AND EARN A PAYCHECK WHILE  
11 ALSO FULFILLING LICENSING REQUIREMENTS AND GAINING  
12 THE SKILLS TO FILL THE NEEDS OF AN EXPANDING  
13 WORKFORCE; AND FOR OTHER PURPOSES.

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## Subtitle

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

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27 SECTION 1. Arkansas Code Title 17 is amended to add an additional  
28 chapter to read as follows:

29

### CHAPTER 4

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### EARN AND LEARN ACT OF 2021

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32 17-4-101. Title.

33 This chapter shall be known and may be cited as the "Earn and Learn Act  
34 of 2021".

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36 17-4-102. Legislative findings – Purpose.



1 (a) The General Assembly finds that:

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

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

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

10 (b) It is the purpose of this chapter to allow individuals to work and  
11 earn a paycheck while also fulfilling licensing requirements and gaining the  
12 skills to fill the needs of an expanding workforce.

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14 17-4-103. Definitions.

15 As used in this chapter:

16 (1) "Apprenticeship" means a program that meets the federal  
17 guidelines set out in 29 C.F.R. Part 29, as existing on March 1, 2021, and  
18 existing programs currently implementing work requirements as approved by the  
19 United States Office of Apprenticeship as meeting the requirements of an  
20 apprenticeship;

21 (2) "License" means a license, certificate, registration,  
22 permit, or other form of authorization required by law or rule that is  
23 required for an individual to engage in a particular occupation or  
24 profession; and

25 (3) "Licensing entity" means an office, board, commission,  
26 department, council, bureau, or other agency of state government having  
27 authority to license, certify, register, permit, or otherwise authorize an  
28 individual to engage in a particular occupation or profession.

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30 17-4-104. Treatment of apprenticeships regarding licenses.

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

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

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

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

1 (4) Does not have a disqualifying criminal record as determined  
2 by the licensing entity under state law; and

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

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

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

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

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

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

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

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

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

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29 17-4-105. Construction.

30 This subchapter does not apply to:

31 (1) A licensing entity that does not license individual workers  
32 for which there is an apprenticeship program established under 29 C.F.R. Part  
33 29, as existing on March 1, 2021; or

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

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1 SECTION 2. DO NOT CODIFY. Rules.

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

4 (b)(1) When adopting the initial rules to implement this act, the  
5 final rule shall be filed with the Secretary of State for adoption under §  
6 25-15-204(f):

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

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

10 (2) A licensing entity shall file the proposed rule with the  
11 Legislative Council under § 10-3-309(c) sufficiently in advance of January 1,  
12 2022, so that the Legislative Council may consider the rule for approval  
13 before January 1, 2022.

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15 SECTION 3. EFFECTIVE DATE.

16 This act shall be effective on and after January 1, 2022.

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18 /s/Bryant  
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