

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 491

5 By: Senator J. English
6

For An Act To Be Entitled

8 AN ACT TO AMEND CERTAIN LAWS REGARDING APPRENTICESHIP
9 AND TRAINING PROGRAMS; TO AMEND THE DUTIES OF THE
10 CAREER EDUCATION AND WORKFORCE DEVELOPMENT BOARD AND
11 OFFICE OF SKILLS DEVELOPMENT RELATED TO
12 APPRENTICESHIP PROGRAMS AND APPRENTICESHIP PROGRAM
13 SPONSORS; TO AMEND THE NAME AND MAKEUP OF THE STATE
14 APPRENTICESHIP COORDINATION STEERING COMMITTEE; TO
15 AMEND THE NAME OF THE STATE APPRENTICESHIP COMMITTEE;
16 TO ESTABLISH THE STATE ELECTRICAL APPRENTICESHIP
17 COMMITTEE; TO AMEND THE USE OF THE ARKANSAS
18 CONSTRUCTION INDUSTRY CRAFT TRAINING TRUST FUND; AND
19 FOR OTHER PURPOSES.
20
21

Subtitle

22 TO AMEND CERTAIN LAWS REGARDING
23 APPRENTICESHIP AND TRAINING PROGRAMS AND
24 RELATED DUTIES; TO AMEND AND ESTABLISH
25 APPRENTICESHIP COMMITTEES; AND TO AMEND
26 THE USE OF THE ARKANSAS CONSTRUCTION
27 INDUSTRY CRAFT TRAINING TRUST FUND.
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31 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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33 SECTION 1. Arkansas Code § 6-50-503(c)(2) and (3), concerning the
34 industries and occupations selected for programs within the Arkansas Youth
35 Apprenticeship/Work-Based Learning Act of 1991, are amended to read as
36 follows:



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

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

8
 9 SECTION 2. Arkansas Code § 6-50-703(a) and (b), concerning the
 10 Arkansas Existing Workforce Training Program, is amended to read as follows:

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

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

21
 22 SECTION 3. Arkansas Code § 6-52-201 is amended to read as follows:
 23 6-52-201. Definitions.

24 In this subchapter:

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

30 ~~(2) “BAT” means the United States Office of Apprenticeship;~~

31 ~~(3) “Coordination committee” means the State Apprenticeship~~
 32 ~~Coordination Steering Committee;~~

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

1 ~~(5)(2)~~ "Program sponsor" means any person, association,
 2 committee, business, or organization operating an apprenticeship program and
 3 in whose name the program is registered or is in the process of registration
 4 by the United States Department of Labor Office of Apprenticeship;

5 ~~(6)(3)~~ "Related instruction" means organized off-the-job
 6 instruction in theoretical or technical subjects required for the completion
 7 of an apprenticeship program for a particular apprenticeable trade;

8 ~~(7)(4)~~ "Supplementary instruction" means a course of instruction
 9 for persons employed as journeymen craftsmen in an apprenticeable trade that
 10 is designed to provide new skills or upgrade current skills; and

11 ~~(8)~~ [Repealed.]

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

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

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

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

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

29
 30 SECTION 4. Arkansas Code § 6-52-203 is amended to read as follows:
 31 6-52-203. Rules.

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

35
 36 SECTION 5. Arkansas Code § 6-52-204 is amended to read as follows:

1 6-52-204. ~~State~~ Arkansas Apprenticeship Coordination Steering
2 Committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 before making an appointment under this subsection.

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

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

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

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

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

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

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

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

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

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

26
 27 SECTION 6. Arkansas Code § 6-52-205 is amended to read as follows:

28 6-52-205. State Arkansas Apprenticeship Coordination Steering
 29 Committee - Duties.

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

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

1 apprenticeship expansion efforts;

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

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

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

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

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

13
14 SECTION 7. Arkansas Code § 6-52-206 is amended to read as follows:

15 6-52-206. Recommendations.

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

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

22
23 SECTION 8. Arkansas Code § 6-52-208(a), concerning duties of
24 apprenticeship program sponsors, is amended to read as follows:

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

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

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

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

35 (4) Recommend qualified instructors for the program;

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

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

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

4
5 SECTION 9. Arkansas Code § 6-52-208, concerning the duties of
6 apprenticeship program sponsors, is amended to add an additional subsection
7 to read as follows:

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

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

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

17
18 SECTION 10. Arkansas Code § 6-55-104(b), concerning administration of
19 the Arkansas Construction Industry Craft Training Program, is amended to read
20 as follows:

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

24
25 SECTION 11. Arkansas Code § 6-55-105 is amended to read as follows:
26 6-55-105. Program plan.

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

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

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

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

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

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

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

11
12 SECTION 13. Arkansas Code § 6-55-108 is amended to read as follows:
13 6-55-108. Rules.

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

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

20 17-28-313. Powers of Career Education and Workforce Development Board.

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

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

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

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

33 (A) The Office of Skills Development; and

34 (B) The State Electrical Apprenticeship Committee.

35
36 17-28-314. State Electrical Apprenticeship Committee.

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

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

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

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

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

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

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

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

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

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

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

23
24 SECTION 15. Arkansas Code § 17-38-402 is amended to read as follows:
25 17-38-402. Powers of Career Education and Workforce Development Board.
26 The Career Education and Workforce Development Board shall have the
27 following powers:

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

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

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

1 Training Office of Apprenticeship:

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

6

7 SECTION 16. Arkansas Code § 17-38-403 is amended to read as follows:
 8 17-38-403. State Plumbing Apprenticeship Committee.

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

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

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

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

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

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

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

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

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

31

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

33 ~~17-38-404. Hardship status — Criteria and applications.~~

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

1 ~~established apprenticeship school.~~

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

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

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

14
15 ~~17-38-405. Hardship status — Appeals.~~

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

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

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

25
26 SECTION 18. Arkansas Code § 19-5-1114(b)(2), concerning the use of the
27 Arkansas Construction Industry Craft Training Trust Fund, is amended to read
28 as follows:

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

33
34 SECTION 19. Arkansas Code § 25-16-903(38), concerning stipends for the
35 State Apprenticeship Committee, is amended to read as follows:

36 (38) State Plumbing Apprenticeship Committee;

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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.