

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

A Bill

HOUSE BILL 1875

5 By: Representative Bryant
6 By: Senator Hester
7

For An Act To Be Entitled

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

16 TO CREATE THE EARN AND LEARN ACT; AND TO
17 ALLOW INDIVIDUALS TO WORK AND EARN A
18 PAYCHECK WHILE ALSO FULFILLING LICENSING
19 REQUIREMENTS AND GAINING THE SKILLS TO
20 FILL THE NEEDS OF AN EXPANDING WORKFORCE.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code Title 17 is amended to add an additional
27 chapter to read as follows:

CHAPTER 4

EARN AND LEARN ACT

17-4-101. Title.

31 This chapter shall be known and may be cited as the "Earn and Learn
32 Act".
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17-4-102. Legislative findings – Purpose.

35 (a) The General Assembly finds that:
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1 (1) Apprenticeships prioritize on-the-job training and provide
2 workers the opportunity to earn a paycheck while working towards industry-
3 recognized credentials;

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

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

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

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13 17-4-103. Definitions.

14 As used in this chapter:

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

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

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

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29 17-4-104. Treatment of apprenticeships regarding licenses.

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

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

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

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

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

1 by the licensing entity under state law; and

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

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

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

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

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

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

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

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

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

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28 17-4-105. Construction.

29 This chapter does not apply to:

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

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

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

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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