

SENATE BILL 205

K3

(2lr0080)

ENROLLED BILL

— *Finance/Economic Matters* —

Introduced by **Chair, Finance Committee (By Request – Departmental – Labor)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Division of Workforce Development and Adult Learning – Apprenticeship and**
3 **Training Council – Sunset Extension**

4 FOR the purpose of continuing the Apprenticeship and Training Council in accordance with
5 the provisions of the Maryland Program Evaluation Act (sunset law) by extending to
6 a certain date the termination provisions relating to the statutory and regulatory
7 authority of the Council; and generally relating to the Apprenticeship and Training
8 Council.

9 BY repealing and reenacting, with amendments,
10 Article – Labor and Employment
11 Section 11–402
12 Annotated Code of Maryland
13 (2016 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, without amendments,
2 Article – Labor and Employment
3 Section 11–403 through 11–405
4 Annotated Code of Maryland
5 (2016 Replacement Volume and 2021 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
7 That the Laws of Maryland read as follows:

8 **Article – Labor and Employment**

9 11–402.

10 Subject to the evaluation and reestablishment provisions of the Maryland Program
11 Evaluation Act, §§ 11–403 through 11–405 of this subtitle shall terminate on July 1, [2024]
12 ~~2034 2025~~ 2034.

13 11–403.

14 (a) The Division of Workforce Development and Adult Learning is the designated
15 State Apprenticeship Agency under Title 29, C.F.R. Parts 29 and 30.

16 (b) (1) There is an Apprenticeship and Training Council as part of the Division
17 of Workforce Development and Adult Learning. The Council consists of 12 members all of
18 whom shall be appointed by the Governor of Maryland, with the advice of the Secretary
19 and with the advice and consent of the Senate of Maryland.

20 (2) Four of the members shall be representatives of employee
21 organizations; one shall be an employee; five shall be representatives of employers; and two
22 shall be appointed from the general public.

23 (3) The membership of the Council shall, to the extent practicable, reflect
24 the geographic, racial, ethnic, cultural, and gender diversity of the State and shall include
25 representation by individuals with disabilities. Consultants to the Council shall, to the
26 extent practicable, reflect the geographic, racial, ethnic, cultural, and gender diversity of
27 the State and shall include representation by individuals with disabilities.

28 (4) In advising the Governor, the Secretary shall give consideration to a
29 balanced geographic representation from all of Maryland and a representative sampling
30 and mix of Maryland industry.

31 (5) One member shall be appointed as Chairman by the Governor, with the
32 advice of the Secretary, and serve as Chairman at the pleasure of the Governor. The
33 Assistant State Superintendent, Career and Technology Education, and the Maryland
34 State Director of the Office of Apprenticeship, U.S. Department of Labor, shall serve as
35 consultants to the Council without vote.

1 (6) The Governor, with the advice of the Secretary may appoint up to three
2 additional consultants to the Council from the public at large.

3 (c) All appointments as members of the Council shall be for terms of 4 years.

4 (d) (1) Except as provided in paragraph (2) of this subsection and subject to
5 paragraph (3) of this subsection, a member shall be considered to have resigned if the
6 member did not attend at least two-thirds of the Council meetings held during any
7 consecutive 12-month period while the member was serving on the Council.

8 (2) The Governor may waive a member's resignation and allow the member
9 to continue serving if the member has been unable to attend meetings for reasons
10 satisfactory to the Governor and the reasons are made public.

11 (3) In accordance with § 8-501 of the State Government Article, the
12 Chairman shall provide notice to the Governor and the Governor shall appoint a successor.

13 11-404.

14 The members of the Council shall receive per diem compensation as provided in the
15 State budget for each day actually engaged in the discharge of their official duties as well
16 as reimbursement for expenses in accordance with the Standard State Travel Regulations.
17 The Director of Apprenticeship and Training shall act as secretary.

18 11-405.

19 (a) The duties of the Council shall be to:

20 (1) advise the Division of Workforce Development and Adult Learning on
21 the apprenticeability of occupations in the State of Maryland;

22 (2) encourage the establishment of local apprenticeship committees where
23 the committees are needed;

24 (3) make recommendations regarding the formulation and adoption of
25 standards of apprenticeship which safeguard the welfare of apprentices, being guided, but
26 not controlled, by the standards of apprenticeship recommended by the federal committee
27 on apprenticeship;

28 (4) make recommendations regarding the formulation of policies for the
29 overall apprenticeship program;

30 (5) make recommendations regarding the registration of standards of
31 apprenticeship of the groups or employers that elect to conform with the provisions of this
32 subtitle;

1 (6) make recommendations regarding the registration of apprenticeship
2 agreements which conform to the standards of apprenticeship adopted by the Division of
3 Workforce Development and Adult Learning;

4 (7) recommend the issuance of certificates of completion of apprenticeship
5 to apprentices who are registered with the Division of Workforce Development and Adult
6 Learning when the Division determines that such apprentices have completed successfully
7 their apprenticeship;

8 (8) seek all information pertaining to apprenticeship training in the State;

9 (9) prescribe its rules of procedure and duties of the Chairman, Director,
10 and Secretary subject to the provisions of this law; and

11 (10) perform other advisory functions as the Governor or the Secretary may
12 direct or as may come within the scope of the Council.

13 (b) (1) No person, firm, or corporation may offer, establish, maintain, or
14 operate an apprenticeship program for any occupation approved by the Division of
15 Workforce Development and Adult Learning as an apprenticeable occupation for which
16 tuition, charges, or fees are charged to or are payable by an enrollee or student, or which is
17 financed in whole or in part by State funds, unless the program is first approved by the
18 Division of Workforce Development and Adult Learning.

19 (2) (i) The Division of Workforce Development and Adult Learning
20 shall issue a certificate of approval to an applicant operating or proposing to operate the
21 program if the Division of Workforce Development and Adult Learning is satisfied that the
22 conditions of entrance, the qualifications of the administrators and instructors, the content
23 of the program, the facilities, and the financial aspects of the program are adequate and
24 appropriate for the purpose of the program.

25 (ii) If the Division of Workforce Development and Adult Learning
26 does not issue a certificate of approval to an applicant operating or proposing to operate a
27 program, any person, firm, or corporation whose application is rejected has a right to
28 judicial review under Title 10, Subtitle 2 of the State Government Article.

29 (3) (i) The Division of Workforce Development and Adult Learning,
30 after notice and hearing, may deregister a program or course if it finds that the program or
31 course has ceased to meet the conditions of approval.

32 (ii) Any person, association, committee, or organization that
33 operates an apprenticeship program that is deregistered by the Division of Workforce
34 Development and Adult Learning may request a hearing before the United States
35 Department of Labor.

36 (4) After consulting the Council, the Division of Workforce Development
37 and Adult Learning, after notice and hearing, may adopt rules and regulations for the

1 implementation of this section, including rules and regulations requiring the furnishing of
2 periodic relevant information about approved and proposed programs and the operator or
3 proposed operator of the approved or proposed programs.

4 (5) Any person, firm, or corporation that knowingly offers, establishes,
5 maintains, or operates a program in violation of this section is guilty of a misdemeanor and,
6 upon conviction, shall be fined not more than \$1,000 or be imprisoned for not more than
7 one year, or both.

8 (6) If recommended by the Council, the Division of Workforce Development
9 and Adult Learning may apply to any court of competent jurisdiction for an injunction
10 restraining violations of this section.

11 (c) (1) Except as provided in paragraph (2) of this subsection, the Division of
12 Workforce Development and Adult Learning shall accord reciprocal approval to
13 apprentices, apprenticeship programs, and standards that are registered in other states by
14 the United States Department of Labor's Office of Apprenticeship or a registration agency,
15 if reciprocity is requested by the apprenticeship program sponsor.

16 (2) The Division of Workforce Development and Adult Learning may not
17 accord reciprocal approval to a program sponsor that does not meet the wage and hour
18 requirements and apprentice ratio standards of the reciprocal state.

19 (d) (1) On or before June 30 of each year, the Division of Workforce
20 Development and Adult Learning shall report to the General Assembly, in accordance with
21 § 2-1257 of the State Government Article, the following information for the immediately
22 preceding calendar year:

23 (i) the completion and enrollment rates of each apprenticeship
24 program registered in the State; and

25 (ii) the age, race, sex or gender identity, county of residence, and
26 program enrollment of each individual enrolled in a registered apprenticeship program.

27 (2) The Division of Workforce Development and Adult Learning shall:

28 (i) sort the information required under paragraph (1) of this
29 subsection by apprenticeship program; and

30 (ii) publish the report required under paragraph (1) of this
31 subsection on the Division of Workforce Development and Adult Learning's Web site.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2022.