
By: Delegate Poole

Introduced and read first time: February 9, 1996

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Craft Training and Assistance Program**

3 FOR the purpose of establishing a Craft Training and Assistance Program in the
4 Department of Labor, Licensing, and Regulation; requiring the Maryland
5 Apprenticeship and Training Council to administer the program, to award certain
6 grants on the basis of a certain criterion, and to adopt regulations necessary to carry
7 out the program; requiring the Governor, in and after a certain fiscal year, to
8 include a certain minimum appropriation in the annual Budget Bill; exempting
9 certain persons from paying a prevailing wage rate based on a certain subsidy;
10 defining a certain term; and generally relating to a certain craft training and
11 assistance program.

12 BY repealing and reenacting, without amendments,

13 Article - Labor and Employment
14 Section 11-101(b) and 11-405(b)
15 Annotated Code of Maryland
16 (1991 Volume and 1995 Supplement)

17 BY adding to

18 Article - Labor and Employment
19 Section 11-409
20 Annotated Code of Maryland
21 (1991 Volume and 1995 Supplement)

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

24 **Article - Labor and Employment**

25 11-101.

26 (b) "Department" means the Department of Labor, Licensing, and Regulation.

27 11-405.

28 (b) (1) No person, firm, or corporation may offer, establish, maintain, or
29 operate an apprenticeship or on-the-job training program for any occupation recognized
30 as an apprenticeable occupation by the Council for which tuition, charges, or fees are

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1 charged to or are payable by an enrollee or student, or which is financed in whole or in
2 part by State funds, unless the program is first approved by the Council.

3 (2) The Council shall issue a certificate of approval to an applicant
4 operating or proposing to operate the program if it is satisfied that the conditions of
5 entrance, the qualifications of the administrators and instructors, the content of the
6 program, the facilities, and the financial aspects of the program are adequate and
7 appropriate for the purpose of the program.

8 (3) The Council, after notice and hearing, may suspend or revoke its
9 approval of a program or course if it finds that the program or course has ceased to meet
10 the conditions of approval.

11 (4) Any person, firm, or corporation whose application for approval is
12 rejected or whose certificate of approval is suspended or revoked has a right of judicial
13 review as provided in the Administrative Procedure Act.

14 (5) Except as otherwise provided in this section, the Council, after notice
15 and hearing, may adopt rules and regulations for the implementation of this section,
16 including, but not limited to, rules and regulations requiring the furnishing of periodic
17 relevant information about approved and proposed programs and the operator or
18 proposed operator thereof.

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

23 (7) The Council, in addition, shall apply to any court of competent
24 jurisdiction for an injunction restraining violations of this section.

25 (8) (i) Except as provided in subparagraph (ii) of this paragraph, the
26 Council may not deny any otherwise qualified application where apprentices constitute a
27 number equal to or less than 25 percent of the total number of apprentices and
28 journeymen employed.

29 (ii) For the purpose of equal opportunity employment, the Council
30 may not deny any otherwise qualified application where apprentices constitute a number
31 equal to or less than 50 percent of the total number of apprentices and journeymen
32 employed.

33 11-409.

34 (A) IN THIS SECTION "APPROVED PRIVATE SECTOR ENTITY" MEANS A
35 PERSON, FIRM, OR CORPORATION THAT THE MARYLAND APPRENTICESHIP AND
36 TRAINING COUNCIL APPROVES UNDER § 11-405(B) OF THIS SUBTITLE.

37 (B) THERE IS A CRAFT TRAINING AND ASSISTANCE PROGRAM IN THE
38 DEPARTMENT.

39 (C) THE COUNCIL SHALL ADMINISTER THE PROGRAM.

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1 (D) IN AND AFTER FISCAL YEAR 1998, THE GOVERNOR SHALL INCLUDE IN
2 THE ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST \$1.2 MILLION FOR THE
3 CRAFT TRAINING AND ASSISTANCE PROGRAM.

4 (E) THE COUNCIL SHALL AWARD GRANTS TO AN APPROVED PRIVATE
5 SECTOR ENTITY THAT OPERATES AN APPRENTICESHIP OR ON-THE-JOB PROGRAM
6 IN THE STATE.

7 (F) GRANTS THAT THE COUNCIL AWARDS UNDER SUBSECTION (D) OF THIS
8 SECTION SHALL BE BASED ON THE NUMBER OF PARTICIPANTS IN A PROGRAM
9 OPERATED BY AN APPROVED PRIVATE SECTOR ENTITY.

10 (G) NOTWITHSTANDING § 17-208(D)(1)(VI) OF THE STATE FINANCE AND
11 PROCUREMENT ARTICLE, AN APPROVED PRIVATE SECTOR ENTITY THAT RECEIVES
12 A GRANT FROM THE COUNCIL UNDER THIS SECTION IS EXEMPT FROM PAYING A
13 PREVAILING WAGE RATE THAT IS BASED ON A SUBSIDY TO DEFRAY COSTS OF
14 APPRENTICESHIP OR OTHER SIMILAR PROGRAMS.

15 (H) THE COUNCIL MAY ADOPT REGULATIONS THAT ARE NECESSARY TO
16 CARRY OUT THIS SECTION.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 1996.