

SENATE BILL 894

K3, F5, J2

EMERGENCY BILL

11r2098

By: **Senator Rosapepe**

Introduced and read first time: February 9, 2021

Assigned to: Finance and Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Post-Crisis Jobs Act of 2021**

3 FOR the purpose of authorizing certain applicants to complete certain education or training
4 requirements through a digital learning program under certain circumstances;
5 requiring the Governor, in certain fiscal years, to allocate a certain percentage of a
6 certain increase in certain funds for community colleges for workforce training;
7 establishing the Digital Learning Conversion Grant Program, the Basic Numeracy
8 and Literacy Skills Grant Program, and the Recruitment of High Growth Industries
9 Workers Grant Program in the Maryland Department of Labor for certain purposes;
10 establishing certain parameters and requirements related to the grant programs;
11 requiring the Governor, in certain fiscal years, to include in the annual budget bill
12 certain appropriations for the Department to fund the grant programs; providing
13 that the amount of a certain mandated appropriation may be offset by certain
14 appropriated federal funds; providing that certain appropriations may be used for
15 administrative costs; requiring the Department to adopt certain regulations;
16 requiring the Department to report to the General Assembly at certain intervals;
17 defining certain terms; making this Act an emergency measure; and generally
18 relating to education and employment.

19 BY adding to

20 Article – Business Occupations and Professions

21 Section 1–209

22 Annotated Code of Maryland

23 (2018 Replacement Volume and 2020 Supplement)

24 BY adding to

25 Article – Business Regulation

26 Section 1–211

27 Annotated Code of Maryland

28 (2015 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Education
3 Section 1–203 and 16–305(g)
4 Annotated Code of Maryland
5 (2018 Replacement Volume and 2020 Supplement)

6 BY adding to
7 Article – Health Occupations
8 Section 1–225
9 Annotated Code of Maryland
10 (2014 Replacement Volume and 2020 Supplement)

11 BY adding to
12 Article – Labor and Employment
13 Section 11–1401 through 11–1404 to be under the new subtitle “Subtitle 14.
14 Miscellaneous Grant Programs”
15 Annotated Code of Maryland
16 (2016 Replacement Volume and 2020 Supplement)

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

19 **Article – Business Occupations and Professions**

20 **1–209.**

21 **(A) IN THIS SECTION, “DIGITAL LEARNING” MEANS ANY TYPE OF LEARNING**
22 **THAT DOES NOT REQUIRE A PHYSICAL PRESENCE.**

23 **(B) AN APPLICANT FOR A LICENSE OR PERMIT ISSUED UNDER THIS ARTICLE**
24 **MAY COMPLETE THE EDUCATION OR TRAINING REQUIRED TO QUALIFY FOR THE**
25 **LICENSE OR PERMIT THROUGH A DIGITAL LEARNING PROGRAM IF THE DIGITAL**
26 **LEARNING PROGRAM MEETS THE PROGRAM AND ACCREDITATION REQUIREMENTS**
27 **ESTABLISHED UNDER THIS ARTICLE FOR THE LICENSE OR PERMIT.**

28 **(C) AN APPLICANT FOR THE RENEWAL OF A LICENSE OR PERMIT ISSUED**
29 **UNDER THIS ARTICLE MAY COMPLETE ANY CONTINUING EDUCATION OR TRAINING**
30 **REQUIREMENTS THROUGH A DIGITAL LEARNING PROGRAM IF THE DIGITAL**
31 **LEARNING PROGRAM MEETS THE PROGRAM AND ACCREDITATION REQUIREMENTS**
32 **ESTABLISHED UNDER THIS ARTICLE FOR THE RENEWAL OF THE LICENSE OR**
33 **PERMIT.**

34 **Article – Business Regulation**

35 **1–211.**

1 (A) IN THIS SECTION, “DIGITAL LEARNING” MEANS ANY TYPE OF LEARNING
2 THAT DOES NOT REQUIRE A PHYSICAL PRESENCE.

3 (B) AN APPLICANT FOR A LICENSE OR PERMIT ISSUED UNDER THIS ARTICLE
4 MAY COMPLETE THE EDUCATION OR TRAINING REQUIRED TO QUALIFY FOR THE
5 LICENSE OR PERMIT THROUGH A DIGITAL LEARNING PROGRAM IF THE DIGITAL
6 LEARNING PROGRAM MEETS THE PROGRAM AND ACCREDITATION REQUIREMENTS
7 ESTABLISHED UNDER THIS ARTICLE FOR THE LICENSE OR PERMIT.

8 (C) AN APPLICANT FOR THE RENEWAL OF A LICENSE OR PERMIT ISSUED
9 UNDER THIS ARTICLE MAY COMPLETE ANY CONTINUING EDUCATION OR TRAINING
10 REQUIREMENTS THROUGH A DIGITAL LEARNING PROGRAM IF THE DIGITAL
11 LEARNING PROGRAM MEETS THE PROGRAM AND ACCREDITATION REQUIREMENTS
12 ESTABLISHED UNDER THIS ARTICLE FOR THE RENEWAL OF THE LICENSE OR
13 PERMIT.

14 Article – Education

15 1–203.

16 (A) IN THIS SECTION, “DIGITAL LEARNING” MEANS ANY TYPE OF LEARNING
17 THAT DOES NOT REQUIRE A PHYSICAL PRESENCE.

18 (B) AN APPLICANT FOR A LICENSE OR PERMIT ISSUED UNDER THIS ARTICLE
19 MAY COMPLETE THE EDUCATION OR TRAINING REQUIRED TO QUALIFY FOR THE
20 LICENSE OR PERMIT THROUGH A DIGITAL LEARNING PROGRAM IF THE DIGITAL
21 LEARNING PROGRAM MEETS THE PROGRAM AND ACCREDITATION REQUIREMENTS
22 ESTABLISHED UNDER THIS ARTICLE FOR THE LICENSE OR PERMIT.

23 (C) AN APPLICANT FOR THE RENEWAL OF A LICENSE OR PERMIT ISSUED
24 UNDER THIS ARTICLE MAY COMPLETE ANY CONTINUING EDUCATION OR TRAINING
25 REQUIREMENTS THROUGH A DIGITAL LEARNING PROGRAM IF THE DIGITAL
26 LEARNING PROGRAM MEETS THE PROGRAM AND ACCREDITATION REQUIREMENTS
27 ESTABLISHED UNDER THIS ARTICLE FOR THE RENEWAL OF THE LICENSE OR
28 PERMIT.

29 16–305.

30 (G) (1) IN THIS SUBSECTION, “WORKFORCE TRAINING” MEANS TRAINING:

31 (I) RELATED TO ATTAINMENT OF A REGISTERED
32 APPRENTICESHIP;

1 **(II) TO MEET THE REQUIREMENTS OF STATE OCCUPATIONAL**
2 **OR PROFESSIONAL LICENSING; OR**

3 **(III) TO MEET INDUSTRY STANDARDS OR OTHER OCCUPATIONAL**
4 **SKILLS TRAINING.**

5 **(2) FOR FISCAL YEARS 2023 THROUGH 2025, THE GOVERNOR SHALL**
6 **ALLOCATE 75% OF ANY INCREASE IN THE TOTAL STATE OPERATING FUNDS FOR**
7 **COMMUNITY COLLEGES UNDER SUBSECTION (C) OF THIS SECTION FOR WORKFORCE**
8 **TRAINING.**

9 **Article – Health Occupations**

10 **1–225.**

11 **(A) IN THIS SECTION, “DIGITAL LEARNING” MEANS ANY TYPE OF LEARNING**
12 **THAT DOES NOT REQUIRE A PHYSICAL PRESENCE.**

13 **(B) AN APPLICANT FOR A LICENSE, A CERTIFICATION, OR ANY OTHER**
14 **AUTHORIZATION ISSUED UNDER THIS ARTICLE TO PRACTICE A HEALTH**
15 **OCCUPATION MAY COMPLETE THE EDUCATION OR TRAINING REQUIRED TO QUALIFY**
16 **FOR THE AUTHORIZATION THROUGH A DIGITAL LEARNING PROGRAM IF THE**
17 **DIGITAL LEARNING PROGRAM MEETS THE PROGRAM AND ACCREDITATION**
18 **REQUIREMENTS ESTABLISHED UNDER THIS ARTICLE FOR THE AUTHORIZATION.**

19 **(C) AN APPLICANT FOR THE RENEWAL OF A LICENSE, A CERTIFICATION, OR**
20 **ANY OTHER AUTHORIZATION ISSUED UNDER THIS ARTICLE TO PRACTICE A HEALTH**
21 **OCCUPATION MAY COMPLETE ANY CONTINUING EDUCATION REQUIREMENTS**
22 **THROUGH A DIGITAL LEARNING PROGRAM IF THE DIGITAL LEARNING PROGRAM**
23 **MEETS THE PROGRAM AND ACCREDITATION REQUIREMENTS ESTABLISHED UNDER**
24 **THIS ARTICLE FOR THE RENEWAL OF THE AUTHORIZATION.**

25 **Article – Labor and Employment**

26 **SUBTITLE 14. MISCELLANEOUS GRANT PROGRAMS.**

27 **11–1401.**

28 **IN THIS SUBTITLE, “DIGITAL LEARNING” MEANS ANY TYPE OF LEARNING THAT**
29 **DOES NOT REQUIRE A PHYSICAL PRESENCE.**

30 **11–1402.**

31 **(A) IN THIS SECTION, “PROGRAM” MEANS THE DIGITAL LEARNING**

1 **CONVERSION GRANT PROGRAM.**

2 **(B) THERE IS A DIGITAL LEARNING CONVERSION GRANT PROGRAM IN THE**
3 **DEPARTMENT.**

4 **(C) THE PURPOSES OF THE PROGRAM ARE TO:**

5 **(1) ALLOW STUDENTS, APPRENTICES, AND EMPLOYEES TO CONTINUE**
6 **THEIR EDUCATION OR RECEIVE ENHANCED ACCESS TO ANY REQUIRED TRAINING**
7 **AND LICENSING BY HAVING THE OPTION TO ATTEND AND COMPLETE EDUCATIONAL**
8 **OR TRAINING PROGRAMS THROUGH DIGITAL LEARNING; AND**

9 **(2) PROVIDE FINANCIAL ASSISTANCE TO EMPLOYERS, PUBLIC AND**
10 **PRIVATE TRAINING PROVIDERS, COLLEGES, UNIVERSITIES, APPRENTICESHIP**
11 **SPONSORS, AND THE STATE AND LOCAL COUNTY BOARDS OF EDUCATION FOR**
12 **PROVIDING ANY REQUIRED EDUCATIONAL, LICENSING, OR CERTIFICATION**
13 **PROGRAM THROUGH DIGITAL LEARNING.**

14 **(D) (1) GRANTS ARE AVAILABLE UNDER THE PROGRAM TO ELIGIBLE**
15 **APPLICANTS ON A COMPETITIVE BASIS BASED ON CRITERIA ESTABLISHED BY THE**
16 **DEPARTMENT.**

17 **(2) AN APPLICANT IS ELIGIBLE TO RECEIVE A GRANT IF THE**
18 **APPLICANT OFFERS REQUIRED EDUCATIONAL, LICENSING, OR CERTIFICATION**
19 **PROGRAMS THROUGH DIGITAL LEARNING.**

20 **(3) ELIGIBLE APPLICANTS MAY INCLUDE:**

21 **(I) AN EMPLOYER OR APPRENTICESHIP SPONSOR;**

22 **(II) PUBLIC OR PRIVATE TRAINING PROVIDERS;**

23 **(III) COLLEGES OR UNIVERSITIES; AND**

24 **(IV) THE STATE DEPARTMENT OF EDUCATION OR A COUNTY**
25 **BOARD OF EDUCATION.**

26 **(E) (1) (I) FOR FISCAL YEARS 2021 AND 2022, THE GOVERNOR SHALL**
27 **INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF APPLICABLE**
28 **FEDERAL FUNDS FOR THE DEPARTMENT TO FUND THE PROGRAM.**

29 **(II) 1. FOR FISCAL YEAR 2023, THE GOVERNOR SHALL**
30 **INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST**

1 **\$40,000,000 FOR THE DEPARTMENT TO FUND THE PROGRAM.**

2 **2. THE AMOUNT REQUIRED UNDER SUBSUBPARAGRAPH**
3 **1 OF THIS SUBPARAGRAPH MAY BE OFFSET BY AVAILABLE FEDERAL FUNDS**
4 **APPROPRIATED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

5 **(2) THE APPROPRIATIONS REQUIRED UNDER PARAGRAPH (1) OF**
6 **THIS SUBSECTION MAY BE USED FOR ADMINISTRATIVE COSTS.**

7 **(F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE AMOUNT**
8 **OF A GRANT AWARDED UNDER THIS SECTION SHALL BE BASED ON THE NUMBER OF**
9 **ELIGIBLE APPLICANTS THAT MEET THE CRITERIA ESTABLISHED BY THE**
10 **DEPARTMENT UNDER SUBSECTION (D)(1) OF THIS SECTION.**

11 **(2) FOR A GRANT UNDER PARAGRAPH (1) OF THIS SUBSECTION, AN**
12 **APPLICANT MAY BE AWARDED ONLY ONE GRANT PER FISCAL YEAR.**

13 **(G) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
14 **SECTION, INCLUDING REGULATIONS ESTABLISHING:**

15 **(1) REQUIREMENTS FOR GRANT APPLICATIONS; AND**

16 **(2) A PROCESS FOR REVIEWING GRANT APPLICATIONS AND**
17 **AWARDING GRANTS TO ELIGIBLE APPLICANTS.**

18 **(H) EVERY 3 MONTHS, THE DEPARTMENT SHALL REPORT TO THE GENERAL**
19 **ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE,**
20 **THE FOLLOWING FOR THE IMMEDIATELY PRECEDING 3-MONTH PERIOD:**

21 **(1) THE NUMBER AND TYPES OF APPLICANTS THAT RECEIVED**
22 **GRANTS UNDER THE PROGRAM;**

23 **(2) THE GRANT AMOUNT RECEIVED BY EACH APPLICANT;**

24 **(3) THE TOTAL NUMBER OF STUDENTS, APPRENTICES, AND TRAINEES**
25 **THAT PARTICIPATED IN THE PROGRAM FOR EACH APPLICANT; AND**

26 **(4) THE PROGRESS IN ACHIEVING THE PURPOSES OF THE PROGRAM**
27 **UNDER SUBSECTION (C) OF THIS SECTION.**

28 **11-1403.**

29 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**

1 INDICATED.

2 (2) "COLLEGE AND CAREER READINESS" MEANS THE STANDARD
3 DESCRIBED IN § 7-205.1 OF THE EDUCATION ARTICLE.

4 (3) "ELIGIBLE PROVIDER" MEANS A PUBLIC OR PRIVATE TRAINING
5 PROVIDER THAT PROVIDES TRAINING AND OTHER LEARNING PROGRAMS THAT
6 MEET OR EXCEED THE STANDARDS FOR A WORLD-CLASS EDUCATION SYSTEM
7 UNDER § 1-303 OF THE EDUCATION ARTICLE.

8 (4) "PROGRAM" MEANS THE BASIC NUMERACY AND LITERACY
9 SKILLS GRANT PROGRAM.

10 (B) THERE IS A BASIC NUMERACY AND LITERACY SKILLS GRANT
11 PROGRAM IN THE DEPARTMENT.

12 (C) (1) FOR FISCAL YEARS 2021 AND 2022, THE GOVERNOR SHALL
13 INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF APPLICABLE
14 FEDERAL FUNDS FOR THE DEPARTMENT TO FUND THE PROGRAM.

15 (2) FOR FISCAL YEAR 2023, THE GOVERNOR SHALL INCLUDE IN THE
16 ANNUAL BUDGET BILL AN APPROPRIATION IN EITHER FEDERAL OR STATE FUNDS
17 OF AT LEAST \$20,000,000 FOR THE DEPARTMENT TO FUND THE PROGRAM.

18 (D) THE AMOUNT OF A GRANT AWARDED UNDER THIS SECTION TO A
19 STUDENT, APPRENTICE, OR TRAINEE MAY NOT EXCEED \$5,000.

20 (E) ON OR BEFORE SEPTEMBER 1 OF THE FISCAL YEAR IMMEDIATELY
21 PRECEDING THE FISCAL YEAR IN WHICH THE GRANT IS TO BE AWARDED, AN
22 ELIGIBLE PROVIDER SHALL DEMONSTRATE TO THE DEPARTMENT, IN ANY MANNER
23 SATISFACTORY TO THE DEPARTMENT, WHETHER THE ELIGIBLE PROVIDER MET OR
24 EXCEEDED THE STANDARDS FOR COLLEGE AND CAREER READINESS.

25 (F) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS
26 SECTION, INCLUDING ESTABLISHING:

27 (1) REQUIREMENTS FOR GRANT APPLICATIONS; AND

28 (2) A PROCESS FOR REVIEWING GRANT APPLICATIONS AND
29 AWARDED GRANTS TO ELIGIBLE PROVIDERS.

30 11-1404.

1 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
2 **INDICATED.**

3 **(2) “APPRENTICE” HAS THE MEANING STATED IN § 17–201 OF THE**
4 **STATE FINANCE AND PROCUREMENT ARTICLE.**

5 **(3) “GOVERNOR’S PLAN” HAS THE MEANING STATED IN § 11–503 OF**
6 **THIS TITLE.**

7 **(4) “HIGH GROWTH INDUSTRIES” INCLUDES:**

8 **(I) CONSTRUCTION;**

9 **(II) HEALTH CARE;**

10 **(III) BUSINESS SERVICES;**

11 **(IV) INFORMATION TECHNOLOGY;**

12 **(V) PUBLIC HEALTH; AND**

13 **(VI) ANY OTHER INDUSTRIES WHOSE OCCUPATIONS ARE**
14 **DETERMINED BY THE DEPARTMENT OR LOCAL BOARDS TO BE IN HIGH DEMAND.**

15 **(5) “LOCAL BOARD” HAS THE MEANING STATED IN § 11–701 OF THIS**
16 **TITLE.**

17 **(6) “PROGRAM” MEANS THE RECRUITMENT OF HIGH GROWTH**
18 **INDUSTRIES WORKERS GRANT PROGRAM.**

19 **(7) “STATE WORKFORCE DEVELOPMENT BOARD” HAS THE MEANING**
20 **STATED IN § 11–503 OF THIS TITLE.**

21 **(B) (1) THERE IS A RECRUITMENT OF HIGH GROWTH INDUSTRIES**
22 **WORKERS GRANT PROGRAM IN THE DEPARTMENT.**

23 **(2) THE PURPOSES OF THE PROGRAM ARE TO:**

24 **(I) DEVELOP AND EXPAND A WELL–TRAINED, PRODUCTIVE**
25 **WORKFORCE THAT MEETS THE NEEDS OF THE STATE’S ECONOMY IN HIGH GROWTH**
26 **INDUSTRIES;**

27 **(II) ENCOURAGE EMPLOYERS TO HIRE APPRENTICES IN HIGH**

1 GROWTH INDUSTRIES; AND

2 (III) ASSIST EMPLOYERS BY OFFSETTING ADDITIONAL COSTS
3 ASSOCIATED WITH HIRING APPRENTICES, INCLUDING COSTS FOR:

4 1. RECRUITMENT;

5 2. PROCESSING NEW APPRENTICES; AND

6 3. ANY NECESSARY RELATED INSTRUCTION.

7 (C) (1) THE DEPARTMENT SHALL DISTRIBUTE THE FUNDS AUTHORIZED
8 UNDER THIS SECTION FOR THE PROGRAM DIRECTLY TO LOCAL BOARDS SUBJECT TO
9 THE SAME FORMULA THAT IS USED TO DISTRIBUTE FISCAL YEAR 2021 FEDERAL
10 WORKFORCE INNOVATION AND OPPORTUNITY ACT FUNDS FOR ADULTS TO LOCAL
11 WORKFORCE AREAS.

12 (2) LOCAL BOARDS MAY USE THE FUNDS AUTHORIZED UNDER THIS
13 SECTION FOR THE PROGRAM TO ENGAGE, UPSKILL, AND CONNECT RESIDENTS TO
14 EMPLOYMENT, AND TO PROVIDE SUBSIDIZED EMPLOYMENT OPPORTUNITIES FOR:

15 (I) THE UNEMPLOYED;

16 (II) YOUTH AGES 16 TO 24;

17 (III) ADULTS;

18 (IV) EX-OFFENDERS; AND

19 (V) OTHER POPULATIONS IN NEED OF RE-EMPLOYMENT
20 ASSISTANCE.

21 (D) (1) TO PROVIDE FUNDING FOR LOCAL BOARDS TO AWARD GRANTS TO
22 ELIGIBLE EMPLOYERS, AND TO COVER ADMINISTRATIVE COSTS:

23 (I) FOR FISCAL YEARS 2021 AND 2022, THE GOVERNOR SHALL
24 INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF APPLICABLE
25 FEDERAL FUNDS FOR THE DEPARTMENT TO FUND THE PROGRAM; AND

26 (II) FOR FISCAL YEAR 2023, THE GOVERNOR SHALL INCLUDE IN
27 THE ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST \$50,000,000 FOR THE
28 DEPARTMENT TO FUND THE PROGRAM.

1 **(2) FUNDING FOR THE GRANTS UNDER PARAGRAPH (1) OF THIS**
2 **SUBSECTION SHALL BE ALLOCATED BY THE DEPARTMENT TO LOCAL BOARDS BASED**
3 **ON THE PROPORTION OF THE STATE'S UNEMPLOYED INDIVIDUALS FOR THE**
4 **IMMEDIATELY PRECEDING FISCAL YEAR IN THE LOCAL BOARD'S WORKFORCE**
5 **DEVELOPMENT AREA.**

6 **(3) THE AMOUNT OF A GRANT AWARDED BY A LOCAL BOARD UNDER**
7 **THE PROGRAM:**

8 **(I) SHALL BE BASED ON THE NUMBER OF APPRENTICES THAT**
9 **AN ELIGIBLE EMPLOYER EMPLOYS UNDER SUBSECTION (C)(2) OF THIS SECTION;**
10 **AND**

11 **(II) MAY NOT EXCEED \$8,000 FOR EACH APPRENTICE**
12 **EMPLOYED BY AN EMPLOYER.**

13 **(E) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
14 **SECTION, INCLUDING REGULATIONS ESTABLISHING:**

15 **(1) REQUIREMENTS FOR GRANT APPLICATIONS; AND**

16 **(2) A PROCESS FOR REVIEWING GRANT APPLICATIONS AND**
17 **AWARDING GRANTS TO ELIGIBLE EMPLOYERS.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
19 measure, is necessary for the immediate preservation of the public health or safety, has
20 been passed by a yea and nay vote supported by three-fifths of all the members elected to
21 each of the two Houses of the General Assembly, and shall take effect from the date it is
22 enacted.