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3 AMENDMENT TO SB295, AS ENGROSSED
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8 On page 1, line 25, delete "and"

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10 On page 2, line 2, after "Act" insert the following:

11 ; to provide that a person who completes an
12 apprenticeship may be granted an occupational license in that
13 trade if the person also meets other requirements, including
14 completion of any required examination with a passing score;
15 to provide that if a licensing authority requires an
16 examination for a license, the authority may not impose higher
17 testing standards upon that person than it does for any other
18 applicant; and to amend Sections 25-8-33, 25-8-35, and
19 25-8-43, Code of Alabama 1975, to allow in-school youth
20 apprentices to work in certain occupations under certain
21 conditions.
22

23 On page 25, after line 4, insert new Sections 9 to
24 12, inclusive, and renumber the subsequent section
25 accordingly:

1 Section 9. Sections 9 to 12, inclusive, of this act
2 shall be known and may be cited as the Eliminating Legal
3 Barriers to Apprenticeships (ELBA) Act.

4 Section 10. As used in Sections 9 to 12, inclusive,
5 of this act, the following terms shall have the following
6 meanings:

7 (1) APPRENTICE. A worker at least 14 years of age,
8 except where a higher minimum age standard is otherwise fixed
9 by law, who is employed to learn an apprenticeable occupation.

10 (2) APPRENTICEABLE OCCUPATION. As defined in 29
11 C.F.R. §29.4.

12 (3) APPRENTICESHIP AGREEMENT. A written agreement
13 between an apprentice and either the apprentice's program
14 sponsor or an apprenticeship committee acting as agent for the
15 program sponsor, which contains the terms and conditions of
16 the employment and training of the apprentice in conformance
17 with 29 C.F.R. §29.4. and Section 40-18-421, Code of Alabama
18 1975.

19 (4) APPRENTICESHIP PROGRAM. A plan containing all
20 terms and conditions for the qualification, recruitment,
21 selection, employment, and training of apprentices, as
22 required under the federal guidelines in CFR Title 29,
23 Subtitle A, Parts 29 and 30, 29 U.S.C. §50, and the rules and
24 regulations adopted by the Alabama Office of Apprenticeship.

25 (5) CERTIFICATION or CERTIFICATE. The written
26 approval by the Alabama Office of Apprenticeship of a set of
27 apprenticeship standards, of an individual for employment as

1 an apprentice or probationary apprentice in a registered
2 apprenticeship program, or of an individual who has
3 successfully met the requirements to receive an interim
4 credential.

5 (6) DIRECTOR. The Director of the Alabama Office of
6 Apprenticeship.

7 (7) ELIGIBLE EMPLOYER. As defined in Section
8 40-18-421, Code of Alabama 1975.

9 (8) EMPLOYER. A person or organization employing an
10 apprentice whether or not the person or organization is a
11 party to an apprenticeship agreement with the apprentice.

12 (9) FISCAL YEAR. An annually recurring period of
13 time that begins on October 1 and concludes on September 30.

14 (10) LICENSING AUTHORITY. An agency, board,
15 commission, or other office with the authority to require
16 occupational fees or issue licensing requirements for practice
17 of an apprenticeable occupation.

18 (11) WORK-BASED LEARNING. Sustained interactions
19 with industry or community professionals in real workplace
20 settings, to the extent practicable, or simulated environments
21 at an educational institution that foster in-depth, first-hand
22 engagement with the tasks required of a given career field,
23 that are aligned to curriculum and instruction.

24 Section 11. (a) A licensing authority shall grant an
25 occupational license to any applicant who meets all of the
26 following requirements:

27 (1) Has successfully completed the 8th grade.

1 (2) Has successfully completed an apprenticeship
2 subject to a valid apprenticeship agreement and under the
3 supervision of an eligible employer.

4 (3) Has made a passing score on any examination
5 deemed to be necessary for licensing by a licensing authority.

6 (4) Is otherwise eligible to receive a license.

7 (b) (1) A licensing authority may not set a higher
8 required minimum passing score for applicants who satisfy the
9 requirements of subsection (a) than that which is required for
10 any other test taker.

11 (2) If a licensing authority does not require an
12 examination, no examination may be required for applicants who
13 complete an apprenticeship.

14 (c) The term of the apprenticeship shall comport
15 with program standards for apprenticeships as outlined in 29
16 C.F.R. §29.5.

17 (d) Licensing authorities shall adopt necessary
18 rules for the implementation and administration of this
19 section.

20 Section 12. Sections 25-8-33, 25-8-35, and 25-8-43,
21 Code of Alabama 1975, are amended to read as follows:

22 "§25-8-33.

23 "(a) No person under 16 years of age shall be
24 employed, except in agricultural service, and except as
25 otherwise provided in this chapter. Any person 14 or 15 years
26 of age may be employed outside school hours and during school
27 vacation periods, so long as the person is not employed in,

1 about, or in connection with, any manufacturing or mechanical
2 establishment, cannery, mill, workshop, warehouse, or machine
3 shop or in any occupation or place of employment otherwise
4 prohibited by law. The presence of any person under 18 years
5 of age in any restricted business establishment or restricted
6 occupation shall be prima facie evidence of his or her
7 employment therein in the business establishment or
8 occupation.

9 "(b) (1) This section does not apply to an individual
10 14 years of age or 15 years of age when both of the following
11 are true:

12 "a. The individual is enrolled in either of a youth
13 pre-apprenticeship program, youth industry-registry
14 apprenticeship program, or similar program in which employment
15 and work-based learning are an integral part of the course of
16 study.

17 "b. The program the individual is enrolled in is
18 registered by the Alabama Office of Apprenticeship.

19 "(2) This section does not apply to employment
20 procured by an individual 14 years of age or 15 years of age
21 when the employment is supervised through the Alabama
22 Department of Education and approved by the Alabama Department
23 of Labor.

24 "§25-8-35.

25 "(a) No person under 16 years of age shall be
26 employed, permitted, or suffered to work at any of the
27 following occupations, positions, or places:

1 "(1) Operating or assisting in operating any
2 sandpaper or wood polishing machinery, any washing, grinding,
3 or mixing machinery, or commercial laundry equipment.

4 "(2) Operating or assisting in operating any
5 machines used in picking wool, cotton, hair, or any other
6 material.

7 "(3) In any work in or about a rolling mill, machine
8 shop, or manufacturing establishment which is hazardous or
9 dangerous to health, limb, or life.

10 "(4) In proximity to any hazardous or unguarded
11 gearing.

12 "(5) Upon any vessel or boat engaged in navigation
13 or commerce within the jurisdiction of this state.

14 "(6) In the manufacture or packing of paints,
15 colors, or white or red lead.

16 "(7) In occupations causing dust in injurious
17 quantities.

18 "(8) In soldering, brazing, heat treating, or
19 welding.

20 "(9) In the building trades, except that persons 14
21 or 15 years of age who are members of the immediate family of
22 the contractor may be employed in trades involving
23 nonhazardous duties or occupations.

24 "(10) Repairing, painting, or cleaning buildings or
25 structures while working at the top of ladders, lifts, or
26 scaffolds exceeding a height of six feet.

27 "(11) In connection with a junk or scrap metal yard.

1 "(12) Assorting, manufacturing, or packing tobacco.

2 "(13) Operating any automobile, truck, or motor
3 vehicle, or flagging or directing traffic.

4 "(14) In airport hangars or landing strips or taxi
5 and maintenance aprons.

6 "(15) In connection with any lumberyard.

7 "(16) In any place or occupation which the
8 department declares dangerous to life or limb or injurious to
9 the health or morals of persons under 16 years of age.

10 "(17) Selling of fireworks, unless under the direct
11 supervision of an individual at least 18 years of age.

12 "(b) (1) This section does not apply to an individual
13 14 years of age or 15 years of age when both of the following
14 are true:

15 "a. The individual is enrolled in either of a youth
16 pre-apprenticeship program, youth industry-registry
17 apprenticeship program, or similar program in which employment
18 and work-based learning are an integral part of the course of
19 study.

20 "b. The program the individual is enrolled in is
21 registered by the Alabama Office of Apprenticeship.

22 "(2) This section does not apply to employment
23 procured by an individual 14 years of age or 15 years of age
24 when the employment is supervised through the Alabama
25 Department of Education and approved by the Alabama Department
26 of Labor.

27 "§25-8-43.

1 "(a) No person under 18 years of age shall be
2 employed or permitted or suffered to work at any of the
3 following occupations, positions, or places:

4 "(1) In or about or in connection with any mine,
5 coke breaker, coke oven, or quarry in any capacity.

6 "(2) In wrecking, demolition, and shipbreaking.

7 "(3) In any tunnel or excavation with a depth of
8 four feet or more.

9 "(4) In any roofing, scaffolding, or sandblasting
10 operations.

11 "(5) Operating or driving any truck or heavy
12 equipment over three tons gross weight.

13 "(6) In logging or around any sawmill, lath mill,
14 shingle, or cooperage-stock mill.

15 "(7) Operating any power-driven woodworking, bakery,
16 or paper-products machinery.

17 "(8) Upon any steam, electric, diesel, hydraulic, or
18 other railroad.

19 "(9) As firefighters.

20 "(10) Operating any stamping machines used in sheet
21 metal or tin ware, or in paper or leather manufacturing, or
22 washer or nut factories.

23 "(11) In or around any steam boiler or rolling mill
24 machinery.

25 "(12) Operating any power-driven metal forming,
26 cutting, straightening, drawing, punching, or shearing
27 machines.

1 "(13) Operating or assisting in operating any
2 elevators, open-freight elevators, cranes, derricks, or other
3 power-driven hoisting apparatus, with the exception of an
4 unattended automatic passenger elevator.

5 "(14) Operating any paper cutting, stapling,
6 corrugating, or punching machines.

7 "(15) Assembling, adjusting, cleaning, oiling, or
8 servicing machinery in motion.

9 "(16) Operating any circular saws, band saws, or
10 guillotine shears.

11 "(17) In or around any distillery where alcoholic
12 beverages are manufactured, bottled, wrapped, or packed.

13 "(18) In the manufacture, storage, or transportation
14 of explosive components.

15 "(19) In the manufacturing of brick, tile, or
16 similar products.

17 "(20) In the manufacture or transportation of
18 dangerous or toxic chemicals or compounds.

19 "(21) In, about, or in connection with, poisonous
20 dyes, dangerous or poisonous gases, compositions of lye in
21 dangerous quantities, dangerous or poisonous acids, or
22 pesticides.

23 "(22) In any activity involving exposure to
24 radioactive substances or ionizing radiation.

25 "(23) Around asbestos or any other cancer-causing
26 agents.

1 "(24) Operating or assisting in operating any job,
2 cylinder, or offset printing presses.

3 "(25) In any activity involving slaughtering,
4 butchering, and meat cutting.

5 "(26) In any place or occupation which the
6 department may declare dangerous to life or limb or injurious
7 to the health or morals of persons under 18 years of age.

8 "(b) This section shall not apply to persons 16 or
9 17 years of age enrolled in work-study, student-learner,
10 cooperative education, youth registered apprentice programs,
11 youth industry registry apprenticeship programs, or similar
12 programs in which ~~the~~ employment ~~is~~ and work-based learning
13 are an integral part of the course of study and ~~is~~ are
14 registered by the ~~Bureau of Apprenticeship and Training of the~~
15 ~~United States Department of Labor~~ Alabama Office of
16 Apprenticeship or to employment procured and supervised
17 through the Alabama Department of Education and approved by
18 the Alabama Department of Labor."