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## 2025 South Dakota Legislature

## **Senate Bill 67**

Introduced by: The Chair of the Committee on Commerce and Energy at the request of the Department of Labor and Regulation

- An Act to establish the state office of apprenticeship within the Department of Labor and Regulation.
- 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
- 4 Section 1. That a NEW SECTION be added to a NEW CHAPTER in title 60:

5		Terms used in this Act mean:
6	(1)	"Apprentice," a worker at least sixteen years of age, except where a higher
7		minimum age standard is otherwise fixed by law, who is employed to learn an
8		apprenticeable occupation under the standards of a registered apprenticeship
9		program approved by the department;
10	<u>(2)</u>	"Apprenticeable occupation," an occupation specified by an industry, which
11		complies with 29 C.F.R. § 29.4 (January 1, 2025) and involves the progressive
12		attainment of skills, competencies, and knowledge that are:
13		(a) Clearly identified and commonly recognized throughout the relevant
14		industry or occupation;
15		(b) Customarily learned or enhanced in a practical way through a structured,
16		systematic program of on-the-job, supervised learning and related
17		instruction to supplement the learning; and
18		(c) Offered through a time-based, competency-based, or hybrid model that the
19		department has determined meets the requirements of this Act, 29 C.F.R.
20		§§ 29.1 to 29.14, inclusive, and 29 C.F.R. §§ 30.1 to 30.19, inclusive
21		(January 1, 2025);
22	<u>(3)</u>	"Apprenticeship agreement," a written agreement between an apprentice and
23		either the apprentice's program sponsor or an apprenticeship committee acting as
24		an agent for the program sponsor, which:

Complies with 29 C.F.R. § 29.7 (January 1, 2025); and

1		(b) Contains the terms and conditions of the employment and training of the
2		apprentice;
3	<u>(4)</u>	"Apprenticeship program," a plan containing all terms and conditions for the
4		qualification, recruitment, selection, employment, and training of apprentices, as
5		provided for in 29 C.F.R. §§ 29.1 to 29.14, inclusive, and 29 C.F.R. §§ 30.1 to
6		30.19, inclusive (January 1, 2025);
7	<u>(5)</u>	"Department," the Department of Labor and Regulation;
8	<u>(6)</u>	"Registered apprenticeship program," an apprenticeship program that is registered
9		by the department pursuant to this Act;
10	<u>(7)</u>	"Sponsor," any person, association, committee, or organization operating ar
11		apprenticeship program and in whose name the program is registered or approved
12		by the department; and
13	<u>(8)</u>	"State apprenticeship agency," an agency of a state government that has
14		responsibility and accountability for a registered apprenticeship program within a
4 -		state.
	Section	2 That a NEW SECTION he added to a NEW CHAPTER in title 60:
16	Section	2. That a NEW SECTION be added to a NEW CHAPTER in title 60:  The state office of apprenticeship is established and maintained within the
15 16 17 18		The state office of apprenticeship is established and maintained within the
16 17 18	<u>depa</u> ı	The state office of apprenticeship is established and maintained within the rtment, as provided for in 29 U.S.C. § 50, 29 C.F.R. §§ 29.1 to 29.14, inclusive, and
16 17 18 19	<u>depa</u> ı	The state office of apprenticeship is established and maintained within the rtment, as provided for in 29 U.S.C. § 50, 29 C.F.R. §§ 29.1 to 29.14, inclusive, and F.R. §§ 30.1 to 30.19, inclusive (January 1, 2025). The office shall:
16 17 18	<u>depai</u> 29 C.	The state office of apprenticeship is established and maintained within the rtment, as provided for in 29 U.S.C. § 50, 29 C.F.R. §§ 29.1 to 29.14, inclusive, and F.R. §§ 30.1 to 30.19, inclusive (January 1, 2025). The office shall:  Serve as the sole state apprenticeship agency in this state;
16 17 18 19 20	<u>depai</u> 29 C. (1)	The state office of apprenticeship is established and maintained within the rtment, as provided for in 29 U.S.C. § 50, 29 C.F.R. §§ 29.1 to 29.14, inclusive, and F.R. §§ 30.1 to 30.19, inclusive (January 1, 2025). The office shall:  Serve as the sole state apprenticeship agency in this state;  Establish standards for a registered apprenticeship program in this state;
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116 117 118 119 220 221 222 223	depai 29 C. (1) (2) (3)	The state office of apprenticeship is established and maintained within the rtment, as provided for in 29 U.S.C. § 50, 29 C.F.R. §§ 29.1 to 29.14, inclusive, and F.R. §§ 30.1 to 30.19, inclusive (January 1, 2025). The office shall:  Serve as the sole state apprenticeship agency in this state;  Establish standards for a registered apprenticeship program in this state;  Adopt a plan for equal employment opportunity consistent with 29 C.F.R. §§ 30.1 to 30.19, inclusive; and
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16 17 18 19 20 21 22 23 24 25	depail 29 C. (1) (2) (3) (4) Section	The state office of apprenticeship is established and maintained within the rtment, as provided for in 29 U.S.C. § 50, 29 C.F.R. §§ 29.1 to 29.14, inclusive, and F.R. §§ 30.1 to 30.19, inclusive (January 1, 2025). The office shall:  Serve as the sole state apprenticeship agency in this state;  Establish standards for a registered apprenticeship program in this state;  Adopt a plan for equal employment opportunity consistent with 29 C.F.R. §§ 30.1 to 30.19, inclusive; and  Resolve disputes between parties to an apprenticeship agreement.  The office is administered by the secretary of the department.  3. That a NEW SECTION be added to a NEW CHAPTER in title 60:
16 17 18 19 20 21 22 23 24 25 26	depail 29 C. (1) (2) (3) (4) Section	The state office of apprenticeship is established and maintained within the rtment, as provided for in 29 U.S.C. § 50, 29 C.F.R. §§ 29.1 to 29.14, inclusive, and F.R. §§ 30.1 to 30.19, inclusive (January 1, 2025). The office shall:  Serve as the sole state apprenticeship agency in this state;  Establish standards for a registered apprenticeship program in this state;  Adopt a plan for equal employment opportunity consistent with 29 C.F.R. §§ 30.1 to 30.19, inclusive; and  Resolve disputes between parties to an apprenticeship agreement.  The office is administered by the secretary of the department.  3. That a NEW SECTION be added to a NEW CHAPTER in title 60:  The secretary of the department shall promulgate rules, in accordance with chapter
16 17 18 19 20 21 22 23 24 25 26 27 28	depair 29 C. (1) (2) (3) (4) Section	The state office of apprenticeship is established and maintained within the rtment, as provided for in 29 U.S.C. § 50, 29 C.F.R. §§ 29.1 to 29.14, inclusive, and F.R. §§ 30.1 to 30.19, inclusive (January 1, 2025). The office shall:  Serve as the sole state apprenticeship agency in this state;  Establish standards for a registered apprenticeship program in this state;  Adopt a plan for equal employment opportunity consistent with 29 C.F.R. §§ 30.1 to 30.19, inclusive; and  Resolve disputes between parties to an apprenticeship agreement.  The office is administered by the secretary of the department.  3. That a NEW SECTION be added to a NEW CHAPTER in title 60:  The secretary of the department shall promulgate rules, in accordance with chapter, relating to the administration of this Act in the following areas:
16 17 18 19 20 21 22 23 24 25 26 27 28 29	depair 29 C. (1) (2) (3) (4) Section	The state office of apprenticeship is established and maintained within the rtment, as provided for in 29 U.S.C. § 50, 29 C.F.R. §§ 29.1 to 29.14, inclusive, and F.R. §§ 30.1 to 30.19, inclusive (January 1, 2025). The office shall:  Serve as the sole state apprenticeship agency in this state;  Establish standards for a registered apprenticeship program in this state;  Adopt a plan for equal employment opportunity consistent with 29 C.F.R. §§ 30.1 to 30.19, inclusive; and  Resolve disputes between parties to an apprenticeship agreement.  The office is administered by the secretary of the department.  3. That a NEW SECTION be added to a NEW CHAPTER in title 60:  The secretary of the department shall promulgate rules, in accordance with chapter, relating to the administration of this Act in the following areas:  Program and performance standards for a registered apprenticeship program, as

1	<u>(3)</u>	Contents of an apprenticeship agreement, as provided for in 29 C.F.R. § 29.7
2		(January 1, 2025);

- 3 (4) Procedures and requirements for the registration of a program and an apprentice, 4 as provided for in 29 C.F.R. § 29.5 (January 1, 2025);
- 5 (5) Procedures and methods for monitoring, as provided for in 29 C.F.R. §§ 29.1 to 29.14, inclusive (January 1, 2025);
- 7 (6) Outreach and education for a program, a sponsor, and an apprentice, as provided 8 for in 29 C.F.R. § 29.13 (January 1, 2025);
- 9 (7) Provision of technical assistance to a program, as provided for in 29 C.F.R. § 29.13 10 (January 1, 2025);
- 11 <u>(8) Complaint procedures, as provided for in 29 C.F.R. §§ 29.12 and 30.14 (January 1, 2025);</u>
- 13 (9) Procedures and requirements for the cancellation, deregistration, or reinstatement
  14 of a registered apprenticeship program, as provided for in 29 C.F.R. §§ 29.8 and
  15 29.9 (January 1, 2025);
- 16 (10) Procedures and requirements for the temporary suspension, cancellation, or
  17 deregistration of an apprenticeship agreement, as provided for in 29 C.F.R. § 29.7
  18 (January 1, 2025); and
- 19 (11) Establish and define the process for according reciprocal approval for federal
  20 purposes to an apprentice, apprenticeship program, and standards that are
  21 registered in other states by the United States Department of Labor or a
  22 registration agency if reciprocity is requested by a sponsor, as provided for in 29
  23 C.F.R. § 29.13 (January 1, 2025).
- 24 **Section 4.** This Act is effective on the date the United States Department of Labor Office of
- 25 Apprenticeship formally recognizes the state apprenticeship agency established by this Act.
- 26 The department shall inform the Legislative Research Council of the formal recognition.