

Bill as Introduced

HB 261 - AS INTRODUCED

2021 SESSION

21-0188
04/11

HOUSE BILL

261

AN ACT

relative to apprenticeship programs in trade and industry.

SPONSORS:

Rep. Seaworth, Merr. 20

COMMITTEE:

Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill amends the statute governing apprenticeship programs and repeals the provisions governing apprenticeship agreements.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to apprenticeship programs in trade and industry.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Apprenticeship Programs in Trade and Industry; Purposes. Amend RSA 278:1 to read as
2 follows:

3 278:1 Purposes. The purposes of this chapter are:

4 I. To encourage employers, associations of employers and organizations of employees to
5 voluntarily establish apprenticeship programs and the making of apprenticeship agreements;

6 II. To create opportunities for young people to obtain employment and adequate training in
7 trades and industry with parallel instructions in related and supplementary education under
8 conditions that will equip them for profitable employment and citizenship;

9 III. To cooperate with the promotion and development of apprenticeship programs and
10 systems in other states and with the federal committee on apprenticeship appointed under Public
11 Law No. 308-75th U.S. Congress (Fitzgerald Act);

12 IV. To ~~recommend to the Office of Apprenticeship, United States Department of Labor~~
13 ~~(OA)] encourage~~ the registration and approval of apprenticeship programs and apprenticeship
14 agreements ~~[and the issuance of state certificates of completion of apprenticeship]~~ **by the United**
15 **States Department of Labor, Office of Apprenticeship (OA).**

16 2 Apprenticeship Programs in Trade and Industry; Duties. Amend RSA 278:3 to read as follows:

17 278:3 Duties. The council shall meet ~~[quarterly and]~~ as often as may be necessary, and in
18 cooperation with the OA and state departments of education and labor, ~~[establish, maintain, and~~
19 ~~review and recommend]~~ **encourage** approval of consistent standards for on-the-job training
20 programs to be coordinated with related course instruction and included in apprenticeship programs
21 and agreements established in trade or industry by employee organizations, joint employee-employer
22 committees, employers or employer groups; and may request the services of any state or federal
23 agency or department which may be of assistance in carrying out the purposes of this chapter. In
24 addition to the foregoing, the council shall:

25 I. Encourage and promote the development of apprenticeship programs and the making of
26 apprenticeship agreements;

27 II. Assist the OA in bringing about the settlement of differences arising out of an
28 apprenticeship agreement when such differences cannot be adjusted locally or in accordance with
29 established trade procedure;

30 III. ~~[Supervise the execution of agreements and maintenance of standards;~~

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1 ~~IV.]~~ Recommend to the OA the registration of apprenticeship programs and agreements
2 which provide equal opportunity for training and employment without regard to race, color, creed or
3 national origin and which incorporate standards consistent with those already established and
4 approved by the council and the OA, or terminate or cancel the registration of apprenticeship
5 programs and agreements when said programs or agreements fail to meet or maintain said
6 registration qualifications;

7 ~~V.]~~ Issue certificates of completion of apprenticeship as shall be authorized by the council;

8 ~~VI.]~~ Keep a record of apprenticeship programs and apprentice agreements and their
9 disposition;

10 ~~VII.]~~ **IV.** Cooperate with the state department of education and the local school authorities
11 in the organization and establishment of classes of related and supplemental instruction for
12 apprentices employed under approved agreements;

13 ~~VIII.]~~ **V.** Render such assistance and submit such information and data as may be
14 requested by employers, employees and joint apprenticeship committees engaged in the formulation
15 and operation of programs of apprenticeship, particularly in regard to work schedules, wages,
16 conditions of employment, apprenticeship records and number of apprentices; and

17 ~~IX.]~~ **VI.** Review and assist the OA in the adoption of rules and regulations to insure
18 nondiscrimination in all phases of apprenticeship and employment during apprenticeship.

19 **3 Apprenticeship Programs in Trade and Industry; Related and Supplemental Instruction;**
20 **Committees. Amend RSA 278:6 and RSA 278:7 to read as follows:**

21 **278:6 Related and Supplemental Instruction.** Related and supplemental instruction for
22 apprentices, coordination of instruction with work experiences, and the selection of teachers and
23 coordinators for such instruction shall be the responsibility of state and local boards of education.
24 The state department of education shall be responsible and make provision subject to the
25 department's decision on the allotment of its funds for related and supplementary instruction for
26 apprentices as may be employed under apprenticeship programs registered and approved by the OA
27 ~~[and the council].~~

28 **278:7 Local, Regional and State Joint Apprenticeship Committees.** Local and state joint
29 apprenticeship committees may be approved, in any trade or group of trades, in cities, regions of the
30 state or trade areas, by the OA ~~[and the council]~~, whenever the apprentice training needs of such
31 trade or group of trades or such regions justify such establishment. Such local, regional or state joint
32 apprenticeship committees shall be composed of an equal number of employer and employee
33 representatives selected by the respective local or state employer and employee organizations in such
34 trade or group of trades; also such advisory members representing local boards or other agencies as
35 may be deemed advisable. In a trade or group of trades in which there is no bona fide employer or
36 employee organization, a joint committee may be composed of persons known to represent the
37 interests of employers and of employees respectively, or a state joint apprenticeship committee may

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- Page 3 -

1 be approved as, or the council may act itself as, the joint committee in such trade or group of trades.
2 Subject to the review of the OA [~~and the council~~], and in accordance with the standards established
3 by the [~~Office of Apprenticeship and the council~~] OA, such committees may devise standards for
4 apprenticeship agreements and give such aid as may be necessary in their operation, in their
5 respective trades and localities.

6 4 Repeal. The following are repealed:

7 I. RSA 278:8, relative to minimum standards for apprenticeship agreements.

8 II. RSA 278:9, relative to the definition of apprenticeship agreement.

9 5 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 38
HB 261 - FINAL VERSION

2021 SESSION

21-0188
04/11

HOUSE BILL **261**

AN ACT relative to apprenticeship programs in trade and industry.

SPONSORS: Rep. Seaworth, Merr. 20

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill amends the statute governing apprenticeship programs and repeals the provisions governing apprenticeship agreements.

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7 trades and industry with parallel instructions in related and supplementary education under
8 conditions that will equip them for profitable employment and citizenship;

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10 systems in other states and with the federal committee on apprenticeship appointed under Public
11 Law No. 308-75th U.S. Congress (Fitzgerald Act);

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13 ~~(OA)] encourage~~ the registration and approval of apprenticeship programs and apprenticeship
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24 agency or department which may be of assistance in carrying out the purposes of this chapter. In
25 addition to the foregoing, the council shall:

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27 apprenticeship agreements;

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29 apprenticeship agreement when such differences cannot be adjusted locally or in accordance with
30 established trade procedure;

CHAPTER 38
HB 261 - FINAL VERSION
- Page 2 -

1 III. ~~[Supervise the execution of agreements and maintenance of standards;~~

2 IV.] Recommend to the OA the registration of apprenticeship programs and agreements
3 which provide equal opportunity for training and employment without regard to race, color, creed or
4 national origin and which incorporate standards consistent with those already established and
5 approved by the council, and the OA, or terminate or cancel the registration of apprenticeship
6 programs and agreements when said programs or agreements fail to meet or maintain said
7 registration qualifications;

8 ~~[V. Issue certificates of completion of apprenticeship as shall be authorized by the council;~~

9 VI. ~~Keep a record of apprenticeship programs and apprentice agreements and their~~
10 ~~disposition;~~

11 VII.] IV. Cooperate with the state department of education and the local school authorities
12 in the organization and establishment of classes of related and supplemental instruction for
13 apprentices employed under approved agreements;

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15 requested by employers, employees and joint apprenticeship committees engaged in the formulation
16 and operation of programs of apprenticeship, particularly in regard to work schedules, wages,
17 conditions of employment, apprenticeship records and number of apprentices; and

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19 nondiscrimination in all phases of apprenticeship and employment during apprenticeship.

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27 apprentices as may be employed under apprenticeship programs registered and approved by the OA
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34 representatives selected by the respective local or state employer and employee organizations in such
35 trade or group of trades; also such advisory members representing local boards or other agencies as
36 may be deemed advisable. In a trade or group of trades in which there is no bona fide employer or
37 employee organization, a joint committee may be composed of persons known to represent the

CHAPTER 38
HB 261 - FINAL VERSION
- Page 3 -

1 interests of employers and of employees respectively, or a state joint apprenticeship committee may
2 be approved as, or the council may act itself as, the joint committee in such trade or group of trades.
3 Subject to the review of the OA [~~and the council~~], and in accordance with the standards established
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5 apprenticeship agreements and give such aid as may be necessary in their operation, in their
6 respective trades and localities.

7 38:4 Repeal. The following are repealed:

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38:5 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 17, 2021

Effective Date: July 16, 2021

Committee Minutes

SENATE CALENDAR NOTICE

Commerce

Sen Harold French, Chair
Sen Bill Gannon, Vice Chair
Sen Jeb Bradley, Member
Sen Donna Soucy, Member
Sen Kevin Cavanaugh, Member

Date: April 8, 2021

HEARINGS

Tuesday	04/13/2021	
(Day)	(Date)	
Commerce	REMOTE 000	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	HB 171	relative to food in cigar shops.
9:15 a.m.	HB 272	relative to the labeling and sale of hemp products containing CBD.
9:30 a.m.	HB 261	relative to apprenticeship programs in trade and industry.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/98275043880>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799, or 1-646-558-8656, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-9128
3. Or iPhone one-tap: 13017158592,,98275043880# or 13126266799,,98275043880#
4. Webinar ID: 982 7504 3880
5. To view/listen to this hearing on YouTube, use this link:
<https://www.youtube.com/channel/UCiBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 171

Rep. Potucek

HB 272

Rep. Knirk

Rep. Van Houten

Sen. Sherman

HB 261

Rep. Seaworth

Rep. Van Houten

Rep. Weston

Rep. Woods

Rep. Belanger

Rep. Pearl

Rep. Bixby

Rep. Marsh

Sen. Rosenwald

Aaron Jones 271-4063

Harold F. French
Chairman

Senate Commerce Committee

Aaron Jones 271-4063

HB 261, relative to apprenticeship programs in trade and industry.

Hearing Date: April 13, 2021

Time Opened: 9:44 a.m.

Time Closed: 9:50 a.m.

Members of the Committee Present: Senators French, Gannon, Bradley, Soucy and Cavanaugh

Members of the Committee Absent : None

Bill Analysis: This bill amends the statute governing apprenticeship programs and repeals the provisions governing apprenticeship agreements.

Sponsors:

Rep. Seaworth

Who supports the bill: Representative Brian Seaworth, Deputy Commissioner Rudolph Ogden (NH Department of Labor), Eric Pauer

Who opposes the bill: Glenn Brackett, Alan Raff (NH AFL-CIO), Tony Sapienza, David Spechuilli, David Dellisola

Who is neutral on the bill: No one

Summary of testimony presented in support:

Representative Brian Seaworth

- This bill came at the request of the New Hampshire Department of Labor and the U.S. Department of Labor.
- This bill would make language and duty changes to RSA 278, which is the statute that governs the New Hampshire Apprenticeship Council.
- In 2007, the U.S. Department of Labor took over some of the duties that still remain assigned to the Council in existing state statute.
- Representative Seaworth emphasized that this bill isn't attempting to make any policy changes or restrict the Council in any way. Instead, it's trying to align state and federal requirements.

Rudolph Ogden, Deputy Commissioner, New Hampshire Department of Labor

- Since 2007, the U.S. Department of Labor has been responsible for promulgating standards for apprenticeship programs.
- In New Hampshire, the U.S. Department of Labor has been the agency responsible for registering apprenticeship programs, setting standards for apprenticeship programs, and providing technical guidance to registered apprenticeship programs.
- This bill would make no changes to existing practices, which have been in place since 2007. Instead, this bill seeks to clarify the existing state statute and ensure it reflects existing reality.
- Deputy Commissioner Ogden said the department had assuaged the concerns brought forth by some trade industry members by putting them in contact with the Office of Apprenticeship, which is based in Concord.

Summary of testimony presented in opposition: None

Neutral Information Presented: None

AJ

Date Hearing Report completed: April 13, 2021

Speakers

Commerce Committee Testify List for Bill HB261 on 2021-04-13

Support: 3 Oppose: 5 Neutral: 0 Total to Testify: 2

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>
Ogden, Rudolph	rudolph.w.ogden@dol.nh.gov	603.271.8496	State Agency Staff	New Hampshire Dept of Labor	Support	Yes
Seaworth, Brian	brian.seaworth@leg.state.nh.us	Not Given	An Elected Official	Prime Sponsor	Support	Yes
Bracket, glenn	glennbrackett@hotmail.com	603.496.8048	A Member of the Public	Myself	Oppose	No
Raff, Alan	araff9@gmail.com	603.714.0258	A Lobbyist	New Hampshire AFL-CIO	Oppose	No
Pauer, Eric	secretary@BrooklineGOP.org	603.732.8489	A Member of the Public	Myself	Support	No
Sapienza, Tony	tsapienza@ibew1837.org	603.470.4239	A Member of the Public	Myself	Oppose	No
Spechuilli, David	ports976@gmail.com	603.944.2603	A Member of the Public	Myself	Oppose	No
Dellisola, David	Not Given	Not Given	A Member of the Public	Myself	Oppose	No

Voting Sheets

Senate Commerce Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # HB 761

Hearing date: 4/13/21

Executive Session date: 4/13/21

Motion of: OTP Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. French, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: CONSENT Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. French, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Made by	Second	Yes	No
Sen. French, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: SEN. SOUCY

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Tuesday, April 13, 2021

THE COMMITTEE ON Commerce

to which was referred **HB 261**

AN ACT

relative to apprenticeship programs in trade and
industry.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Donna Soucy
For the Committee

This bill was filed at the request of both the U.S. Department of Labor and New Hampshire Department of Labor to better align state statutes with existing federal requirements. While minor language and duty changes are made, those changes would not restrict the ability of the New Hampshire Apprenticeship Council to continue to function. Some of the proposed changes would clarify the duties of the current Council and recognize the responsibilities that the U.S. DOL has taken on since 2007.

Aaron Jones 271-4063

FOR THE CONSENT CALENDAR

COMMERCE

HB 261, relative to apprenticeship programs in trade and industry.

Ought to Pass, Vote 5-0.

Senator Donna Soucy for the committee.

This bill was filed at the request of both the U.S. Department of Labor and New Hampshire Department of Labor to better align state statutes with existing federal requirements. While minor language and duty changes are made, those changes would not restrict the ability of the New Hampshire Apprenticeship Council to continue to function. Some of the proposed changes would clarify the duties of the current Council and recognize the responsibilities that the U.S. DOL has taken on since 2007.

Docket of HB261

Docket Abbreviations

Bill Title: relative to apprenticeship programs in trade and industry.*Official Docket of HB261.:*

Date	Body	Description
1/9/2021	H	Introduced (in recess of) 01/06/2021 and referred to Labor, Industrial and Rehabilitative Services HJ 2 P. 41
2/3/2021	H	Public Hearing: 02/11/2021 11:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/98476278055 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
3/4/2021	H	Executive Session: 03/04/2021 09:30 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/92992494588
3/15/2021	H	Committee Report: Ought to Pass (Vote 20-0; CC) HC 18 P. 18
4/7/2021	H	Ought to Pass: MA VV 04/07/2021 HJ 5 P. 40
4/7/2021	H	Reconsider (Rep. Osborne): MF VV 04/07/2021 HJ 5 P. 50
4/7/2021	S	Introduced 04/01/2021 and Referred to Commerce; SJ 11
4/8/2021	S	Remote Hearing: 04/13/2021, 09:30 am; Links to join the hearing can be found in the Senate Calendar; SC 19
4/13/2021	S	Committee Report: Ought to Pass, 04/22/2021; Vote 5-0; CC; SC 20
4/22/2021	S	Ought to Pass: RC 23Y-1N, MA; OT3rdg; 04/22/2021; SJ 12
5/6/2021	S	Enrolled RC 23Y-0N, MA , (In recess of 05/06/2021); SJ 15
5/6/2021	H	Enrolled (in recess of) 04/09/2021 HJ 7 P. 102
5/19/2021	H	Signed by Governor Sununu 05/17/2021; Chapter 38; Eff: 07/16/2021

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 261

Senate Committee: Commerce

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # _____ ___ - amendment # _____
 ___ - amendment # _____ ___ - amendment # _____

- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # _____ ___ - amendment # _____
 ___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- ___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- ___ Enrolled Bill Amendment(s)
- ___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

as amended by the senate ___ as amended by the house
 final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Aaron Jones
Committee Aide

7/21/21
Date

Senate Clerk's Office [Signature]