

HOUSE BILL NO. 721

INTRODUCED BY C. SCHOMER, S. NOVAK, E. BUTTREY, C. SPRUNGER, D. LOGE, S. FITZPATRICK, B. LER, M. NOLAND, K. SEEKINS-CROWE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO THE REGISTERED APPRENTICESHIP PROGRAM; REVISING DUTIES OF THE DEPARTMENT OF LABOR AND INDUSTRY FOR THE REGISTERED APPRENTICESHIP PROGRAM; REVISING ALLOWABLE CREDIT FOR PRIOR TRAINING OR EXPERIENCE; CLARIFYING VOLUNTARY PARTICIPATION OF EMPLOYERS IN THE REGISTERED APPRENTICESHIP PROGRAM AND ITS PROVISIONS; AND AMENDING SECTIONS 39-6-101, 39-6-103, 39-6-106, AND 39-6-107, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 39-6-101, MCA, is amended to read:

"39-6-101. Duties of department -- definitions. (1) The department shall:

(a) encourage and promote the making of apprenticeship agreements conforming to the standards established by or in accordance with this chapter;

(b) register apprenticeship agreements that are in the best interests of the apprenticeship and conform to the standards established by or in accordance with this chapter;

(c) keep a record of apprenticeship agreements and, taking into consideration performance of the agreement, issue certificates of completion of apprenticeship;

(d) terminate or cancel any apprenticeship agreements in accordance with the provisions of the agreements;

~~(e) provide assistance for the development of on-the-job training programs in nonapprenticeable occupations;~~

~~(f)(e)~~ establish standards for apprenticeship agreements in conformity with the provisions of this chapter;

~~(g)(f)~~ use the standard prevailing wage rate for construction services, as defined in 18-2-401, for a

1 prevailing wage rate district as provided in 18-2-411 as a base on which an apprenticeship wage is calculated
2 pursuant to 39-6-108 for apprentices;

3 (h)(g) adopt rules necessary to carry out the intent and purposes of this chapter; and

4 (i)(h) perform other duties that may be required by federal regulations, provided that the federal
5 regulations are not in conflict with this chapter.

6 (2) At least once every 2 years, the department shall report on its activities and findings to the
7 governor and, as provided in 5-11-210, to the legislature. The department shall also make the report available
8 to the public.

9 (3) For the purposes of this chapter, the following definitions apply:

10 (a) "Apprentice" means a worker employed to learn a skilled occupation under a written
11 apprenticeship agreement registered with the department.

12 (b) "Department" means the department of labor and industry."
13

14 **Section 2.** Section 39-6-103, MCA, is amended to read:

15 **"39-6-103. Responsibilities of state and local boards responsible for vocational education.**

16 Related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the
17 selection and training of teachers and coordinators for ~~such~~the instruction shall be the responsibility of state
18 and local boards that are responsible for vocational education in collaboration with the state apprenticeship
19 agency. State and local boards may utilize subject matter experts and national programs in providing related
20 and supplemental instruction."
21

22 **Section 3.** Section 39-6-106, MCA, is amended to read:

23 **"39-6-106. Contents of apprenticeship agreements -- credit for prior training or experience. (1)**

24 Apprenticeship agreements must contain:

25 (a) a statement of the occupation to be taught and the required hours for completion of
26 apprenticeship, which must be at least 2,000 hours of reasonably continuous employment;

27 (b) a statement of the processes in the occupational divisions in which the apprentice is to be
28 taught and the approximate amount of time to be spent at each process;

1 (c) a statement of the number of hours to be spent by the apprentice in related and supplemental
2 instruction. The recommended number of hours is at least 144 hours a year.

3 (d) a statement that apprentices must be at least 16 years of age;

4 (e) a statement of the progressively increasing scale of wages to be paid the apprentice using the
5 criteria established in 39-6-108;

6 (f) provision for a period of probation during which the department shall terminate an
7 apprenticeship agreement at the written request of any participating party. After the probationary period, the
8 department may terminate the registration of an apprentice upon agreement of the parties.

9 (g) provision that the services of the department may be used for consultation regarding the
10 settlement of differences arising out of the apprenticeship agreement if the differences cannot be adjusted
11 locally or in accordance with the established occupational procedure;

12 (h) provision that, if an employer is unable to fulfill an obligation under the apprenticeship
13 agreement, the employer may transfer the obligation to another employer if the other employer has been
14 approved as a training facility;

15 (i) provision for the specification of the ratio of apprentices to journeymen; ~~and The department~~
16 ~~shall continue to honor and recognize ratio provisions as established in existing labor/management bargaining~~
17 ~~agreements or as established by an industry practice.~~

18 (j) additional standards as may be prescribed in accordance with this chapter.

19 (2) An apprentice who, prior to entering into an agreement, has had training or experience in the
20 occupation in which the apprentice is employed as an apprentice may be granted ~~full or partial credit, not to~~
21 exceed 50%, for the training or experience on the recommendation of the employer or the joint apprenticeship
22 committee and with the approval of the department."
23

24 **Section 4.** Section 39-6-107, MCA, is amended to read:

25 **"39-6-107. Provisions Participation in program of chapter-voluntary. Participation in the**
26 apprenticeship program is voluntary for all employers in the state. The provisions of this chapter apply to a
27 participating person, firm, corporation, or occupation only after the person, firm, corporation, or occupation has
28 voluntarily elected to conform with its provisions."

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