

**2019 SENATE EDUCATION COMMITTEE**

**SB 2341**

# 2019 SENATE STANDING COMMITTEE MINUTES

**Education Committee**  
Sheyenne River Room, State Capitol

SB 2341  
2/5/2019  
Job #32154 (35:34)

☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Lynn Wolf/ Meghan Pegel
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## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota Century Code, relating to the apprenticeship training program; and to amend and reenact sections 54-60-17 and 54-60-17.1 of the North Dakota Century Code, relating to apprenticeships and uses of the internship fund.

## Minutes:

6 Attachments
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**Chairman Schaible** opens the hearing on SB 2341. All committee members are present.

## **Kyle Davison, District 41 Senator, testifies in favor (see attachment #1)**

**Senator Davison:** This bill focuses on workforce development, engaging youth and enhancing our apprenticeship programs. It continues to strengthen what we're doing in relation to K-12, higher education and business and industry. I've handed out our workforce survey and with some areas of focus; it's an important lead-in to the discussion today on apprenticeship programs. The first page talks about the recommendations about getting career and career expiration earlier in schools all of the time. Page 2 talks about the work-based learning. For someone who works in education like myself, I believe there's a lot of experiences for kids to have outside of school. It's important for them to learn what you want to do as much as it is what you don't want to do. Today we look to enhance and build on some of the current infrastructure we have and have a better understanding of how to strengthen these programs by learning best practices of some of the things that have happened in Iowa, South Dakota and across the United States.

## **(3:45) Jill Grossman, Legislative Council, neutral testimony**

**Grossman:** The bill is based on Iowa's apprenticeship act which they passed in 2014. Most of the definitions that you see in the bill mirror the definitions in Iowa's law. Iowa's law requires registration of an apprenticeship program with the United States Department of Labor, the office of apprenticeship. The main component is to provide financial assistance for qualifying apprenticeship sponsors. Each year Iowa funded their apprenticeship training

program with \$3M to be allocated to qualifying sponsors. Iowa's law outlined a formula that calculated the amount of funding for qualifying apprenticeship sponsors. Currently SB 2341 does not have an appropriation piece like Iowa does; however, section 2 links a currently established fund that's already appropriated to the department of commerce, the internship fund, to help fund this new program.

Section 1 of the bill amends section 54-60-17. This is the Department of Commerce's division of workplace development. They're already instructed to administer a program to increase the use of internships and apprenticeships. We amend the primary focus of this program to include the new apprenticeship training programs that are under section 3 of the bill. Line 15 on page 1 changes "shall" to "must"; It's just a technical correction.

Section 2 amends 54-60-17.1. This is that internship fund that I was discussion. Currently the internship fund is appropriated to the Department of Commerce on a continuing basis to implement section 54-60-17 which is the first section of the bill. We just include that they also can use this fund to administer section 3 of the act.

Section 3 is the meat of it. Subsection 1 references all the definitions. These definitions mirror Iowa and also the United States Department of Labor definitions. Subsection 2 says that "the division of workplace development, in consultation with the superintendent of public instruction, shall develop and implement an apprenticeship training program". This can include providing a training grant to qualifying sponsors and to educate students about those opportunities. Subsection 3 says that the qualifying sponsor conducting an apprenticeship program for apprentices who are employed at worksites in the state may apply to the division for a training grant. Subsection 4 references that the financial assistance received by a sponsor must be used for the cost of maintaining or conducting an apprenticeship program.

In looking at this, Iowa's law is about as bare bones as this bill is. It basically lays out the formula for the funding that they appropriate. As I mention before, they fund quite a bit into their program, \$3M a year. Iowa is the middleman between the Department of Labor and the business. They outreach to businesses that they think would qualify or assist businesses that are looking to qualify for this particular apprenticeship program. The programs do need to be registered with the United States Department of Labor. That's a benefit possibly to the business because the Department of Commerce equivalent in Iowa doesn't have to maintain compliance measures; they don't have to go on those job sites and make sure that these people are doing safety measures. There kind of the facilitator- they help the business assess whether this is a program that they would likely qualify for and all the things they need to line up in order to register with the Department of Labor.

They also have the grant piece. They open up an application timeframe for those businesses to apply to get that grant funding, and they also do outreach in the schools. Once a business gets registered with the Department, they can find suitable students to meet those needs. Iowa has seen a lot of growth in this. They now have over 700 registered apprenticeship programs and 8,000 apprentice participants. Most of the apprentices are between the ages of 25 and 54. They also have 4 high school registered apprenticeship programs where the high schools are doing the actual in-classroom training. Those are meat cutters, IT, welders, childcare development specialists, CNAs, automotive tech, etc. There's a wide range.

In the bill and in Iowa's law as well as the Department of Labor, the age of qualified apprentice is 16. That's to meet child labor laws and OCEA requirements. Iowa mentioned

that there are some advanced manufacturing jobs that deal with operating heavy equipment that may require the individual to be 18 or older to participate.

**(11:05) John Gunkelman, President of Home Builders Association of Fargo-Moorhead, testifies in favor (see attachment #2)**

**Gunkelman:** We need to keep it simple. A lot of our employers and builders might only be 2 or 3 people. For them to want to take on a student, we need the process to be as simple as possible to make sure that we encourage the people to do it.

**(15:15) Bob Horab, President of ND Association of Builders, testifies in favor (see attachment #3)**

**Senator Davison:** In regards to your work with the public schools in Williston and the Community college there with homebuilding, does your high school currently build a house on site and sell a house similar to what other high schools do?

**Horab:** I'm not sure in Williston, but I believe they did have a program. I myself went to high school in Trenton at the time, and there we did not. We did have shop class and some vocational stuff which was very easy because we were already exposed to that growing up. I think in the schools would be an excellent place.

**Senator Davison:** How do you see this working in Williston? Do you see kids working all summer long and getting high school credit for that? How do you envision this bill enhancing what you are doing?

**Horab:** I think those are great options. Traditionally it seems like a lot of the high school seniors probably have most of their credits. A lot of times they're already out by noon. If they had the opportunity to explore a career and keep them engaged in learning, I think that would be very useful.

**Senator Davison:** We talked about some changes and some amendments. One is talking about a pre-apprenticeship program. Do you see the home builder's construction working with the high school to create some classes or build in some exposure to start a pre-apprenticeship program or something of the sort?

**Horab:** I think the home builders would be honored to work with the school systems to develop some curriculum that would set up those schools to help go into some of the different aspects of construction. I am not sure if apprenticeship is more tied to a union type labeling. I don't know if that is of concern or not.

**Senator Davison:** It could be internship too; I just happened to use the word "apprenticeship". What would the coursework be? We want them to show up on time, listen, communicate and be safe on the job. What are the things that could be done for high school students?

**Horab:** If you're on a jobsite and exposed to the use of fractions and math, now all of a sudden it becomes a lot clearer where the math and geometry fits. I think one enhances the other.

**(22:10) Aimee Copas, Executive Director for NDCEL, testifies in favor (see attachments #4 and #5)**

**(28:20) Donald Shilling, Chairman of General Equipment & Supplies, testifies in favor (see attachment #6)**

**Senator Rust:** You talk about age barriers. In your estimation, where are those barriers coming from? Is it from state, federal or school?

**Shilling:** Primarily federal, but we could intercede some of the federal guidelines by identifying, for example, a pre-apprenticeship program with mentorship. They will allow us some guidelines outside of the 18-year barrier provided adequate supervision is given.

**Senator Rust:** 16 years of age also probably becomes a barrier in some areas?

**Shilling:** In our case it is. We would not have anyone under the age of 18 involved in any work related items in our industry. We understand the safety issues and therefore no one under 16 is allowed.

**Chairman Schaible closes the hearing on SB 2341.**

# 2019 SENATE STANDING COMMITTEE MINUTES

**Education Committee**  
Sheyenne River Room, State Capitol

SB 2341  
2/13/2019  
Job #32647 (07:15)

☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Lynn Wolf/ Meghan Pegel
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## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota Century Code, relating to the apprenticeship training program; and to amend and reenact sections 54-60-17 and 54-60-17.1 of the North Dakota Century Code, relating to apprenticeships and uses of the internship fund.

## Minutes:

1 Attachment
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**Chairman Schaible** calls the committee to order to discuss SB 2341.

**Chairman Schaible:** We have a proposed amendment (**see attachment #1**).

**Senator Davison:** Where it talks about the division of workforce development in consultation with the superintendent of public instruction, we decided it best with the director of career and technical education instead. It's about business apprenticeships and working with business and industry that are typically more in the technical areas. That was the only change made to the bill

**Senator Davison: Motions to adopt amendment 19.1144.01001.**

**Senator Rust: Seconds.**

**A Roll Call Vote was Taken: 7 yeas, 0 nays, 0 absent. Amendment is adopted.**

**Senator Davison: Motions for a Do Pass as Amended.**

**Vice Chairman Fors: Seconds.**

**Senator Oban:** There were suggestions to make the bill stronger from someone who has worked with the Iowa apprenticeship program. I quote: "For any apprenticeship sponsor or lead apprenticeship sponsor, there needs to be a check on the monies that are granted. In Iowa they had a problem of apprenticeship programs trying to get funds from out of state residents. We're trying to use the funds for constructing physical locations or pave parking lots. The goal of the program was to train apprentices in a registered program to meet the state's workforce challenges. Any grant funds are required to go to curriculum development or training for the apprentice and the program. Second is that all apprentices should be registered and documented who are receiving those grant funds and that there should be some claw back or repayment provisions for non-compliant programs that don't meet the standard." I wanted to share that feedback with the committee for your awareness.

**Senator Davison:** I did get that feedback from him too. There are no funds for the program right now. I don't disagree with what was said; it just didn't seem like it fits with the bill at the moment.

**Senator Oban:** Is there funding right now in the internship fund?

**Senator Davison:** Yes, but this would not have access to that.

**Senator Oban:** That's what section 2 does.

**Senator Davison:** That's an administrative rule decision from the commerce department.

**Senator Oban:** I know there aren't specific funds tied to the apprenticeship, but section 2 would give that internship program the authority to expand it to the apprenticeship program if it was created.

**Senator Davison:** Correct. I don't think the bill is in its final form, maybe there's an opportunity for an appropriation on the other side.

**A Roll Call Vote was Taken: 7 yeas, 0 nays, 0 absent. Motion carries.**

**Senator Davison will carry the bill.**

**Senator Oban:** In section 1 subsection 1, it specifically says this is for "higher education students, high school students enrolled in grade eleven or twelve, and educators". When we heard information about Iowa, I think the highest percentage of people who participate were in an age range that was higher than that. If there's a way to include students enrolled in adult education programs, I think that would be a good amendment as well.

SL  
1071

PROPOSED AMENDMENTS TO SENATE BILL NO. 2341

Page 2, line 24, replace "superintendent" with "director"

Page 2, line 25, replace "public instruction" with "career and technical education"

Renumber accordingly



Date: 2-13-19  
Roll Call Vote #: 1

2019 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. SB ~~2340~~ 2341

Senate Education Committee

☐ Subcommittee

Amendment LC# or Description: 19.1144.01001

Recommendation: ☒ Adopt Amendment

- ☐ Do Pass    ☐ Do Not Pass    ☐ Without Committee Recommendation  
☐ As Amended    ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider    ☐ \_\_\_\_\_

Motion Made By Davison Seconded By Rust

Senators	Yes	No	Senators	Yes	No
Chairman Schaible:	✓		Senator Marcellais:	✓	
Vice-Chairman Fors:	✓		Senator Oban:	✓	
Senator Davison	✓				
Senator Elkin:	✓				
Senator Rust:	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

*Motion Carries*

Change "superintendent of public instruction" with "director of career and technical education"

Date: 2-13-19  
Roll Call Vote #: 2

2019 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2341

Senate Education Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☒ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Davison Seconded By Fors

Senators	Yes	No	Senators	Yes	No
Chairman Schaible:	✓		Senator Marcellais:	✓	
Vice-Chairman Fors:	✓		Senator Oban:	✓	
Senator Davison	✓				
Senator Elkin:	✓				
Senator Rust:	✓				

Total (Yes) 7 No 0

Absent \_\_\_\_\_

Floor Assignment Sen Davison

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2341: Education Committee (Sen. Schaible, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2341 was placed on the Sixth order on the calendar.

Page 2, line 24, replace "superintendent" with "director"

Page 2, line 25, replace "public instruction" with "career and technical education"

Renumber accordingly

**2019 HOUSE EDUCATION**

**SB 2341**

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Coteau A Room, State Capitol

SB 2341  
3/11/2019  
33515

☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Bev Monroe
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## **Explanation or reason for introduction of bill/resolution:**

A bill relating to the apprenticeship training program; relating to apprenticeships and uses of the internship fund

## **Minutes:**

Attachment 1, 2, 3, 4, 5, 6
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**Chairman Owens:** Opened the hearing on SB 2341.

**Sen. Kyle Davison:** (**Attachment 1**). Also, additional testimony (**Attachment 2**) handed out from Donald Shilling who did not testify.

**Chairman Owens:** Any questions from the committee?

**Rep. Longmuir:** On page 1, line 15, we are changing shall to must? The program must provide services to employers, communities, and business organizations to increase internship, apprenticeship, and work experience opportunities.

**Sen. Davison:** To me they mean the same thing pretty much. I would have to see it in context. I don't have the bill in front of me.

**Rep. Mary Johnson:** There is a lot of reference to United States Department of Labor. Is this partially funded by federal grants and is that why there is so much reference to it?

**Sen. Davison:** There is no funding for the program. It is setting up the language, but there is no fiscal note on the bill. The commissioner from the Commerce Department can probably better answer those questions for you.

**Chairman Owens:** Any further questions?

**Rep. Ron Guggisberg:** I don't really understand how the apprenticeships work. If they are paid, who decides whether or not they are paid and how much they are paid?

**Sen. Davison:** Each apprenticeship program and each program individually can determine it. We are talking more about pre-apprenticeship programs regarding sixteen and seventeen

year olds. That would be left up to the individual and that program in itself to determine what the pay could be or if it is paid. Typically, an apprenticeship program is a paid position.

**Rep. Ron Guggisberg:** I understand there isn't a fiscal note with this, but it does reference an appropriation in the Commerce budget. Do you know if there is a line item in there as of now?

**Sen. Davison:** At this point there is no line item.

**Rep. Ron Guggisberg:** Then that would come from the general fund? Is that correct?

**Sen. Davison:** There are no dollars coming from the general fund.

**Chairman Owens:** Any further questions? Anyone else in support of SB 2341?

**Russ Ziegler, NDCEL: (Attachment 3)**

**Chairman Owens:** Any questions from the committee?

**ElRoy Burkle: (Attachment 4)**

**Chairman Owens:** Any questions from the committee?

**Jeff Sattler, Sattler Homes, President, Bismarck-Mandan Home Builders Association, ND Association of Builders Treasurer: (Attachment 5)**

**Chairman Owens:** Any questions from the committee?

**Rep. Ron Guggisberg:** Your biggest obstacle in passing this bill would be insurance or some type of liability coverage for you? Would you see, if they are under 18, that there would be some type of parental signoff?

**Jeff Sattler:** I am sure that there would be something. I don't know the exact ins and outs there. Currently we have 15 employees and we do everything from our own excavating, framing, etc. So it is a lot of different jobs in there. Our initial goal was to be able to hire them like a regular employee, but because of age and labor laws we have to go around something else. I don't know that exact answer, but I would prefer it to be the easiest route.

**Chairman Owens:** Any questions from the committee? Anyone else in support? Anyone in opposition? Any neutral testimony?

**Michelle Kommer, ND Commerce Department: (Attachment 6)** The Commerce Department is pro workforce and we are pro workbased learning. Sen. Davison mentioned the report of the Workforce Development Council. I had the opportunity to coordinate those efforts. It was one of the primary findings of that report of recommendations that we need to do a better job of earlier and more diverse career exposure for students so that we can expose them at an earlier age to the varieties of pathways to some of the great jobs we have in ND. I have been working to ascertain the problem to be solved by this legislation, because

it is not clear to me from the legislation itself. On several occasions I've met with numerous individuals and some of the things that have been brought up today are perceived to be obstacles. It is possible that we may be able to achieve some of these goals without legislation. We have a couple of concerns, and I would like to say that we support solving this work force gap.

We support workbase learning, but we do question whether the legislation is necessary to accomplish these safety concerns. What this legislation does is create an either/or situation because it is taking funding away from Operation Intern and sharing it/slicing it/completely diverting it to support this. The people I have spoken to from industry have not indicated that funding is their concern. They employers are willing to pay for the students to have the work experience. The funding requested through this legislation deserves to take away from the kind of program and create an either/or scenario. We, in Commerce, have our bill on Wednesday and at the present time even that funding is in jeopardy.

There is a funding challenge that needs to be addressed. This is a scenario where the third part of this bill is to create an apprenticeship training program. I think it is better created by the employer. If we want the state to create an apprenticeship training program, I might suggest that it might be more appropriately and expertly done within the Department of Career and Technical Education because that is the division that works directly with the students and directly with the secondary and postsecondary programs through which they may continue in education and then to create those connections with employers.

**Chairman Owens:** Any questions from the committee? You mentioned Operation Intern and that it would take money from that. Can you give a brief description of Operation Intern and then how successful has it been?

**Michele Kommer:** Our team member managing that program is here today.

**Chairman Owens:** Have you talked about the amendments from Sen. Schaible?

**Michelle Kommer:** I have not seen any amendments. I would like to be part of that process so that we can get to a solution that solves the problem.

**Chairman Owens:** Once we have the amendments I will ask our intern to notify your office. Any other questions?

**Jennifer Doll, Administrator, Operation Intern Program:** Operation Intern Program covers internships, apprenticeships and work based learning down to the junior and senior level in high school. It is very competitive; companies use it and most companies hire their interns if they are at the senior level. Most interns we see now are at the sophomore, freshman level in college because it is very competitive looking for interns in the state.

**Chairman Owens:** The interns are already sixteen and seventeen in many cases.

**Jennifer Doll:** Century Code does allow juniors and seniors in high school to be in the program.

**Chairman Owens:** Are there any other questions?

**Vice Chairman Cynthia Schreiber-Beck:** The company I used to own used the internship program. It's a benefit to the employer because there are some dollars that go back to the employer.

**Jennifer Doll:** It is a one-to-one match up to \$3,000 for the intern and these companies use this for their wages. A lot of companies, small businesses are using it as an expansion tool. They find an intern that fits their company, they hire them after graduation and it expands their company.

**Vice Chairman Cynthia Schreiber-Beck:** It's an excellent program that we have utilized for a number of years.

**Rep. Pat D. Heinert:** Are there any restrictions as to what occupation they can apply for in an internship?

**Jennifer Doll:** Currently, the focus of Operation Intern is on the top five industries, but there is funding out there for in demand, high wage jobs and we work with Job Service to see what those are. Skilled trades do fall under that, some of the apprenticeable positions also fall under the program currently.

**Representative Denton Zubke:** Do you know how many dollars are spent annually on this program and is all of the funding used up, typically?

**Jennifer Doll:** This current biennium we were allocated \$950,000, and before that in prior biennium's it was close to \$1.5M. The funding is mostly spent. We have added funding windows just so we can reallocate funds instead of allocating them at the beginning of the biennium. Things happen with companies – they can't find interns, they are not ready for it, but they apply for it because it is competitive. What the funding windows do is allow us to reallocate those funds throughout the biennium so there is more use of them and more companies have availability to it.

**Chairman Owens:** Any questions?

**Jennifer Doll:** With the program we are working with what the Workforce Council had recommended. There will be learning objectives added – project based learning and things like that to make it a better experience.

**Chairman Owens:** Any further neutral testimony? Seeing none, we'll close the hearing.



# 2019 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Coteau A Room, State Capitol

SB 2341  
3/27/2019  
34259

☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Bev Monroe
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## Explanation or reason for introduction of bill/resolution:

A bill relating to the apprenticeship training program; relating to apprenticeships and uses of the internship fund

## Minutes:

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**Chairman Owens:** Opened the meeting on SB 2341.

**Vice Chairman Cynthia Schreiber-Beck:** I'd like to call Michelle Kommer to the podium to refresh our thoughts on what the Department of Labor/Commerce has to say.

**Michelle Kommer, Commissioner, Dept. of Commerce and Interim Labor Commissioner:** The last time I was here we were working to ascertain the problem to be solved by this bill and we have been unable to identify the problem to be solved by this bill. We are pro workforce and pro work based learning. We question whether this legislation is necessary having confirmed that there are no regulatory or insurance barriers to engaging youth in apprenticeships today. We do not support an either or approach to fund apprenticeships or internships, but rather an 'and' if an apprenticeship training program is desired. We would ask that it be funded separately from Operation Intern which would be the impact of the bill today that is the apprenticeship training program. I am unclear what it is, but it is clear to me that it would use funds that are presently dedicated to Operation Intern.

Today, we can fund apprenticeships through the Operation Intern program. If the committee does wish to create an apprenticeship training program, we believe that the Department of Career and Technical Education is better positioned for that as they already have systems in place to connect with youth and secondary and postsecondary institutions that would be involved in an effective apprenticeship training program.

**Chairman Owens:** Any questions from the committee?

**Rep. Hoverson:** Do you know if one of the differences is that one of the programs is geared more through the school system and this one is more broad?

**Michelle Kommer:** I don't know what we are trying to accomplish through the legislation. I can tell you more about the existing program, but not this one.

**Rep. Hoverson:** Is the existing one primarily through the schools?

**Michelle Kommer:** It is not necessarily. It is designed to be used inside the schools or with employers and it is used in all of those ways, including those apprenticeships. We did fund through Operation Intern program for apprenticeships in the last biennium. There is already a mechanism to do that today.

**Rep. Mary Johnson:** I thought it was that. Even though, i.e. General Equipment, has an apprenticeship program in Wahpeton, they are not getting the staff. This lowers the age to sixteen. Previously it was geared towards higher ed – 'focus of this program must be higher education internships' and now they are dropping the apprenticeship to sixteen years of age as stated on page 2, line 7. I thought they were trying to get to high school kids with their apprenticeship programs to get them into the industries where the jobs are plentiful. Am I wrong?

**Michelle Kommer:** I think that you are correct. Also, that is possible today so that changes nothing. That is the conversation that I had with representatives from the Home Builders Association both before and after our last hearing. My understanding from those representatives was exactly as you said. I share their concerns because the jobs in the trades and skilled technical jobs represent a significant part of the job openings that we have today and in the future. There is a need and a desire to expose students to those career paths. This legislation doesn't change anything.

**Chairman Owens:** Rep. Johnson, it appears in Century Code there is no current section that defines the age. This is a new section.

**Rep. Mary Johnson:** ( inaudible ) Could you explain? That is on line 13. How is it done now for high school students to get into these trades? How would General Equipment, which has two certified apprenticeship programs, get younger people?

**Michelle Kommer:** They do have two registered apprenticeships at General Equipment. They have a really effective recruiter who works with our school systems in the Fargo-Moorhead region and they have taken on that effort as part of their recruitment model to make students aware of their apprenticeship program, along with the other jobs that are available in the company. In response to your comments on page 1 - line 13 is included in the statute today and line 14 is new language.

**Rep. Mary Johnson:** My question was that you indicated earlier that there is a method by which high school students are exposed to what is needed here. How is that done now?

**Michelle Kommer:** It is done uniquely by each company like General Equipment. We could invite Jennifer Doll to come up, who manages our program, to give us some insight as to what we do in Commerce to engage with businesses, colleges, universities, etc.

**Rep. Mary Johnson:** So, high school students can be exposed to this through some program through the Department of Labor?

**Michelle Kommer:** The answer is yes.

**Rep. Ron Guggisberg:** The last time Ms. Kommer was here she gave us this federal law that says that sixteen to eighteen year olds can do this type of work if they meet certain safety conditions.

**Chairman Owens:** Rep. Johnson, line 12 includes high school students in current law.

**Vice Chairman Cynthia Schreiber-Beck:** The CTE programs in my local community, there are probably fifteen to twenty through the current tech ed programs that are under the apprenticeship. That is logged. Mr. Sick is in the room and may be able to comment on that even further. In the current tech ed programs, at least in my area, it's part of their aspect that they want them out in apprenticeship programs. Most of them are being paid. They are not utilizing funding through Commerce, but they are just doing it so those kids get actual work experience.

**Rep. Mary Johnson:** What bars General Equipment from approaching high school kids?

**Vice Chairman Cynthia Schreiber-Beck:** Maybe Mr. Sick can address this from a comprehensive point of view.

**Wayde Sick, Director, ND Department of Career and Technical Education:** What Rep. Schreiber-Beck is discussing is work based learning opportunities that occur through CTE programs. Mr. Dan Rood, who is the director of the Southeast Region Career Technology Center, has a number of students that are doing work based learning. They may not be registered apprenticeships, but they are work based learning opportunities through the student learner component, the document Rep. Guggisberg is referencing. It discusses where child labor laws exemptions occurred if a student is an apprentice or if a student is a student learner. They can work as a sixteen/seventeen-year-old. They are restricted on how much of what they consider hazardous work they can do. It is laid out in an agreement between the school and the employer as to what the student can and cannot do. Also, the student must go through safety training before they go out and must receive some safety training from the employer. There is a process in place.

There was an earlier question as to what may bar a student or individual entering an apprenticeship program. One of the holdups may be the minimum requirement that the employer may have. In order to enter into an apprenticeship program, the employer gets to determine where that apprentice starts and where they get them to. An employer may require a high school diploma before a student can enter an apprenticeship. The minimum requirements are set by the employer.

**Rep. Mary Johnson:** General Equipment has two certified apprenticeship programs at NDSCS? Is a certification a hurdle? Does the certification process require a certain age?

**Wayde Sick:** I would have to look at what those certifications are; what those apprenticeships are to determine if it is the certification that is holding them up. I would have to familiarize myself with that.

**Rep. Mary Johnson:** If employers have to go through a certification process that is age limited, then maybe the bill is necessary. If not, then the bill is not necessary.

**Wayde Sick:** You may be correct. I would have to look at what those certifications are. If there is an age requirement on the certification or if the certification is a part of the apprenticeship program that they earn at the end of it. It may not be a barrier because it comes at the end. These apprenticeship programs are anywhere between two years to four years long. By the time the student enters the program they may be eighteen and maybe eligible to take whatever certification exam that may exist.

**Rep. Mary Johnson:** Is it the fact that it is at NDSCS, and they have to be enrolled at NDSCS to go through that particular apprenticeship program or 'a' apprenticeship program. Maybe that is the hurdle?

**Wayde Sick:** There is dual credit, so students are taking dual credit courses at their high school and also enrolled at NDSCS. It depends on what that minimum requirement is. It may not be an age thing; they may need a high school diploma. I would have to look at their standards.

**Chairman Owens:** Rep. Johnson, is your question about earning the apprenticeship because the apprenticeship itself has an age requirement?

**Rep. Mary Johnson:** ( inaudible )

**Chairman Owens:** We don't have to lower the age to 16 is my point. We are creating new law. There are specific rules in our law about how long they can work at fourteen and fifteen years of age. I have hired someone at age fourteen to do piecemeal work. You have to follow specific work hour rules but they still get to work.

**Rep. Mary Johnson:** In an apprenticeship program?

**Chairman Owens:** If the apprenticeship program has a requirement for eighteen in order to be an apprentice, then that will be the career people who are requiring that. We don't control the age of the apprentice, the industry does that. This would create an age limit.

**Rep. Mary Johnson:** ( inaudible )

**Chairman Owens:** The whole K-12 coordinating committee is designed so we don't waste money duplicating programs. It is the whole purpose of that to make sure everyone is on the same page about how we educate and how our education leads to our workforce.

**Vice Chairman Cynthia Schreiber-Beck:** The obstacles might be what General Equipment wants. They possibly have an agreement with NDSCS that they are possibly paying tuition

for a student and that is their apprenticeship or internship program as well. I think it is their marketing piece.

**Rep. Hoverson:** On page 2, line 24, 'the division of workplace development, in consultation with the director of career and'. What is the division of workplace development? Is that new language or is that already established?

**Wayde Sisk:** I believe that is actually a typo. It should be workforce development. It is something that exists within the Department of Commerce.

**Chairman Owens:** Any further questions or comments?

**Rep. Mary Johnson:** I will **Move a Do Not Pass** on SB 2341.

**Representative Denton Zubke: Seconded.**

**Rep. Brandy Pyle:** I just received an email from Rep. Beadle. He hasn't received the official draft from Legislative Council yet, but this is what he has: Add to Section 3, page 2, line 24, before number 2 insert 'pre-apprenticeship program means a program established by the department that provides work experience, opportunities and introduces individuals in an apprenticeable occupation or apprenticeship program and involves teaching the basis technical and job readiness skills. The intent behind the language is to ensure that the workforce opportunities that are listed in the section above are not forgotten and the students are able to be introduced before they actually register in the apprentice program. Homebuilders groups are heavily concerned about this. Some concerns were to possibly move the entire oversight of the program to CTE instead of Commerce but I haven't heard of that, if that is acceptable to all parties. He said 'your committee might have more insight', so I don't know if that amendment has been drafted.

**Chairman Owens:** Committee, we have the amendment after we have a motion so we will worry about the amendment if the motion fails. After hearing that amendment, I don't see where it adds anything to the bill, it's purpose or focus.

**Rep. Ron Guggisberg:** Every year I participate in a career fair they have at the Fargo Dome. Every ninth grader in every school in the region comes to that. That is the chance for the homebuilders and the trades to tell them before they decide what career they are going to go in to about these careers. This is a job creating bill. If we didn't have this bill before us today, we wouldn't be here this morning, other than that I don't think we need it.

**Chairman Owens:** Any further discussion?

**Rep. Andrew Marschall:** For those younger than eighteen, what barriers are they talking about?

**Chairman Owens:** I don't know what barriers they're talking about. I am confused by this bill.

**Rep. Hoverson:** In Sen. Davison's testimony, he said there are limited placement opportunities due to age and child labor requirements. He didn't really expand on what they were, but that is a little insight into what he was thinking when he gave the testimony. There are no child labor or age requirement barriers.

**Chairman Owens:** My own experience suggests there aren't, so I am a little confused by these claims.

**Representative Denton Zubke:** As is typical with a lot of things in society, everything here is preliminary information and they develop through the years based on that. There is a misconception out there that you can't hire someone under the age of sixteen or someone who is sixteen can't run a lawnmower or something like that. A lot of those things are not correct; there are a lot of kids that are finding employment. There are some industries where you can't find employment if you are under sixteen and you can't find employment if you are under the age of eighteen. Some of that has to do with insurance requirements, safety requirements, etc. There is just a general perception that you can't hire some of those younger children and as you have indicated, you can. You just have to understand what the law is. I do not believe this legislation is needed at all.

**Vice Chairman Cynthia Schreiber-Beck:** So many of the laws that Rep. Zubke brought up are federal, whether they are major company or whatever.

**Rep. Andrew Marschall:** Because it doesn't specifically state it we can do it?

**Chairman Owens:** It's very detailed in code about under sixteen years of age, so the fact that you can hire somebody under sixteen and that is the only restriction, then everybody above sixteen the restrictions don't apply. When I hired the fourteen year olds, it was very explicit on the number of hours, the time of day, because we couldn't have them working at night. So many hours during the school days but on the weekends the hours were relaxed a little bit more.

It's specific to what is restricted, but there is no restriction on anything above there.

Any further discussion?

**A Roll Call Vote** was taken: **Yes 14, No 0, Absent 0.** A **Do Not Pass** motion carried.  
**Rep. J. Hoverson** will carry SB 2341.

Date: 3-27-19  
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2341

House Education Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Rep. M. Johnson Seconded By Rep. D. Zubke

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens	✓		Rep. Guggisberg	✓	
V. Chair. Schreiber-Beck	✓		Rep. Hager	✓	
Rep. Heinert	✓				
Rep. Hoverson	✓				
Rep. D. Johnson	✓				
Rep. M. Johnson	✓				
Rep. Johnston	✓				
Rep. Longmuir	✓				
Rep. Marschall	✓				
Rep. Pyle	✓				
Rep. Strinden	✓				
Rep. Zubke	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. J. Hoverson

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2341, as engrossed: Education Committee (Rep. Owens, Chairman)** recommends  
**DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
Engrossed SB 2341 was placed on the Fourteenth order on the calendar.



**2019 TESTIMONY**

**SB 2341**

## 2. NEED FOR YOUTH ENGAGEMENT & EARLIER AND MORE DIVERSE CAREER EXPLORATION

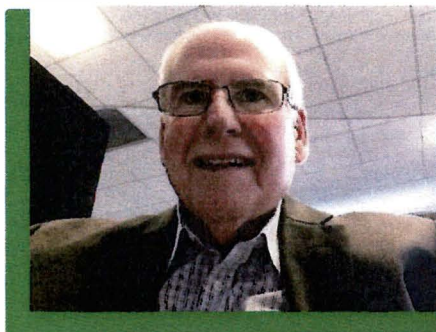
Today, early exposure to career options for students (and their parents) is limited, with students and parents alike generally lacking awareness of available post-secondary degree pathways beyond the four-year degree. In addition to inadequate exposure to the wide array of career options available in North Dakota and the pathways to achieve them, youth in North Dakota do not have sufficient opportunity for work-based learning, which accelerates success in any career. Finally, there is great opportunity to engage youth in the success of their own communities while amplifying efforts to expose students to the wide array of career options in North Dakota.

### RECOMMENDATIONS

**CAREER EXPOSURE/AWARENESS.** As already discussed in detail in the “Technical Skills Gap” section, North Dakota has an opportunity *and necessity* to become a leader in engaging youth earlier and creating a consistent and integrated approach to career exploration, accompanied by efficient, high-quality educational pathways to assist in educating youth in current and high demand jobs available in our state. Accomplishing this necessitates tighter alignment to North Dakota’s educational systems (PK-12, CTE, NDUS) and other delivery systems such as the Center for Distance Education (CDE), and must be supported by leadership and investment from the private sector.

The recommendations included herein supplement the recommendations included in the “Technical Skills Gap” section of this report.


1. ***The Council recommends*** building on the current “choice ready” model by implementing specific career exposure courses and other active experiences beginning in middle school, built in partnership with private industry.
2. ***The Council recommends*** developing a systemic and consistent approach to incorporating student career planning discussions in parent/teacher conferences beginning in middle school.
3. ***The Council recommends*** adjusting the school funding to reinforce support for, and require evidence of, these important practices.



*“By exploring all career opportunities early, our youth and their parents can make educated choices that are focused, exciting, and monetarily rewarding. It is well worth the effort!”*

*Don Shilling, Chairman, General Equipment & Supplies, Inc.  
Executive Committee Member, ND Workforce Development Council*

**WORK-BASED LEARNING.** Work-based learning experiences, such as job-shadowing, internships, co-ops, apprenticeships, and volunteer service provide mutual benefit to employers and student-employees. Student-employees gain valuable real-life exposure and experience to a career, in addition to, school credit and/or pay. Employers benefit through the contributions made by the student-employee and the opportunity to influence future career choices. Connection to real work experience as a student also addresses concerns raised by North Dakota employers in the 2018 North Dakota Workforce Survey, including employees lacking the basic work-readiness skills that could be acquired through these work-based learning programs.

4. **The Council recommends** the Workforce Development Council work collaboratively with North Dakota's major business and labor organizations (Greater North Dakota Chamber of Commerce, North Dakota Petroleum Council, General Contractors and Manufacturer's associations, local chambers of commerce, etc.), the K-12 system and NDUS to increase work-based learning opportunities, and the K-12 system and NDUS collaborate to develop consistent, corresponding structures to award credit toward graduation for these experiences. [See *Washington County, Ohio's "Building Bridges to Careers" program as a model*]. 

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SEE ALSO THE "TECHNICAL SKILLS GAP" SECTION IN THIS REPORT FOR A  
DESCRIPTION OF THE PROPOSED "MAIN STREET INTERNSHIP"

---

**YOUTH ENGAGEMENT.** It has been shown that empowering youth by creating the opportunity to participate in the community benefits development as leaders, and specifically, contributes to better problem-solving and decision-making skills when compared to those youth who are not engaged. Similarly, it has been reported that youth who have been empowered by the community are likely to be future community leaders. The development of such vital skills (e.g. problem solving and decision-making) at a young age will serve the youth well in a variety of life endeavors, with an additional and important advantage—exposing youth to the many opportunities available in their own communities may well encourage youth to remain in those communities.

Encouraging youth engagement in the labor force also responds to a concern raised by North Dakota employers in the 2018 North Dakota Workforce Survey, that is, the absence of work ethic, dependability, and problem-solving skills—all of which would be enhanced through earlier work experiences. Further, employers and industry groups have consistently emphasized a need for educational programs to include work-based learning experiences at an earlier age. Though this need has been emphasized, almost one-third of hiring managers are not targeting youth at all.<sup>7</sup>

5. **The Council recommends** creating a new "Youth Innovation Micro-Grant" to encourage youth community engagement and acknowledge the creativity and potential of our younger generations. Through this grant, youth can apply for matching funding for a project to improve their local community in a manner aligned with the Main Street Initiative.

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SEE ALSO THE "TECHNICAL SKILLS GAP" SECTION IN THIS REPORT

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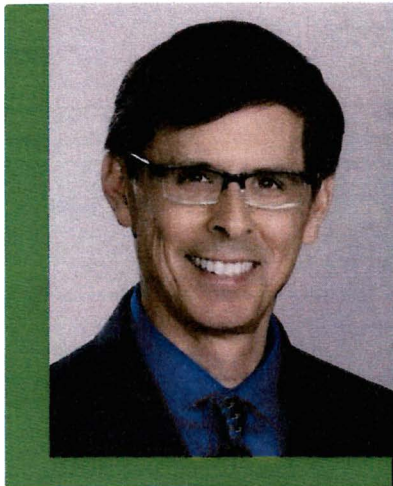
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<sup>7</sup> 2018 North Dakota Workforce Survey



## ENDORSEMENTS

- **The Council endorses** the PK-12 Education Strategic Framework “Career Exploration” theme with importance placed on partnership with private sector to create relevant, diverse, systemic, and scalable career exposure opportunities starting in elementary school and continuing through middle school. *[See specific recommendations as previously stated].*
- **The Council endorses** the NDUS Attainment Goal of 65% of adult-age workers attaining affordable college degrees, industry certificates or other credentials, *to the extent* the goal is specifically connected to credentials of value to North Dakota employers.



*“It is imperative for every industry to stay relevant in a world where the pace of change is continually increasing every year. To keep up with accelerating change and ensure our employees meet the demands of the future, education is a key for every organization’s success. Building individual and organizational capacity to compete and win in a complex and competitive business environment is critical. In North Dakota, a focus on education is instrumental in building tomorrow’s workers, today.”*

**Arnie Strebe**, President, Starion Bank  
Vice Chairman and Executive Committee Member,  
ND Workforce Development Council



# Home Builders Association of Fargo-Moorhead

1802 32nd Avenue South · Fargo, ND 58103 · (701) 232-5846 · [hbafm.com](http://hbafm.com) · [info@hbafm.com](mailto:info@hbafm.com)

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February 4, 2019

North Dakota Senate Education Committee

Senator Don Schaible, Chairman

North Dakota State Capitol

Bismarck, ND 58501

RE: S.B. 2341 Support

Mr. Chairman and members of the Senate Education Committee,

My name is John Gunkelman. I am the current president of Home Builders Association of Fargo-Moorhead and own Dakota Construction of Fargo, Inc. I specialize in custom homes, commercial remodeling and residential remodeling.

On behalf of the HBA of F-M's over 850 member companies and many other collaborating organizations and industries, I would like to thank Sen. Kyle Davison on his leadership in bringing Senate Bill 2341 forward for consideration. I wish to offer my perspectives, experience and support.

As an employer in the construction industry for over 30 years, I can attest to the challenges of finding skilled workers and one of the biggest crises we face is that youth are not properly exposed to the many rewarding careers in our field. Years ago, oftentimes our children would follow us into this industry and related fields. Today, we are one of many trades that struggle with an "image problem" with young people and their parents. Many parents encourage a four-year degree when it's not the right fit for all. It's time to demonstrate the trades to students in a meaningful way to show that construction and homebuilding offers lucrative, fulfilling futures with little to no debt, and a quicker path to employment.

Industries like construction and manufacturing are limited to age 18 and older in order to introduce them to the jobsite. We hope that this legislation will assist employers in sponsoring students working on the jobsite.

I'm aware of several areas pointed out by Tony Grindberg, North Dakota State College of Science, that need to be clarified in the legislation; we support that research. We would also strongly encourage the need for a simple process for the employer partnership involving our educational institutions to ensure participation and success.

We are not experts in writing legislation but avidly support a change to allow those age 16 and older to be exposed to tools, equipment and processes so students can be prepared to decide if it's a career path they're interested in, and if so, can pursue a career in construction sooner rather than later.

In closing, I would like to thank you for your efforts and I strongly encourage you to support Senate Bill 2341.

Affiliated With





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February 5, 2019

Good morning North Dakota Senate Education Committee and Chairman Schaible, my name is Bob Horab and I am the 2019 North Dakota Association of Builders President. Residing in Williston, I am also the owner of McCody Concrete and Horab Transport. Today I stand in front of you to express my personal support of SB 2341 as well as my professional support representing the approximate 2,000 members across North Dakota.

The future of the home building industry relies on our youth and SB 2341 helps us to open opportunities for students to have hands on experience at job sites. The need for skilled workers is not only request we frequently hear in North Dakota, but it is an issue that spans across the nation. According to a recent report from National Association of Home Builders, 82 percent of the members believe the cost and availability of labor are their biggest issues. With the U.S adding roughly 210,000 new construction jobs in 2017, according to the Bureau of Labor Statistics, and currently experiencing low unemployment, the industry's growth keeps it from getting ahead of rising demand for workers. Having the connection to experience first hand the various industries, experiences and skills that go into construction is priceless and a great way help youth make an educated decision on their future plans.

We understand that there is still some overhanging questions and amendments that may be needed to find tune this bill and we encourage the committee to please thoroughly review and consider working with SB 2341.

Thank you for your time and consideration.

Bob Horab  
701-770-8318  
bhorab@mccody.com





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AH #4  
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## Testimony in Support – SB 2341 – Apprenticeship Training Program

NDCEL 2/5/2019

Good morning Chairman Schaible and members of the Senate Education Committee. I am here in representing NDCEL and our state's educational leaders in support of SB2341 which would provide additional flexibility to our students enabling them to participate in apprenticeship training programs at the age of 16.

Our Career and Technical Education directors as well as several superintendents have reached out with stories as to why this shift would be good for kids in ND. The reality is there are many areas that our schools and CTE would like to provide a better and more enhanced cooperative education experience. This would greatly enhance excitement in the areas and will pave the way toward a better response to workforce demands. However, unfortunately the high-wage, high-need trades industries such as transportation, construction, and manufacturing have limited placement opportunities due to age and child labor requirements. Alleviating or at least paving the way toward alleviating these struggles would be strong step in the right direction.

Dr. Cory Steiner - Superintendent from Northern Cass stated:

- 1. We hired a College and Career Counselor to set up experience-ships and have found the age of 18 rule extremely limiting. Even for job shadows, we are struggling to get past this. It really depends who we work with, but it has been a typical response when we have inquired. I think it would at least open the door for conversations.*
- 2. We have 30 learners who will have a significant amount of time open in their schedule (Jaguar Academy) as juniors and seniors starting next year. They are taking AP and college courses now and will continue, but they have been challenged to explore their passion. There is only so much 'exploring' that can go on in distance or on-line courses. At some point, they must get some 'real' experience to know if their passion matches their skill set.*
- 3. As we make the shift to personalized learning, we are having significant conversations of making an internship a requirement for graduation. This won't be possible if the age doesn't change from 18. We want to do this but that is our major roadblock. Harrisburg, SD is coming up in two weeks and they just placed over 50 learners in internships. Fargo-Moorhead is a similar size*



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*which means it is possible. When I talked with them, it was shared they had to work around the age aspect, but once it was accomplished, businesses were willing to work with the schools.*

Dr. Denise Jonas – Career and Technical Education Director stated:

- 1. As we work with our local advisory committee members, they continue to express their desire to partner with our CTE programs for Coop. Ed, yet they admit requirements restrict the worthwhile experience they can provide for students under the age of 18 on their sites. Based on their comments, menial labor and observing is all they can offer, which does not entice students to the industry nor help in the development with employees.*
- 2. Apprenticeship programs and funding for them have increased yet staffing in ND may not be adequate to nurture and grow more apprenticeship options. Pre-apprenticeship routes are also established across the nation which would be beneficial to explore in ND for early entry into industries but require oversight.*
- 3. With CTE as a connection between industry and our schools, the Department of Career and Technical Education would need to be a major player in the development and execution of SB 2341. This will need to be included and role clarified in the bill.*
- 4. As North Dakota promotes Choice-Ready pathways, meaningful work experiences are required and are intended to expose students to paths toward gainful employment and college preparation. SB 2341 would provide a means to explore and flex current practice to develop future policy that can work.*

Dale Hoerauf – Principal at the Bismarck Career Academy indicated:

*In order to be career ready and make decisions about your future you need to start while when you are high school. As 9<sup>th</sup> graders that means exploring, and as 10<sup>th</sup>, 11<sup>th</sup> 12<sup>th</sup> graders it means job shadowing and internships. If 18 years of age is a requirement it has just taken away all those opportunities for many students, 16 and 17 years of age to be able to make wise career decisions. Once they have graduated (typically 18) it is too late. I cannot tell you the number of meetings I have had with industry representatives that say “please let students know about our careers we really need skilled workers”. I follow up with the question do they have to be 18 or can they 16 and 17 to job shadow/intern at your worksite?*

We ask for the committee’s support in a DO Pass recommendation for SB 2341. Thank you.



Fargo Public School  
Northern Cass School



Central Cass School  
West Fargo Public School

Date: February 5, 2019

To: North Dakota Senate Education Committee  
Senator Don Schaible, Chairman  
North Dakota State Capitol

From: Dr. Denise Jonas, Career & Technical Education Director

RE: Senate Bill 2341

Mr. Chairman and members of the Senate Education committee, I wish to offer support for S.B. 2341.

As Director of Career & Technical Education, working with programs in Central Cass, Fargo, Northern Cass, and West Fargo Public Schools, I oversee ten Career & Technical Education programs, spanning from Business Education and Health Science .... to Construction, Aviation and Manufacturing. Each CTE program seeks input from business and industry through established advisory committees. Over the past five years, our number one conversation has been, career awareness and workforce!

For decades, CTE has provided career exploration and work development opportunities for high school students. Cooperative Education (Coop. Ed.) has been available in most program areas, providing an extension of the classroom on the job for student learning. This paid job opportunity also allowed students to earn high school credit and develop work-ready skills.

Unfortunately, the high-wage, high-need trades industry areas including manufacturing, transportation, and construction have limited placement for Coop. Ed. due to age and child labor requirements. The effect of this limitation is reduced opportunities for students to obtain credit, develop skills, and enter a lucrative work experience at the age of 16 and 17. In an industry striving to recruit employees, this is a bottle-neck to inspire future employment in the field.

Rationale for the need for S.B. 2341

- As we work with our local advisory committee members, they continue to express their desire to partner with our CTE programs for Coop. Ed., yet they admit requirements restrict the worthwhile experience they can provide for students under the age of 18 on their sites. Based on their comments, menial labor and observing is all they can offer, which does not entice students to the industry nor help in the development of employees.
- Apprenticeship programs and funding for them have increased yet staffing in ND may not be adequate to nurture and grow more Apprenticeship options. Pre-Apprenticeship routes are also established across the nation, which would be beneficial to explore in ND for early entry into industries but require oversight.
- With CTE as a connection between industry and our schools, the Department of Career and Technical Education would need to be a major player in the development and execution of S.B. 2341. This will need to be included and role clarified in the Bill.
- As North Dakota promotes Choice-Ready pathways, meaningful work experiences are required and are intended to expose students to paths toward gainful employment and college preparation. S.B. 2341 would provide a means to explore and flex current practice to develop future policy that can work!

Testimony of Donald Shilling

Senate Education Committee Hearing – February 5<sup>th</sup>, 2019

Re: SB 2341 Support

Senator Don Schaible, Chairman and Senators of the Committee

Good Morning,

My name is Donald Shilling. I am Chairman of General Equipment & Supplies, Inc. a North Dakota Heavy Equipment Dealership. I am a graduate of NDSU, but I also involved with a Program Partnership with NDSCS and I am a current member of the ND Workforce Development Council.

I am here to testify in support of SB 2341 and hope that the Education Committee would approve SB 2341 with a "Do Pass" out of this Committee.

I would like to take just a few minutes to explain my position why I feel passage of this legislation is not only important to our industry but for all citizens of North Dakota.

General Equipment has locations in Williston, Minot, Bismarck and Fargo ND. We also have locations in Sioux Falls SD, Shakopee and Hibbing MN, Urbana IL, Regina SK and Winnipeg MB.

Our industry has dealt with a skilled technician shortage since the late 1990's. As a result, most of the equipment dealers in ND have developed "Partnership Programs" with NDSCS or other Technical Colleges and Programs in the region. These partnerships help us to bridge this shortage gap.

The Technical Education Programs at NDSCS is not always the solution to the positions we need to fill. In our case we have two (2) Dept. of Labor Certified Apprenticeship Programs. One develops Service Technicians for our Aggregate Processing Equipment and the other develops Heavy Equipment Parts Person.

These Apprenticeships have both an On the Job component and an Educational component using College class from NDSCS. In 24 to 36 months we have an apprenticeship that is complete, and the employee will move into full time Journeyman status with us.

With SB2341 I can see a wonder focus being put on Apprenticeships. Much of the things defined by SB 2341 I agree with. But having gone through the process of developing our own Apprenticeships I feel there are some additional things that need to be addressed.

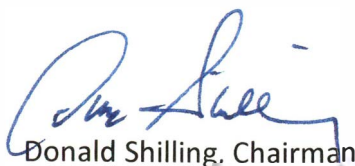
Certainly, the items I have on my list would include:

1. Age barrier is a big issue. We cannot have anyone younger than 18 working in our environment. – That needs to be modified and allow with mentorship a person to experience what goes on with this job
2. Pre- Apprenticeship needs to be more clearly defined as a need
3. Clarify not only the roles of Dept. Of Commerce, Public Instruction, Career and Technical Education and Job Service of ND
4. Develop standard “cookie cutter” type job apprenticeships that small businesses in ND can just adopt and run with.
5. Develop a “Clearing House” if you will, of available Apprenticeship Programs in ND so that potential participants can hear about and apply
6. Do not allow the maintenance of the record keeping become onerous. Remember small businesses in ND have the most potential to engage in apprenticeships but typically do not have depth in administrative personnel.
7. Funding levels are critical to get these programs in motion. With 70% of the business in ND being 9 or less employees, these small business concerns may need help to get involved in these apprenticeships

The Workforce Development Council’s report of October 2018 clearly identifies the needs and many solutions in the area of Technical Careers. The Apprenticeship Program clearly was established to reach the non-traditional student and offer alternatives to College for our youth. In my opinion this is a very important option. I commend the work of the Committee in this area.

Passage of SB 2341 with some of the enhancements discussed above will be a great benefit to many North Dakotan’s.

Thank you for your attention and I would be willing to answer any questions.



Donald Shilling, Chairman  
General Equipment & Supplies, Inc.  
701 541 0522

19.1144.01001  
Title.

Prepared by the Legislative Council staff for  
Senator Davison

February 12, 2019

SB 2341  
2.13.19

# |

PROPOSED AMENDMENTS TO SENATE BILL NO. 2341

Page 2, line 24, replace "superintendent" with "director"

Page 2, line 25, replace "public instruction" with "career and technical education"

Renumber accordingly

**Senator Kyle Davison Testimony**  
**SB 2341**

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Mr. President, this bill focuses on language changes to the Apprenticeship Training program. The reality is there are many area superintendents and CTE programs who would like to provide a better a more enhanced cooperative education experience.

However, unfortunately the high-wage, high-need trades industries such as transportation, construction, manufacturing have limited placement opportunities due to age and child labor requirements.

This would greatly enhance excitement in the areas and will pave the way toward a better response to workforce demands. However, unfortunately the high-wage, high-need trades industries such as transportation, construction, mid manufacturing have limited placement opportunities due to age and child labor requirements. Alleviating or at least paving the way toward alleviating these struggles would be strong step in the right direction.

I ask for your support of SB 2341.



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## 2. NEED FOR YOUTH ENGAGEMENT & EARLIER AND MORE DIVERSE CAREER EXPLORATION

Today, early exposure to career options for students (and their parents) is limited, with students and parents alike generally lacking awareness of available post-secondary degree pathways beyond the four-year degree. In addition to inadequate exposure to the wide array of career options available in North Dakota and the pathways to achieve them, youth in North Dakota do not have sufficient opportunity for work-based learning, which accelerates success in any career. Finally, there is great opportunity to engage youth in the success of their own communities while amplifying efforts to expose students to the wide array of career options in North Dakota.

### RECOMMENDATIONS

**CAREER EXPOSURE/AWARENESS.** As already discussed in detail in the “Technical Skills Gap” section, North Dakota has an opportunity *and necessity* to become a leader in engaging youth earlier and creating a consistent and integrated approach to career exploration, accompanied by efficient, high-quality educational pathways to assist in educating youth in current and high demand jobs available in our state. Accomplishing this necessitates tighter alignment to North Dakota’s educational systems (PK-12, CTE, NDUS) and other delivery systems such as the Center for Distance Education (CDE), and must be supported by leadership and investment from the private sector.

The recommendations included herein supplement the recommendations included in the “Technical Skills Gap” section of this report.


1. ***The Council recommends*** building on the current “choice ready” model by implementing specific career exposure courses and other active experiences beginning in middle school, built in partnership with private industry.
2. ***The Council recommends*** developing a systemic and consistent approach to incorporating student career planning discussions in parent/teacher conferences beginning in middle school.
3. ***The Council recommends*** adjusting the school funding to reinforce support for, and require evidence of, these important practices.



*“By exploring all career opportunities early, our youth and their parents can make educated choices that are focused, exciting, and monetarily rewarding. It is well worth the effort!”*

*Don Shilling, Chairman, General Equipment & Supplies, Inc.  
Executive Committee Member, ND Workforce Development Council*

**WORK-BASED LEARNING.** Work-based learning experiences, such as job-shadowing, internships, co-ops, apprenticeships, and volunteer service provide mutual benefit to employers and student-employees. Student-employees gain valuable real-life exposure and experience to a career, in addition to, school credit and/or pay. Employers benefit through the contributions made by the student-employee and the opportunity to influence future career choices. Connection to real work experience as a student also addresses concerns raised by North Dakota employers in the 2018 North Dakota Workforce Survey, including employees lacking the basic work-readiness skills that could be acquired through these work-based learning programs.

4. ***The Council recommends*** the Workforce Development Council work collaboratively with North Dakota's major business and labor organizations (Greater North Dakota Chamber of Commerce, North Dakota Petroleum Council, General Contractors and Manufacturer's associations, local chambers of commerce, etc.), the K-12 system and NDUS to increase work-based learning opportunities, and the K-12 system and NDUS collaborate to develop consistent, corresponding structures to award credit toward graduation for these experiences. [See *Washington County, Ohio's "Building Bridges to Careers" program as a model*]. 

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SEE ALSO THE "TECHNICAL SKILLS GAP" SECTION IN THIS REPORT FOR A  
DESCRIPTION OF THE PROPOSED "MAIN STREET INTERNSHIP"

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**YOUTH ENGAGEMENT.** It has been shown that empowering youth by creating the opportunity to participate in the community benefits development as leaders, and specifically, contributes to better problem-solving and decision-making skills when compared to those youth who are not engaged. Similarly, it has been reported that youth who have been empowered by the community are likely to be future community leaders. The development of such vital skills (e.g. problem solving and decision-making) at a young age will serve the youth well in a variety of life endeavors, with an additional and important advantage—exposing youth to the many opportunities available in their own communities may well encourage youth to remain in those communities.

Encouraging youth engagement in the labor force also responds to a concern raised by North Dakota employers in the 2018 North Dakota Workforce Survey, that is, the absence of work ethic, dependability, and problem-solving skills—all of which would be enhanced through earlier work experiences. Further, employers and industry groups have consistently emphasized a need for educational programs to include work-based learning experiences at an earlier age. Though this need has been emphasized, almost one-third of hiring managers are not targeting youth at all.<sup>7</sup>

5. ***The Council recommends*** creating a new "Youth Innovation Micro-Grant" to encourage youth community engagement and acknowledge the creativity and potential of our younger generations. Through this grant, youth can apply for matching funding for a project to improve their local community in a manner aligned with the Main Street Initiative.

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SEE ALSO THE "TECHNICAL SKILLS GAP" SECTION IN THIS REPORT

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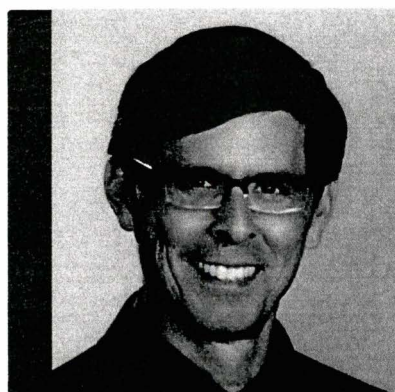
<sup>7</sup> 2018 North Dakota Workforce Survey



## ENDORSEMENTS

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- ***The Council endorses*** the PK-12 Education Strategic Framework “Career Exploration” theme with importance placed on partnership with private sector to create relevant, diverse, systemic, and scalable career exposure opportunities starting in elementary school and continuing through middle school. *[See specific recommendations as previously stated].*
- ***The Council endorses*** the NDUS Attainment Goal of 65% of adult-age workers attaining affordable college degrees, industry certificates or other credentials, *to the extent* the goal is specifically connected to credentials of value to North Dakota employers.



*“It is imperative for every industry to stay relevant in a world where the pace of change is continually increasing every year. To keep up with accelerating change and ensure our employees meet the demands of the future, education is a key for every organization’s success. Building individual and organizational capacity to compete and win in a complex and competitive business environment is critical. In North Dakota, a focus on education is instrumental in building tomorrow’s workers, today.”*

*Arnie Strebe, President, Starion Bank  
Vice Chairman and Executive Committee Member,  
ND Workforce Development Council*



**Testimony of Donald Shilling**

**House Education Committee Hearing – March 11<sup>th</sup>, 2019**

**Re: SB 2341 Support**

**Chairman Mark Owens and Representatives of the Committee**

**Good Afternoon**

My name is Donald Shilling. I am Chairman of General Equipment & Supplies, Inc. a North Dakota Heavy Equipment Dealership. I am a graduate of NDSU, but I also involved with a Program Partnership with NDSCS and I am a current member of the ND Workforce Development Council.

I am here to testify in support of SB 2341 and hope that the Education Committee would approve SB 2341 with a "Do Pass" out of this Committee.

I would like to take just a few minutes to explain my position why I feel passage of this legislation is not only important to our industry but for all citizens of North Dakota.

General Equipment has locations in Williston, Minot, Bismarck and Fargo ND. We also have locations in Sioux Falls SD, Shakopee and Hibbing MN, Urbana IL, Regina SK and Winnipeg MB.

Our industry has dealt with a skilled technician shortage since the late 1990's. As a result, most of the equipment dealers in ND have developed "Partnership Programs" with NDSCS or other Technical Colleges and Programs in the region. These partnerships help us to bridge this shortage gap.

The Technical Education Programs at NDSCS is not always the solution to the positions we need to fill. In our case we have two (2) Dept. of Labor Certified Apprenticeship Programs. One develops Service Technicians for our Aggregate Processing Equipment and the other develops Heavy Equipment Parts Person.

These Apprenticeships have both an On the Job component and an Educational component using College class from NDSCS. In 24 to 36 months we have an apprenticeship that is complete, and the employee will move into full time Journeyman status with us.

With SB2341 I can see a wonder focus being put on Apprenticeships. Much of the things defined by SB 2341 I agree with. But having gone through the process of developing our own Apprenticeships I feel there are some additional things that need to be addressed.

Certainly, the items I have on my list would include:

1. Age barrier is a big issue. We cannot have anyone younger than 18 working in our environment. – That needs to be modified and allow with mentorship a person to experience what goes on with this job
2. Pre- Apprenticeship needs to be more clearly defined as a need
3. Clarify not only the roles of Dept. Of Commerce, Public Instruction, Career and Technical Education and Job Service of ND
4. Develop standard “cookie cutter” type job apprenticeships that small businesses in ND can just adopt and run with.
5. Develop a “Clearing House” if you will, of available Apprenticeship Programs in ND so that potential participants can hear about and apply
6. Do not allow the maintenance of the record keeping become onerous. Remember small businesses in ND have the most potential to engage in apprenticeships but typically do not have depth in administrative personnel.
7. Funding levels are critical to get these programs in motion. With 70% of the business in ND being 9 or less employees, these small business concerns may need help to get involved in these apprenticeships

The Workforce Development Council’s report of October 2018 clearly identifies the needs and many solutions in the area of Technical Careers. The Apprenticeship Program clearly was established to reach the non-traditional student and offer alternatives to College for our youth. In my opinion this is a very important option. I commend the work of the Committee in this area.

Passage of SB 2341 with some of the enhancements discussed above will be a great benefit to many North Dakotan’s.

Thank you for your attention and I would be willing to answer any questions.

Donald Shilling, Chairman  
General Equipment & Supplies, Inc.  
701 541 0522



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#3

## Testimony in Support – SB 2341 – Apprenticeship Training Program

NDCEL 3/11/2019

Good morning Chairman Owens and members of the House Education Committee. I am here representing NDCEL and our state's educational leaders in support of SB2341 which would provide additional flexibility to our students enabling them to participate in apprenticeship training programs at the age of 16.

Our Career and Technical Education directors as well as several superintendents have reached out with stories as to why this shift would be good for kids in ND. The reality is there are many areas that our schools and CTE would like to provide a better and more enhanced cooperative education experience. This would greatly enhance excitement in the areas and will pave the way toward a better response to workforce demands. However, unfortunately the high-wage, high-need trades industries such as transportation, construction, and manufacturing have limited placement opportunities due to age and child labor requirements. Alleviating or at least paving the way toward alleviating these struggles would be a strong step in the right direction.

Dr. Cory Steiner - Superintendent from Northern Cass stated:

- 1. We hired a College and Career Counselor to set up experience-ships and have found the age of 18 rule extremely limiting. Even for job shadows, we are struggling to get past this. It really depends who we work with, but it has been a typical response when we have inquired. I think it would at least open the door for conversations.*
- 2. We have 30 learners who will have a significant amount of time open in their schedule (Jaguar Academy) as juniors and seniors starting next year. They are taking AP and college courses now and will continue, but they have been challenged to explore their passion. There is only so much 'exploring' that can go on in distance or on-line courses. At some point, they must get some 'real' experience to know if their passion matches their skill set.*
- 3. As we make the shift to personalized learning, we are having significant conversations of making an internship a requirement for graduation. This won't be possible if the age doesn't change from 18. We want to do this but that is our major roadblock. Harrisburg, SD is coming up in*



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*two weeks and they just placed over 50 learners in internships. Fargo-Moorhead is a similar size which means it is possible. When I talked with them, it was shared they had to work around the age aspect, but once it was accomplished, businesses were willing to work with the schools.*

Dr. Denise Jonas – Career and Technical Education Director stated:

- 1. As we work with our local advisory committee members, they continue to express their desire to partner with our CTE programs for Coop. Ed, yet they admit requirements restrict the worthwhile experience they can provide for students under the age of 18 on their sites. Based on their comments, menial labor and observing is all they can offer, which does not entice students to the industry nor help in the development with employees.*
- 2. Apprenticeship programs and funding for them have increased yet staffing in ND may not be adequate to nurture and grow more apprenticeship options. Pre-apprenticeship routes are also established across the nation which would be beneficial to explore in ND for early entry into industries but require oversight.*
- 3. With CTE as a connection between industry and our schools, the Department of Career and Technical Education would need to be a major player in the development and execution of SB 2341. This will need to be included and role clarified in the bill.*
- 4. As North Dakota promotes Choice-Ready pathways, meaningful work experiences are required and are intended to expose students to paths toward gainful employment and college preparation. SB 2341 would provide a means to explore and flex current practice to develop future policy that can work.*

Dale Hoerauf – Principal at the Bismarck Career Academy indicated:

*In order to be career ready and make decisions about your future you need to start while when you are high school. As 9<sup>th</sup> graders that means exploring, and as 10<sup>th</sup>, 11<sup>th</sup> 12<sup>th</sup> graders it means job shadowing and internships. If 18 years of age is a requirement it has just taken away all those opportunities for many students, 16 and 17 years of age to be able to make wise career decisions. Once they have graduated (typically 18) it is too late. I cannot tell you the number of meetings I have had with industry representatives that say “please let students know about our*



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*careers we really need skilled workers". I follow up with the question do they have to be 18 or can they 16 and 17 to job shadow/intern at your worksite?*

We ask for the committee's support in a DO Pass recommendation for SB 2341. Thank you.



# North Dakota Small Organized Schools

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#4

Mr. ElRoy Burkle  
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701-845-2910

March 8, 2019

Chairman Owens, and Members of the ND House Education Committee,

For the record, my name is Mr. ElRoy Burkle, Executive Director of North Dakota Small Organized Schools (NDSOS).

NDSOS goes on record of supporting SB 2341 – relating to apprenticeships and uses of the internship fund.

Expanding the apprentice program to include individuals that are at least sixteen years of age will greatly assist them in preparing for future employment as they develop the skills and trades necessary to be successful. This has the potential to assist our state in addressing the employee shortage in skilled and professional occupations.

Thank you for your time and I shall stand for questions.

Respectfully,

*s/s Mr. ElRoy Burkle*

Mr. ElRoy Burkle, Executive Director  
ND Small Organized Schools  
1419 9<sup>th</sup> Ave NE  
Jamestown, ND 58401  
Cell: 701-230-1973 Email [eburklendsos@gmail.com](mailto:eburklendsos@gmail.com)

March 8, 2019  
File SB 2341 House Ed March House Ed March 11, 2019

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Dr. Steven Johnson, Supt. Lisbon

**The mission of NDSOS is to provide leadership for the small/rural schools in North Dakota and to support legislation favorable to their philosophy while opposing legislation that is harmful.**

1





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#5

March 11, 2019

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Government Affairs Director

Good afternoon North Dakota House Education Committee and Chairman Representative Owens, my name is Jeff Sattler of Sattler Homes residing in Bismarck. I am also the 2019 North Dakota Association of Builders Treasurer and the President of the Bismarck-Mandan Home Builders Association. Today I stand in front of you to express my personal support of SB 2341 as well as my professional support representing the approximate 2,000 members across North Dakota.

The future of the home building industry relies on our youth and SB 2341 helps us to open opportunities for students to have hands on experience at job sites. The need for skilled workers is not only a request we frequently hear in North Dakota, but it is an issue that spans across the nation. According to a recent report from National Association of Home Builders, 82 percent of the members believe the cost and availability of labor are their biggest issues. With the U.S adding roughly 210,000 new construction jobs in 2017, according to the Bureau of Labor Statistics, and currently experiencing low unemployment, the industry's growth keeps it from getting ahead of rising demand for workers. Having the connection to experience firsthand the various industries, experiences and skills that go into construction is priceless and a great way help youth make an educated decision on their future plans.

We would like to express our concern as to the funding of this program. Our intention has always been to open the door to pre-apprentice programing within the building industry. Specifically, for youth ages 16-18 to be present on a job site, be allowed to use power tools and equipment with proper supervision. We believed that with this legislation we could start that process, but we never intended for funding to come from the Department of Commerce nor did we intend for this program to be developed by or administered by the Department of Commerce. Our hope is that a fiscal note can be established with the understanding that the builder's intention was always to hire these youth and oversee the apprenticeship within their company and create a simple way for them to administer this program themselves as most companies do not have several office staff to organize, log and file documentation.

We understand that there is still some overhanging questions and amendments that may be needed to fine tune this bill and we encourage the committee to please thoroughly review and consider working with SB 2341.

Thank you for your time and consideration,

Jeff Sattler  
Sattler Homes  
701-220-9877  
jeff@bismarckbuilder.com



## § 24:24. Apprentices exception for employment of children..., 3 Emp. Coord....

## 3 Emp. Coord. Compensation § 24:24

Employment Coordinator March 2019 Update

Compensation

Part IV. Child Labor

Chapter 24. Federal Child Labor Law

IV. Permissible Employment of Child Labor under the FLSA

## § 24:24. Apprentices exception for employment of children between 16 and 18 years of age

Summary Correlation Table

Where certain conditions are met, the FLSA allows employers to employ apprentices without regard to the statute's restrictions otherwise applicable to the employment of children between the ages of 16 and 18 (Comp § 24:20) in:

- excavating (Comp § 24:48);
- slaughtering, meat packing or processing, or rendering (Comp § 24:58);
- metal working (Comp § 24:59);
- paper products occupations (Comp § 24:64);
- roofing (Comp § 24:67);
- woodworking (Comp § 24:69); and
- working with circular saws, band saws, and guillotine shears (Comp § 24:70).

The conditions that must be met to qualify for this exception are:

- the apprentice is employed in a craft recognized as an apprenticeable trade;
- the work of the apprentice in the occupations declared particularly hazardous (Comp §§ 24:19 et seq.) is incidental to his training;
- the work is intermittent and for short periods of time and is under the direct and close supervision of a journeyman as a necessary part of the apprentice training; and
- the apprentice is registered by the Bureau of Apprenticeship and Training of the U.S. Department of Labor as employed in accordance with the standards established by that Bureau, or is registered by a state agency as employed in accordance with the standards of the state apprenticeship agency recognized by the Bureau of Apprenticeship and Training, or is employed under a written apprenticeship agreement and conditions that are found by the U.S. Secretary of Labor to conform substantially with those federal or state standards (Emp P Ch 57).<sup>1</sup>



§ 24:25. Student-learners exception for employment of..., 3 Emp. Coord....

3 Emp. Coord. Compensation § 24:25

Employment Coordinator March 2019 Update

Compensation

Part IV. Child Labor

Chapter 24. Federal Child Labor Law

IV. Permissible Employment of Child Labor under the FLSA

§ 24:25. Student-learners exception for employment of children from ages 16 to 18

Summary Correlation Table

On satisfaction of certain conditions, the FLSA permits the employment of student-learners without regard to the statute's restrictions otherwise applicable to the employment of children from ages 16 to 18 (Comp § 24:19) in:

- agriculture (Comp §§ 24:29 et seq.);
- excavating (Comp § 24:48);
- slaughtering, meat packing or processing, or rendering (Comp § 24:58);
- metal working (Comp § 24:59);
- paper products occupations (Comp § 24:64);
- roofing (Comp § 24:67);
- woodworking (Comp § 24:69); and
- working with circular saws, band saws, and guillotine shears (Comp § 24:70).

An employer may qualify for this exception where the student-learner is:

- enrolled in a course of study and training either in a cooperative vocational training program under a recognized state or local educational authority, or in a substantially similar program conducted by a private school; and
- employed under a written agreement providing that (a) the work of the student-learner in the occupations declared particularly hazardous will be incidental to training, (b) that work will be intermittent and for short periods of time, and under the direct and close supervision of a qualified and experienced person, (c) safety instructions will be given by the school and correlated by the employer with on-the-job training, and (d) a schedule of organized and progressive work processes to be performed on the job will have been prepared.<sup>1</sup>

Each such agreement must contain the student-learner's name and be signed by the employer and the school coordinator or principal. Copies of the agreement must be kept on file by both the school and the employer. High school graduates may be employed in occupations in which they have completed training as student-learners even if they have not yet reached age 18.<sup>2</sup>