

HOUSE BILL 465

P2

7lr0448

By: **Delegates McCray, Morales, Anderson, Barkley, B. Barnes, D. Barnes, Barve, Beidle, Carey, Carr, Clippinger, Conaway, Dumais, Ebersole, Frick, Glenn, Hayes, Hill, Hornberger, C. Howard, Korman, Lam, Lierman, Luedtke, McIntosh, Oaks, Patterson, Pena–Melnik, Platt, Robinson, Sanchez, Sydnor, Turner, Valentino–Smith, Waldstreicher, and A. Washington**

Introduced and read first time: January 27, 2017

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **“EARN” Apprenticeships**
3 **(Expand Apprenticeship Resources Now Act)**

4 FOR the purpose of requiring a contractor or subcontractor that performs work on certain
5 construction projects to use workers who have completed or are enrolled in a certain
6 apprenticeship program or to pay certain workers not less than a certain
7 journeyworker’s rate; providing that, under certain circumstances, certain
8 contractors and subcontractors are not subject to a certain requirement; requiring
9 the Secretary of Labor, Licensing, and Regulation to adopt certain regulations;
10 providing that a person who violates a certain provision of law may be assessed a
11 civil penalty and on conviction is subject to a certain fine; defining certain terms; and
12 generally relating to the use of apprentices and rates of pay on certain construction
13 projects.

14 BY adding to
15 Article – State Finance and Procurement
16 Section 17–6A–01 through 17–6A–04 to be under the new subtitle “Subtitle 6A.
17 Apprenticeship Requirements for Construction Projects on State–Owned
18 Buildings and Facilities”
19 Annotated Code of Maryland
20 (2015 Replacement Volume and 2016 Supplement)

21 Preamble

22 WHEREAS, Professions such as law and medicine have a well–established history
23 of educational standards that are regulated at a state or national level, and these standards
24 are vital not just for the integrity of their professions, but for the millions of men and women

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 who depend upon these professions for crucial services like medical care or legal advice;
2 and

3 WHEREAS, The construction profession provides an equally vital service to
4 Maryland residents, as it is responsible for the literal backbone of our civilization, our
5 public and private infrastructure; and

6 WHEREAS, Safe, secure, well-maintained infrastructure touches every aspect of
7 our lives: it houses our workplaces and carries us along roadways and bridges to the jobs
8 we depend on for our livelihoods; stable buildings shelter our children while at school or
9 our loved ones when they visit a hospital; and life-sustaining infrastructure surrounds us
10 in public transportation terminals, railways, tunnels, airports, and harbors; and

11 WHEREAS, When these mainstays of daily life fail, it becomes front-page news and
12 we are devastated not just by the loss of life or millions of dollars in damage that fallen
13 infrastructure can entail, but by the realization that our own loved ones and their most
14 treasured places could experience the same ruin; and

15 WHEREAS, Well-trained construction professionals are our first and best line of
16 defense against devastating outcomes from infrastructure failure and deficiencies, and by
17 preventing these outcomes, they allow us to continue enjoying the vibrant lives their
18 infrastructure allows for; and

19 WHEREAS, By requiring all apprentices to enroll in registered apprenticeship
20 programs, and for journeyworkers to have completed a registered apprenticeship program,
21 we ensure that construction workers throughout Maryland are given the high quality of
22 training their profession demands; and

23 WHEREAS, By requiring that nonapprenticeship workers be paid predetermined
24 journeyworker wages, we ensure the profession attracts and supports attentive workers
25 who will practice and improve their trade for years to come; and

26 WHEREAS, Measures that provide high quality training and good wages for
27 apprentices and journeyworkers help to ensure that the education needed by construction
28 workers to remain marketable throughout their careers is available, and serves as a crucial
29 guarantor that the infrastructure we depend on comes from workers with the highest
30 standards of professional training; now, therefore,

31 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
32 That the Laws of Maryland read as follows:

33 **Article – State Finance and Procurement**

34 **SUBTITLE 6A. APPRENTICESHIP REQUIREMENTS FOR CONSTRUCTION PROJECTS**
35 **ON STATE-OWNED BUILDINGS AND FACILITIES.**

36 **17-6A-01.**

1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) "CONSTRUCTION" INCLUDES:

- 4 (1) BUILDING;
- 5 (2) RECONSTRUCTING;
- 6 (3) IMPROVING;
- 7 (4) ENLARGING;
- 8 (5) PAINTING AND DECORATING;
- 9 (6) ALTERING;
- 10 (7) MAINTAINING; AND
- 11 (8) REPAIRING.

12 (C) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR, LICENSING, AND
13 REGULATION.

14 (D) "REGISTERED APPRENTICESHIP PROGRAM" MEANS AN
15 APPRENTICESHIP PROGRAM THAT IS REGISTERED WITH AND APPROVED BY THE
16 DEPARTMENT AND THE UNITED STATES DEPARTMENT OF LABOR.

17 (E) "SECRETARY" MEANS THE SECRETARY OF LABOR, LICENSING, AND
18 REGULATION.

19 (F) "WORKER" MEANS A LABORER OR MECHANIC.

20 17-6A-02.

21 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, EACH
22 CONTRACTOR OR SUBCONTRACTOR THAT PERFORMS WORK ON A CONSTRUCTION
23 PROJECT ON A STATE-OWNED BUILDING OR FACILITY SHALL EMPLOY ONLY
24 WORKERS WHO:

- 25 (1) HAVE COMPLETED OR ARE ENROLLED IN A REGISTERED
26 APPRENTICESHIP PROGRAM; OR

1 **(2) ARE PAID NOT LESS THAN THE JOURNEYWORKER'S RATE**
2 **ESTABLISHED FOR THE APPROPRIATE TRADE OR CRAFT BY THE COMMISSIONER OF**
3 **LABOR AND INDUSTRY.**

4 **(B) A CONTRACTOR OR SUBCONTRACTOR IS NOT SUBJECT TO THE**
5 **REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION IF THERE ARE NO**
6 **REGISTERED APPRENTICESHIP PROGRAMS FOR THE CRAFT OR TRADE IN WHICH**
7 **THE CONTRACTOR OR SUBCONTRACTOR EMPLOYS WORKERS FOR THE**
8 **CONSTRUCTION PROJECT.**

9 **17-6A-03.**

10 **(A) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE**
11 **PROVISIONS OF THIS SUBTITLE.**

12 **(B) THE REGULATIONS SHALL ESTABLISH THE PROCESS FOR A**
13 **CONTRACTOR OR SUBCONTRACTOR TO PROVIDE WRITTEN VERIFICATION TO THE**
14 **DEPARTMENT THAT THE REQUIREMENTS OF THIS SUBTITLE HAVE BEEN MET.**

15 **17-6A-04.**

16 **(A) A PERSON WHO VIOLATES A PROVISION OF THIS SUBTITLE MAY BE**
17 **ASSESSED A CIVIL PENALTY AND ON CONVICTION IS SUBJECT TO A FINE NOT**
18 **EXCEEDING \$20,000.**

19 **(B) IN DETERMINING THE AMOUNT OF THE PENALTY UNDER SUBSECTION**
20 **(A) OF THIS SECTION, THE SECRETARY OR THE ADMINISTRATIVE LAW JUDGE SHALL**
21 **CONSIDER:**

22 **(1) THE GRAVITY OF THE VIOLATION;**

23 **(2) THE SIZE OF THE CONTRACTOR OR SUBCONTRACTOR'S BUSINESS;**

24 **(3) THE CONTRACTOR OR SUBCONTRACTOR'S GOOD FAITH;**

25 **(4) THE CONTRACTOR OR SUBCONTRACTOR'S HISTORY OF**
26 **VIOLATIONS UNDER THIS ARTICLE; AND**

27 **(5) WHETHER THE CONTRACTOR OR SUBCONTRACTOR HAS MADE**
28 **RESTITUTION OR OTHERWISE REMEDIED AND COME INTO COMPLIANCE WITH ANY**
29 **PROVISION OF THIS SUBTITLE OR OF ANY OTHER PROVISION OF THIS ARTICLE THAT**

1 THE CONTRACTOR OR SUBCONTRACTOR IS DETERMINED TO HAVE BEEN IN
2 VIOLATION.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
4 1, 2017.