

SENATE BILL 313

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2001 Regular Session  
11r0903  
CF 11r1415

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By: **Senators Pinsky, Bromwell, Collins, Conway, Currie, Della, Dorman,  
Exum, Green, Hollinger, Kelley, Lawlah, McFadden, Mitchell, Ruben,  
Stone, and Teitelbaum**

Introduced and read first time: January 29, 2001  
Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 20, 2001

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Funded Construction Projects Public Work Contracts -**  
3 **Apprenticeship Programs**

4 FOR the purpose of requiring that each ~~contract for a State funded construction~~  
5 ~~project shall require the contractor or a certain association to have a certain~~  
6 ~~apprenticeship program in place for a certain period of time before submitting a~~  
7 ~~bid for the contract; requiring that each contract for a State funded construction~~  
8 ~~project shall require the contractor or a certain association to hire certain~~  
9 ~~apprentices at a certain ratio to the number of journey persons; defining certain~~  
10 ~~terms; and generally relating to contracts for State funded construction projects~~  
11 ~~contractor or subcontractor under certain public work contracts have, or be a~~  
12 ~~member of an association that has, a certain apprenticeship program in place for~~  
13 ~~a certain period of time before submitting a bid or proposal for the contract;~~  
14 ~~requiring each contractor or subcontractor under certain public work contracts~~  
15 ~~to hire certain apprentices at a certain ratio to the number of journey persons;~~  
16 ~~and generally relating to apprenticeship programs for public work contracts.~~

17 ~~BY adding to~~  
18 ~~Article - Education~~  
19 ~~Section 5-309~~  
20 ~~Annotated Code of Maryland~~  
21 ~~(1999 Replacement Volume and 2000 Supplement)~~

22 BY repealing and reenacting, with amendments,  
23 Article - State Finance and Procurement

1 Section 17-205  
2 Annotated Code of Maryland  
3 (1995 Replacement Volume and 2000 Supplement)

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

6 **~~Article—Education~~**

7 ~~5-309.~~

8 (A) ~~(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~  
9 ~~INDICATED.~~

10 ~~(2) "APPROVED AND REGISTERED APPRENTICESHIP PROGRAM" MEANS~~  
11 ~~AN APPRENTICESHIP PROGRAM THAT IS:~~

12 ~~(I) REGISTERED IN THE STATE; AND~~

13 ~~(II) APPROVED BY THE APPRENTICESHIP AND TRAINING COUNCIL~~  
14 ~~ESTABLISHED UNDER § 11-403 OF THE LABOR AND EMPLOYMENT ARTICLE.~~

15 ~~(3) "CONSTRUCTION" MEANS:~~

16 ~~(I) BUILDING;~~

17 ~~(II) RECONSTRUCTING;~~

18 ~~(III) IMPROVING;~~

19 ~~(IV) ENLARGING;~~

20 ~~(V) PAINTING;~~

21 ~~(VI) DECORATING;~~

22 ~~(VII) ALTERING;~~

23 ~~(VIII) MAINTAINING; OR~~

24 ~~(IX) REPAIRING.~~

25 ~~(4) "STATE FUNDED CONSTRUCTION PROJECT" MEANS A~~  
26 ~~CONSTRUCTION PROJECT THAT RECEIVES ANY FUNDS FROM:~~

27 ~~(I) THE STATE; OR~~

28 ~~(II) ANY ENTITY CREATED BY THE GENERAL ASSEMBLY THAT~~  
29 ~~ENGAGES IN, OVERSEES, MANAGES, OR HAS AUTHORITY OVER CONSTRUCTION~~  
30 ~~PROJECTS.~~

1 ~~(B) EACH CONTRACT FOR A STATE FUNDED CONSTRUCTION PROJECT SHALL~~  
 2 ~~REQUIRE THE CONTRACTOR OR THE ASSOCIATION OF WHICH THE CONTRACTOR IS A~~  
 3 ~~MEMBER TO:~~

4 ~~(1) HAVE AN APPROVED AND REGISTERED APPRENTICESHIP PROGRAM~~  
 5 ~~IN PLACE AT LEAST 6 MONTHS BEFORE SUBMITTING A BID FOR THE CONTRACT; AND~~

6 ~~(2) HIRE STATE REGISTERED APPRENTICES AT A RATIO OF ONE~~  
 7 ~~APPRENTICE FOR EVERY THREE JOURNEYPERSONS.~~

8 **Article - State Finance and Procurement**

9 17-205.

10 (a) A contractor or subcontractor under a public work contract subject to this  
 11 subtitle:

12 (1) shall employ only competent workers and apprentices who qualify  
 13 under subsection (b) of this section;

14 (2) SHALL HAVE, OR BE A MEMBER OF AN ASSOCIATION THAT HAS, AN  
 15 APPROVED AND REGISTERED APPRENTICESHIP PROGRAM IN PLACE AT LEAST 6  
 16 MONTHS BEFORE SUBMITTING A BID OR PROPOSAL FOR THE CONTRACT;

17 (3) SHALL HIRE STATE-REGISTERED APPRENTICES AT A RATIO OF ONE  
 18 APPRENTICE FOR EVERY THREE JOURNEY PERSONS;

19 [(2)] (4) may not employ any individual classified as a helper or trainee;  
 20 and

21 [(3)] (5) may refuse to employ a worker who is a resident of another  
 22 state if the Commissioner finds that the other state enforces a law that prohibits a  
 23 resident of this State from employment as a worker under a public work contract in  
 24 that state, unless:

25 (i) the refusal is in conflict or otherwise inconsistent with a federal  
 26 law applicable to the public work;

27 (ii) the federal government is to pay wholly or partly for the public  
 28 work; and

29 (iii) the inconsistency with federal law jeopardizes the availability of  
 30 federal funds for the public work.

31 (b) An apprentice under a public work contract shall be part of and used in  
 32 accordance with an apprenticeship program registered with the Council and approved  
 33 by the Bureau of Apprenticeship and Training of the United States Department of  
 34 Labor.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 July 1, 2001.