

HOUSE BILL 1435

P2

7lr3398

By: **Delegates Benson, Burns, Glenn, Gutierrez, Haynes, Hucker, Oaks, Robinson, Schuler, and Stukes**

Rules suspended

Introduced and read first time: March 13, 2007

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement - Purchase of Apparel by State Agencies**

3 FOR the purpose of requiring that a public body require that certain apparel
4 production be performed in the United States; requiring that a public body
5 require that certain apparel production be performed in production facilities
6 that meet certain requirements; requiring that bidders for certain apparel
7 contracts provide contracting agencies with certain information; establishing an
8 Apparel Procurement Board; specifying the powers and duties of the Board;
9 authorizing the Commissioner of Labor and Industry to take certain actions
10 against certain bidders, vendors, or subcontractors under certain circumstances;
11 requiring that apparel contracts and bid application documents contain certain
12 information; authorizing a public body to waive certain requirements of this Act
13 under certain conditions; making this Act severable; and generally relating to
14 the purchase of apparel by public bodies.

15 BY adding to

16 Article – State Finance and Procurement
17 Section 14–409
18 Annotated Code of Maryland
19 (2006 Replacement Volume and 2006 Supplement)

20 Preamble

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, The State of Maryland has a compelling interest in guaranteeing
2 that apparel acquired by the State is made under conditions of which the State, its
3 citizens, and its employees, can be proud; and

4 WHEREAS, The apparel industry has a history of poor conditions for its
5 workers; and

6 WHEREAS, The largest part of the apparel purchases of the State are for
7 uniforms for Maryland employees; and

8 WHEREAS, These uniforms are intended to project a positive image for the
9 State and foster pride in the jobs being done by State employees; and

10 WHEREAS, The State has a compelling interest in ensuring that these
11 uniforms are produced under excellent working conditions in this State and in the
12 United States of America; now, therefore,

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

Article – State Finance and Procurement

16 14-409.

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
18 MEANINGS INDICATED.

6 (6) "PUBLIC BODY" MEANS:

7 (I) THE STATE;

8 (II) ANY UNIT OF THE STATE; OR

9 (III) ANY GOVERNMENTAL OR QUASI-GOVERNMENTAL
10 AUTHORITY CREATED BY THE GENERAL ASSEMBLY.

11 (7) "VENDOR" MEANS ANY PERSON:

12 (I) SELLING OR OTHERWISE PROVIDING APPAREL TO OR
13 FOR A PUBLIC BODY; OR

14 (II) ENTERING INTO A LICENSE AGREEMENT WITH A PUBLIC
15 BODY TO PRODUCE OR PROVIDE ITEMS OF APPAREL BEARING NAMES,
16 TRADEMARKS, OR IMAGES OF, OR RELATED TO, THE PUBLIC BODY.

20 (1) ALL APPAREL PRODUCTION BE PERFORMED IN THE UNITED
21 STATES; AND

22 (2) THE PRODUCTION FACILITIES MEET THE FOLLOWING
23 REQUIREMENTS:

24 (I) VENDORS AND THEIR CONTRACTORS AND
25 **SUBCONTRACTORS MUST:**

1 **1. ADOPT A NEUTRALITY POSITION WITH RESPECT**
2 **TO ATTEMPTS TO ORGANIZE BY THEIR EMPLOYEES; AND**

3 **2. AGREE TO VOLUNTARILY RECOGNIZE A UNION**
4 **WHEN A MAJORITY OF WORKERS HAVE SIGNED CARDS AUTHORIZING UNION**
5 **REPRESENTATION;**

6 **(II) APPAREL PRODUCTION WORKERS EMPLOYED TO**
7 **FULFILL AN APPAREL CONTRACT:**

8 **1. WILL NOT BE TERMINATED EXCEPT FOR JUST**
9 **CAUSE; AND**

10 **2. VENDORS AND THEIR CONTRACTORS AND**
11 **SUBCONTRACTORS WILL PROVIDE A MECHANISM TO RESOLVE ALL DISPUTES**
12 **WITH APPAREL PRODUCTION WORKERS; AND**

13 **(III) APPAREL PRODUCTION WORKERS EMPLOYED TO**
14 **FULFILL AN APPAREL CONTRACT ARE PROVIDED A WORK ENVIRONMENT THAT**
15 **IS:**

16 **1. SAFE AND HEALTHY; AND**

17 **2. CONSISTENT WITH THE EMPLOYMENT**
18 **ANTIDISCRIMINATION REQUIREMENTS OF ARTICLE 49B OF THE CODE;**

19 **(3) APPAREL CONTRACTS ARE AWARDED TO CONTRACTORS, AND**
20 **APPAREL PRODUCTION IS PERFORMED ONLY BY CONTRACTORS OR**
21 **SUBCONTRACTORS, THAT DO NOT HAVE A PATTERN OR PRACTICE OF VIOLATION**
22 **OF LEGAL EMPLOYMENT PROTECTIONS NOT OTHERWISE PREEMPTED BY STATE**
23 **OR FEDERAL LAW, INCLUDING LAWS AND REGULATIONS GOVERNING:**

24 **(I) WAGES AND HOURS;**

25 **(II) DISCRIMINATION; AND**

26 **(III) OCCUPATIONAL SAFETY AND HEALTH; AND**

10 (I) EVERY LOCATION WHERE APPAREL PRODUCTION IS TO
11 OCCUR, INCLUDING ANY SUBCONTRACTOR LOCATIONS;

12 (II) THE NAME AND BUSINESS ADDRESS AND THE IDENTITY
13 OF THE PRINCIPAL OFFICERS OF EACH SUBCONTRACTOR THAT IS TO BE USED
14 FOR APPAREL PRODUCTION IN FULFILLMENT OF AN APPAREL CONTRACT; AND

15 (III) AN AFFIDAVIT THAT EACH APPAREL PRODUCTION
16 LOCATION MEETS THE STANDARDS DEFINED IN ITEMS (I) AND (II) OF THIS
17 PARAGRAPH.

27 (II) THE PUBLIC BODY SHALL:

3 (D) (1) THERE IS AN APPAREL PROCUREMENT BOARD.

6 (I) THREE INDIVIDUALS REPRESENTING UNIFORMED
7 UNIONS OF EMPLOYEES OF THE STATE, SELECTED BY THE MARYLAND STATE
8 AFL-CIO;

11 (III) ONE INDIVIDUAL CHOSEN BY THE COMMISSIONER OF
12 LABOR AND INDUSTRY.

13 (3) THE APPAREL PROCUREMENT BOARD SHALL HAVE THE
14 POWER TO:

15 (I) RECEIVE COMPLAINTS THAT ANY BIDDER OR
16 CONTRACTOR IS NOT IN COMPLIANCE WITH THIS SECTION; AND

17 (II) RECOMMEND INVESTIGATION BY AN AUTHORITY
18 DESIGNATED BY IT INTO THE MERITS OF ANY COMPLAINT.

19 (4) THE APPAREL PROCUREMENT BOARD SHALL BE
20 ADMINISTERED BY THE COMMISSIONER OF LABOR AND INDUSTRY IN THE
21 DIVISION OF LABOR AND INDUSTRY IN THE DEPARTMENT OF LABOR,
22 LICENSING, AND REGULATION.

26 (1) TERMINATE AN EXISTING APPAREL CONTRACT AT THE
27 EARLIEST FEASIBLE DATE; AND

3 (F) (1) EACH APPAREL CONTRACT AND BID APPLICATION SHALL
4 CONTAIN A PROVISION DETAILING THE REQUIREMENTS OF THIS SECTION.

15 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this
16 Act or the application thereof to any person or circumstance is held invalid for any
17 reason in a court of competent jurisdiction, the invalidity does not affect other
18 provisions or any other application of this Act which can be given effect without the
19 invalid provision or application, and for this purpose the provisions of this Act are
20 declared severable.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2007.