

SB0964/613728/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 964
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike “qualified” and substitute “qualifying new”; in line 8, strike “repealing” and substitute “altering”; strike beginning with “authorizing” in line 11 down through “circumstances,” in line 12; in line 18, after “17-601,” insert “17-602,”; in the same line, after “17-604,” insert “17-605,”; and in line 23, strike “17-604.1.”

On pages 1 and 2, strike in their entirety the lines beginning with line 26 on page 1 through line 2 on page 2, inclusive.

AMENDMENT NO. 2

On page 6, in line 7, strike “AN” and substitute “A QUALIFYING”; in the same line, strike “A”; in line 10, strike the colon; in line 11, strike “(1)”; and strike beginning with the semicolon in line 12 down through “30” in line 14.

On page 7, in line 10, strike “QUALIFIED” and substitute “QUALIFYING”; in line 11, strike “PARTICIPATING” and substitute “ENROLLED”; in the same line, strike “AN” and substitute “A REGISTERED”; in line 11, after “WHO” insert “:”

(1) HAS GRADUATED FROM A REGISTERED APPRENTICESHIP TRAINING PROGRAM WITHIN 3 YEARS BEFORE THE START DATE OF THE COVERED PROJECT;

(2) IS CURRENTLY COMPLETING, OR HAS COMPLETED WITHIN 3 YEARS BEFORE THE START DATE OF THE COVERED PROJECT, THE EQUIVALENT OF AN APPRENTICESHIP IN LENGTH AND CONTENT OF WORK EXPERIENCE AND ALL REQUIREMENTS IN THE APPRENTICESHIP STANDARDS FOR A CRAFT; OR

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(3)”;

after line 11, insert:

“(K) “QUALIFIED APPRENTICESHIP PROGRAM” MEANS A PREAPPRENTICESHIP PROGRAM, APPRENTICESHIP PROGRAM, OR WORKFORCE DEVELOPMENT PROGRAM THAT IS AFFILIATED WITH OR PROVIDES PARTICIPANTS WITH ACCESS TO A REGISTERED APPRENTICESHIP TRAINING PROGRAM THAT HAS A COMPLETION RATE OF AT LEAST 25%, AS DETERMINED BY THE DEPARTMENT.”;

in line 12, strike “(K)” and substitute “(L)”; strike beginning with “(A)” in line 14 down through “(B)” in line 17; in line 26, strike “and”; and in line 28, after “article” insert “; AND”

(4) ANY MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND”.

On page 8, in line 2, before “promote” insert “SUBJECT TO SUBSECTION (F) OF THIS SECTION,”; in the same line, after “promote” insert “OR SUPPORT”; in the same line, after “programs” insert “, APPRENTICESHIP PROGRAMS,”; strike beginning with “in” in line 3 down through “programs” in line 4; after line 6, insert:

“(F) FUNDS DISTRIBUTED UNDER SUBSECTION (E)(1) OF THIS SECTION SHALL BE AWARDED ONLY TO QUALIFIED APPRENTICESHIP PROGRAMS.”;

in line 11, strike “2027” and substitute “2028”; in the same line, strike “EACH” and substitute “EVERY OTHER”; in line 11, after “(B)” insert “(1)”; and after line 13, insert:

“(2) THE APPLICABLE PERCENTAGE ADOPTED UNDER THIS SUBSECTION SHALL BE BASED ON, OVER THE PREVIOUS 2 YEARS:

(I) ENROLLMENT IN STATE APPRENTICESHIP PROGRAMS;
AND

(II) ACTUAL APPRENTICESHIP UTILIZATION ON PUBLIC WORKS PROJECTS.”

On page 8 in lines 20, 21, 25, and 28, and on page 9 in lines 1, 8, 13, 14, 17, 20, 24, and 31, in each instance, strike the bracket.

On page 8 in line 21, and on page 9 in line 14, in each instance, before “IS” insert “**AND**”.

On page 8, in line 22, strike “**QUALIFIED**” and substitute “**QUALIFYING NEW**”.

On page 8 in line 24, and on page 9 in line 16, in each instance, strike “**OR**”.

On page 8 in line 25, and on page 9 in line 17, in each instance, after “Fund” insert “**IN ACCORDANCE WITH § 17-605 OF THIS SUBTITLE**”.

On page 8 in lines 27 and 28, and on page 9 in lines 19 and 20, in each instance, strike “registered apprenticeship program or to an organization that has registered apprenticeship programs” and substitute “**QUALIFIED APPRENTICESHIP PROGRAM**”.

On page 9 in line 15, and on page 11 in line 21, in each instance, strike “**QUALIFIED**” and substitute “**QUALIFYING NEW**”.

On page 9, in lines 1, 6, 24, and 29, in each instance, strike “registered” and substitute “**QUALIFIED**”.

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On pages 9 and 10, strike in their entirety the lines beginning with line 32 on page 9 through line 27 on page 10, inclusive.

On page 10, after line 27, insert:

“17-605.

(a) (1) A contractor or subcontractor [that elects to make payments to the Fund in accordance with this subtitle] shall make payments, as determined by the Secretary, not to exceed 25 cents per hour for each employee in each covered craft who is employed by the contractor or subcontractor on the covered project, IF THE CONTRACTOR OR SUBCONTRACTOR:

(I) ELECTS TO MAKE PAYMENTS TO THE FUND OR A QUALIFIED APPRENTICESHIP PROGRAM IN ACCORDANCE WITH THIS SUBTITLE;
OR

(II) FAILS TO MEET THEIR FULL QUALIFYING NEW APPRENTICE OR JOURNEYWORKER UTILIZATION REQUIREMENT UNDER THIS SUBTITLE.

(2) If the prevailing wage determination for a covered craft includes a fringe benefit contribution for apprenticeship programs that exceeds 25 cents, the contractor or subcontractor shall pay the difference to the employees in the covered craft in wages.

(3) Payments made under this section fulfill any obligations of the contractor or subcontractor regarding contributions for apprenticeship programs included in the prevailing wage determination under § 17-208 of this title.

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(4) Payments made under paragraph (1) of this section are permissible deductions under § 17–215(b) of this title.

(5) Payments made to the Fund in accordance with paragraph (1) of this subsection shall be made on a monthly basis.

(b) (1) If the Secretary determines that a contractor or subcontractor for a covered project has made contributions to an apprenticeship training program at rates lower than those required by this subtitle, **OR HAS FAILED TO SATISFY THE QUALIFYING NEW APPRENTICE AND JOURNEYWORKER UTILIZATION REQUIREMENT UNDER THIS SUBTITLE**, the contractor or subcontractor shall make payments to the Fund [for the] **EQUAL TO THE PRO RATA** difference between its contribution and the contribution rate required by this subtitle.

(2) Payments made to the Fund in accordance with paragraph (1) of this subsection shall be made on a monthly basis.

(c) A contractor shall report all apprenticeship payments made under this subtitle on prevailing wage payroll records required by § 17–220 of this title.

(d) (1) A contractor or subcontractor that makes contributions to the Fund[, a registered apprenticeship] **OR A QUALIFIED APPRENTICESHIP** program, or an organization that has registered apprenticeship programs may request that its contributions be directed to a specific preapprenticeship, **APPRENTICESHIP**, or workforce development program.

(2) The Secretary shall make a good–faith effort to accommodate requests received **FOR CONTRIBUTIONS TO THE FUND** in accordance with paragraph (1) of this subsection.”.

(Over)

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On page 11, in line 12, strike the colon; in line 13, strike “**(1)**”; strike beginning with “; AND” in line 15 down through “SUBTITLE” in line 18; and strike beginning with “DESCRIPTIONS” in line 23 down through “§ 17-604.1” in line 24 and substitute “PAYMENTS MADE BY EACH CONTRACTOR OR SUBCONTRACTOR UNDER § 17-605”.

On page 12, strike beginning with “\$100” in line 1 down through “APPLICABLE” in line 2 and substitute “A FINE OF UP TO \$10,000”; and in line 11, strike “UNDER THE MARYLAND FALSE CLAIMS ACT” and substitute “BY ORDER OF THE SECRETARY AND PAID TO THE GENERAL FUND”.