

HOUSE BILL 864

P2

(6lr2779)

ENROLLED BILL

— Government, Labor, and Elections/Budget and Taxation —

Introduced by **Delegates Wells, Coley, Addison, Alston, Boaf, Ivey, J. Long, Palakovich Carr, Pasteur, Roberson, Roberts, Ruff, Ruth, Solomon, Stinnett, Turner, Wims, Woods, and Young**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Public Works Contracts – Apprenticeship Requirements**
3 **(Maryland Workforce Apprenticeship Utilization Act)**

4 FOR the purpose of altering certain apprenticeship requirements relating to public works
5 contracts to require certain contractors and subcontractors to employ a certain
6 number of ~~qualified~~ *qualifying new* apprentices or journeyworkers necessary to meet
7 a certain applicable percentage for the project; altering which projects are subject to
8 certain apprenticeship requirements; ~~repealing~~ *altering* certain provisions of law
9 that authorize contractors and subcontractors to make certain payments to a certain
10 apprenticeship program in lieu of employing certain apprentices; requiring the
11 Secretary of Labor to annually establish a certain applicable percentage; ~~authorizing~~
12 ~~the Secretary to waive certain requirements under certain circumstances;~~
13 establishing that certain apprenticeship requirements apply to the University

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 System of Maryland and Baltimore City Community College; and generally relating
2 to apprenticeship requirements for public works contracts.

3 BY repealing and reenacting, with amendments,
4 Article – State Finance and Procurement
5 Section 11–203(e), 17–601, 17–602, 17–603, 17–604, 17–605, and 17–606
6 Annotated Code of Maryland
7 (2021 Replacement Volume and 2025 Supplement)

8 BY adding to
9 Article – State Finance and Procurement
10 Section 17–601.1, 17–602.1, ~~17–604.1~~, 17–605.1, and 17–607
11 Annotated Code of Maryland
12 (2021 Replacement Volume and 2025 Supplement)

13 ~~BY repealing and reenacting, without amendments,~~
14 ~~Article – State Finance and Procurement~~
15 ~~Section 17–602~~
16 ~~Annotated Code of Maryland~~
17 ~~(2021 Replacement Volume and 2025 Supplement)~~

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

20 **Article – State Finance and Procurement**

21 11–203.

22 (e) (1) In this subsection, “University” means the University System of
23 Maryland, Morgan State University, or St. Mary’s College of Maryland.

24 (2) Except as otherwise provided in this subsection, this Division II does
25 not apply to the University System of Maryland, Morgan State University, St. Mary’s
26 College of Maryland, or Baltimore City Community College.

27 (3) (i) A procurement by a University or Baltimore City Community
28 College shall comply with the policies and procedures developed by the University or
29 Baltimore City Community College and approved by the Board of Public Works and the
30 Administrative, Executive, and Legislative Review Committee of the General Assembly in
31 accordance with:

32 1. § 12–112 of the Education Article for the University
33 System of Maryland;

34 2. § 14–109 of the Education Article for Morgan State
35 University;

(v) to the maximum extent practicable, require the procurement of food in accordance with Title 14, Subtitle 7 of this article.

(5) (i) Except as provided in paragraph (7) of this subsection, the following provisions of Division II of this article apply to a University and to Baltimore City Community College:

1. § 11–205 of this subtitle (“Collusion”);
2. § 11–205.1 of this subtitle (“Falsification, concealment, etc., of material facts”);
3. § 13–219 of this article (“Required clauses – Nondiscrimination clause”);
4. § 13–225 of this article (“Retainage”);
5. Title 14, Subtitle 3 of this article (“Minority Business Participation”);
6. Title 14, Subtitle 7 of this article (“Certified Local Farm and Fish Program”);
7. Title 15, Subtitle 1 of this article (“Procurement Contract Administration”);
8. § 15–226 of this article (“Policy established; timing of payments; notice upon nonpayment; disputes; appeals”); [and]
9. Title 16 of this article (“Suspension and Debarment of Contractors”); AND

10. TITLE 17, SUBTITLE 6 OF THIS ARTICLE (“APPRENTICESHIP REQUIREMENTS FOR PUBLIC WORKS CONTRACTS”).

(ii) Except as provided in paragraph (7) of this subsection, Title 14, Subtitle 8 of this article (“Employee Stock Ownership Plan Preference Program”) applies to Morgan State University, St. Mary’s College of Maryland, and Baltimore City Community College.

(iii) If a procurement violates the provisions of this subsection or policies adopted in accordance with this subsection, the procurement contract is void or voidable in accordance with the provisions of § 11–204 of this subtitle.

(6) (i) The State Board of Contract Appeals shall have authority over contract claims related to procurement contracts awarded by:

- 1 1. the University System of Maryland before July 1, 1999;
- 2 2. Morgan State University before July 1, 2004; and
- 3 3. Baltimore City Community College before July 1, 2021.

4 (ii) At the election of the Board of Regents of the University System
5 of Maryland and subject to the approval of the Board of Public Works, the State Board of
6 Contract Appeals shall have authority over contract claims related to procurement
7 contracts awarded by the University after June 30, 1999.

8 (iii) At the election of the Board of Regents of Morgan State
9 University and subject to the approval of the Board of Public Works, the State Board of
10 Contract Appeals shall have authority over contract claims related to procurement
11 contracts awarded by the University after June 30, 2004.

12 (iv) At the election of the Board of Trustees of St. Mary's College of
13 Maryland and subject to the approval of the Board of Public Works, the State Board of
14 Contract Appeals shall have authority over contract claims related to procurement
15 contracts awarded by St. Mary's College of Maryland after June 30, 2006.

16 (v) At the election of the Board of Trustees of Baltimore City
17 Community College and subject to the approval of the Board of Public Works, the State
18 Board of Contract Appeals shall have authority over contract claims related to procurement
19 contracts awarded by Baltimore City Community College after June 30, 2021.

20 (7) Except with regard to the provisions of § 15–113 of this article,
21 paragraphs (3), (4), and (5) of this subsection do not apply to:

22 (i) procurement by a University or Baltimore City Community
23 College from:

- 24 1. another unit;
- 25 2. a political subdivision of the State;
- 26 3. an agency of a political subdivision of the State;
- 27 4. a government, including the government of another state,
28 of the United States, or of another country;
- 29 5. an agency or political subdivision of a government; or
- 30 6. a bistate, multistate, bicounty, or multicounty
31 governmental agency;

1 (ii) procurement by a University in support of enterprise activities
2 for the purpose of:

- 3 1. direct resale;
4 2. remanufacture and subsequent resale; or
5 3. procurement by the University for overseas programs; or

6 (iii) procurement by the University System of Maryland for:

7 1. services of managers to invest, in accordance with the
8 management and investment policies adopted by the Board of Regents of the University
9 System of Maryland, gift and endowment assets received by the University System of
10 Maryland in accordance with § 12–104(e) of the Education Article; or

11 2. expenditures to manage, maintain, and enhance, in
12 accordance with the management and investment policies adopted by the Board of Regents
13 of the University System of Maryland, the value of gift and endowment assets received by
14 the University System of Maryland in accordance with § 12–104(e) of the Education Article.

15 17–601.

16 (a) In this subtitle the following words have the meanings indicated.

17 **(B) “APPLICABLE PERCENTAGE” MEANS THE PERCENTAGE OF TOTAL**
18 **LABOR HOURS OF WORK ON A COVERED PROJECT, INCLUDING CONSTRUCTION,**
19 **ALTERATION, AND REPAIR WORK, PERFORMED BY ~~AN~~ A QUALIFYING APPRENTICE**
20 **OR A JOURNEYWORKER ESTABLISHED UNDER § 17–602.1 OF THIS SUBTITLE.**

21 **[(b)] (C)** “Apprenticeship training program” means an apprenticeship training
22 program that~~z~~

23 ~~(1)~~ is registered with, and approved by, the Apprenticeship and Training
24 Council or the U.S. Department of Labor;~~AND~~

25 ~~(2) COMPLIES WITH THE REQUIREMENTS OF 29 C.F.R. PART 29 AND~~
26 ~~PART 30.~~

27 **[(c)] (D)** “Covered craft” means a classification of workers listed in the prevailing
28 wage determination applicable to the covered project.

29 **[(d)] (E)** “Covered project” means a project for the construction of a public work[,
30 as defined under § 17–201 of this title, that is valued at \$500,000 or more] **THAT IS**
31 **SUBJECT TO SUBTITLE 2 OF THIS TITLE.**

1 [(e)] (F) “Department” means the Maryland Department of Labor.

2 [(f)] (G) “Fund” means the State Apprenticeship Training Fund established
3 under § 17–602 of this subtitle.

4 (H) “LABOR HOURS” MEANS THE TOTAL NUMBER OF HOURS DEVOTED TO
5 THE PERFORMANCE OF CONSTRUCTION, ALTERATION, OR REPAIR WORK BY ANY
6 INDIVIDUAL AND EXCLUDES HOURS WORKED BY:

7 (1) FOREMEN;

8 (2) SUPERINTENDENTS;

9 (3) OWNERS; OR

10 (4) ANY PERSON EMPLOYED IN A BONA FIDE EXECUTIVE,
11 ADMINISTRATIVE, OR PROFESSIONAL CAPACITY, AS DEFINED IN 29 C.F.R. PART
12 541.

13 [(g)] (I) “Participates in an apprenticeship training program” means that a
14 contractor or subcontractor makes regular financial contributions for each covered craft to
15 apprenticeship training programs for covered crafts during the term of the covered project
16 that are at least equal to the hourly fringe benefit contribution rates required for
17 apprenticeship training by the applicable prevailing wage determination for the project, as
18 specified by the Secretary.

19 (J) “~~QUALIFIED~~ QUALIFYING APPRENTICE OR JOURNEYWORKER” MEANS
20 AN INDIVIDUAL WHO:

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

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

28 ~~(2)~~ (3) IS ~~PARTICIPATING~~ ENROLLED IN ~~AN~~ A REGISTERED
29 APPRENTICESHIP TRAINING PROGRAM.

1 **(K) “QUALIFIED ~~APPRENTICESHIP-CONNECTED~~ APPRENTICESHIP**
 2 **PROGRAM” MEANS A PREAPPRENTICESHIP PROGRAM, APPRENTICESHIP PROGRAM,**
 3 **OR WORKFORCE DEVELOPMENT PROGRAM THAT:**

4 **(1) ~~DEMONSTRATES THROUGH VERIFIABLE DATA OVER THE~~**
 5 **PRECEDING 2 YEARS A CONSISTENT RECORD OF PLACING PARTICIPANTS INTO A**
 6 **REGISTERED APPRENTICESHIP TRAINING PROGRAM; AND**

7 **(2) IS AFFILIATED WITH OR PROVIDES PARTICIPANTS WITH ACCESS**
 8 **TO A REGISTERED APPRENTICESHIP TRAINING PROGRAM THAT HAS A COMPLETION**
 9 **RATE OF AT LEAST 25%, AS DETERMINED BY THE DEPARTMENT.**

10 **(h) ~~(K)~~ (L) “Secretary” means the Secretary of Labor.**

11 **17-601.1.**

12 **(A) ~~THIS SUBTITLE APPLIES ONLY TO CONTRACTORS AND~~**
 13 **SUBCONTRACTORS WHO EMPLOY FOUR OR MORE INDIVIDUALS TO PERFORM WORK**
 14 **ON A COVERED PROJECT.**

15 **(B) NOTHING IN THIS SUBTITLE MAY PREEMPT A LOCAL LAW OR POLICY**
 16 **PROVIDING FOR ADDITIONAL SKILLED AND TRAINED WORKFORCE REQUIREMENTS**
 17 **ON PUBLIC WORKS PROJECTS.**

18 **17-602.**

19 (a) There is a State Apprenticeship Training Fund in the Department.

20 (b) The Fund consists of:

21 (1) payments made by contractors or subcontractors in accordance with
 22 this subtitle and Subtitle 6A of this title;

23 (2) penalties collected as a result of violations of this subtitle and Subtitle
 24 6A of this title; ~~and~~

25 (3) penalties collected as a result of violations of Title 14, Subtitle 8 of this
 26 article; **AND**

27 **(4) ANY MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE**
 28 **BENEFIT OF THE FUND.**

29 (c) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of this
 30 article.

1 (d) The State Treasurer shall hold the Fund separately, and the Comptroller shall
2 account for the Fund.

3 (e) The Secretary shall use money in the Fund to:

4 (1) SUBJECT TO SUBSECTION (F) OF THIS SECTION, promote OR
5 SUPPORT preapprenticeship programs, APPRENTICESHIP PROGRAMS, and other
6 workforce development programs ~~in the State's public secondary schools and community~~
7 ~~colleges that assist students in preparing for and entering apprenticeship training~~
8 ~~programs~~; and

9 (2) pay any costs associated with carrying out the provisions of this subtitle
10 and Subtitle 6A of this title or Title 14, Subtitle 8 of this article.

11 (F) FUNDS DISTRIBUTED UNDER SUBSECTION (E)(1) OF THIS SECTION
12 SHALL BE AWARDED ONLY TO QUALIFIED ~~APPRENTICESHIP CONNECTED~~
13 APPRENTICESHIP PROGRAMS.

14 **17-602.1.**

15 (A) FOR CONSTRUCTION ON A COVERED PROJECT FOR WHICH A PUBLIC
16 BODY ADVERTISES FOR BIDS OR PROPOSALS FOR A PUBLIC WORKS CONTRACT ON
17 OR AFTER JANUARY 1, 2027, THE APPLICABLE PERCENTAGE IS 20%.

18 (B) (1) ON OR BEFORE DECEMBER 31, ~~2027~~ 2028, AND ~~EACH EVERY~~
19 ~~OTHER~~ DECEMBER 31 THEREAFTER, THE SECRETARY SHALL SET THE APPLICABLE
20 PERCENTAGE THAT WILL APPLY FOR THE FOLLOWING CALENDAR YEAR.

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

23 (I) ENROLLMENT IN STATE APPRENTICESHIP PROGRAMS; AND

24 (II) ACTUAL APPRENTICESHIP UTILIZATION ON PUBLIC WORKS
25 PROJECTS.

26 (C) THE SECRETARY MAY ALTER THE APPLICABLE PERCENTAGE FOR A
27 COVERED PROJECT TO MEET ANY RATIO REQUIREMENTS NECESSARY FOR
28 APPRENTICE OR JOURNEYWORKER SUPERVISION IN THE COVERED CRAFT.

29 17-603.

30 (a) A contractor that is awarded a procurement contract for a covered project shall
31 provide to a unit, as a condition of receiving the contract, written verification that:

1 (1) the contractor ~~¶~~ participates in an apprenticeship training program for
 2 each covered craft in which it will employ persons for the covered project~~¶~~ **AND IS**
 3 **EMPLOYING THE NUMBER OF ~~QUALIFIED~~ QUALIFYING NEW APPRENTICES OR**
 4 **JOURNEYWORKERS FOR A COVERED PROJECT NECESSARY TO MEET THE**
 5 **APPLICABLE PERCENTAGE FOR THE COVERED PROJECT; ~~OR~~**

6 (2) the contractor will make payments to the Fund **IN ACCORDANCE WITH**
 7 **§ 17-605 OF THIS SUBTITLE**~~¶~~; or

8 (3) the contractor will make payments in amounts determined under §
 9 17-605 of this subtitle to a ~~registered apprenticeship program or to an organization that~~
 10 ~~has registered apprenticeship programs~~ **QUALIFIED APPRENTICESHIP PROGRAM** for the
 11 purpose of supporting these programs~~¶~~.

12 (b) The written verification required under subsection (a) of this section shall be
 13 provided by a contractor to the unit responsible for the project before the contractor
 14 commences performance under the procurement contract.

15 ~~¶~~(c) Organizations that have ~~registered~~ **QUALIFIED** apprenticeship programs and
 16 receive funds from contractors under subsection (a)(3) of this section shall certify to the
 17 Secretary that all funds received are used solely for the purpose of improving or expanding
 18 apprenticeship training in the State.

19 (d) The Secretary shall adopt regulations to establish a process for auditing
 20 organizations that provide ~~registered~~ **QUALIFIED** apprenticeship programs to ensure that
 21 all funds received under subsection (a)(3) of this section are used solely to improve and
 22 expand apprenticeship programs in the State.~~¶~~

23 17-604.

24 (a) A subcontractor that performs work at a value exceeding the small
 25 procurement amount specified in § 13-109 of this article for a covered project shall provide
 26 to a unit written verification that:

27 (1) the subcontractor ~~¶~~ participates in an apprenticeship training program
 28 for each covered craft in which it will employ persons~~¶~~ **AND IS EMPLOYING THE NUMBER**
 29 **OF ~~QUALIFIED~~ QUALIFYING NEW APPRENTICES OR JOURNEYWORKERS FOR A**
 30 **COVERED PROJECT NECESSARY TO MEET THE APPLICABLE PERCENTAGE** for the
 31 covered project; ~~OR~~

32 (2) the subcontractor will make payments to the Fund **IN ACCORDANCE**
 33 **WITH § 17-605 OF THIS SUBTITLE**~~¶~~; or

34 (3) the subcontractor will make payments in amounts determined under §
 35 17-605 of this subtitle to a ~~registered apprenticeship program or to an organization that~~

1 ~~has registered apprenticeship programs~~ QUALIFIED APPRENTICESHIP PROGRAM for the
2 purpose of supporting these programs.†

3 (b) The written verification required under subsection (a) of this section shall be
4 provided by a subcontractor to the unit responsible for the project before the subcontractor
5 commences performance under the procurement contract.

6 †(c) Organizations that have ~~registered~~ QUALIFIED apprenticeship programs and
7 receive funds from contractors under subsection (a)(3) of this section shall certify to the
8 Secretary that all funds received are used solely for the purpose of improving or expanding
9 apprenticeship training in the State.

10 (d) The Secretary shall adopt regulations to establish a process for auditing
11 organizations that provide ~~registered~~ QUALIFIED apprenticeship programs to ensure that
12 all funds received under subsection (a)(3) of this section are used solely to improve and
13 expand apprenticeship programs in the State.†

14 ~~17-604.1.~~

15 ~~(A) IN THIS SECTION, "ALL APPLICABLE APPRENTICESHIP TRAINING~~
16 ~~PROGRAMS" MEANS EACH APPRENTICESHIP TRAINING PROGRAM THAT HAS A~~
17 ~~GEOGRAPHIC AREA OF OPERATION THAT INCLUDES THE LOCATION OF THE~~
18 ~~COVERED PROJECT AND HAS A USUAL AND CUSTOMARY BUSINESS PRACTICE OF~~
19 ~~ENTERING INTO AGREEMENTS WITH EMPLOYERS FOR THE PLACEMENT OF~~
20 ~~APPRENTICES IN THE COVERED CRAFT.~~

21 ~~(B) THE SECRETARY MAY WAIVE THE REQUIREMENTS UNDER § 17-603 OR~~
22 ~~§ 17-604 OF THIS SUBTITLE IF A CONTRACTOR OR SUBCONTRACTOR SUBMITS A~~
23 ~~WRITTEN WAIVER APPLICATION, INCLUDING ANY SUPPORTING DOCUMENTATION~~
24 ~~REQUIRED BY THE SECRETARY, DEMONSTRATING THAT THE CONTRACTOR OR~~
25 ~~SUBCONTRACTOR:~~

26 ~~(1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, HAS REQUESTED~~
27 ~~QUALIFIED APPRENTICES FROM ALL APPLICABLE APPRENTICESHIP TRAINING~~
28 ~~PROGRAMS; AND~~

29 ~~(2) FOR EACH REQUEST:~~

30 ~~(i) THE REQUEST HAS BEEN DENIED FOR A REASON THAT IS~~
31 ~~NOT THE RESULT OF A REFUSAL BY THE CONTRACTOR OR SUBCONTRACTOR TO~~
32 ~~COMPLY WITH THE ESTABLISHED STANDARDS AND REQUIREMENTS OF THE~~
33 ~~APPRENTICESHIP TRAINING PROGRAM; OR~~

1 ~~(H) THE APPRENTICESHIP TRAINING PROGRAM HAS FAILED TO~~
 2 ~~RESPOND TO THE REQUEST WITHIN 10 BUSINESS DAYS AFTER THE DATE ON WHICH~~
 3 ~~THE APPRENTICESHIP TRAINING PROGRAM RECEIVED THE REQUEST.~~

4 ~~(C) TO REQUEST QUALIFIED APPRENTICES FROM AN APPRENTICESHIP~~
 5 ~~TRAINING PROGRAM, A CONTRACTOR OR SUBCONTRACTOR SHALL SUBMIT:~~

6 ~~(1) A REQUEST BY TELEPHONE AND IN WRITING SENT~~
 7 ~~ELECTRONICALLY AND BY REGISTERED MAIL; AND~~

8 ~~(2) A REQUEST TO AN APPRENTICESHIP TRAINING PROGRAM WITH~~
 9 ~~WHICH THE CONTRACTOR OR SUBCONTRACTOR DOES NOT HAVE AN EXISTING~~
 10 ~~PARTICIPATION AGREEMENT, AT LEAST 90 CALENDAR DAYS BEFORE THE DATE THE~~
 11 ~~CONTRACTOR OR SUBCONTRACTOR EXPECTS TO USE APPRENTICE LABOR.~~

12 17-605.

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

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

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

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

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

30 (4) Payments made under paragraph (1) of this subsection are permissible
 31 deductions under § 17-215(b) of this title.

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

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

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

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

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

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

20 **17–605.1.**

21 (A) **WHILE CONSTRUCTION ACTIVITY ON A COVERED PROJECT IS ONGOING,**
 22 **EACH CONTRACTOR AND SUBCONTRACTOR PERFORMING WORK ON THE COVERED**
 23 **PROJECT SHALL SUBMIT A MONTHLY REPORT TO THE DEPARTMENT THAT**
 24 **INCLUDES:**

25 (1) **FOR EACH APPRENTICE OR JOURNEYWORKER:**

26 (I) **THE NAME OF THE APPRENTICE OR JOURNEYWORKER;**

27 (II) **THE NAME OF THE ASSOCIATED APPRENTICESHIP TRAINING**
 28 **PROGRAM; AND**

29 (III) **THE APPRENTICE REGISTRATION OR IDENTIFICATION**
 30 **NUMBER;**

31 (2) **THE TOTAL NUMBER OF APPRENTICES AND LABOR HOURS**
 32 **WORKED, CATEGORIZED BY TRADE OR CRAFT; AND**

1 **(3) THE TOTAL NUMBER OF JOURNEYWORKERS AND LABOR HOURS**
 2 **WORKED, CATEGORIZED BY TRADE OR CRAFT.**

3 **(B) WITHIN 60 DAYS AFTER COMPLETING WORK ON A COVERED PROJECT,**
 4 **EACH CONTRACTOR AND SUBCONTRACTOR SHALL SUBMIT TO THE DEPARTMENT:**

5 ~~**(1) A STATEMENT OF THE TOTAL NUMBER OF LABOR HOURS OF WORK**~~
 6 ~~**ON A COVERED PROJECT, INCLUDING CONSTRUCTION, ALTERATION, AND REPAIR**~~
 7 ~~**WORK, PERFORMED BY AN APPRENTICE OR JOURNEYWORKER; AND**~~

8 ~~**(2) IF APPLICABLE, A WRITTEN DECLARATION AND SUPPORTING**~~
 9 ~~**DOCUMENTS JUSTIFYING ANY WAIVER RECEIVED UNDER § 17-604.1 OF THIS**~~
 10 ~~**SUBTITLE.**~~

11 **(C) THE DEPARTMENT SHALL MAINTAIN ON ITS WEBSITE:**

12 **(1) DATA AGGREGATED FROM THE REPORTS RECEIVED UNDER**
 13 **SUBSECTIONS (A) AND (B) OF THIS SECTION SHOWING THE USE OF ~~QUALIFIED~~**
 14 **QUALIFYING NEW APPRENTICES AND JOURNEYWORKERS ON COVERED PROJECTS;**
 15 **AND**

16 ~~**(2) DESCRIPTIONS OF THE CIRCUMSTANCES OF ANY WAIVER**~~
 17 ~~**GRANTED UNDER § 17-604.1**~~ **PAYMENTS MADE BY EACH CONTRACTOR OR**
 18 **SUBCONTRACTOR UNDER § 17-605 OF THIS SUBTITLE.**

19 17-606.

20 (a) A contractor or subcontractor that fails to meet the requirements of this
 21 subtitle shall be liable for an amount equal to:

22 **(1) twice the amount of unpaid apprenticeship training contributions**
 23 **required by §§ 17-603 AND 17-604 OF this subtitle; AND**

24 ~~**(2) \$100 MULTIPLIED BY THE TOTAL LABOR HOURS FOR WHICH THE**~~
 25 ~~**REQUIREMENT UNDER § 17-603 OF THIS SUBTITLE WAS APPLICABLE**~~ **A FINE OF UP**
 26 **TO \$10,000.**

27 (b) (1) In this subsection, “willfully” means representations or omissions
 28 known to be false or made with deliberate ignorance or reckless disregard for their truth or
 29 falsity.

30 (2) Any person, firm, or corporation that is found to have made willfully a
 31 false or fraudulent representation or omission regarding a material fact in connection with

1 prevailing wage records required by this section shall be liable for a civil penalty in an
2 amount of up to \$1,000 for each employee and each falsified record.

3 (3) Penalties shall be recoverable [in civil actions and paid to the State]
4 ~~UNDER THE MARYLAND FALSE CLAIMS ACT BY ORDER OF THE SECRETARY AND~~
5 ~~PAID TO THE GENERAL FUND.~~

6 (c) (1) The Secretary shall adopt regulations to establish administrative
7 procedures for the collection of payments under this subtitle.

8 (2) (i) The Secretary may file suit to enforce this section in any court of
9 competent jurisdiction.

10 (ii) In an action filed under this subsection, the court shall require
11 the contractor or subcontractor to pay the amount required by subsection (a) of this section,
12 including interest, reasonable counsel fees, and court costs.

13 **17-607.**

14 **THE SECRETARY SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THE**
15 **REQUIREMENTS OF THIS SUBTITLE.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2026.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.