

HOUSE No. 4994

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, January 27, 2026.

The committee on Ways and Means to whom was referred the Bill Preparing Apprentices through Training, Hiring, and Skills in Massachusetts (House, No. 4974), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4994).

For the committee,

AARON MICHLEWITZ.

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The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to preparing apprentices in the commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 39M of chapter 30 of the General Laws, as appearing in the 2024
2 Official Edition, is hereby amended by adding the following subsection:-

3 (f) The apprentice requirement pursuant to the third paragraph of section 26 of chapter
4 149 shall apply to all contracts awarded pursuant to this section for a public works project with
5 an estimated construction cost in excess of \$10,000,000.

6 SECTION 2. Said chapter 30 is hereby further amended by inserting after section 39M
7 the following section:-

8 Section 39M1/4. (a) For the purposes of this section, the following words shall, unless the
9 context clearly requires otherwise, have the following meanings:

10 “Apprentice”, as defined in section 11H of chapter 23.

11 “Apprenticeable occupation”, as defined in section 11H of chapter 23.

12 “Apprentice program”, as defined in section 11H of chapter 23.

“Construction contract”, any public works contract with an estimated construction cost in excess of \$10,000,000.

“Division”, the division of apprentice standards within the executive office of labor and workforce development.

“Public agency”, any department, agency, board, commission, authority or other instrumentality of the commonwealth or of a political subdivision thereof, including any person contracting or subcontracting for public works.

“Public works”, the construction, reconstruction, alteration, remodeling, repair or demolition of any public building or other public work by a public agency.

(b) Any public agency shall require, as a condition of awarding a construction contract for any public works, that all construction managers, general contractors and subcontractors at any tier maintain or participate in an apprentice program for each apprenticeable occupation represented in their workforce. Each apprentice program shall be approved by the division pursuant to sections 11H to 11K, inclusive, of chapter 23.

(c) Construction managers, general contractors and subcontractors shall: (i) register all apprentices with the division; and (ii) comply with applicable apprentice-to-journeyperson ratios established by a trades licensing board or the division.

(d)(1) A public agency shall be exempt from compliance with subsections (b) and (c) upon a written determination by the public agency that, after good-faith solicitation, no qualified and responsible bidder maintaining or participating in an apprentice program is reasonably available for a specific trade or scope of work.

(2) Documentation by each public agency exempting compliance with subsections (b) and (c) shall include, but shall not be limited to: (i) the specific trade or scope of work for which no qualified bidder is available; (ii) a provision that the exemption shall not apply to the entire project unless the public agency makes a separate written finding for each affected trade; and (iii) a requirement that the exemption shall be project-specific and non-transferable. All documentation shall be retained as part of the public record for the contract and be reported by the public agency to the executive office of labor and workforce development, in a form and manner prescribed by the office, within 30 days of the exemption.

(e) Nothing in this section shall be construed to require an apprentice program to qualify as an employee welfare benefit plan under the federal Employee Retirement Income Security Act of 1974, 29 U.S.C. §§1001-1461.

(f) Any construction manager, general contractor and subcontractor for a public works project subject to this section who fails to maintain or participate in an apprentice program and is not exempt from compliance under subsection (d), shall not be deemed a responsible and eligible bidder.

SECTION 3. Section 26 of chapter 149 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by inserting after the word “plans”, in line 46, the second time it appears, the following words:- , apprentice programs approved by the division of apprentice standards and operated in compliance with sections 11E to 11L, inclusive, of chapter 23.

SECTION 4. Said section 26 of said chapter 149, as so appearing, is hereby further amended by adding the following paragraph:-

For any public works project with an estimated construction cost in excess of \$10,000,000, not less than 5 per cent of the total hours worked for each trade by employees receiving an hourly wage who are directly employed at the project site by the awarding authority, contractor or subcontractor and who are subject to the prevailing wage law, shall be performed by apprentices. Such apprentices shall be: (i) registered in apprentice programs approved by the division of apprentice standards within the executive office of labor and workforce development pursuant to sections 11H and 11I of chapter 23; and (ii) employed in compliance with applicable apprentice-to-journeyperson ratios established by a trades licensing board or by the division of apprentice standards.

SECTION 5. Said section 26 of said chapter 149, as amended by section 4, is hereby further amended by striking out the words “5 per cent” and inserting in place thereof the following words:- 10 per cent.

SECTION 6. Said section 26 of said chapter 149, as amended by section 5, is hereby further amended by striking out the words “10 per cent” and inserting in place thereof the following words:- 15 per cent.

SECTION 7. Section 27 of said chapter 149, as appearing in the 2024 Official Edition, is hereby amended by inserting after the word “plans”, in line 44, the second time it appears, the following words:- , apprentice programs approved by the division of apprentice standards and operated in compliance with sections 11E to 11L, inclusive, of chapter 23.

SECTION 8. Said section 27 of said chapter 149, as so appearing, is hereby further amended by inserting after the word “plan”, in line 49, the second time it appears, the following

words:- , apprentice programs approved by the division of apprentice standards and operated in compliance with sections 11E to 11L, inclusive, of chapter 23.

SECTION 9. Said section 27 of said chapter 149, as so appearing, is hereby further amended by inserting after the word “funds”, in line 54, the first time it appears, line 61, the first time it appears, line 74, the first time it appears, line 80 and line 90, the first time it appears, in each instance, the following words:- , apprentice programs approved by the division of apprentice standards and operated in compliance with sections 11E to 11L, inclusive, of chapter 23.

SECTION 10. Section 6 of chapter 149A of the General Laws, as so appearing, is hereby amended by adding the following subsection:-

(f) The apprentice requirement pursuant to the third paragraph of section 26 of chapter 149 shall apply to all contracts awarded pursuant to this section for a public works project with an estimated construction cost in excess of \$10,000,000.

SECTION 11. Said chapter 149A is hereby further amended by adding the following section:-

Section 22. (a) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Apprentice”, as defined in section 11H of chapter 23.

“Apprenticeable occupation”, as defined in section 11H of chapter 23.

“Apprentice program”, as defined in section 11H of chapter 23.

“Construction contract”, any public works contract with an estimated construction cost in excess of \$10,000,000.

“Division”, the division of apprentice standards within the executive office of labor and workforce development.

“Public agency”, any department, agency, board, commission, authority or other instrumentality of the commonwealth or of a political subdivision thereof, including any person contracting or subcontracting for public works.

“Public works”, the construction, reconstruction, alteration, remodeling, repair or demolition of any public building or other public work by a public agency.

(b)(i) Any public agency shall require, as a condition of awarding a construction contract for any public works, that all construction managers, general contractors and subcontractors at any tier maintain or participate in an apprentice program for each apprenticeable occupation represented in their workforce. Each apprentice program shall be approved by the division pursuant to sections 11H to 11K, inclusive, of chapter 23.

(c) Construction managers, general contractors and subcontractors shall: (i) register all apprentices with the division; and (ii) comply with applicable apprentice-to-journeyperson ratios established by a trades licensing board or the division.

(d)(1) A public agency shall be exempt from compliance with subsections (b) and (c) upon a written determination by the public agency that, after good-faith solicitation, no qualified and responsible bidder maintaining or participating in an apprentice program is reasonably available for a specific trade or scope of work.

(2) Documentation by each public agency exempting compliance with subsections (b) and (c) shall include, but shall not be limited to: (i) the specific trade or scope of work for which no qualified bidder is available; (ii) a provision that the exemption shall not apply to the entire project unless the public agency makes a separate written finding for each affected trade; and (iii) a requirement that the exemption shall be project-specific and non-transferable. All documentation shall be retained as part of the public record for the contract and be reported by the public agency to the executive office of labor and workforce development, in a form and manner prescribed by the office, within 30 days of issuance of the exemption.

(e) Nothing in this section shall be construed to require an apprentice program to qualify as an employee welfare benefit plan under the federal Employee Retirement Income Security Act of 1974, 29 U.S.C. §§1001-1461.

(f) Any construction manager, general contractor and subcontractor for a public works project subject to this section who fails to maintain or participate in an apprentice program and is not exempt from compliance pursuant to subsection (d), shall not be deemed a responsible and eligible bidder.

SECTION 12. (a) There is hereby established a special commission on apprenticeships in the commonwealth to study, evaluate and make recommendations on the development, accessibility, quality, funding and utilization of apprentice and pre-apprentice programs across all industry sectors; provided, that the commission shall prioritize the following industry sectors: public works, construction, transportation, infrastructure and emerging industries.

(b) The commission shall consist of the following members: the secretary of labor and workforce development or a designee, who shall serve as chair; the director of apprentice

standards or a designee; the secretary of economic development or a designee; the secretary of transportation or a designee; the commissioner of elementary and secondary education or a designee; the president of the Massachusetts AFL-CIO or a designee; and 5 members to be appointed by the chair who shall be: 1 representative of a union apprentice program, 1 representative of an open-shop or non-union apprentice program, 1 representative of construction contractors, 1 representative of a minority-owned business or women-owned business engaged in an apprenticeable occupation and 1 member with expertise in workforce development or labor economics.

(c) The commission shall study apprentice and pre-apprentice programs, including, but not limited to: (i) the adequacy of existing apprentice and pre-apprentice programs to meet current and projected workforce needs; (ii) barriers to participation for workers, employers and sponsors; (iii) alignment of apprentice programs with secondary and post-secondary education pathways; (iv) the feasibility of expanding the department of elementary and secondary education's innovation career pathways program to include building and transportation; (v) funding mechanisms and appropriation strategies to expand and strengthen apprentice programs; (vi) progress on the phasing in of apprentice ratios pursuant to section 26 of chapter 149 of the General Laws; and (vi) statutory or regulatory changes necessary to improve apprenticeship utilization and outcomes.

(d) Not later than January 1, 2027, the commission shall file a report of its findings and any recommendations, including draft legislation, with the clerks of the house of representatives and the senate, the chairs of the house and senate committees on ways and means and the chairs of the joint committee on labor and workforce development.

162 SECTION 13. Section 4 shall take effect 1 year after the effective date of this act.

163 SECTION 14. Section 5 shall take effect 3 years after the effective date of this act.

164 SECTION 15. Section 6 shall take effect 4 years after the effective date of this act.