

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 MICHEWITZ.

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.

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

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

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

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

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

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

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

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

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

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

49 SECTION 3. Section 26 of chapter 149 of the General Laws, as appearing in the 2024
50 Official Edition, is hereby amended by inserting after the word “plans”, in line 46, the second
51 time it appears, the following words:- , apprentice programs approved by the division of
52 apprentice standards and operated in compliance with sections 11E to 11L, inclusive, of chapter
53 23.

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

56 For any public works project with an estimated construction cost in excess of
57 \$10,000,000, not less than 5 per cent of the total hours worked for each trade by employees
58 receiving an hourly wage who are directly employed at the project site by the awarding authority,
59 contractor or subcontractor and who are subject to the prevailing wage law, shall be performed
60 by apprentices. Such apprentices shall be: (i) registered in apprentice programs approved by the
61 division of apprentice standards within the executive office of labor and workforce development
62 pursuant to sections 11H and 11I of chapter 23; and (ii) employed in compliance with applicable
63 apprentice-to-journeyperson ratios established by a trades licensing board or by the division of
64 apprentice standards.

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

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

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

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

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

79 SECTION 9. Said section 27 of said chapter 149, as so appearing, is hereby further
80 amended by inserting after the word “funds”, in line 54, the first time it appears, line 61, the first
81 time it appears, line 74, the first time it appears, line 80 and line 90, the first time it appears, in
82 each instance, the following words:- , apprentice programs approved by the division of
83 apprentice standards and operated in compliance with sections 11E to 11L, inclusive, of chapter
84 23.

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

87 (f) The apprentice requirement pursuant to the third paragraph of section 26 of chapter
88 149 shall apply to all contracts awarded pursuant to this section for a public works project with
89 an estimated construction cost in excess of \$10,000,000.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

158 (d) Not later than January 1, 2027, the commission shall file a report of its findings and
159 any recommendations, including draft legislation, with the clerks of the house of representatives
160 and the senate, the chairs of the house and senate committees on ways and means and the chairs
161 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.