

HOUSE No. 5032

House bill No. 4994, as amended and as adopted by the House. January 28, 2026.

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 paragraph (H) of subdivision (2) of section
4 44A of chapter 149 shall apply to all contracts awarded pursuant to this section for a public
5 works project with 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 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

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

58 SECTION 8. Said section 27 of said chapter 149, as so appearing, is hereby further
59 amended by inserting after the word “plan”, in line 49, the second time it appears, the following
60 words:- , apprentice programs approved by the division of apprentice standards and operated in
61 compliance with sections 11E to 11L, inclusive, of chapter 23.

62 SECTION 9. Said section 27 of said chapter 149, as so appearing, is hereby further
63 amended by inserting after the word “funds”, in line 54, the first time it appears, line 61, the first
64 time it appears, line 74, the first time it appears, line 80 and line 90, the first time it appears, in
65 each instance, the following words:- , apprentice programs approved by the division of
66 apprentice standards and operated in compliance with sections 11E to 11L, inclusive, of chapter
67 23.

68 SECTION 9A. Subdivision (2) of section 44A of said chapter 149, as so appearing, is
69 hereby further amended by adding the following paragraph:-

70 (H) For any public works project with an estimated construction cost in excess of
71 \$10,000,000, not less than 5 per cent of the total hours worked for each trade by employees
72 receiving an hourly wage who are directly employed at the project site by the awarding authority,
73 contractor or subcontractor and who are subject to the prevailing wage law, shall be performed
74 by apprentices. Such apprentices shall be: (i) registered in apprentice programs approved by the
75 division of apprentice standards within the executive office of labor and workforce development
76 pursuant to sections 11H and 11I of chapter 23; and (ii) employed in compliance with applicable

77 apprentice-to-journeyperson ratios established by a trades licensing board or by the division of
78 apprentice standards.

79 SECTION 9B. Said subdivision (2) of section 44A of said chapter 149, as amended by
80 section 9A, is hereby further amended by striking out the words “5 per cent” and inserting in
81 place thereof the following words:- 10 per cent.

82 SECTION 9C. Said subdivision (2) of said section 44A of said chapter 149, as amended
83 by section 9B, is hereby further amended by striking out the words “10 per cent” and inserting in
84 place thereof the following words:- 15 per cent.

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 paragraph (H) of subdivision (2) of section
88 44A of chapter 149 shall apply to all contracts awarded pursuant to this section for a public
89 works project with 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.

“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

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 paragraph (H) of subdivision (2)
156 of section 44A of chapter 149 of the General Laws; and (vi) statutory or regulatory changes
157 necessary to improve apprenticeship 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 9A shall take effect 1 year after the effective date of this act.

163 SECTION 14. Section 9B shall take effect 3 years after the effective date of this act.

164 SECTION 15. Section 9C shall take effect 4 years after the effective date of this act.