

SENATE BILL 907

K3, P2

5lr2749

By: **Senator Klausmeier**

Introduced and read first time: March 6, 2015

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Ironworkers – Apprenticeship Program and Certification Program and Use of**
3 **Certified Ironworkers on Construction Projects**

4 FOR the purpose of requiring the Department of Labor, Licensing, and Regulation, on or
5 before a certain date, to adopt regulations establishing a certain apprenticeship
6 program for nonexperienced ironworkers, in consultation with the Maryland
7 Apprenticeship and Training Council, and establishing a certification program for
8 experienced ironworkers; requiring the Department to consult with certain persons
9 before adopting certain regulations; requiring that, on and after a certain date,
10 certain construction projects that receive a certain amount of State funding and
11 require the use of ironworkers to require contractors and subcontractors to use only
12 ironworkers that have a certain certification; authorizing a contractor or
13 subcontractor to use ironworkers that are not certified under certain circumstances;
14 requiring certain procurement contracts for construction and construction–related
15 services that require the use of ironworkers to include a clause requiring the use of
16 ironworkers who have a certain certification; authorizing a certain clause to contain
17 a provision that authorizes contractors and subcontractors to use ironworkers that
18 are not certified under certain circumstances; defining certain terms; and generally
19 relating to the apprenticeship of ironworkers and the use of certified ironworkers on
20 certain construction projects.

21 BY adding to

22 Article – Labor and Employment

23 Section 11–1101 to be under the new subtitle “Subtitle 11. Ironworker Certification”

24 Annotated Code of Maryland

25 (2008 Replacement Volume and 2014 Supplement)

26 BY adding to

27 Article – State Finance and Procurement

28 Section 7–407; and 17–801 to be under the new subtitle “Subtitle 8. Use of Certified
29 Ironworkers”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2009 Replacement Volume and 2014 Supplement)

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

5 **Article – Labor and Employment**

6 **SUBTITLE 11. IRONWORKER CERTIFICATION.**

7 **11-1101.**

8 (A) ON OR BEFORE DECEMBER 31, 2015, THE DEPARTMENT SHALL ADOPT
9 REGULATIONS ESTABLISHING:

10 (1) IN CONSULTATION WITH THE MARYLAND APPRENTICESHIP AND
11 TRAINING COUNCIL, AN APPRENTICESHIP PROGRAM FOR NONEXPERIENCED
12 IRONWORKERS; AND

13 (2) A CERTIFICATION PROGRAM FOR EXPERIENCED IRONWORKERS.

14 (B) BEFORE ADOPTING THE REGULATIONS REQUIRED UNDER THIS
15 SECTION, THE DEPARTMENT SHALL CONSULT WITH:

16 (1) THE INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL,
17 ORNAMENTAL, AND REINFORCING IRONWORKERS;

18 (2) IRONWORKERS LOCAL 16; AND

19 (3) THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL
20 NUMBER 37.

21 **Article – State Finance and Procurement**

22 **7-407.**

23 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
24 INDICATED.

25 (2) “CONSTRUCTION” HAS THE SAME MEANING AS IN § 11-101 OF
26 THIS ARTICLE.

27 (3) “STATE FUNDING” MEANS A CONTRIBUTION, GRANT, OR SUBSIDY
28 OF \$100,000 OR MORE PROVIDED THROUGH THE STATE OPERATING OR CAPITAL

1 BUDGET OR BY THE ACTION OF A UNIT OF STATE GOVERNMENT FROM STATE FUNDS
2 APPROPRIATED TO THAT UNIT.

3 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
4 ON AND AFTER JANUARY 1, 2017, A CONSTRUCTION PROJECT THAT RECEIVES
5 STATE FUNDING AND REQUIRES THE USE OF IRONWORKERS SHALL REQUIRE A
6 CONTRACTOR OR SUBCONTRACTOR TO USE ONLY IRONWORKERS THAT ARE
7 CERTIFIED UNDER REGULATIONS ADOPTED BY THE DEPARTMENT OF LABOR,
8 LICENSING, AND REGULATION IN ACCORDANCE WITH § 11-1101 OF THE LABOR AND
9 EMPLOYMENT ARTICLE.

10 (2) A CONTRACTOR OR SUBCONTRACTOR MAY USE IRONWORKERS
11 THAT ARE NOT CERTIFIED UNDER REGULATIONS ADOPTED BY THE DEPARTMENT OF
12 LABOR, LICENSING, AND REGULATION IF IT IS DETERMINED THAT THERE IS AN
13 INSUFFICIENT NUMBER OF CERTIFIED IRONWORKERS AVAILABLE TO WORK ON THE
14 CONTRACT.

15 SUBTITLE 8. USE OF CERTIFIED IRONWORKERS.

16 17-801.

17 (A) THIS SECTION APPLIES ONLY TO STATE PROCUREMENT CONTRACTS
18 FOR CONSTRUCTION OR CONSTRUCTION-RELATED SERVICES OF \$100,000 OR
19 MORE.

20 (B) ON AND AFTER JANUARY 1, 2017, EACH PROCUREMENT CONTRACT FOR
21 CONSTRUCTION OR CONSTRUCTION-RELATED SERVICES FOR A PROJECT THAT
22 REQUIRES THE USE OF IRONWORKERS SHALL CONTAIN A CLAUSE THAT REQUIRES
23 THE USE OF IRONWORKERS CERTIFIED UNDER REGULATIONS ADOPTED BY THE
24 DEPARTMENT OF LABOR, LICENSING, AND REGULATION IN ACCORDANCE WITH §
25 11-1101 OF THE LABOR AND EMPLOYMENT ARTICLE.

26 (C) THE CLAUSE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION MAY
27 CONTAIN A PROVISION THAT STATES THAT A CONTRACTOR OR SUBCONTRACTOR
28 MAY USE IRONWORKERS THAT ARE NOT CERTIFIED UNDER REGULATIONS ADOPTED
29 BY THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION IF IT IS
30 DETERMINED THAT THERE IS AN INSUFFICIENT NUMBER OF CERTIFIED
31 IRONWORKERS AVAILABLE TO WORK ON THE CONTRACT.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2015.