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## EMERGENCY BILL

6lr3710 CF HB 859

By: Senator Hough

Introduced and read first time: February 17, 2016

Assigned to: Rules

## A BILL ENTITLED

4	A TAT	ACIT	•
ı	AN	$\mathbf{ACT}$	concerning
_	111	1101	COLLCCITILITY

## Procurement – Prevailing Wage Rate – Applicability to Public School Construction Projects in Frederick County

- 4 FOR the purpose of providing that certain provisions of law governing the prevailing wage 5 rate that became effective on a certain date do not apply to procurement contracts 6 executed on or after the effective date of this Act for certain public school construction 7 projects in Frederick County; authorizing Frederick County and certain contractors 8 voluntarily to renegotiate and agree to be bound by the prevailing wage rate in effect 9 on a certain prior date with regard to procurement contracts executed on or after a certain date for a certain public school construction project in Frederick County; 10 11 making this Act an emergency measure; and generally relating to the applicability 12 of certain provisions of law concerning the prevailing wage rate to certain public 13 school construction projects in Frederick County.
- 14 BY repealing and reenacting, without amendments,
- 15 Article State Finance and Procurement
- 16 Section 17–201
- 17 Annotated Code of Maryland
- 18 (2015 Replacement Volume)
- 19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 20 That the Laws of Maryland read as follows:

## **Article – State Finance and Procurement**

22 17-201.

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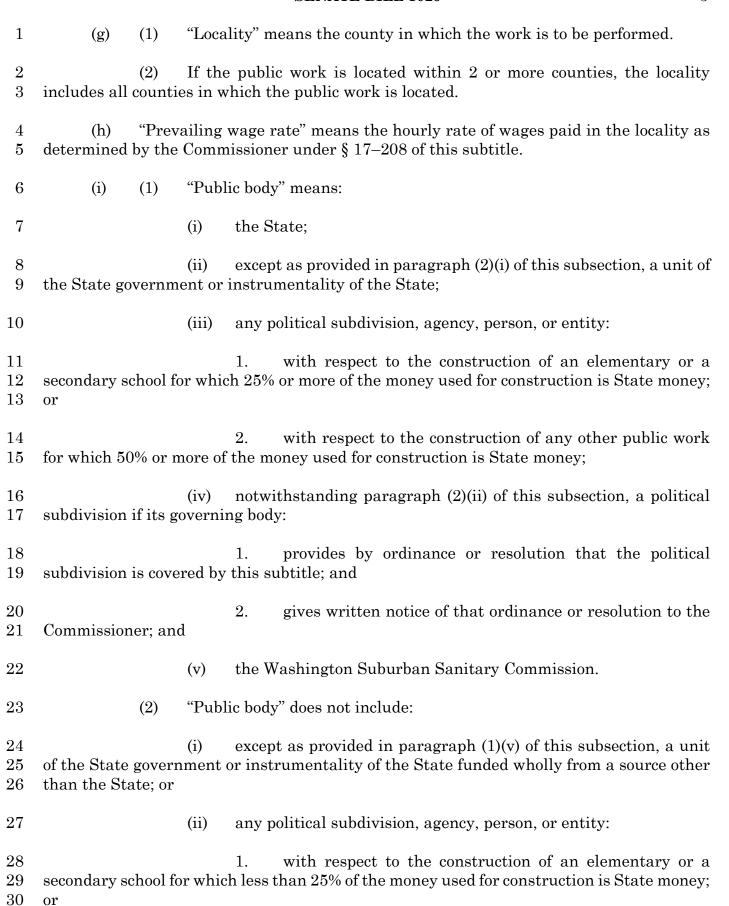
- 23 (a) In this subtitle, unless the context indicates otherwise, the following words 24 have the meanings indicated.
  - (b) "Apprentice" means an individual who:

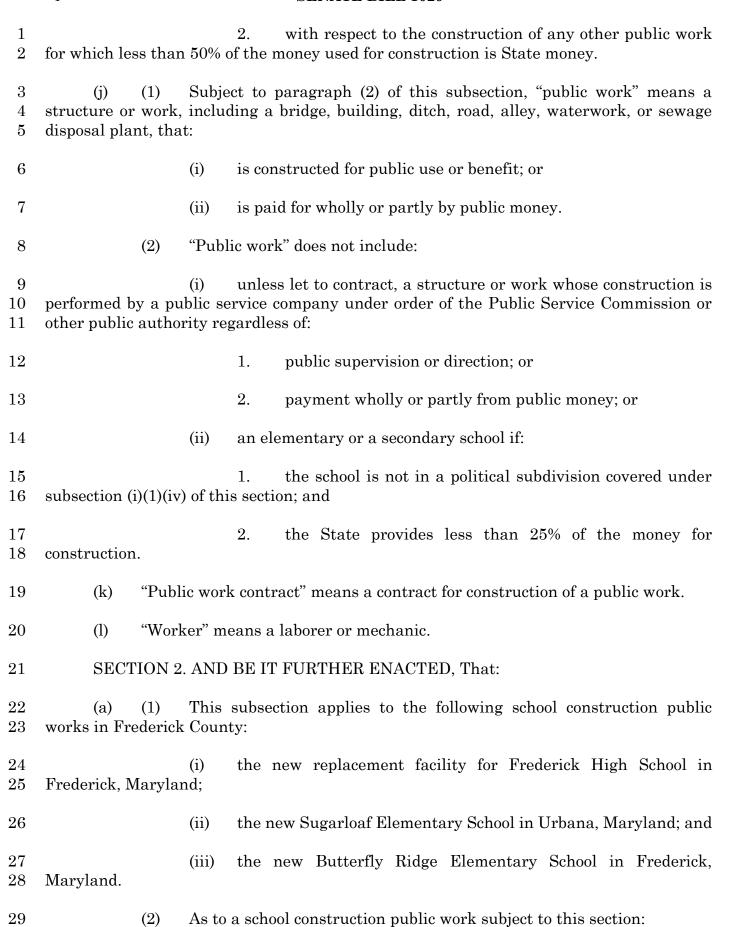
EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1		(1)	is at least 16 years old;	
2 3 4	employers, including a	_	has signed with an employer or employer's agent, an association of ganization of employees, or a joint committee from both, an agreement nent of:	
5			(i) the trade, craft, or occupation that the individual is learning; and	
6			(ii) the beginning and ending dates of the apprenticeship; and	
7 8	(3) is registered in a program of the Council or the Office of Apprentice of the United States Department of Labor.			
9	(c)	"Con	nmissioner" means:	
0		(1)	the Commissioner of Labor and Industry;	
1		(2)	the Deputy Commissioner of Labor and Industry; or	
12		(3)	an authorized representative of the Commissioner.	
13	(d)	"Con	"Construction" includes all:	
4		(1)	building;	
5		(2)	reconstructing;	
6		(3)	improving;	
17		(4)	enlarging;	
18		(5)	painting and decorating;	
9		(6)	altering;	
20		(7)	maintaining; and	
21		(8)	repairing.	
22	(e)	"Cou	ncil" means the Apprenticeship and Training Council.	
23 24	(f) subcontract	(1) tor und	"Employee" means an apprentice or worker employed by a contractor or ler a public work contract.	
25		(2)	"Employee" does not include an individual employed by a public body.	





- 1 (i) the change in the prevailing wage rate in § 17–201 of the State 2 Finance and Procurement Article under Chapter 281 and Chapter 282 of the Acts of the 3 General Assembly of 2014 that became effective July 1, 2014, does not apply to a procurement contract executed between Frederick County and a contractor on or after the effective date of this Act; but
- 6 (ii) the prevailing wage rate in § 17–201 of the State Finance and 7 Procurement Article in effect on June 30, 2014, before the taking effect of Chapter 281 and 8 Chapter 282 of the Acts of the General Assembly of 2014 shall apply to a procurement 9 contract executed between Frederick County and a contractor on or after the effective date of this Act.

- (b) With regard to any procurement contract executed on or after July 1, 2014, for the new replacement facility for Frederick High School in Frederick, Maryland, Frederick County and a contractor voluntarily may renegotiate and agree to be bound by the prevailing wage rate for school construction public works in effect on June 30, 2014, under § 17–201 of the State Finance and Procurement Article instead of the change in the prevailing wage rate that became effective on July 1, 2014, under Chapter 281 and Chapter 282 of the Acts of the General Assembly of 2014.
- SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three—fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.