

# HOUSE BILL 1189

P2, K3  
HB 609/16 – ECM

7lr1302  
CF 7lr1303

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By: **Delegate Adams**

Introduced and read first time: February 9, 2017

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Prevailing Wage – Basis for Rate Determination – Survey Data**

3 FOR the purpose of prohibiting the Commissioner of Labor and Industry from considering  
4 certain wage information from certain projects when making certain annual  
5 prevailing wage rate determinations; and generally relating to prevailing wage rates.

6 BY repealing and reenacting, without amendments,  
7 Article – State Finance and Procurement  
8 Section 17–201(a), (c), and (h)  
9 Annotated Code of Maryland  
10 (2015 Replacement Volume and 2016 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article – State Finance and Procurement  
13 Section 17–209  
14 Annotated Code of Maryland  
15 (2015 Replacement Volume and 2016 Supplement)

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

18 **Article – State Finance and Procurement**

19 17–201.

20 (a) In this subtitle, unless the context indicates otherwise, the following words  
21 have the meanings indicated.

22 (c) “Commissioner” means:

23 (1) the Commissioner of Labor and Industry;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) the Deputy Commissioner of Labor and Industry; or

2 (3) an authorized representative of the Commissioner.

3 (h) "Prevailing wage rate" means the hourly rate of wages paid in the locality as  
4 determined by the Commissioner under § 17-208 of this subtitle.

5 17-209.

6 (a) (1) [One] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ONE**  
7 time per year, the Commissioner shall determine the prevailing wage rate for a  
8 classification of worker in a locality by considering among other things:

9 [(1)](I) any other payroll information relevant to the determination; and

10 [(2)](II) wage rates established by collective bargaining agreements.

11 (2) **WHEN DETERMINING PREVAILING WAGE RATES BASED ON**  
12 **SURVEY DATA THAT A CONTRACTOR, CONTRACTOR'S ASSOCIATION, LABOR**  
13 **ORGANIZATION, PUBLIC OFFICIAL, OR ANY OTHER INTERESTED PARTY HAS**  
14 **VOLUNTARILY SUBMITTED DETAILING WAGES PAID, THE COMMISSIONER MAY NOT**  
15 **CONSIDER WAGES PAID FOR A PROJECT TO WHICH THIS SUBTITLE APPLIES.**

16 (b) The Commissioner shall mail notice as provided in § 17-210(b)(2) of this  
17 subtitle at least 60 days before making a determination under this section.

18 (c) (1) The determination, as issued under this section or modified in a  
19 proceeding under § 17-211 of this subtitle, is effective for 1 year from the date upon which  
20 the Commissioner issued the determination under this section.

21 (2) The Commissioner shall show on the determination the date upon  
22 which it expires.

23 (3) Upon expiration of the prevailing wage determination for a locality, the  
24 Commissioner shall issue a new determination for the locality.

25 (4) A determination applies to a public work covered by this subtitle that  
26 is the subject of a call for bids or proposals published on or before the date upon which it  
27 expires.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2017.