

# HOUSE BILL 1098

P2

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CF SB 290

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By: **Delegates Olszewski, Minnick, Weir, Barnes, Braveboy, Frick, Healey, Huckler, Love, McHale, Mizeur, Murphy, Niemann, Vaughn, Wilson, and Zucker**

Introduced and read first time: February 8, 2013  
Assigned to: Economic Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 20, 2013

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Procurement – Prevailing Wage – Applicability**

3 FOR the purpose of ~~altering~~ repealing a certain limitation on the applicability of the  
4 Prevailing Wage Law to the construction of a public work by revising a certain  
5 definition; and generally relating to the applicability of the Prevailing Wage  
6 Law.

7 BY repealing and reenacting, with amendments,  
8 Article – State Finance and Procurement  
9 Section 17–201  
10 Annotated Code of Maryland  
11 (2009 Replacement Volume and 2012 Supplement)

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

14 **Article – State Finance and Procurement**

15 17–201.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (b) “Apprentice” means an individual who:

2 (1) is at least 16 years old;

3 (2) has signed with an employer or employer’s agent, an association of  
4 employers, an organization of employees, or a joint committee from both, an  
5 agreement including a statement of:

6 (i) the trade, craft, or occupation that the individual is learning;

7 and

8 (ii) the beginning and ending dates of the apprenticeship; and

9 (3) is registered in a program of the Council or the Bureau of  
10 Apprenticeship and Training of the United States Department of Labor.

11 (c) “Commissioner” means:

12 (1) the Commissioner of Labor and Industry;

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

14 (3) an authorized representative of the Commissioner.

15 (d) “Construction” includes all:

16 (1) building;

17 (2) reconstructing;

18 (3) improving;

19 (4) enlarging;

20 (5) painting and decorating;

21 (6) altering;

22 (7) maintaining; and

23 (8) repairing.

24 (e) “Council” means the Apprenticeship and Training Council.

25 (f) (1) “Employee” means an apprentice or worker employed by a  
26 contractor or subcontractor under a public work contract.

1                   (2)    “Employee” does not include an individual employed by a public  
2 body.

3           (g)    (1)    “Locality” means the county in which the work is to be performed.

4                   (2)    If the public work is located within 2 or more counties, the locality  
5 includes all counties in which the public work is located.

6           (h)    “Prevailing wage rate” means the hourly rate of wages paid in the locality  
7 as determined by the Commissioner under § 17–208 of this subtitle.

8           (i)    (1)    “Public body” means:

9                   (i)    the State;

10                   (ii)   except as provided in paragraph ~~(2)(i)~~ **(2)** of this subsection,  
11 a unit of the State government or instrumentality of the State;

12                   (iii) any political subdivision, agency, person, or entity with  
13 respect to the construction of any public work ~~for which [50%] 25% or more of the~~  
14 ~~money used for construction is~~ **FUNDED IN WHOLE OR IN PART WITH** State money;  
15 and

16                   (iv) ~~notwithstanding paragraph (2)(ii) of this subsection,~~ a  
17 political subdivision if its governing body:

18                               1.    provides by ordinance or resolution that the political  
19 subdivision is covered by this subtitle; and

20                               2.    gives written notice of that ordinance or resolution to  
21 the Commissioner.

22           (2)    “Public body” does not include:

23                   ~~(i)~~    a unit of the State government or instrumentality of the  
24 State funded wholly from a source other than the State; ~~or~~

25                   ~~(ii)~~ any political subdivision, agency, person, or entity with  
26 ~~respect to the construction of any public work for which less than [50%] 25% of the~~  
27 ~~money used for construction is State money.~~

28           (j)    (1)    Subject to paragraph (2) of this subsection, “public work” means a  
29 structure or work, including a bridge, building, ditch, road, alley, waterwork, or  
30 sewage disposal plant, that:

31                   (i)    is constructed for public use or benefit; or

1 (ii) is paid for wholly or partly by public money.

2 (2) "Public work" does not ~~include~~, INCLUDE:

3 (I) A STRUCTURE OR WORK WHOSE CONSTRUCTION IS  
4 PERFORMED BY A PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION,  
5 REGARDLESS OF PAYMENT WHOLLY OR PARTLY BY PUBLIC MONEY; OR

6 (II) unless let to contract, a structure or work whose  
7 construction is performed by a public service company under order of the Public  
8 Service Commission or other public authority regardless of:

9 ~~(i)~~ 1. public supervision or direction; or

10 ~~(ii)~~ 2. payment wholly or partly from public money.

11 (k) "Public work contract" means a contract for construction of a public work.

12 (l) "Worker" means a laborer or mechanic.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 July 1, 2013.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.