

HOUSE BILL 727

P2

4r1774
CF SB 232

By: **Delegates Olszewski, Hucker, Barkley, Barnes, Braveboy, Burns, Carr, DeBoy, Frick, Frush, Glenn, Guzzone, Haynes, Holmes, Howard, Hubbard, Ivey, Jones, Kaiser, Kramer, Love, Luedtke, McHale, Minnick, Mitchell, Murphy, Niemann, Reznik, B. Robinson, Stukes, Swain, V. Turner, Valderrama, Valentino-Smith, Vaughn, A. Washington, M. Washington, Weir, and Zucker**

Introduced and read first time: January 31, 2014

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – Prevailing Wage – Applicability**

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

6 BY repealing and reenacting, with amendments,
7 Article – State Finance and Procurement
8 Section 17–201
9 Annotated Code of Maryland
10 (2009 Replacement Volume and 2013 Supplement)

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

13 **Article – State Finance and Procurement**

14 17–201.

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

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

18 (1) is at least 16 years old;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 (i) the trade, craft, or occupation that the individual is learning;
5 and

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

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

9 (c) "Commissioner" means:

10 (1) the Commissioner of Labor and Industry;

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

12 (3) an authorized representative of the Commissioner.

13 (d) "Construction" includes all:

14 (1) building;

15 (2) reconstructing;

16 (3) improving;

17 (4) enlarging;

18 (5) painting and decorating;

19 (6) altering;

20 (7) maintaining; and

21 (8) repairing.

22 (e) "Council" means the Apprenticeship and Training Council.

23 (f) (1) "Employee" means an apprentice or worker employed by a
24 contractor or subcontractor under a public work contract.

25 (2) "Employee" does not include an individual employed by a public
26 body.

27 (g) (1) "Locality" means the county in which the work is to be performed.

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

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

5 (i) (1) “Public body” means:

6 (i) the State;

7 (ii) except as provided in paragraph [(2)(i)] **(2)** of this
8 subsection, a unit of the State government or instrumentality of the State;

9 (iii) any political subdivision, agency, person, or entity with
10 respect to the construction of any public work [for which 50% or more of the money
11 used for construction is] **FUNDED IN WHOLE OR IN PART WITH** State money;

12 (iv) [notwithstanding paragraph (2)(ii) of this subsection,] a
13 political subdivision if its governing body:

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

16 2. gives written notice of that ordinance or resolution to
17 the Commissioner; and

18 (v) the Washington Suburban Sanitary Commission.

19 (2) “Public body” does not include[:

20 (i)], except as provided in paragraph (1)(v) of this subsection, a unit
21 of the State government or instrumentality of the State funded wholly from a source
22 other than the State[; or

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

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

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

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

1 (2) “Public work” does not [include,] **INCLUDE:**

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

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

8 **[(i)] 1.** public supervision or direction; or

9 **[(ii)] 2.** payment wholly or partly from public money.

10 (k) “Public work contract” means a contract for construction of a public work.

11 (l) “Worker” means a laborer or mechanic.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 July 1, 2014.