

HOUSE BILL 23

P2, F1

6lr0778

(PRE-FILED)

By: **Delegate McConkey**

Requested: September 28, 2015

Introduced and read first time: January 13, 2016

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – Prevailing Wage Law – Waiver From Provisions**

3 FOR the purpose of authorizing a public body to request a waiver from the provisions of the
4 prevailing wage law for construction of an elementary or a secondary school under
5 certain circumstances; authorizing the Commissioner of Labor and Industry to grant
6 a certain waiver within a certain number days after certain conditions have been
7 satisfied by a public body; requiring the Commissioner to adopt certain regulations;
8 and generally relating to waivers from the prevailing wage law for the construction
9 of an elementary or a secondary school.

10 BY repealing and reenacting, with amendments,
11 Article – State Finance and Procurement
12 Section 17–202(b)
13 Annotated Code of Maryland
14 (2015 Replacement Volume)

15 BY adding to
16 Article – State Finance and Procurement
17 Section 17–206
18 Annotated Code of Maryland
19 (2015 Replacement Volume)

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

22 **Article – State Finance and Procurement**

23 17–202.

24 (b) This subtitle does not apply to:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) a public work contract of less than \$500,000; [or]

2 (2) the part of a public work contract for which the federal government
3 provides money if, as to that part, the contractor is required to pay the prevailing wage rate
4 as determined by the United States Secretary of Labor; OR

5 (3) A PUBLIC WORK CONTRACT THAT IS WAIVED FROM THE
6 PROVISIONS OF THIS SUBTITLE UNDER § 17-206 OF THIS SUBTITLE.

7 **17-206.**

8 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A PUBLIC BODY MAY
9 REQUEST A WAIVER FROM THE PROVISIONS OF THIS SUBTITLE FOR THE
10 CONSTRUCTION OF AN ELEMENTARY OR A SECONDARY SCHOOL.

11 (B) WITHIN 90 DAYS FROM THE RECEIPT OF AN APPLICATION FROM A
12 PUBLIC BODY FOR A WAIVER AND THE DATE THAT ALL CONDITIONS FOR THE
13 APPLICATION FOR A WAIVER REQUIRED IN THE REGULATIONS ADOPTED BY THE
14 COMMISSIONER HAVE BEEN SATISFIED, THE COMMISSIONER MAY GRANT A WAIVER
15 FROM THE APPLICATION OF THE PROVISIONS OF THIS SUBTITLE FOR THE
16 CONSTRUCTION OF AN ELEMENTARY OR A SECONDARY SCHOOL IF, BEFORE THE
17 GRANTING OF THE WAIVER, THE PUBLIC BODY ESTABLISHES IN WRITING THAT:

18 (1) COMPLIANCE WITH THE PROVISIONS OF THIS SUBTITLE WOULD
19 CAUSE THE PUBLIC BODY TO DEFER OR CANCEL THE CONSTRUCTION OF AN
20 ADDITIONAL ELEMENTARY OR SECONDARY SCHOOL FOR WHICH THERE IS
21 DEMONSTRATED NEED; OR

22 (2) COMPLIANCE WITH THE PROVISIONS OF THIS SUBTITLE WOULD
23 INCREASE THE COST OF CONSTRUCTING AN ELEMENTARY OR A SECONDARY SCHOOL
24 BY 10% OR MORE.

25 (C) THE COMMISSIONER SHALL ADOPT REGULATIONS NECESSARY TO
26 IMPLEMENT THIS SECTION.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
28 1, 2016.