

SENATE BILL 7

P2

6lr0404

(PRE-FILED)

By: **Senator Benson**

Requested: June 17, 2015

Introduced and read first time: January 13, 2016

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Prevailing Wage Law – Applicability – Elementary and Secondary School**
3 **Construction**

4 FOR the purpose of altering the definitions of “public body” and “public work” for the
5 purpose of applying the prevailing wage law to all elementary and secondary school
6 construction, rather than only to elementary and secondary school construction that
7 meets certain requirements; providing for the application of this Act; and generally
8 relating to the application of the prevailing wage law to elementary and secondary
9 school construction.

10 BY repealing and reenacting, with amendments,
11 Article – State Finance and Procurement
12 Section 17–201
13 Annotated Code of Maryland
14 (2015 Replacement Volume)

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

17 **Article – State Finance and Procurement**

18 17–201.

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

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

22 (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 agreement
3 including a statement of:

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

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

6 (3) is registered in a program of the Council or the Office of Apprenticeship
7 of the United States Department of Labor.

8 (c) “Commissioner” means:

9 (1) the Commissioner of Labor and Industry;

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

11 (3) an authorized representative of the Commissioner.

12 (d) “Construction” includes all:

13 (1) building;

14 (2) reconstructing;

15 (3) improving;

16 (4) enlarging;

17 (5) painting and decorating;

18 (6) altering;

19 (7) maintaining; and

20 (8) repairing.

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

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

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

25 (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 as
4 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) of this subsection, a unit of
8 the State government or instrumentality of the State;

9 (iii) any political subdivision, agency, person, or entity:

10 1. with respect to the construction of an elementary or a
11 secondary school [for which 25% or more of the money used for construction is State
12 money]; or

13 2. with respect to the construction of any other public work
14 for which 50% or more of the money used for construction is State money;

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

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

19 2. gives written notice of that ordinance or resolution to the
20 Commissioner; and

21 (v) the Washington Suburban Sanitary Commission.

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

23 (i) except as provided in paragraph (1)(v) of this subsection, a unit
24 of the State government or instrumentality of the State funded wholly from a source other
25 than the State; or

26 (ii) any political subdivision, agency, person, or entity[:

27 1. with respect to the construction of an elementary or a
28 secondary school for which less than 25% of the money used for construction is State money;
29 or

30 2.] with respect to the construction of any other public work
31 for which less than 50% of the money used for construction is State money.

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

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

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

6 (2) “Public work” does not include[:

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

10 [1.] (I) public supervision or direction; or

11 [2.] (II) payment wholly or partly from public money[; or

12 (ii) an elementary or a secondary school if:

13 1. the school is not in a political subdivision covered under
 14 subsection (i)(1)(iv) of this section; and

15 2. the State provides less than 25% of the money for
 16 construction].

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

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
 20 apply only prospectively and may not be applied or interpreted to have any effect on or
 21 application to any procurement contract entered into before the effective date of this Act.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 23 October 1, 2016.