

# HOUSE BILL 317

K3, L6

7lr0533

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By: **Delegates Davis, Jameson, and C. Wilson**

Introduced and read first time: January 25, 2017

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Wages and Benefits – Preemption of Local Authority**

3 FOR the purpose of limiting the authority of the Commissioner of Labor and Industry to  
4 enforce a local minimum wage law; prohibiting a county or municipality from  
5 enacting a law that regulates wages or benefits for employees other than employees  
6 of the county or municipality; prohibiting a law enacted by a county or municipality  
7 that regulates wages or benefits for employees other than employees of the county  
8 or municipality from being enforced under certain circumstances; and generally  
9 relating to the authority of counties and municipalities to enact laws that regulate  
10 wages and benefits.

11 BY repealing and reenacting, with amendments,  
12 Article – Labor and Employment  
13 Section 3–102  
14 Annotated Code of Maryland  
15 (2016 Replacement Volume)

16 BY adding to  
17 Article – Labor and Employment  
18 Section 3–105  
19 Annotated Code of Maryland  
20 (2016 Replacement Volume)

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

23 **Article – Labor and Employment**

24 3–102.

25 (a) In addition to any duties set forth elsewhere, the Commissioner shall:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (1) enforce Subtitle 2 of this title;
- 2 (2) carry out Subtitle 3 of this title;
- 3 (3) enforce Subtitle 4 of this title;
- 4 (4) enforce Subtitle 9 of this title; and
- 5 (5) **SUBJECT TO § 3-105 OF THIS SUBTITLE**, enforce a local minimum  
6 wage law.

7 (b) If the Governor declares an emergency or disaster, then, with the consent of  
8 the Governor, the Commissioner may suspend enforcement of any provision of Subtitle 2 of  
9 this title until the emergency or disaster ends.

10 (c) **[The] SUBJECT TO § 3-105 OF THIS SUBTITLE, THE** Commissioner has the  
11 same powers and duties in enforcing a local minimum wage law as the Commissioner has  
12 in enforcing Subtitle 4 of this title.

13 **3-105.**

14 **(A) A COUNTY OR MUNICIPALITY MAY NOT ENACT A LAW THAT REGULATES**  
15 **THE WAGES OR BENEFITS PROVIDED BY AN EMPLOYER OTHER THAN THE COUNTY**  
16 **OR MUNICIPALITY.**

17 **(B) ANY PROVISION OF LAW ENACTED BY A COUNTY OR MUNICIPALITY THAT**  
18 **REGULATES THE WAGES OR BENEFITS PROVIDED BY AN EMPLOYER OTHER THAN**  
19 **THE COUNTY OR MUNICIPALITY MAY NOT BE ENFORCED IF THE PROVISION WAS**  
20 **ENACTED ON OR AFTER JANUARY 1, 2017.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
22 1, 2017.