

HOUSE BILL 355

L5

7lr0700

By: **Montgomery County Delegation and Prince George's County Delegation**
Introduced and read first time: January 25, 2017
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission – Discrimination – Prohibited**

3 **MC/PG 102–17**

4 FOR the purpose of prohibiting the Washington Suburban Sanitary Commission from
5 discriminating against a person on the basis of religion, marital status, or gender
6 identity; altering a nondiscrimination clause required in all contracts entered into
7 by the Commission to require the contractor not to discriminate in any manner
8 against an employee or applicant for employment on the basis of religion, marital
9 status, or gender identity and require the contractor to include a similar
10 nondiscrimination clause in all subcontracts; and generally relating to the
11 prohibition against discrimination based on religion, marital status, or gender
12 identity by the Washington Suburban Sanitary Commission and nondiscrimination
13 clauses in contracts entered into by the Commission.

14 BY repealing and reenacting, with amendments,
15 Article – Public Utilities
16 Section 17–402 and 20–106
17 Annotated Code of Maryland
18 (2010 Replacement Volume and 2016 Supplement)

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

21 **Article – Public Utilities**

22 17–402.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 The Commission may not discriminate against a person on the basis of sex, race,
2 creed, color, age, mental or physical disability, sexual orientation, **RELIGION, MARITAL**
3 **STATUS, GENDER IDENTITY**, or national origin.

4 20–106.

5 (a) (1) The Commission may not award a contract unless the contract contains
6 provisions obligating the contractor:

7 (i) not to discriminate in any manner against an employee or an
8 applicant for employment on the basis of sex, race, creed, color, age, mental or physical
9 disability, sexual orientation, **RELIGION, MARITAL STATUS, GENDER IDENTITY**, or
10 national origin; and

11 (ii) to include a similar nondiscrimination clause in all subcontracts.

12 (2) (i) If the nondiscrimination clause is omitted from a contract or
13 subcontract, the Commission shall provide the contractor a reasonable opportunity to cure
14 the defect, subject to this section.

15 (ii) If the contractor fails to cure the defect:

16 1. the Commission may declare the contract to be void; and

17 2. the contractor is entitled to the reasonable value of work
18 performed and materials provided by the contractor.

19 (iii) If the contractor cures the defect, the contract remains in force
20 according to its revised terms.

21 (b) (1) In accordance with this section, the Commission may compel a
22 contractor to continue to perform under a contract if:

23 (i) the contractor willfully fails to comply with the requirements of
24 a nondiscrimination clause; and

25 (ii) the contract is partially executory.

26 (2) If the Commission compels performance under this subsection, the
27 Commission:

28 (i) is liable for no more than the reasonable value of work performed
29 and materials provided by the contractor after the date on which the breach of contract was
30 or should have been discovered; and

31 (ii) shall deduct any money that has been paid under the contract
32 from the money that comes due under item (i) of this paragraph.

1 (c) (1) If a subcontractor willfully fails to comply with the requirements of a
2 nondiscrimination clause, the contractor may declare the subcontract to be void.

3 (2) If a contractor declares a subcontract to be void under this subsection,
4 the contractor is liable for no more than the reasonable value of work performed or
5 materials provided by the subcontractor.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2017.