

# HOUSE BILL 468

P2, K3

7lr0492

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By: **Delegates McCray, Anderson, Angel, B. Barnes, Branch, Brooks, Clippinger, Conaway, Fennell, Frick, Glenn, Lafferty, Moon, Morales, Pena–Melnyk, Platt, Robinson, Sydnor, Tarlau, and Waldstreicher**

Introduced and read first time: January 27, 2017

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – Prevailing Wage – Application to Leased Properties**

3 FOR the purpose of applying the prevailing wage law to certain contracts to construct a  
4 certain structure or work on property where the State or a political subdivision of  
5 the State is the owner and the State or political subdivision leases, or plans to lease,  
6 the property or a certain portion of the property; providing for the application of this  
7 Act; and generally relating to the applicability of the prevailing wage law.

8 BY repealing and reenacting, with amendments,  
9 Article – State Finance and Procurement  
10 Section 17–202  
11 Annotated Code of Maryland  
12 (2015 Replacement Volume and 2016 Supplement)

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

15 **Article – State Finance and Procurement**

16 17–202.

17 (a) This subtitle does not limit:

18 (1) the hours of work an employee may work in a particular period of time;  
19 or

20 (2) the right of a contractor to pay an employee under a public work  
21 contract more than the prevailing wage rate.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) This subtitle does not apply to:

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

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

6 (c) If this subtitle and the federal Davis–Bacon Act apply and the federal act is  
7 suspended, the Governor may declare this subtitle suspended for the same period for:

8 (1) the part of that public work contract for which the United States  
9 Secretary of Labor would have been required to make a determination of a prevailing wage  
10 rate; or

11 (2) that entire public work contract.

12 **(D) THIS SUBTITLE APPLIES TO A CONTRACT GREATER THAN \$500,000 FOR**  
13 **THE CONSTRUCTION OF A STRUCTURE OR WORK, INCLUDING A BRIDGE, A BUILDING,**  
14 **A DITCH, A ROAD, AN ALLEY, A WATERWORK, OR A SEWAGE DISPOSAL PLANT, THAT**  
15 **IS CONSTRUCTED ON PROPERTY:**

16 **(1) OF WHICH MORE THAN 55% OF THE PROPERTY OR PREMISES IS**  
17 **LEASED BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE, IRRESPECTIVE**  
18 **OF WHETHER ANY PUBLIC MONEY IS USED TO PAY FOR THE CONSTRUCTION OF THE**  
19 **STRUCTURE OR WORK; OR**

20 **(2) THAT IS SUBJECT TO AN AGREEMENT TO BE SUBSEQUENTLY**  
21 **LEASED BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE OF WHICH THE**  
22 **PROPERTY OR PREMISES MEASURES MORE THAN 20,000 SQUARE FEET,**  
23 **IRRESPECTIVE OF WHETHER ANY PUBLIC MONEY IS USED TO PAY FOR THE**  
24 **CONSTRUCTION OF THE STRUCTURE OR WORK.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
26 apply only prospectively and may not be applied or interpreted to have any effect on or  
27 application to any property leased by the State or a political subdivision of the State before  
28 the effective date of this Act.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
30 1, 2017.