

HOUSE BILL 650

L5, P2

(3lr0509)

ENROLLED BILL

— *Economic Matters and Environmental Matters/Finance* —

Introduced by **Montgomery County Delegation and Prince George’s County Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o’clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission – Prevailing Wage**

3 **MC/PG 112–13**

4 FOR the purpose of applying certain provisions *of law* relating to prevailing wage
5 rates for public work contracts to certain contracts entered into by the
6 Washington Suburban Sanitary Commission ~~under certain circumstances; by~~
7 altering ~~a certain~~ *the* definition of *“public body” to include the Commission*; and
8 generally relating to the ~~prevailing wages for public work contracts entered into~~
9 ~~by~~ *applicability of the prevailing wage law to* the Washington Suburban
10 Sanitary Commission.

11 BY repealing and reenacting, without amendments,
12 Article – State Finance and Procurement

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Section 17-201(a) and (j) and 17-202
 2 Annotated Code of Maryland
 3 (2009 Replacement Volume and 2012 Supplement)

4 BY repealing and reenacting, with amendments,
 5 Article – State Finance and Procurement
 6 Section 17-201(i) ~~and 17-202~~
 7 Annotated Code of Maryland
 8 (2009 Replacement Volume and 2012 Supplement)

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

11 **Article – State Finance and Procurement**

12 17-201.

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

15 (i) (1) “Public body” means:

16 (i) the State;

17 (ii) except as provided in paragraph (2)(i) of this subsection, a
 18 unit of the State government or instrumentality of the State;

19 (iii) any political subdivision, agency, person, or entity with
 20 respect to the construction of any public work for which 50% or more of the money
 21 used for construction is State money; [and]

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

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

26 2. gives written notice of that ordinance or resolution to
 27 the Commissioner; AND

28 (V) **THE WASHINGTON SUBURBAN SANITARY COMMISSION.**

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

1 (i) EXCEPT AS PROVIDED IN PARAGRAPH (1)(V) OF THIS
 2 SUBSECTION, a unit of the State government or instrumentality of the State funded
 3 wholly from a source other than the State; or

4 (ii) any political subdivision, agency, person, or entity with
 5 respect to the construction of any public work for which less than 50% of the money
 6 used for construction is State money.

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

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

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

12 (2) "Public work" does not include, unless let to contract, a structure or
 13 work whose construction is performed by a public service company under order of the
 14 Public Service Commission or other public authority regardless of:

15 (i) public supervision or direction; or

16 (ii) payment wholly or partly from public money.

17 17-202.

18 (a) This subtitle does not limit:

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

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

23 (b) ~~(1)~~ This subtitle does not apply to:

24 ~~{(1)}~~ ~~(H)~~ a public work contract of less than \$500,000, ~~EXCEPT AS~~
 25 ~~PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION~~; or

26 ~~{(2)}~~ ~~(H)~~ the part of a public work contract for which the federal
 27 government provides money if, as to that part, the contractor is required to pay the
 28 prevailing wage rate as determined by the United States Secretary of Labor.

29 ~~(2) THIS SUBTITLE APPLIES TO ANY PUBLIC WORK CONTRACT~~
 30 ~~ENTERED INTO BY THE WASHINGTON SUBURBAN SANITARY COMMISSION OF AT~~

1 ~~LEAST \$2,000 FOR WHICH THE STATE OR THE FEDERAL GOVERNMENT~~
2 ~~PROVIDES ANY FUNDING.~~

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

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

9 (2) that entire public work contract.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.