

Chapter 630

(House Bill 650)

AN ACT concerning

Washington Suburban Sanitary Commission – Prevailing Wage

MC/PG 112-13

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

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 17-201(a) and (j) and 17-202
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

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

Article – State Finance and Procurement

17-201.

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

(i) (1) “Public body” means:

(i) the State;

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

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

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

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

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

(V) THE WASHINGTON SUBURBAN SANITARY COMMISSION.

(2) “Public body” does not include:

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

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

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

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

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

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

(i) public supervision or direction; or

(ii) payment wholly or partly from public money.

- (a) This subtitle does not limit:
 - (1) the hours of work an employee may work in a particular period of time; or
 - (2) the right of a contractor to pay an employee under a public work contract more than the prevailing wage rate.

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

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

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

~~(2) THIS SUBTITLE APPLIES TO ANY PUBLIC WORK CONTRACT ENTERED INTO BY THE WASHINGTON SUBURBAN SANITARY COMMISSION OF AT LEAST \$2,000 FOR WHICH THE STATE OR THE FEDERAL GOVERNMENT PROVIDES ANY FUNDING.~~

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

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

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

Approved by the Governor, May 16, 2013.