

HOUSE BILL 582

P2

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CF SB 232

By: **Delegates Valderrama, D.E. Davis, Anderson, Brooks, Cain, Carey, Charkoudian, Cullison, Dumais, Harrison, Lehman, Lierman, Lisanti, Patterson, Queen, Turner, and Wells**

Introduced and read first time: January 27, 2020

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – Prevailing Wage – Applicability**

3 FOR the purpose of repealing a certain limitation on the applicability of the Prevailing
4 Wage Law to the construction of a public work by revising a certain definition; and
5 generally relating to the applicability of the Prevailing Wage Law.

6 BY repealing and reenacting, with amendments,

7 Article – State Finance and Procurement

8 Section 17–201

9 Annotated Code of Maryland

10 (2015 Replacement Volume and 2019 Supplement)

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

13 **Article – State Finance and Procurement**

14 17–201.

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

17 (b) “Apprentice” means an individual who:

18 (1) is at least 16 years old;

19 (2) has signed with an employer or employer’s agent, an association of
20 employers, an organization of employees, or a joint committee from both, an agreement
21 including a statement of:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) the trade, craft, or occupation that the individual is learning; and

2 (ii) the beginning and ending dates of the apprenticeship; and

3 (3) is registered in a program of the Council or the Office of Apprenticeship
4 of the United States Department of Labor.

5 (c) “Commissioner” means:

6 (1) the Commissioner of Labor and Industry;

7 (2) the Deputy Commissioner of Labor and Industry; or

8 (3) an authorized representative of the Commissioner.

9 (d) “Construction” includes all:

10 (1) building;

11 (2) reconstructing;

12 (3) improving;

13 (4) enlarging;

14 (5) painting and decorating;

15 (6) altering;

16 (7) maintaining; and

17 (8) repairing.

18 (e) “Council” means the Apprenticeship and Training Council.

19 (f) (1) “Employee” means an apprentice or worker employed by a contractor or
20 subcontractor under a public work contract.

21 (2) “Employee” does not include an individual employed by a public body.

22 (g) (1) “Locality” means the county in which the work is to be performed.

23 (2) If the public work is located within 2 or more counties, the locality
24 includes all counties in which the public work is located.

25 (h) “Prevailing wage rate” means the hourly rate of wages paid in the locality as

1 determined by the Commissioner under § 17–208 of this subtitle.

2 (i) (1) “Public body” means:

3 (i) the State;

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

6 (iii) any political subdivision, agency, person, or entity:

7 1. with respect to the construction of an elementary or a
8 secondary school for which 25% or more of the money used for construction is State money;
9 or

10 2. with respect to the construction of any other public work
11 [for which 50% or more of the money used for construction is] **FUNDED IN WHOLE OR IN**
12 **PART WITH** State money;

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

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

17 2. gives written notice of that ordinance or resolution to the
18 Commissioner; and

19 (v) the Washington Suburban Sanitary Commission.

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

21 (i) except as provided in paragraph (1)(v) of this subsection, a unit
22 of the State government or instrumentality of the State funded wholly from a source other
23 than the State; or

24 (ii) any political subdivision, agency, person, or entity[:

25 1.] with respect to the construction of an elementary or a
26 secondary school for which less than 25% of the money used for construction is State
27 money[; or

28 2. with respect to the construction of any other public work
29 for which less than 50% of the money used for construction is State money].

30 (j) (1) Subject to paragraph (2) of this subsection, “public work” means a

1 structure or work, including a bridge, building, ditch, road, alley, waterwork, or sewage
2 disposal plant, that:

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

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

5 (2) "Public work" does not include:

6 (i) unless let to contract, a structure or work whose construction is
7 performed by a public service company under order of the Public Service Commission or
8 other public authority regardless of:

9 1. public supervision or direction; or

10 2. payment wholly or partly from public money; or

11 (ii) an elementary or a secondary school if:

12 1. the school is not in a political subdivision covered under
13 subsection (i)(1)(iv) of this section; and

14 2. the State provides less than 25% of the money for
15 construction.

16 (k) "Public work contract" means a contract for construction of a public work.

17 (l) "Worker" means a laborer or mechanic.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2020.