

HOUSE BILL 688

P2

11r2332

By: **Delegates Krebs, Haddaway–Riccio, Hershey, Impallaria, W. Miller, Schuh, Schulz, and Stifler**

Introduced and read first time: February 10, 2011

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prevailing Wage – Exclusion of Public Work from Annual Determination**

3 FOR the purpose of requiring the Commissioner of Labor and Industry to exclude from
4 the annual determination of the prevailing wage rate in a locality any public
5 work under a public work contract; and generally relating to the annual
6 determination of the prevailing wage rate by the Commissioner of Labor and
7 Industry.

8 BY repealing and reenacting, without amendments,
9 Article – State Finance and Procurement
10 Section 17–201(j) and (k)
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2010 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – State Finance and Procurement
15 Section 17–209
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2010 Supplement)

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

20 **Article – State Finance and Procurement**

21 17–201.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

6 (i) public supervision or direction; or

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

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

9 17-209.

10 (a) **(1) [One] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ONE**
11 time per year, the Commissioner shall determine the prevailing wage rate for a
12 classification of worker in a locality by considering among other things:

13 **[(1)] (I)** any other payroll information relevant to the determination;
14 and

15 **[(2)] (II)** wage rates established by collective bargaining agreements.

16 **(2) IN DETERMINING THE PREVAILING WAGE RATE FOR A**
17 **CLASSIFICATION OF WORKER IN A LOCALITY UNDER PARAGRAPH (1) OF THIS**
18 **SUBSECTION, THE COMMISSIONER SHALL EXCLUDE FROM THE CALCULATION**
19 **ANY PUBLIC WORK UNDER A PUBLIC WORK CONTRACT.**

20 (b) The Commissioner shall mail notice as provided in § 17-210(b)(2) of this
21 subtitle at least 60 days before making a determination under this section.

22 (c) (1) The determination, as issued under this section or modified in a
23 proceeding under § 17-211 of this subtitle, is effective for 1 year from the date upon
24 which the Commissioner issued the determination under this section.

25 (2) The Commissioner shall show on the determination the date upon
26 which it expires.

27 (3) Upon expiration of the prevailing wage determination for a
28 locality, the Commissioner shall issue a new determination for the locality.

29 (4) A determination applies to a public work covered by this subtitle
30 that is the subject of a call for bids or proposals published on or before the date upon
31 which it expires.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2011.