

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 796

(First Reading File Bill)

AMENDMENT NO. 1

In line 4, after “projects;” insert “establishing certain penalties for certain violations of the prevailing wage law; increasing certain penalties for certain violations of the prevailing wage law; requiring the Governor to include an appropriation in the annual budget to fund certain positions; providing for the application of this Act; authorizing a certain contractor or subcontractor to designate a certain day as a make-up day; altering the threshold for determining if a public work contract is subject to the prevailing wage law;”; in line 8, strike “17-214” and substitute “17-202, 17-214, 17-219, 17-222, and 17-226”; and in line 23, strike “and” and substitute “OR”.

AMENDMENT NO. 2

After line 13, insert:

“17-202.

(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) This subtitle does not apply to:

(1) a public work contract of less than [~~\$500,000~~] \$400,000; or  
(2) 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.

(Over)

(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.”.

### AMENDMENT NO. 3

In lines 18 and 24, in each instance, before “Sunday” insert “Saturday,”; and in the same lines, in each instance, after “Sunday” insert a comma.

### AMENDMENT NO. 4

In line 15, before “Each” insert “(A)”; after line 24, insert:

“(B) A CONTRACTOR OR SUBCONTRACTOR UNDER A PUBLIC WORK CONTRACT MAY DESIGNATE FRIDAY AS A MAKE-UP DAY.”.

### AMENDMENT NO. 5

Before line 25, insert:

“17-219.

(a) Each contractor under a public work contract subject to this subtitle shall:

(1) post a clearly legible statement of each prevailing wage rate to be paid under the public work contract; and

(2) keep the statement posted during the full time that any employee is employed on the public work contract.

(b) The statement of prevailing wage rates shall be posted in a prominent and easily accessible place at the site of the public work.

(C) SUBJECT TO § 10-1001 OF THE STATE GOVERNMENT ARTICLE, THE

COMMISSIONER MAY IMPOSE ON A CONTRACTOR THAT VIOLATES THIS SECTION A CIVIL PENALTY OF UP TO \$50 PER VIOLATION.

17-222.

(a) A contractor under a public work contract is liable to the public body for liquidated damages of [ \$10 ] \$20 for each laborer or other employee for each day for which:

(1) the laborer is paid less than the prevailing wage rate of a mechanic while performing a task required to be performed by a mechanic or mechanic's apprentice; or

(2) the employee is paid less than the prevailing wage rate.

(b) If a contractor or subcontractor pays an employee less than the amount the employee is entitled to receive for the work performed, the contractor or subcontractor shall make restitution to the employee.

17-226.

(a) (1) After investigation and entry of an order in accordance with § 17-221 of this subtitle, the Commissioner shall file with the Secretary of State a list of the contractors and any subcontractors who persistently and willfully violate the provisions of this subtitle.

(2) Filing under this subsection shall be notice to a public body and its representatives.

(b) (1) If the name of a contractor or any subcontractor appears on the list, that contractor or subcontractor shall be prohibited from entering into a contract for construction of a public work directly or indirectly for [1 year] 2 YEARS from the day on which the list is filed.

(2) A public body may not award a contract for construction of a public work to a person who is prohibited from entering into a contract under this section.

SECTION 2. AND BE IT FURTHER ENACTED, That the Governor shall include in the annual budget for each fiscal year beginning with Fiscal Year 1999 an appropriation which provides for at least five Wage and Hour Investigators, with a grade of at least Grade 9, in the Prevailing Wage Unit of the Division of Labor and Industry in the Department of Labor, Licensing, and Regulation. The appropriation for each fiscal year of the Wage and Hour Investigators shall be consistent with the salary and classification plans in effect for that function.”.

AMENDMENT NO. 6

In line 25, strike “2.” and substitute “3. AND BE IT FURTHER ENACTED, That this Act shall be construed prospectively and may be applied only to contracts resulting from a request for proposals made after the effective date of this Act.”

SECTION 4.”.