

BY: Delegate Krebs

AMENDMENTS TO SENATE BILL NO. 191

(Third Reading File Bill - Committee Reprint)

AMENDMENT NO. 1

On page 1, in line 23, after “program;” insert “increasing to a certain amount the percentage of State money that must be used in an elementary or secondary school construction project before the Prevailing Wage Law applies; altering certain definitions;”.

AMENDMENT NO. 2

On page 4, after line 35, insert:

“BY repealing and reenacting, without amendments,

Article - State Finance and Procurement

Section 17-201(a), 17-210(a) and (c), and 17-214

Annotated Code of Maryland

(2001 Replacement Volume and 2003 Supplement)”

BY repealing and reenacting, with amendments,

Article - State Finance and Procurement

Section 17-201(i) and (j)

Annotated Code of Maryland

(2001 Replacement Volume and 2003 Supplement)”.

AMENDMENT NO. 3

On page 66, after line 29, insert:

“Article - State Finance and Procurement

17-201.

(Over)

(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:

1. WITH RESPECT TO THE CONSTRUCTION OF AN ELEMENTARY OR SECONDARY SCHOOL FOR WHICH 75% OR MORE OF THE MONEY USED FOR CONSTRUCTION IS STATE MONEY; OR

2. with respect to the construction of any OTHER 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.

(2) “Public body” does not include:

(i) 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:

1. WITH RESPECT TO THE CONSTRUCTION OF AN ELEMENTARY OR SECONDARY SCHOOL FOR WHICH LESS THAN 75% OF THE MONEY USED FOR CONSTRUCTION IS STATE MONEY; OR

2. with respect to the construction of any OTHER 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[.]:

(I) 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)] 1. public supervision or direction; or

[(ii)] 2. payment wholly or partly from public money; OR

(II) AN ELEMENTARY OR SECONDARY SCHOOL IF:

1. THE SCHOOL IS NOT IN A COUNTY COVERED UNDER SUBSECTION (I)(1)(IV) OF THIS SECTION; AND

2. THE STATE PROVIDES LESS THAN 75% OF THE MONEY FOR CONSTRUCTION.

17-210.

(a) Before a public body advertises for bids or proposals for a public work contract, it shall request the Commissioner to determine the prevailing wage rate for each classification of worker required to perform the public work contract.

(c) After a determination has been made, the public body shall include each prevailing wage rate for straight time and overtime:

- (1) in any call for bids or proposals;
- (2) in the specifications for the public work contract; and
- (3) in the public work contract.

17-214.

(a) Except as provided in subsection (b) of this section, each contractor and subcontractor under a public work contract shall pay not less than the prevailing wage rate of straight time to an employee for each hour that the employee works.

(b) A contractor and subcontractor shall pay an employee the prevailing wage rate of overtime for each hour that the employee works:

- (1) in excess of 10 hours in any single calendar day;
- (2) in excess of 40 hours per each workweek; or
- (3) on Sunday or a legal holiday.”.