

# HOUSE BILL 970

P2

8lr1783

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By: **Delegate Braveboy**

Introduced and read first time: February 7, 2008

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – Prevailing Wage**

3 FOR the purpose of requiring the application of the prevailing wage law to any  
4 State-funded contract for construction of a public work; altering a certain  
5 definition; and generally relating to the application of the prevailing wage law  
6 to construction projects.

7 BY repealing and reenacting, without amendments,  
8 Article – State Finance and Procurement  
9 Section 17–201(a) and (j), 17–210(a) and (c), and 17–214  
10 Annotated Code of Maryland  
11 (2006 Replacement Volume and 2007 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – State Finance and Procurement  
14 Section 17–201(i)  
15 Annotated Code of Maryland  
16 (2006 Replacement Volume and 2007 Supplement)

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

19 **Article – State Finance and Procurement**

20 17–201.

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

23 (i) (1) “Public body” means:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) the State;

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

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

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

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

11 2. gives written notice of that ordinance or resolution to  
12 the Commissioner.

13 (2) “Public body” does not include[:

14 (i)] a unit of the State government or instrumentality of the  
15 State funded wholly from a source other than the State[; or

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

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

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

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

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

27 (i) public supervision or direction; or

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

29 17–210.

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

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

6                   (1) in any call for bids or proposals;

7                   (2) in the specifications for the public work contract; and

8                   (3) in the public work contract.

9 17-214.

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

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

15                   (1) in excess of 10 hours in any single calendar day;

16                   (2) in excess of 40 hours per each workweek; or

17                   (3) on Sunday or a legal holiday.

18           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2008.