

SENATE BILL 958

P2

8lr3432
CF HB 970

By: **Senators Pugh and Harrington**

Introduced and read first time: February 27, 2008

Assigned to: Rules

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:

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.