

SENATE BILL 712

P2, F1
SB 187/11 – FIN

2lr1031

By: **Senators Kittleman, Brinkley, and Colburn**

Introduced and read first time: February 3, 2012

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – Prevailing Wage – School Construction**

3 FOR the purpose of increasing to a certain amount the percentage of State money that
4 must be used in an elementary or a secondary school construction project before
5 the Prevailing Wage Law applies; altering certain definitions; and generally
6 relating to the application of the Prevailing Wage Law to elementary or
7 secondary school construction.

8 BY repealing and reenacting, without amendments,
9 Article – State Finance and Procurement
10 Section 17–201(a), 17–210(a) and (c), and 17–214
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2011 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – State Finance and Procurement
15 Section 17–201(i) and (j)
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2011 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 (a) In this subtitle, unless the context indicates otherwise, the following
23 words have the meanings indicated.

24 (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:

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

8 **2.** with respect to the construction of any **OTHER** public
9 work for which 50% or more of the money used for construction is State money; and

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

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

14 2. gives written notice of that ordinance or resolution to
15 the Commissioner.

16 (2) "Public body" does not include:

17 (i) a unit of the State government or instrumentality of the
18 State funded wholly from a source other than the State; or

19 (ii) any political subdivision, agency, person, or entity:

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

23 **2.** with respect to the construction of any **OTHER** public
24 work for which less than 50% of the money used for construction is State money.

25 (j) (1) Subject to paragraph (2) of this subsection, "public work" means a
26 structure or work, including a bridge, building, ditch, road, alley, waterwork, or
27 sewage disposal plant, that:

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

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

1 (2) “Public work” does not include[.]:

2 **(I)** unless let to contract, a structure or work whose
3 construction is performed by a public service company under order of the Public
4 Service Commission or other public authority regardless of:

5 **[(i)] 1.** public supervision or direction; or

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

7 **(II) AN ELEMENTARY OR A SECONDARY SCHOOL IF:**

8 **1. THE SCHOOL IS NOT IN A POLITICAL SUBDIVISION**
9 **COVERED UNDER SUBSECTION (I)(1)(IV) OF THIS SECTION; AND**

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

12 17–210.

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

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

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

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

20 (3) in the public work contract.

21 17–214.

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

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

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

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

1 (3) on Sunday or a legal holiday.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 July 1, 2012.