

# HOUSE BILL 977

P2

2lr0945

---

By: **Delegates Kittleman, Boteler, Krebs, Mangione, McComas, Otto, and Rose**  
Introduced and read first time: February 10, 2022  
Assigned to: Economic Matters

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Prevailing Wage Rate – Public School Construction – Moratorium**

3 FOR the purpose of placing a moratorium for a certain period of time on the application of  
4 the prevailing wage rate law to the construction of certain schools by or for certain  
5 public bodies in the State; and generally relating to the prevailing wage rate and  
6 school construction.

7 BY repealing and reenacting, without amendments,  
8 Article – State Finance and Procurement  
9 Section 17–201(a), (d), (h), (i), (k), and (l), 17–210(a) and (c), and 17–214  
10 Annotated Code of Maryland  
11 (2021 Replacement Volume)

12 BY repealing and reenacting, with amendments,  
13 Article – State Finance and Procurement  
14 Section 17–201(j)  
15 Annotated Code of Maryland  
16 (2021 Replacement Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
18 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 words  
22 have the meanings indicated.

23 (d) “Construction” includes all:

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (1) building;
- 2 (2) reconstructing;
- 3 (3) improving;
- 4 (4) enlarging;
- 5 (5) painting and decorating;
- 6 (6) altering;
- 7 (7) maintaining; and
- 8 (8) repairing.

9 (h) "Prevailing wage rate" means the hourly rate of wages paid in the locality as  
10 determined by the Commissioner under § 17–208 of this subtitle.

11 (i) (1) "Public body" means:

12 (i) the State;

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

15 (iii) any political subdivision, agency, person, or entity with respect  
16 to the construction of any public work for which 25% or more of the money used for  
17 construction is State money;

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

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

22 2. gives written notice of that ordinance or resolution to the  
23 Commissioner; and

24 (v) the Washington Suburban Sanitary Commission.

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

26 (i) except as provided in paragraph (1)(v) of this subsection, a unit  
27 of the State government or instrumentality of the State funded wholly from a source other  
28 than the State; or

1 (ii) any political subdivision, agency, person, or entity with respect  
2 to the construction of any public work for which less than 25% of the money used for  
3 construction is State money.

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

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

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

9 (2) “Public work” does not include:

10 (i) unless let to contract, a structure or work whose construction is  
11 performed by a public service company under order of the Public Service Commission or  
12 other public authority regardless of:

13 1. public supervision or direction; or

14 2. payment wholly or partly from public money; [or]

15 (ii) a capital project that receives State funds in the annual State  
16 capital budget as:

17 1. a local House of Delegates initiative; or

18 2. a local Senate initiative; **OR**

19 **(III) AN ELEMENTARY OR SECONDARY SCHOOL CONSTRUCTED**  
20 **BY OR FOR A PUBLIC BODY, THE CONSTRUCTION OF WHICH BEGINS ON OR AFTER**  
21 **OCTOBER 1, 2022, AND BEFORE THE END OF OCTOBER 30, 2027, IF THE CONTRACT**  
22 **TO PERFORM THE WORK WAS ENTERED INTO ON OR AFTER OCTOBER 1, 2022, AND**  
23 **BEFORE THE END OF OCTOBER 30, 2027.**

24 (k) “Public work contract” means a contract for construction of a public work.

25 (l) “Worker” means a laborer or mechanic.

26 17–210.

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

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

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

6 17-214.

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

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

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
16 1, 2022.