

HOUSE BILL 1092

P2

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By: **Delegates Hucker, Barkley, Barnes, Clippinger, Frush, Glenn, Haynes, Howard, Ivey, K. Kelly, Luedtke, Mizeur, Rosenberg, Ross, Stukes, Summers, Valderrama, Vaughn, Washington, and Zucker**

Introduced and read first time: February 10, 2012

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prevailing Wage Rate – Contract Threshold Amount**

3 FOR the purpose of altering the contract threshold amount for the application of the
4 State prevailing wage rate law; requiring certain contractors to pay the
5 prevailing wage rate to employees under certain public works contracts that
6 exceed a certain amount; and generally relating to the State prevailing wage
7 rate law.

8 BY repealing and reenacting, without amendments,
9 Article – State Finance and Procurement
10 Section 17–201(h), (i), and (j)
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 17–202
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 (h) “Prevailing wage rate” means the hourly rate of wages paid in the locality
23 as determined by the Commissioner under § 17–208 of this subtitle.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) (1) “Public body” means:

2 (i) the State;

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

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

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

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

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

14 (2) “Public body” does not include:

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

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

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

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

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

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

28 (i) public supervision or direction; or

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

30 17-202.

1 (a) This subtitle does not limit:

2 (1) the hours of work an employee may work in a particular period of
3 time; or

4 (2) the right of a contractor to pay an employee under a public work
5 contract more than the prevailing wage rate.

6 (b) This subtitle does not apply to:

7 (1) a public work contract of less than [~~\$500,000~~] **\$2,000**; or

8 (2) the part of a public work contract for which the federal government
9 provides money if, as to that part, the contractor is required to pay the prevailing
10 wage rate as determined by the United States Secretary of Labor.

11 (c) If this subtitle and the federal Davis–Bacon Act apply and the federal act
12 is suspended, the Governor may declare this subtitle suspended for the same period
13 for:

14 (1) the part of that public work contract for which the United States
15 Secretary of Labor would have been required to make a determination of a prevailing
16 wage rate; or

17 (2) that entire public work contract.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2012.