

2010 -- S 2378

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LC00548  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

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A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS - PUBLIC WORKS

Introduced By: Senators Ruggerio, DaPonte, and Crowley

Date Introduced: February 11, 2010

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 37-13-1 and 37-13-3 of the General Laws in Chapter 37-13  
2 entitled "Labor and Payment of Debts by Contractors" are hereby amended to read as follows:

3           **37-13-1. "Public works" defined.** – (a) "Public works" as used in this chapter shall  
4 mean any ~~public~~ construction work consisting of grading, clearing, demolition, improvement,  
5 completion, repair, alteration, or construction of any public road or ~~any~~ bridge, or portion thereof,  
6 or any ~~public~~ building, or portion thereof, or any other heavy construction, or any ~~public works~~  
7 projects of any nature or kind whatsoever paid for in whole or in part out of public funds.

8           (b) For purposes of this section, "paid for in whole or in part out of public funds" shall  
9 mean, but not be limited to, all of the following:

10           (1) The payment of money or the equivalent of money by the state, any political  
11 subdivision, public agency or quasi-public agency directly to or on behalf of the public works  
12 contractor, subcontractor, or developer;

13           (2) Performance of construction work by the state, any political subdivision, public  
14 agency or quasi-public agency in execution of any project;

15           (3) Transfer by the state, any political subdivision, public agency or quasi-public agency  
16 of an asset of value for less than fair market price;

17           (4) Fees, costs, rents, insurance or bond premiums, loans, interest rates, tax incentives or  
18 other obligations that would normally be required in the execution of the contract, that are paid,  
19 reduced, charged at less than fair market value, waived, or forgiven by the state, any political

1 subdivision, public agency or quasi-public agency;

2 (5) Any interest or collateral pledged by the state, any political subdivision, public  
3 agency or quasi-public agency, including, but not limited to, the principal and interest on any  
4 bonds or notes issued or any other financing agreement secured by the state, any political  
5 subdivision, public agency or quasi-public agency;

6 (6) Credits that are applied by the state, any political subdivision, public agency or quasi-  
7 public agency against repayment obligations to the state or political subdivision;

8 (7) If the state or a political subdivision any public agency or quasi-public agency thereof  
9 requires a private developer or contractor to perform construction, alteration, demolition,  
10 installation, or other improvements or repair work as a condition of the government entity leasing  
11 or purchasing the subject premises; the construction work associated with the improvements shall  
12 thereby become subject to this chapter.

13 (c) Notwithstanding subsection (b), if the state or any political subdivision, public agency  
14 or quasi-public agency reimburses a private developer for costs that would normally be borne by  
15 the public, or provides directly or indirectly a public subsidy to a private development project that  
16 is de minimus in the context of the project, an otherwise private development project shall not  
17 thereby become subject to the requirements of this chapter;

18 (d) The following are not subject to the requirements of this chapter:

19 (1) Any assistance provided to an owner of any one structure that contains twelve (12) or  
20 fewer residential units whether in the form of a loan, grant, tax credit or otherwise provided by  
21 the state, any political subdivision, public agency, quasi-public agency, municipality or any other  
22 public entity; or

23 (2) Loans under section 23-19.14-9 for investigation of and/or design of remedial action  
24 for projects of critical economic concern; or

25 (3) Tax credits, modifications or deductions:

26 (i) Under any state or local homestead program; or

27 (ii) For qualified investments as defined by section 44-43-1 for qualified business entities  
28 defined by section 44-43-1; or

29 (iii) For qualified business tax credits under section 42-64.33-3 for qualified businesses  
30 defined by section 42-64.3-3 in designated enterprise zones; or

31 (iv) For investment tax credits under section 44-31-1; and

32 (v) Sections 44-11-1, 44-30-1, and 44-43.1-1.

33 **37-13-3. Contractors subject to provisions -- Weekly payment of employees. --** All  
34 contractors, who have been awarded contracts for public works by an awarding agency or

1 authority of the state or of any city, town, committee, or by any person or persons therein, in  
2 which state or municipal funds are used and of which the contract price shall be in excess of ~~one~~  
3 ~~thousand dollars (\$1,000)~~ fifty thousand dollars (\$50,000), whether payable at the time of the  
4 signing of the contract or at a later date, and their subcontractors, on those public works shall pay  
5 their employees at weekly intervals and shall comply with the provisions set forth in sections 37-  
6 13-4 -- 37-13-14 and section 37-13-16.

7 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would expand the definition of public works and provide that contractors, who  
2   have been awarded contracts for public works in excess of fifty thousand dollars (\$50,000) and  
3   would pay their employees at weekly intervals on those public works projects.

4           This act would take effect upon passage.

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