

SENATE BILL 430

P2

71r1543

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

Introduced and read first time: February 2, 2007

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Carroll County – Prevailing Wage – Exemption**

3 FOR the purpose of altering certain definitions to provide a certain limitation on the
4 applicability of the Prevailing Wage Law to the construction, modernization, or
5 systemic renovation of, or an addition to, an elementary or secondary school in
6 Carroll County; and generally relating to the application of the Prevailing Wage
7 Law to Carroll County.

8 BY repealing and reenacting, with amendments,
9 Article – State Finance and Procurement
10 Section 17–201
11 Annotated Code of Maryland
12 (2006 Replacement Volume and 2006 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – State Finance and Procurement**

16 17–201.

17 (a) In this subtitle, unless the context indicates otherwise, the following
18 words have the meanings indicated.

19 (b) “Apprentice” means an individual who:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) is at least 16 years old;

2 (2) has signed with an employer or employer's agent, an association of
3 employers, an organization of employees, or a joint committee from both, an
4 agreement including a statement of:

5 (i) the trade, craft, or occupation that the individual is learning;
6 and

7 (ii) the beginning and ending dates of the apprenticeship; and

8 (3) is registered in a program of the Council or the Bureau of
9 Apprenticeship and Training of the United States Department of Labor.

10 (c) "Commissioner" means:

11 (1) the Commissioner of Labor and Industry;

12 (2) the Deputy Commissioner of Labor and Industry; or

13 (3) an authorized representative of the Commissioner.

14 (d) "Construction" includes all:

15 (1) building;

16 (2) reconstructing;

17 (3) improving;

18 (4) enlarging;

19 (5) painting and decorating;

20 (6) altering;

21 (7) maintaining; and

22 (8) repairing.

23 (e) "Council" means the Apprenticeship and Training Council.

1 (f) (1) “Employee” means an apprentice or worker employed by a
2 contractor or subcontractor under a public work contract.

3 (2) “Employee” does not include an individual employed by a public
4 body.

5 (g) (1) “Locality” means the county in which the work is to be performed.

6 (2) If the public work is located within 2 or more counties, the locality
7 includes all counties in which the public work is located.

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

10 (i) (1) “Public body” means:

11 (i) the State;

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

14 (iii) **EXCEPT AS PROVIDED IN ITEM (IV) OF THIS**
15 **PARAGRAPH**, any political subdivision, agency, person, or entity with respect to the
16 construction of any public work for which 50% or more of the money used for
17 construction is State money; [and]

18 **(IV) CARROLL COUNTY, WITH RESPECT TO THE**
19 **CONSTRUCTION, MODERNIZATION, OR SYSTEMIC RENOVATION OF, OR ADDITION**
20 **TO, AN ELEMENTARY OR SECONDARY SCHOOL FOR WHICH 70% OR MORE OF THE**
21 **MONEY USED IS STATE MONEY; AND**

22 [(iv)] (v) notwithstanding paragraph (2)(ii) of this subsection, a
23 political subdivision if its governing body:

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

26 2. gives written notice of that ordinance or resolution to
27 the Commissioner.

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

1 (i) a unit of the State government or instrumentality of the
2 State funded wholly from a source other than the State; [or]

3 (ii) **EXCEPT AS PROVIDED IN ITEM (III) OF THIS**
4 **PARAGRAPH**, any political subdivision, agency, person, or entity with respect to the
5 construction of any public work for which less than 50% of the money used for
6 construction is State money; **OR**

7 **(III) CARROLL COUNTY, WITH RESPECT TO THE**
8 **CONSTRUCTION, MODERNIZATION, OR SYSTEMIC RENOVATION OF, OR ADDITION**
9 **TO, AN ELEMENTARY OR SECONDARY SCHOOL FOR WHICH LESS THAN 70% OF**
10 **THE MONEY USED IS STATE MONEY.**

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

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

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

16 (2) “Public work” does not include[,]:

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

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

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

22 **(II) AN ELEMENTARY OR SECONDARY SCHOOL IN CARROLL**
23 **COUNTY IF THE STATE PROVIDES LESS THAN 70% OF THE MONEY FOR**
24 **CONSTRUCTION, MODERNIZATION, SYSTEMIC RENOVATION, OR AN ADDITION.**

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

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

27 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
28 **October 1, 2007.**