
By: **Delegate McHale**
Introduced and read first time: March 2, 1998
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Prevailing Wage Law - Application - Definition of Public Body**

3 FOR the purpose of modifying the definition of "public body" under the State's
4 prevailing wage law in order to apply the prevailing wage provisions to any
5 political subdivision, agency, person, or entity with respect to certain
6 construction projects involving more than a specified amount of State funding.

7 BY repealing and reenacting, without amendments,
8 Article - State Finance and Procurement
9 Section 17-201(a), (j), and (k)
10 Annotated Code of Maryland
11 (1995 Replacement Volume and 1997 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - State Finance and Procurement
14 Section 17-201(i)
15 Annotated Code of Maryland
16 (1995 Replacement Volume and 1997 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, 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 (i) (1) "Public body" means:

24 (i) the State;

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

1 (iii) any political subdivision, agency, person, or entity:

2 1. with respect to the construction of an elementary or
3 secondary school for which 75% or more of the money used for construction is State
4 money; or

5 2. with respect to the construction of any other public work
6 for which 50% or more of the money used for construction is State money; [and]

7 (iv) ANY POLITICAL SUBDIVISION, AGENCY, PERSON, OR ENTITY
8 WITH RESPECT TO THE CONSTRUCTION OF ANY PUBLIC WORK INVOLVING \$500,000
9 OR MORE IN STATE FUNDING; AND

10 (V) notwithstanding paragraph (2)(ii) of this subsection, a political
11 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 the
15 Commissioner.

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

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

19 (ii) EXCEPT AS PROVIDED UNDER PARAGRAPH (1)(IV) OF THIS
20 SUBSECTION, any political subdivision, agency, person, or entity:

21 1. with respect to the construction of an elementary or
22 secondary school for which less than 75% of the money used for construction is State
23 money; or

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

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

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

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

31 (2) "Public work" does not include:

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

- 1 1. public supervision or direction; or
- 2 2. payment wholly or partly from public money; or
- 3 (ii) an elementary or secondary school if:
 - 4 1. the school is not in a county covered under subsection
 - 5 (i)(1)(iv) of this section; and
 - 6 2. the State provides less than 75% of the money for
 - 7 construction.

8 (k) "Public work contract" means a contract for construction of a public work.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 1998.