

HOUSE BILL 288

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2000 Regular Session
0lr0161
CF 0lr0144

By: **The Speaker (Administration) and Delegates Kirk, McHale, Minnick,
Moe, Benson, Malone, Marriott, Phillips, Heller, Barkley, Franchot,
Nathan-Pulliam, Turner, Mandel, Stern, Shriver, Grosfeld, Dembrow, K.
Kelly, Cane, Dobson, Hurson, Cole, and Riley**

Introduced and read first time: January 28, 2000

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement - Prevailing Wage - School Construction**

3 FOR the purpose of repealing a certain limitation on the applicability of the
4 Prevailing Wage Law to the construction of an elementary or secondary school;
5 and generally relating to the definitions of "public body" and "public work"
6 under the Prevailing Wage Law.

7 BY repealing and reenacting, with amendments,
8 Article - State Finance and Procurement
9 Section 17-201
10 Annotated Code of Maryland
11 (1995 Replacement Volume and 1999 Supplement)

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

14 **Article - State Finance and Procurement**

15 17-201.

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

18 (b) "Apprentice" means an individual who:

19 (1) is at least 16 years old;

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

23 (i) the trade, craft, or occupation that the individual is learning;

24 and

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

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

4 (c) "Commissioner" means:

5 (1) the Commissioner of Labor and Industry;

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

7 (3) an authorized representative of the Commissioner.

8 (d) "Construction" includes all:

9 (1) building;

10 (2) reconstructing;

11 (3) improving;

12 (4) enlarging;

13 (5) painting and decorating;

14 (6) altering;

15 (7) maintaining; and

16 (8) repairing.

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

18 (f) (1) "Employee" means an apprentice or worker employed by a contractor
19 or subcontractor under a public work contract.

20 (2) "Employee" does not include an individual employed by a public body.

21 (g) (1) "Locality" means the county in which the work is to be performed.

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

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

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

27 (i) the State;

28 (ii) except as provided in paragraph (2)(i) of this subsection, a unit
29 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) notwithstanding paragraph (2)(ii) of this subsection, a political
8 subdivision if its governing body:
- 9 1. provides by ordinance or resolution that the political
10 subdivision is covered by this subtitle; and
- 11 2. gives written notice of that ordinance or resolution to the
12 Commissioner.
- 13 (2) "Public body" does not include:
- 14 (i) a unit of the State government or instrumentality of the State
15 funded wholly from a source other than the State; or
- 16 (ii) any political subdivision, agency, person, or entity[:
- 17 1. with respect to the construction of an elementary or
18 secondary school for which less than 75% of the money used for construction is State
19 money; or
- 20 2.] with respect to the construction of any [other] public work
21 for which less than 50% of the money used for construction is State money.
- 22 (j) (1) Subject to paragraph (2) of this subsection, "public work" means a
23 structure or work, including a bridge, building, ditch, road, alley, waterwork, or
24 sewage disposal plant, that:
- 25 (i) is constructed for public use or benefit; or
- 26 (ii) is paid for wholly or partly by public money.
- 27 (2) "Public work" does not include[:
- 28 (i)], unless let to contract, a structure or work whose construction is
29 performed by a public service company under order of the Public Service Commission
30 or other public authority regardless of:
- 31 [1.] (I) public supervision or direction; or
- 32 [2.] (II) payment wholly or partly from public money[; or
- 33 (ii) an elementary or secondary school if:

