

SENATE BILL 169

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2001 Regular Session
11r0454
CF 11r0510

By: **Senators Mooney, Colburn, Ferguson, Haines, Harris, Hooper, Jacobs,
Madden, McCabe, Munson, Roesser, and Stoltzfus**

Introduced and read first time: January 19, 2001

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Repeal - Prevailing Wage for School Construction**

3 FOR the purpose of authorizing 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 2000 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

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

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

3 (c) "Commissioner" means:

- 4 (1) the Commissioner of Labor and Industry;
- 5 (2) the Deputy Commissioner of Labor and Industry; or
- 6 (3) an authorized representative of the Commissioner.

7 (d) "Construction" includes all:

- 8 (1) building;
- 9 (2) reconstructing;
- 10 (3) improving;
- 11 (4) enlarging;
- 12 (5) painting and decorating;
- 13 (6) altering;
- 14 (7) maintaining; and
- 15 (8) repairing.

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

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

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

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

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

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

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

26 (i) the State;

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

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

1 1. WITH RESPECT TO THE CONSTRUCTION OF AN
2 ELEMENTARY OR SECONDARY SCHOOL FOR WHICH 75% OR MORE OF THE MONEY
3 USED FOR CONSTRUCTION IS STATE MONEY; OR

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

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

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

10 2. gives written notice of that ordinance or resolution to the
11 Commissioner.

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

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

15 (ii) any political subdivision, agency, person, or entity:

16 1. WITH RESPECT TO THE CONSTRUCTION OF AN
17 ELEMENTARY OR SECONDARY SCHOOL FOR WHICH LESS THAN 75% OF THE MONEY
18 USED FOR CONSTRUCTION IS STATE MONEY; OR

19 2. with respect to the construction of any OTHER public work
20 for which less than 50% of the money used for construction is State money.

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

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

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

26 (2) "Public work" does not include[,]:

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

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

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

32 (II) AN ELEMENTARY OR SECONDARY SCHOOL IF:

1 1. THE SCHOOL IS NOT IN A COUNTY COVERED UNDER
2 SUBSECTION (I)(1)(IV) OF THIS SECTION; AND

3 2. THE STATE PROVIDES LESS THAN 75% OF THE MONEY FOR
4 CONSTRUCTION.

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

6 (l) "Worker" means a laborer or mechanic.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2001.