

SENATE BILL 325

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P2  
SB 169/01 - FIN

2002 Regular Session  
2r1529

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By: **Senator Mooney**  
Introduced and read first time: January 25, 2002  
Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of limiting the applicability of the Prevailing Wage Law to the  
4 construction of elementary or secondary schools for which more than a certain  
5 percentage used for construction is State money; and generally relating to the  
6 definitions of "public body" and "public work" 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 (2001 Replacement Volume)

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:

