

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1762

By: Fallin

AS INTRODUCED

An Act relating to labor; amending 40 O.S. 1991, Section 196.2, which relates to the prevailing wage provisions; modifying definition to exclude certain school districts; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 40 O.S. 1991, Section 196.2, is amended to read as follows:

Section 196.2 As used in this act, unless the context indicates otherwise:

1. "Construction" includes construction, reconstruction, improvement, enlargement, alteration, painting and decorating, or major repairs;
2. "Commissioner" means the Commissioner of Labor;
3. "Prevailing hourly rate of wages" means the wages and fringe benefits determined to be prevailing by the United States Department of Labor pursuant to the provisions of the Federal Davis-Bacon Act, Sections 276a through 276a-5 of Title 40 of the United States Code;
4. "Locality" means the county where the physical work upon public works is performed;

5. "Maintenance work" means the repair, but not the replacement, of existing facilities when the size, type, or extent of the existing facilities is not thereby changed or increased;

6. "Public body" means the State of Oklahoma or any officer, board, commission or authority of the state, or other political subdivision, county, municipality, school district, or industrial trust or other entity issuing or causing the issuing of bonds where such bonds are to be used in whole or in part for construction and such bonds are supported by the faith and credit of the State of Oklahoma or any political subdivision or such bonds could become the obligation of the State of Oklahoma or other political subdivision. "Public body" shall not mean a school district issuing capital improvement bonds;

7. "Public works" means all fixed works constructed for public use except works constructed by or for any public utility company or any drainage or conservation district, whether or not done under public supervision or direction or paid for wholly or in part out of public funds;

8. "Workmen" means laborers, workmen, and mechanics;

9. "Apprentice" or "Trainee" means a workman in a craft or trade who is approved for participation in an apprenticeship or trainee program approved by the Bureau of Apprenticeship and Training of the United States Department of Labor;

10. "Board" means the Wage Appeals Board;

11. "Contractor" means all prime and general contractors, subcontractors, independent contractors and persons engaged in contract labor who through negotiations or competitive bidding enter into contracts to furnish labor, materials, or both and the required equipment to perform the contract for a fixed price and who in pursuit of independent business undertake a job in whole or in part retaining substantial control of the method and manner of accomplishing the desired result and who possesses current

identification numbers issued to them by the Oklahoma Tax Commission, the Oklahoma Employment Security Commission, the Internal Revenue Service, and the Social Security Administration;

12. "Construction on a force account basis" means construction of public works performed by a public body, using permanent personnel on its own payroll without hiring any outside supervision or direction; and

13. "Kickback" means the payment of money or any other thing of value to any contractor, his representative or agent by any workman, his representative or agent as a refund of any part of the compensation to which such workman is entitled to pursuant to the provisions of this act.

SECTION 2. This act shall become effective September 1, 1993.

44-1-5862A            MCD