

"any county or municipal corporation, or any department, officer, board, commission, or agency thereof", to conform to paragraph (1)(iii) of this subsection. Since paragraphs (1)(iii) and (2)(ii) of this subsection represent opposite situations, those nongovernmental agencies and persons included in paragraph (1)(iii) should be expressly excluded in paragraph (2)(ii).

Defined terms: "Commissioner" § 17-201
"Construction" § 17-201 "Person" § 11-101
"Public work" § 17-201

(J) PUBLIC WORK.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, "PUBLIC WORK" MEANS A STRUCTURE OR WORK, INCLUDING A BRIDGE, BUILDING, DITCH, ROAD, ALLEY, WATERWORK, OR SEWAGE DISPOSAL PLANT, THAT:

(I) IS CONSTRUCTED FOR PUBLIC USE OR BENEFIT;
OR

(II) IS PAID FOR WHOLLY OR PARTLY BY PUBLIC MONEY.

(2) "PUBLIC WORK" DOES NOT INCLUDE:

(I) UNLESS LET TO CONTRACT, A STRUCTURE OR WORK WHOSE CONSTRUCTION IS PERFORMED BY A PUBLIC SERVICE COMPANY UNDER ORDER OF THE PUBLIC SERVICE COMMISSION OR OTHER PUBLIC AUTHORITY REGARDLESS OF:

1. PUBLIC SUPERVISION OR DIRECTION; OR
2. PAYMENT WHOLLY OR PARTLY FROM PUBLIC MONEY; OR

(II) AN ELEMENTARY OR SECONDARY SCHOOL IF:

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

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

REVISOR'S NOTE: Paragraphs (1) and (2)(i) of this subsection are new language derived without substantive change from the first two clauses of former SF § 12-301(c).