

1 *Senate* BILL NO. *264*
 2 INTRODUCED BY *Gov. Thomas* *Stuy* *Stark*
 3 *Salt*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 5 41-701, R.C.M. 1947, TO LIMIT TO A COUNTY THE AREA IN WHICH
 6 A STANDARD PREVAILING RATE OF WAGES MAY BE DETERMINED."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 41-701, R.C.M. 1947, is amended to
 10 read as follows:

11 "41-701. Preference of Montana labor in public works
 12 -- wage scale -- not to conflict with federal statutes. In
 13 all contracts hereafter let for state, county, municipal,
 14 school, heavy highway or municipal construction, services,
 15 repair and maintenance work under any of the laws of this
 16 state there shall be inserted in each of said contracts a
 17 provision by which the contractor must give preference to
 18 the employment of bona fide Montana residents in the
 19 performance of said work, and that the said contractor must
 20 further pay the standard prevailing rate of wages including
 21 fringe benefits for health and welfare and pension
 22 contributions, and travel allowance provisions in effect and
 23 applicable to the county ~~or--locality~~ in which the work is
 24 being performed. "Standard prevailing rate of wages
 25 including fringe benefits for health and welfare and pension

1 contributions, and travel allowance provisions, applicable
 2 to the county ~~or--locality~~ in which the work is being
 3 performed," means those wages including fringe benefits for
 4 health and welfare and pension contributions, and travel
 5 allowance provisions which are paid in the county ~~or~~
 6 ~~locality~~ by other local contractors for work of a similar
 7 character performed in that county ~~or--locality~~ by each
 8 craft, classification or type of worker needed to complete a
 9 contract under this act. When work of a similar character is
 10 not being performed in the county ~~or--locality~~, the standard
 11 prevailing rate of wages including fringe benefits for
 12 health and welfare and pension contributions, and travel
 13 allowance provisions shall be those rates established by
 14 collective bargaining agreements or other contracts of
 15 employment in effect in the county ~~or--locality~~ for each
 16 craft, classification or type of worker needed to complete
 17 the contract. No contract shall be let to any person, firm,
 18 association or corporation refusing to execute an agreement
 19 with the above-mentioned provisions in it; provided that, in
 20 contracts involving the expenditure of federal aid funds
 21 this act shall not be enforced in such a manner as to
 22 conflict with or be contrary to the federal statutes
 23 prescribing a labor preference to honorably discharged
 24 soldiers, sailors and marines, and prohibiting as unlawful
 25 any other preference or discrimination among citizens of the

1 United States. All public works contracts under this act
 2 shall be approved in writing by the legal adviser of the
 3 contracting state, county, municipal corporation, school
 4 district, assessment district or special improvement
 5 district body or officer prior to execution by the
 6 contracting public officer or officers. Whenever the
 7 employer is not signatory party to a collective bargaining
 8 agreement, those moneys designated as negotiated fringe
 9 benefits shall be paid to the employee as wages.

10 (1) The Montana commissioner of labor may determine
 11 the standard prevailing rate of wages in the county or
 12 ~~locality~~ in which the contract is to be performed. The
 13 commissioner shall undertake to keep and maintain copies of
 14 collective bargaining agreements, other contracts of
 15 employment, and other information from which rates and
 16 ~~jurisdictional--areas~~ applicable to public works contracts
 17 under this act may be ascertained.

18 (2) Contractors, subcontractors, and employers who are
 19 performing work or providing services under public works
 20 contracts as provided in this act shall post in a prominent
 21 and accessible site on the project or work area, not later
 22 than the first day of work, a legible statement of all wages
 23 to be paid to the employees employed on such site or work
 24 area.

25 (3) Any contractor, subcontractor or employer who

1 shall pay workers or employees at less than the standard
 2 prevailing wage as established under the public works
 3 contract shall forfeit to the contracting agency the sum of
 4 twenty-five dollars (\$25) a day for each worker so
 5 underpaid. Whenever it shall appear to the contracting
 6 agency or to the Montana commissioner of labor that there
 7 are insufficient monies due to the contractor or the
 8 employer under the terms of the contract to cover such
 9 penalties, the Montana commissioner of labor may within
 10 ninety (90) days after the filing of notice of completion of
 11 the project and its acceptance by the contracting agency,
 12 maintain an action in district court to recover all such
 13 penalties and forfeitures due. Nothing in this section
 14 shall prevent the individual worker who has been underpaid
 15 from maintaining an action for recovery of the wages due
 16 under the contract as provided in chapter 13 of this Title.

17 (4) The provisions of this act do not apply in those
 18 instances where the standard prevailing rate of wages is
 19 determined pursuant to federal law.

20 (5) In no instances where this act is applicable shall
 21 the standard prevailing rate of wage be determined to be
 22 greater than the applicable rate of wage in the ~~area~~ county
 23 for the particular work in question as negotiated under
 24 existing and current collective bargaining agreements or
 25 other contracts of employment."

=End-

-4-

On motion, reconsider
adverse committee report.

1 *Senate* BILL NO. *264*
2 INTRODUCED BY *Dave Thirman, Steve Anderson*
3 *Galt*

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9 contract under this act. When work of a similar character is
10 not being performed in the county ~~or--locality~~, the standard
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18 (2) Contractors, subcontractors, and employers who are
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-4-

Reconsider Committee of the
Whole recommendation to In-
definitely Postpone.

1 SENATE BILL NO. 264

2 INTRODUCED BY DOVER, THIESSEN, STORY, GRAHAM, GALT

3
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SECOND READING

SECOND PRINTING

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 20 VIOLATION OF THIS ACT THE DEPARTMENT OF LABOR AND INDUSTRY
 21 SHALL:

22 (A) INVESTIGATE THE COMPLAINT UNDER PROVISION OF
 23 CHAPTER 13, TITLE 41, R.C.M. 1947 DURING LIFE OF THE
 24 CONTRACT; AND

25 (B) SHALL ENDEAVOR TO BRING ABOUT COMPLIANCE PRIOR TO

1 PURSuing LEGAL ACTION AS PROVIDED IN TITLE 41, CHAPTER 13,
2 R.C.M. 1947; AND

3 (C) SUBMIT PAYROLL RECORDS TO CONTRACTING AGENCY UPON
4 REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY.

5 ~~(4)(5)~~ The provisions of this act do not apply in
6 those instances where the standard prevailing rate of wages
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THIRD READING

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-End-