

HOUSE BILL 672

IN THE HOUSE

February 8, 1979

Introduced and referred to  
Committee on Labor and Employment  
Relations.

1 *Zeigler* *House* BILL NO. *672* *Thorne*  
 2 INTRODUCED BY *Member Harrold Lurline*  
 3 *Daily Broad Manning Kilgus Wilho*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE CONSTRUCTION  
 5 FIRMS TO HIRE APPRENTICES AND TRAINEES WHENEVER A CONTRACT  
 6 IS PROCURED WITH A PUBLIC ENTITY; ESTABLISHING RULEMAKING  
 7 AUTHORITY IN THE DEPARTMENT OF LABOR AND INDUSTRY."  
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9 WHEREAS, it is important to meet future construction  
 10 needs and combat inflation; and

11 WHEREAS, it is important to encourage training  
 12 opportunities on public works projects that are consistent  
 13 with the general welfare of journeymen who are employed on  
 14 such projects;

15  
 16 THEREFORE, this act provides that all private  
 17 contractors who contract with a public entity for any  
 18 construction or public works project be required to employ  
 19 apprentices or apprentice trainees.  
 20

21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

22 Section 1. Short title. [This act] may be cited as the  
 23 "Montana Apprenticeship and Training Act of 1979".

24 Section 2. Definitions. Unless the context requires  
 25 otherwise, in [this act] the following definitions apply:

1 (1) "Apprentice" means a person employed in an  
 2 apprenticeship program that is registered with the  
 3 department of labor and industry, bureau of apprenticeship  
 4 and training.

5 (2) "Contracting agency" means any public entity that  
 6 contracts with a private construction firm for the purpose  
 7 of constructing, altering, remodeling, or repairing any  
 8 public building or other public structure.

9 (3) "Contractor" means any private construction firm  
 10 or person who contracts to perform construction work or any  
 11 subcontractor who performs construction work.

12 (4) "Department" means the department of labor and  
 13 industry.

14 (5) "Trainee" means a person receiving on-the-job  
 15 training in a construction occupation under a program that  
 16 is approved by the United States department of labor,  
 17 manpower administration, bureau of apprenticeship and  
 18 training and which is reviewed from time to time by the  
 19 manpower administration to insure that the training meets  
 20 adequate standards.

21 Section 3. Contract clauses required. (1) The  
 22 following clauses shall be included in each contract in  
 23 excess of \$10,000 between a public entity and any private  
 24 construction contractor:

25 (a) the contractor agrees that a diligent effort will

1 be made to hire for the duration of the contract, when there  
 2 is a collective bargaining agreement, apprentices, trainees,  
 3 and journeymen in the ratio required by the collective  
 4 bargaining agreement. When there is no collective bargaining  
 5 agreement, the ratio of apprentices and trainees to  
 6 journeymen shall be that ratio recommended by the national  
 7 joint apprentice committee for each craft. If there is no  
 8 recommended ratio for a craft, the ratio of apprentices and  
 9 trainees to journeymen may not be less than one apprentice  
 10 or trainee for every five journeymen.

11 (b) the contractor agrees to maintain employment  
 12 records by craft of the number of apprentices and trainees,  
 13 the number of apprentices and trainees in their first year  
 14 of training, the number of journeymen, and the wages paid  
 15 and the hours of work for all apprentices, trainees, and  
 16 journeymen.

17 (c) the contractor agrees to make available for  
 18 inspection upon request of the department and appropriate  
 19 state agencies the records provided for in subsection (b).

20 (d) the contractor agrees to insert the contract  
 21 clauses required by subsections (a), (b), and (c) of  
 22 [section 3] in any subsequent subcontracts that are let.

23 (2) The contracting agency shall insure that all  
 24 contract clauses required by [section 3] are included in  
 25 each contract let to a construction contractor.

1 Section 4. Criterion for measuring diligent effort. A  
 2 contractor will be considered to have made a diligent effort  
 3 if, during the duration of any public contract, the  
 4 contractor employs a number of apprentices and trainees in  
 5 accordance with subsection (1) of [section 3], or if for all  
 6 contracts let in the same labor market area during the 2  
 7 years prior to the beginning date of a public contract the  
 8 contractor has employed for each craft apprentices,  
 9 trainees, and journeymen in the ratios provided for in  
 10 subsection (1) of [section 3].

11 Section 5. Exemptions. An exemption from any  
 12 requirement of [this act] may be granted by the department  
 13 whenever a requirement would place an undue hardship on a  
 14 contractor or subcontractor. The department shall adopt  
 15 rules pertaining to appropriate exemptions from [this act].

16 Section 6. Enforcement. The contracting agency  
 17 awarding a contract shall be responsible for enacting  
 18 appropriate enforcement proceedings, including the  
 19 investigation of complaints. The department shall  
 20 coordinate the enforcement activities of the contracting  
 21 agencies to insure consistent enforcement activities.

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