

House Bill 260

In The House

January 15, 1981

Introduced and referred
to Committee on Labor and
Industry.

April 23, 1981

Died in Committee.

1 HOUSE BILL NO. 260
2 INTRODUCED BY Mark Kelly

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE STANDARD
5 PREVAILING RATE OF WAGES TO BE CONSISTENT WITH FEDERAL LAW;
6 EXEMPTING STATE CONTRACTS UNDER \$50,000; AMENDING SECTIONS
7 18-2-401 THROUGH 18-2-403, MCA."

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

10 Section 1. Section 18-2-401, MCA, is amended to read:
11 "18-2-401. Definitions. (1) "Labor" is hereby defined
12 to be all services performed in the construction, repair, or
13 maintenance of all state, county, municipal, and school work
14 and does not include engineering, superintendence,
15 management, or office or clerical work.

16 (2) A "bona fide resident of Montana" is hereby
17 declared to be a person who, at the time of his employment
18 and immediately prior thereto, has lived in this state in
19 such a manner and for such time as is sufficient to clearly
20 justify the conclusion that his past habitation in this
21 state has been coupled with intention to make it his home.
22 Sojourners or persons who come to Montana solely in
23 pursuance of any contract or agreement to perform such labor
24 shall under no circumstance be deemed to be bona fide
25 residents of Montana within the meaning and for the purpose

1 of this part.

2 (3) (a) "Standard prevailing rate of wages, including
3 fringe benefits for health and welfare and pension
4 contributions and travel allowance provisions applicable to
5 the county or locality in which the work is being
6 performed" means those wages, including fringe benefits for
7 health and welfare and pension contributions and travel
8 allowance provisions, which are paid in the county or
9 locality by other contractors for work of a similar
10 character performed in that county or locality by each
11 craft, classification, or type of worker needed to complete
12 a contract under this part.

13 (b) When work of a similar character is not being
14 performed in the county or locality, the standard prevailing
15 rate of wages, including fringe benefits for health and
16 welfare and pension contributions and travel allowance
17 provisions, shall be those rates established by collective
18 bargaining agreements in effect in the county or locality
19 for each craft, classification, or type of worker needed to
20 complete the contract."

21 Section 2. Section 18-2-402, MCA, is amended to read:

22 "18-2-402. Standard prevailing rate of wages. (1) The
23 Montana commissioner of labor may determine the standard
24 prevailing rate of wages in the county or locality in which
25 the contract is to be performed. The commissioner shall

1 undertake---to---keep---and---maintain---copies---of---collective
 2 bargaining---agreements---and---other---information---from---which---rates
 3 end---jurisdictional---areas---applicable---to---public---works
 4 contracts---under---this---part---may---be---ascertained the standard
 5 prevailing rate of wages for all contracts let for bid by
 6 the state of Montana is the standard prevailing rate of
 7 wages established for a locality pursuant to the Davis-Bacon
 8 Act, 40 U.S.C., 276a.

9 (2) ~~The provisions of this part do not apply in those~~
 10 ~~instances where the standard prevailing rate of wages is~~
 11 ~~determined pursuant to federal law A state contract valued~~
 12 ~~at less than \$50,000 is exempt from the standard prevailing~~
 13 ~~rate of wages provisions of this part.~~

14 (3) In no instances where this part is applicable
 15 shall the standard prevailing rate of ~~wage~~ wages be
 16 determined to be greater than the applicable rate of ~~wage~~
 17 wages in the ~~area~~ locality for the particular work in
 18 question as negotiated under existing and current collective
 19 bargaining agreements."

20 Section 3. Section 18-2-403, MCA, is amended to read:
 21 "18-2-403. Preference of Montana labor in public works
 22 -- wages -- federal exception. (1) In any contract let for
 23 state, county, municipal, school, or heavy highway
 24 construction, services, repair, or maintenance work under
 25 any law of this state, there shall be inserted in the

1 contract a provision requiring the contractor to give
 2 preference to the employment of bona fide Montana residents
 3 in the performance of the work and to pay the standard
 4 prevailing rate of wages, including fringe benefits for
 5 health and welfare and pension contributions and travel
 6 allowance provisions, in effect and applicable to the county
 7 or locality in which the work is being performed.

8 (2) No contract may be let to any person, firm,
 9 association, or corporation refusing to execute an agreement
 10 with the above-mentioned provisions in it, provided that in
 11 contracts involving the expenditure of federal-aid funds
 12 this part may not be enforced in such a manner as to
 13 conflict with or be contrary to the federal statutes
 14 prescribing a labor preference to honorably discharged
 15 veterans of the armed forces and prohibiting as unlawful any
 16 other preference or discrimination among citizens of the
 17 United States."

-End-