

SENATE BILL NO. 152

Introduced: 01/14/83

Referred to Committee on Labor & employment Relations: 01/14/83

Hearing: 2/8/83

Report: 02/08/83, Do Pass, As Amended

2nd Reading: 02/14/83

2nd Reading: 2/14/83, Indefinitely Postponed

Bill Killed.

1 *Senate* BILL NO. *152*
2 INTRODUCED BY *ALFRED D. [unclear], [unclear], Selma*
3 *Steve H. Conner [unclear]*
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT LOCAL
5 GOVERNMENTS FROM THE REQUIREMENT OF PAYING THE STANDARD
6 PREVAILING RATE OF WAGES ON LOCAL PROJECTS WHEN ONLY LOCAL
7 FUNDS ARE USED ON THE PROJECT; AMENDING SECTIONS 18-2-402,
8 18-2-403, 18-2-407, AND 18-2-422, MCA; AND PROVIDING AN
9 EFFECTIVE DATE."
10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12 Section 1. Section 18-2-402, MCA, is amended to read:
13 "18-2-402. Standard prevailing rate of wages ==
14 ~~exceptions.~~ (1) ~~Except as provided in subsection (2), the~~
15 ~~The Montana commissioner of labor may determine the standard~~
16 ~~prevailing rate of wages in the county or locality in which~~
17 ~~the contract is to be performed. The commissioner shall~~
18 ~~undertake to keep and maintain copies of collective~~
19 ~~bargaining agreements and other information from which rates~~
20 ~~and jurisdictional areas applicable to public works~~
21 ~~contracts under this part may be ascertained.~~
22 (2) The provisions of this part do not apply:
23 (a) in those instances where the standard prevailing
24 rate of wages is determined pursuant to federal law or
25 (b) to local government units in those instances when

1 ~~only local government funds are used to fund local projects.~~
2 (3) In no instances where this part is applicable
3 shall the standard prevailing rate of wage be determined to
4 be greater than the applicable rate of wage in the area for
5 the particular work in question as negotiated under existing
6 and current collective bargaining agreements."
7 Section 2. Section 18-2-403, MCA, is amended to read:
8 "18-2-403. Preference of Montana labor in public works
9 -- wages -- federal exception. (1) In any contract let for
10 state, county, municipal, school, or heavy highway
11 construction, services, repairs or maintenance work under
12 any law of this state, there shall be inserted in the bid
13 specification and the contract a provision requiring the
14 contractor to give preference to the employment of bona fide
15 Montana residents in the performance of the work and ~~except~~
16 ~~as provided in 18-2-402(2)(b),~~ to pay the standard
17 prevailing rate of wages, including fringe benefits for
18 health and welfare and pension contributions and travel
19 allowance provisions, in effect and applicable to the county
20 or locality in which the work is being performed.
21 (2) No contract may be let to any person, firm,
22 association, or corporation refusing to execute an agreement
23 with the above-mentioned provisions in it, provided that in
24 contracts involving the expenditure of federal-aid funds
25 this part may not be enforced in such a manner as to

1 conflict with or be contrary to the federal statutes
2 prescribing a labor preference to honorably discharged
3 veterans of the armed forces and prohibiting as unlawful any
4 other preference or discrimination among citizens of the
5 United States.

6 (3) Failure to include the provisions required by
7 18-2-422 in a public works contract relieves the contractor
8 from his obligation to pay the standard prevailing wage rate
9 and places such obligation on the public contracting
10 agency."

11 Section 3. Section 18-2-407, MCA, is amended to read:

12 "18-2-407. Forfeiture for failure to pay prevailing
13 wages. (1) Any contractor, subcontractor, or employer who
14 shall pay workers or employees at less than the standard
15 prevailing wage as established under the public works
16 contract, ~~whenever such a contract provision is required,~~
17 shall forfeit to the contracting agency the sum of \$25 a day
18 for each worker so underpaid.

19 (2) Whenever it shall appear to the contracting agency
20 or to the Montana commissioner of labor that there are
21 insufficient moneys due to the contractor or the employer
22 under the terms of the contract to cover such penalties, the
23 Montana commissioner of labor may, within 90 days after the
24 filing of notice of completion of the project and its
25 acceptance by the contracting agency, maintain an action in

1 district court to recover all such penalties and forfeitures
2 due. Nothing in this part shall prevent the individual
3 worker who has been underpaid from maintaining an action for
4 recovery of the wages due under the contract as provided in
5 Title 39, chapter 3, part 2."

6 Section 4. Section 18-2-422, MCA, is amended to read:

7 "18-2-422. Bid specification and contract to contain
8 prevailing wage rate. ~~Except as provided in 18-2-402(2)(b),~~
9 ~~all~~ ~~with~~ bid specifications and contracts for public works
10 projects must contain a provision stating for each job
11 classification the prevailing wage rate, including fringe
12 benefits, that the contractors and subcontractors must pay
13 during construction of the project."

14 NEW SECTION. Section 5. Effective date. This act is
15 effective July 1, 1983.

-End-

Approved by Committee
on Labor & Employment
Relations

SENATE BILL NO. 152

INTRODUCED BY AKLESTAD, JACOBSEN,
VINGER, SALES, COMPTON, DEVLIN

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT LOCAL GOVERNMENTS FROM THE REQUIREMENT OF PAYING THE STANDARD PREVAILING RATE OF WAGES ON LOCAL PROJECTS WHEN ONLY LOCAL FUNDS ARE USED ON THE PROJECT; AMENDING SECTIONS 18-2-402, 18-2-403, 18-2-407, AND 18-2-422, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 18-2-402, MCA, is amended to read:

"18-2-402. Standard prevailing rate of wages == exceptions. (1) ~~Except as provided in subsection (2), the~~ The Montana commissioner of labor may determine the standard prevailing rate of wages in the county or locality in which the contract is to be performed. The commissioner shall undertake to keep and maintain copies of collective bargaining agreements and other information from which rates and jurisdictional areas applicable to public works contracts under this part may be ascertained.

(2) The provisions of this part do not apply:

(a) in those instances where the standard prevailing rate of wages is determined pursuant to federal law; or

~~(b) to local government units in those instances when only local government funds are used to fund local projects.~~

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

Section 2. Section 18-2-403, MCA, is amended to read:

"18-2-403. Preference of Montana labor in public works -- wages -- federal exception. (1) In any contract let for state, county, municipal, school, or heavy highway construction, services, repair, or maintenance work under any law of this state, there shall be inserted in the bid specification and the contract a provision requiring the contractor to give preference to the employment of bona fide Montana residents in the performance of the work and, ~~except as provided in 18-2-402(2)(b),~~ to pay the standard prevailing rate of wages, including fringe benefits for health and welfare and pension contributions and travel allowance provisions, in effect and applicable to the county or locality in which the work is being performed.

(2) No contract may be let to any person, firm, association, or corporation refusing to execute an agreement with the above-mentioned provisions in it, provided that in contracts involving the expenditure of federal-aid funds

1 this part may not be enforced in such a manner as to
 2 conflict with or be contrary to the federal statutes
 3 prescribing a labor preference to honorably discharged
 4 veterans of the armed forces and prohibiting as unlawful any
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