

HOUSE JOINT RESOLUTION NO. 42

3/16 Introduced  
3/16 Referred to Business & Labor  
3/26 Hearing  
3/27 Committee Report-Bill Pass As Amended  
4/09 2nd Reading Pass  
4/11 3rd Reading Pass

Transmitted to Senate

4/15 Referred to Labor & Employment Relations  
4/16 Hearing  
4/17 Adverse Committee Report  
4/17 Resolution Killed

1                    HOUSE JOINT RESOLUTION NO. 42  
 2    INTRODUCED BY Kitselmann *[Signature]*

3  
 4    A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
 5    REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN  
 6    INTERIM STUDY OF METHODS OF COMPUTING STANDARD PREVAILING  
 7    WAGE RATES AND DETERMINING GEOGRAPHICAL AREAS SUBJECT TO THE  
 8    RATES FOR PURPOSES OF STATE, COUNTY, MUNICIPAL, AND SCHOOL  
 9    CONSTRUCTION PROJECTS.

10  
 11            WHEREAS, the Commissioner of Labor and Industry is  
 12    charged by law with the responsibility to determine and  
 13    enforce prevailing wage rates for corresponding classes of  
 14    employees for labor performed in the construction, repair,  
 15    or maintenance of all state, county, municipal, and school  
 16    construction work; and

17            WHEREAS, section 18-2-401, MCA, defines the standard  
 18    prevailing rate of wages as those wages paid in the county  
 19    or locality by other contractors for work of a similar  
 20    character performed in that county or locality by each  
 21    craft, classification, or type of worker needed to complete  
 22    a contract; and

23            WHEREAS, section 18-2-401, MCA, further provides that  
 24    when work of a similar character is not being performed in  
 25    the county or locality, the standard prevailing rate of

1    wages shall be those rates established by collective  
 2    bargaining agreements in effect in the county or locality;  
 3    and

4            WHEREAS, the term "locality" is not defined in the  
 5    statute and the statutory references to "collective  
 6    bargaining agreements" in sections 18-2-401 and 18-2-402,  
 7    MCA, have been interpreted by the Commissioner as requiring  
 8    the adoption of jurisdictions established by the collective  
 9    bargaining agreements as "localities" for purposes of  
 10    establishing prevailing wage rates; and

11            WHEREAS, collective bargaining agreement jurisdictional  
 12    areas generally encompass several counties and include small  
 13    population areas with larger municipal areas, so that use of  
 14    such jurisdictional areas for prevailing wage rate purposes  
 15    imposes inappropriate and burdensome requirements on the  
 16    small population areas without input from the affected local  
 17    governments; and

18            WHEREAS, the Legislature has not studied methods of  
 19    computing standard prevailing wage rates or determining  
 20    geographical areas subject to the rates; and

21            WHEREAS, in order to best serve the public, a thorough  
 22    study of the feasibility and all the effects of alternative  
 23    methods of computing standard prevailing wage rates and  
 24    determining geographical areas subject to the rates should  
 25    be made.



1  
2 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
3 OF REPRESENTATIVES OF THE STATE OF MONTANA:

4 That an appropriate interim committee be assigned to  
5 study:

6 (1) the methods and procedures used to compute  
7 standard prevailing wage rates and to determine geographical  
8 areas subject to the rates;

9 (2) various alternative methods and procedures for  
10 computing prevailing wage rates and geographical areas that  
11 will result in development of geographical areas and rates  
12 which are more responsive to local needs and conditions; and

13 (3) the effect and feasibility of determining wage  
14 rates on a county-by-county or other basis with input from  
15 local governments and other authorities, such as school  
16 districts and the general public.

17 BE IT FURTHER RESOLVED, that the committee report the  
18 findings of the study to the 50th Legislature and, if  
19 necessary, draft legislation to implement its  
20 recommendations.

-End-

APPROVED BY COMM. ON  
BUSINESS AND LABOR

HOUSE JOINT RESOLUTION NO. 42

INTRODUCED BY KITSELMAN, MARKS

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF METHODS OF COMPUTING STANDARD PREVAILING WAGE RATES AND DETERMINING GEOGRAPHICAL AREAS SUBJECT TO THE RATES FOR PURPOSES OF STATE, COUNTY, MUNICIPAL, AND SCHOOL CONSTRUCTION PROJECTS.

WHEREAS, the Commissioner of Labor and Industry is charged by law with the responsibility to determine and enforce prevailing wage rates for corresponding classes of employees for labor performed in the construction, repair, or maintenance of all state, county, municipal, and school construction work; and

WHEREAS, section 18-2-401, MCA, defines the standard prevailing rate of wages as those wages paid in the county or locality by other contractors for work of a similar character performed in that county or locality by each craft, classification, or type of worker needed to complete a contract; and

WHEREAS, section 18-2-401, MCA, further provides that when work of a similar character is not being performed in the county or locality, the standard prevailing rate of

wages shall be those rates established by collective bargaining agreements in effect in the county or locality; and

WHEREAS, the term "locality" is not defined in the statute and the statutory references to "collective bargaining agreements" in sections 18-2-401 and 18-2-402, MCA, have been interpreted by the Commissioner as requiring the adoption of jurisdictions established by the collective bargaining agreements as "localities" for purposes of establishing prevailing wage rates; and

WHEREAS, collective bargaining agreement jurisdictional areas generally encompass several counties and include small population areas with larger municipal areas, so that use of such jurisdictional areas for prevailing wage rate purposes imposes inappropriate and burdensome requirements on the small population areas without input from the affected local governments; and

WHEREAS, the Legislature has not studied methods of computing standard prevailing wage rates or determining geographical areas subject to the rates; and

WHEREAS, in order to best serve the public, a thorough study of the feasibility and all the effects of alternative methods of computing standard prevailing wage rates and determining geographical areas subject to the rates should be made.



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9 IN MAKING THOSE COMPUTATIONS AND DETERMINATIONS;

10 (2) various alternative methods and procedures for  
11 computing prevailing wage rates and geographical areas that  
12 will result in development of geographical areas and rates  
13 which are more responsive to local needs and conditions; and

14 (3) the effect and feasibility of determining wage  
15 rates on a county-by-county or other basis with input from  
16 local governments and other authorities, such as school  
17 districts and the general public.

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19 findings of the study to the 50th Legislature and, if  
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20 geographical areas subject to the rates; and

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