

SENATE BILL 62

Introduced by Hager

12/28	Introduced
1/02	Referred to Labor & Employment Relations
1/04	First Reading
1/14	Hearing
2/22	Tabled in Committee

SENATE BILL NO. 62

INTRODUCED BY HAGER

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A CONTRACTOR OR SUBCONTRACTOR TO PROVIDE HEALTH CARE AND RETIREMENT BENEFITS, LIFE INSURANCE, DISABILITY AND SICKNESS INSURANCE, OR OTHER BONA FIDE FRINGE BENEFITS TO A WORKER OR EMPLOYEE COVERED BY THE STATE PREVAILING WAGE LAW IN LIEU OF PAYING FRINGE BENEFITS AS WAGES; REPEALING SECTION 18-2-405, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Method for payment of prevailing wages. (1) To fulfill the obligation to pay the standard prevailing rate of wages provided in 18-2-403, a contractor or subcontractor may:

(a) pay the amount of fringe benefits and the basic hourly rate of pay that is part of the standard prevailing rate of wages directly to the worker or employee in cash;

(b) make an irrevocable contribution to a trustee or a third person pursuant to a fringe benefit fund, plan, or program that meets the requirements of the Employee Retirement Income Security Act of 1974; or

(c) make payments of any combination of the methods set forth in subsections (1)(a) and (1)(b) so that the aggregate

of payments and contributions is not less than the standard prevailing rate of wages, including fringe benefits for health and welfare and pension contributions and travel allowance provisions applicable to the district in which the particular type of work is being performed.

(2) The fringe benefit fund, plan, or program described in subsection (1)(b) must provide benefits to workers or employees for health care, pensions on retirement or death, life insurance, disability and sickness insurance, or other bona fide fringe benefits selected by the contractor or subcontractor.

(3) Nothing in this section relieves a contractor or subcontractor from the obligation to pay a worker or employee the basic hourly rate of pay in cash.

NEW SECTION. Section 2. Repealer. Section 18-2-405, MCA, is repealed.

NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 18, chapter 2, part 4, and the provisions of Title 18, chapter 2, part 4, apply to [section 1].

NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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