

HOUSE BILL No. 4594

May 11, 2017, Introduced by Rep. Hornberger and referred to the Committee on Commerce and Trade.

A bill to amend 1965 PA 166, entitled

"An act to require prevailing wages and fringe benefits on state projects; to establish the requirements and responsibilities of contracting agents and bidders; and to prescribe penalties,"

by amending the title and sections 1 and 2 (MCL 408.551 and 408.552).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to require prevailing wages and fringe benefits on state projects; to establish the requirements and responsibilities of contracting agents and bidders; **TO PROVIDE EXEMPTIONS**; and to prescribe penalties.

Sec. 1. As used in this act:

(a) "Construction mechanic" means a skilled or unskilled mechanic, laborer, worker, helper, assistant, or apprentice working on a state project but ~~shall~~**DOES** not include **AN** executive,

1 administrative, professional, office, or custodial
 2 ~~employees.~~ **EMPLOYEE.**

3 (b) "State project" means new construction, alteration,
 4 repair, installation, painting, decorating, completion, demolition,
 5 conditioning, reconditioning, or improvement of ~~public buildings,~~
 6 ~~schools,~~ works, bridges, highways, ~~or~~ roads, **OR PUBLIC BUILDINGS**
 7 **OTHER THAN SCHOOLS**, authorized by a contracting agent.

8 (c) "Contracting agent" means any officer, ~~school board,~~ board
 9 or commission of the state, or a state institution supported in
 10 whole or in part by state funds, authorized to enter into a
 11 contract for a state project or to perform a state project by the
 12 direct employment of labor.

13 (d) "Commissioner" means the department of ~~labor.~~ **LICENSING AND**
 14 **REGULATORY AFFAIRS.**

15 (e) "Locality" means the county, city, village, **OR** township ~~or~~
 16 ~~or school district~~ in which the physical work on a state project is
 17 to be performed.

18 Sec. 2. (1) ~~Every~~ **EXCEPT AS PROVIDED IN THIS SECTION, EVERY**
 19 contract executed between a contracting agent and a successful
 20 bidder as contractor and entered into pursuant to advertisement and
 21 invitation to bid for a state project ~~which~~ **THAT** requires or
 22 involves the employment of construction mechanics, other than those
 23 subject to the jurisdiction of the state civil service commission,
 24 and ~~which~~ **THAT** is sponsored or financed in whole or in part by ~~the~~
 25 **THIS** state ~~shall~~ **MUST** contain an express term that the rates of
 26 wages and fringe benefits to be paid to each class of mechanics by
 27 the bidder and all of his **OR HER** subcontractors ~~shall be not~~ **BE**

1 less than the wage and fringe benefit rates prevailing in the
2 locality in which the work is to be performed. Contracts on state
3 projects ~~which~~**THAT** contain provisions requiring the payment of
4 prevailing wages as determined by the United States ~~secretary of~~
5 ~~labor~~**SECRETARY OF LABOR** pursuant to ~~the federal Davis-Bacon act~~
6 ~~(United States code, title 40, section 276a et seq)~~**40 USC 3141 TO**
7 **3147**, or ~~which~~**THAT** contain minimum wage schedules ~~which~~**THAT** are
8 the same as prevailing wages in the locality as determined by
9 collective bargaining agreements or understandings between bona
10 fide organizations of construction mechanics and their employers
11 are exempt from ~~the provisions of~~ this act.

12 **(2) A CONTRACT OF AN EDUCATIONAL INSTITUTION IS EXEMPT FROM**
13 **THIS ACT. AS USED IN THIS SUBSECTION, "EDUCATIONAL INSTITUTION"**
14 **INCLUDES ALL OF THE FOLLOWING:**

15 **(A) A SCHOOL DISTRICT, AN INTERMEDIATE SCHOOL DISTRICT, AND A**
16 **PUBLIC SCHOOL ACADEMY AS THOSE TERMS ARE DEFINED IN SECTIONS 4, 5,**
17 **AND 6 OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.4, 380.5,**
18 **AND 380.6.**

19 **(B) A COMMUNITY COLLEGE ESTABLISHED UNDER THE COMMUNITY**
20 **COLLEGE ACT OF 1966, 1966 PA 331, MCL 389.1 TO 389.195, OR UNDER**
21 **PART 25 OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1601 TO**
22 **380.1607.**

23 **(C) A PUBLIC UNIVERSITY OF THIS STATE.**

24 Enacting section 1. This amendatory act takes effect 90 days
25 after the date it is enacted into law.