

# HOUSE BILL No. 4157

February 7, 1991, Introduced by Reps. DeLange, Hoekman, Middaugh, Nye, Gnodtke, Dalman, Horton, Bender, Willis Bullard, Hoffman, Oxender, Robertson and Walberg and referred to the Committee on Labor.

A bill to amend section 4 of Act No. 166 of the Public Acts of 1965, 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,"

being section 408.554 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 4 of Act No. 166 of the Public Acts of  
2 1965, being section 408.554 of the Michigan Compiled Laws, is  
3 amended to read as follows:

4 Sec. 4. The commissioner shall establish prevailing wages  
5 and fringe benefits at the same rate AS DETERMINED BY THE UNITED  
6 STATES SECRETARY OF LABOR PURSUANT TO CHAPTER 411, 46 STAT. 1494,  
7 40 U.S.C. 276a TO 276a-5, COMMONLY REFERRED TO AS THE DAVIS-BACON  
8 ACT. ~~that prevails on projects of a similar character in the~~  
9 ~~locality under collective agreements or understandings between~~

1 ~~bona fide organizations of construction mechanics and their~~  
2 ~~employers. Such agreements and understandings, to meet the~~  
3 ~~requirements of this section, shall not be controlled in any way~~  
4 ~~by either an employee or employer organization. If the prevail-~~  
5 ~~ing rates of wages and fringe benefits cannot reasonably and~~  
6 ~~fairly be applied in any locality because no such agreements or~~  
7 ~~understandings exist, the commissioner shall determine the rates~~  
8 ~~and fringe benefits for the same or most similar employment in~~  
9 ~~the nearest and most similar neighboring locality in which such~~  
10 ~~agreements or understandings do exist. The commissioner may hold~~  
11 ~~public hearings in the locality in which the work is to be per-~~  
12 ~~formed to determine the prevailing wage and fringe benefit~~  
13 ~~rates. All prevailing wage and fringe benefit rates determined~~  
14 ~~under this section shall be filed -in the office of- WITH the~~  
15 ~~commissioner -of labor- and made available to the public.~~