

HOUSE BILL No. 4429

April 14, 2015, Introduced by Reps. Glenn, Webber, Cole, Chatfield, Somerville, Yonker, Franz, Lauwers, Rendon, Johnson, Cox, Kelly, Jenkins, Canfield, Vaupel, Aaron Miller, Price, Hooker, Theis, Crawford, Iden, Runestad, Gamrat and Outman 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

1 on a state project but ~~shall~~**DOES** not include **AN** executive,
 2 administrative, professional, office, or custodial
 3 ~~employees~~**EMPLOYEE**.

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

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

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

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

19 Sec. 2. (1) ~~Every~~**EXCEPT AS PROVIDED IN THIS SECTION, EVERY**
 20 contract executed between a contracting agent and a successful
 21 bidder as contractor and entered into pursuant to advertisement and
 22 invitation to bid for a state project ~~which~~**THAT** requires or
 23 involves the employment of construction mechanics, other than those
 24 subject to the jurisdiction of the state civil service commission,
 25 and ~~which~~**THAT** is sponsored or financed in whole or in part by ~~the~~
 26 **THIS** state shall contain an express term that the rates of wages
 27 and fringe benefits to be paid to each class of mechanics by the

1 bidder and all of his OR HER subcontractors, shall be not less than
2 the wage and fringe benefit rates prevailing in the locality in
3 which the work is to be performed. Contracts on state projects
4 ~~which THAT~~ contain provisions requiring the payment of prevailing
5 wages as determined by the United States secretary of labor
6 pursuant to the federal Davis-Bacon act, ~~(United States code, title~~
7 ~~40, section 276a et seq)~~ **REENACTED BY PUBLIC LAW 107-217, AND**
8 **CERTIFIED AT 40 USC 3141 TO 3144, 3146, AND 3147, or which THAT**
9 contain minimum wage schedules ~~which THAT~~ are the same as
10 prevailing wages in the locality as determined by collective
11 bargaining agreements or understandings between bona fide
12 organizations of construction mechanics and their employers are
13 exempt from ~~the provisions of this act.~~

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

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

21 (B) A COMMUNITY COLLEGE ESTABLISHED UNDER THE COMMUNITY
22 COLLEGE ACT OF 1966, 1966 PA 331, MCL 389.1 TO 389.195, OR UNDER
23 PART 25 OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1601 TO
24 380.1607.

25 (C) A PUBLIC UNIVERSITY OF THIS STATE.

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