

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **3831**

May 6, 2010

Authored by Torkelson

The bill was read for the first time and referred to the Committee on Commerce and Labor

1.1 A bill for an act
1.2 relating to employment; modifying prevailing hours of labor requirements;
1.3 amending Minnesota Statutes 2008, section 177.42, subdivision 4.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2008, section 177.42, subdivision 4, is amended to read:

1.6 Subd. 4. **Prevailing hours of labor.** (a) "Prevailing hours of labor" means the hours
1.7 of labor per day and per week worked within the area by a larger number of workers of the
1.8 same class than are employed within the area for any other number of hours per day and
1.9 per week. The prevailing hours of labor may not be more than eight hours per day or more
1.10 than 40 hours per week, except as provided in paragraph (b).

1.11 (b) When all of the following conditions exist, the prevailing hours of labor may not
1.12 be more than ten hours per day or more than 40 hours per week:

1.13 (1) the project must be highway and heavy construction, as defined by Minnesota
1.14 Rules, part 5200.1010;

1.15 (2) the project area must not be within the seven-county metropolitan area as defined
1.16 under section 473.121; and

1.17 (3) the commissioner of labor and industry must verify during certifying the
1.18 prevailing hours of labor for a class of workers that all collective bargaining agreements
1.19 in effect that apply to the particular class of workers include adoption of this paragraph,
1.20 either by reference or in substance.

1.21 Sec. 2. **DEPARTMENT OF LABOR AND INDUSTRY TO AMEND CERTAIN**
1.22 **PREVAILING HOURS OF LABOR.**

2.1 Subdivision 1. **Department to verify hours of labor.** The Department of Labor and
2.2 Industry must investigate and verify whether collective bargaining agreements that apply
2.3 to highway and heavy construction labor classes provide for hours of labor described
2.4 in Minnesota Statutes, section 177.42, subdivision 4, paragraph (b). The investigation
2.5 and verification is not a survey under Minnesota Rules, part 5200.1050, and the notice
2.6 provisions of that part do not apply.

2.7 Subd. 2. **Department must amend prevailing hours of labor under certain**
2.8 **conditions.** After conducting the verification required by subdivision 1, and to the extent
2.9 the department determines that the conditions of Minnesota Statutes, section 177.42,
2.10 subdivision 4, paragraph (b), exist, the department must amend the prevailing hours of
2.11 labor accordingly.

2.12 Subd. 3. **Public hearing not required.** The department may amend the prevailing
2.13 hours of labor without the need for a public hearing under Minnesota Statutes, section
2.14 177.44, or Minnesota Rules, part 5200.1020.

2.15 Subd. 4. **Notice and effective date of amended prevailing hours of labor.** The
2.16 department must publish notice of the amended prevailing hours of labor in the same
2.17 manner as notice is required for wage determinations under Minnesota Rules, part
2.18 5200.1080. The effective date of the amended prevailing hours of labor coincides with
2.19 the date published in the State Register.

2.20 Subd. 5. **No effect on current projects or contracts.** The amended prevailing hours
2.21 of labor required by this section only apply to projects or contracts that are advertised after
2.22 the effective date of the amended prevailing hours of labor, and they have no effect on
2.23 projects or contracts that are underway, open for bids, or advertised before that date.

2.24 Subd. 6. **Department must act within 60 days.** The department must comply
2.25 with all requirements of this section within 60 calendar days after the effective date of
2.26 this section.

2.27 **Sec. 3. EFFECTIVE DATE.**

2.28 Sections 1 and 2 are effective the day following final enactment.