

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

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6 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING REQUIREMENTS FOR STATE PUBLIC WORKS  
7 CONTRACTS FOR CONSTRUCTION SERVICES; REQUIRING CONTRACTORS AND SUBCONTRACTORS  
8 WORKING ON STATE PUBLIC WORKS CONTRACTS FOR CONSTRUCTION SERVICES TO DOCUMENT  
9 A COMMITMENT TO OCCUPATIONAL SAFETY ON THOSE CONTRACTS; PROVIDING FOR FINAL  
10 PAYMENT ON A CONTRACT TO BE HELD PENDING RECEIPT OF REQUIRED DOCUMENTATION;  
11 GRANTING RULEMAKING AUTHORITY; AND PROVIDING AN APPLICABILITY DATE AND AN EFFECTIVE  
12 DATE."

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

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16 **NEW SECTION. Section 1. Evidence of workplace safety required for state construction services**  
17 **contracts -- remedy.** (1) The contractor on a public works contract for construction services let by the state shall  
18 provide evidence that the contractor:

19 (a) has, at the time of the contractor's bid submission, a workers' compensation experience modification  
20 factor of 1.0 or less, as demonstrated by a letter from the contractor's workers' compensation insurer;

21 (b) has, at the time of the contractor's bid submission, an incidence rate, calculated with data from the  
22 contractor's OSHA 300 reports and averaged for the 3 years immediately prior to the commencement of the  
23 contract, equal to or lower than the Montana average incidence rate for that contractor's industry averaged for  
24 the most recent 3 years of available data from the bureau of labor statistics of the United States department of  
25 labor; or

26 (c) has completed, prior to the end of performance of the contractor's work on the contract, safety training  
27 approved by the department for at least 50% of the contractor's onsite workforce and all onsite supervisors.

28 (2) The contractor shall ensure that each subcontractor working under the contract provides the  
29 contractor with documentation demonstrating that the subcontractor meets one of the conditions specified in  
30 subsection (1)(a), (1)(b), or (1)(c).



1 (3) The contracting agency may not release the final payment to the contractor until the agency has  
2 received documentation of compliance with the requirements of this section.

3 (4) The department shall adopt rules to implement this section.  
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5 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
6 integral part of Title 18, chapter 2, part 4, and the provisions of Title 18, chapter 2, part 4, apply to [section 1].  
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8 **NEW SECTION. Section 3. Saving clause.** [This act] does not affect rights and duties that matured,  
9 penalties that were incurred, or proceedings that were begun before [the effective date of this act].  
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11 **NEW SECTION. Section 4. Applicability.** [This act] applies to public works contracts that are first  
12 advertised for bid by the state on or after [the effective date of this act].  
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14 **NEW SECTION. Section 5. Effective date.** [This act] is effective July 1, 2013.  
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