



**MONTANA
ADMINISTRATIVE
REGISTER**



DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-26.1

Summary

Revision of certain rates in the 2025 Montana Prevailing Wage Rates

Hearing Date and Time

Monday, June 2, 2025, at 10:00 a.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the rules listed in this notice. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: <https://mt-gov.zoom.us/j/87995841243>

Meeting ID: 879 9584 1243; Password: 636910

Dial by Telephone: +1 646 558 8656

Meeting ID: 879 9584 1243; Password: 636910

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728; Helena, Montana 59624. Comments must be received by Friday, June 6, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Monday, May 26, 2025, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rulemaking Actions

AMEND

The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

24.17.127 ADOPTION OF STANDARD PREVAILING RATE OF WAGES

- (1) The commissioner's determination of minimum wage rates, including fringe benefits for health and welfare, pension contributions and travel allowance, by craft, classification or type of worker, and by character of project, are adopted in accordance with the Montana Administrative Procedure Act and rules implementing such act.
 - (a) A notice of proposed adoption of the commissioner's determination is published in the Montana Administrative Register approximately 45 to 60 days prior to adoption ~~according to regular publication dates scheduled in ARM 1.2.419.~~
 - (b) Adopted wage rates are effective until superseded and replaced by a subsequent adoption.
 - (c) The wage rates applicable to a particular public works project are those in effect at the time the bid specifications are advertised.
 - (d) The wage rates proposed and the wage rates adopted are incorporated by reference in respective notices published in the Montana Administrative Register.

- (e) The current building construction services rates are contained in the 2025 ~~amended~~ (revised) version of the "Montana Prevailing Wage Rates for Building Construction Services" publication.
 - (f) The current nonconstruction services rates are contained in the 2025 version of the "Montana Prevailing Wage Rates for Nonconstruction Services" publication.
 - (g) The current heavy construction services rates are contained in the 2025 ~~amended~~ (revised) version of the "Montana Prevailing Wage Rates for Heavy Construction Services" publication.
 - (h) The current highway construction services rates are contained in the 2025 (revised) version of the "Montana Prevailing Wage Rates for Highway Construction Services" publication.
- (2) The commissioner maintains a mailing list of interested persons and agencies. A copy of any notice, proposed rate of wages, adopted rates, wages or other information are distributed to each addressee. All others may obtain a copy or be included on the mailing list upon request to the address listed in (3). Copies of adopted wage rates are available at reproduction cost for a period of five years following their effective date.
 - (3) The standard prevailing rates of wages publications are adopted and incorporated by reference. Copies of the rates are available upon request from the Operations Bureau, Employment Standards Division, Department of Labor and Industry, 301 S. Park Avenue, P.O. Box 8011, Helena, MT 59604, (406) 444-6543, or online at <https://erd.dli.mt.gov/labor-standards/state-prevailing-wage-rates/>.

Authorizing statute(s): 2-4-307, 18-2-409, 18-2-431, MCA

Implementing statute(s): 18-2-401, 18-2-402, 18-2-403, 18-2-406, 18-2-411, 18-2-412, 18-2-413, 18-2-414, 18-2-415, 18-2-422, 18-2-431, MCA

Reasonable Necessity Statement

There is necessity to amend (1)(a) to remove an incorrect cross reference.

The proposed amendments to (1)(e) and (1)(g) striking the word “amended” are necessary because the year of the publication is sufficient to indicate the annual update of the prevailing wage rates required by Title 18, chapter 2, part 4 of the Montana Code Annotated.

It is necessary to further amend (1)(e) to adopt a “2025 (revised) version” of the "Montana Prevailing Wage Rates for Building Construction Services" publication to correct errors identified by the department in the original 2025 publication that was adopted by rule effective January 11, 2025, in the 2025 Montana Administrative Register, Issue 1, in Notice No. 24-17-422.

The listing for Cement Masons and Concrete Finishers is corrected to list “Zone Pay” in place of “Travel and Per Diem,” on page 8 of the publication. The department did not receive sufficient data from employers to establish rates for Drywall Applicators; the listing is corrected to state “No Zone Pay Established” on page 12.

It is necessary to further amend (1)(g) to adopt a “2025 (revised) version” of the "Montana Prevailing Wage Rates for Heavy Construction Services" publication to correct errors identified by the department in the original 2025 publication. The department did not receive sufficient data from employers to establish rates for several occupations; therefore, the department could not establish zone pay or travel pay for those occupations. The rates are corrected as follows: the Zone Pay for Divers is corrected to state “No Zone Pay Established,” and the Depth Pay (Surface Diving) and Diving in Enclosures are deleted on page 10 of the publication; the Zone Pay for Dive Tenders rate is corrected to state “No Zone Pay Established” on page 11; the Travel Pay for Insulation Workers – Mechanical (Heat and Frost) is corrected to state “No Travel Pay Established” on page 11; and the Travel Pay for Line Construction – Equipment Operators is corrected to state “No Travel Pay Established” on page 12.

It is necessary to amend (1)(h) to adopt a “2025 (revised) version” of the "Montana Prevailing Wage Rates for Highway Construction Services" publication to correct errors identified by the department in the original 2025 publication. The department did not receive sufficient data from employers to establish rates for Brick, Block, and Stone Masons; the listing is corrected to state “No Travel Pay Established” on page 6 of the publication.

Small Business Impact

Pursuant to 2-4-111(1), MCA, the small businesses that will probably be affected by the proposed rule change are the small, independent service providers such as plumbers, electricians, carpenters, and cement masons. The agency has determined that the proposed rule change will not create a significant and direct impact on these small businesses.

Bill Sponsor Notification

The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner