



MONTANA
ADMINISTRATIVE
REGISTER



DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2026-16.1

Summary

Revised prevailing wage rate adoption for 2026

Hearing Date and Time

Monday, March 30, 2026, at 2:00 p.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. 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/88483890302>

Meeting ID: 884 8389 0302; Password: 1686059416

Dial by Telephone: +1 646 558 8656

Meeting ID: 884 8389 0302; Password: 1686059416

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, April 3, 2026, 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, March 23, 2026, at 5:00 p.m.

Contact

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

General Reasonable Necessity Statement

There is reasonable necessity to update the prevailing wage rates for building construction services, heavy construction services, highway construction services, and nonconstruction services following the annual survey of wages that is provided for in 18-2-413, 18-2-414, and 18-2-415, MCA, respectively. The department surveys employers and applies the methodologies provided by ARM 24.17.119 through 24.17.122 to determine those prevailing wage rates.

The department previously proposed to adopt rates in MAR Notice No. 2025-395. Based on substantial feedback received during the public comment portion of that rulemaking, the department determined not to adopt those proposed rates and instead revise the rates for this rulemaking. Newly revised rates are included here.

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.
 - (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~~ 2026 (revised) version of the "Montana Prevailing Wage Rates for Building Construction Services" publication.
 - (f) The current nonconstruction services rates are contained in the ~~2025~~ 2026 (revised) version of the "Montana Prevailing Wage Rates for Nonconstruction Services" publication.
 - (g) The current heavy construction services rates are contained in the ~~2025~~ 2026 (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~~ 2026 (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/>~~ on the department's website.

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

Small Business Impact

Construction companies engaged in public works contracts and government entities will be impacted by this rulemaking. There is not expected to be a significant or direct impact on small businesses based on these amendments. Prevailing wage rates are set based on statutorily required and specified survey processes to reflect the wages paid. As a result, the wages adopted are expected to align generally with wages previously paid. Documentation relating to the wage rates is available from the department on request.

Bill Sponsor Notification

The bill sponsor contact requirements 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