

HOUSE BILL NO. 403  
INTRODUCED BY J. KEANE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A CONTRACTOR, SUBCONTRACTOR, OR EMPLOYER TO ENSURE THAT AT LEAST 50 PERCENT OF WORKERS PERFORMING LABOR ON A STATE CONSTRUCTION PROJECT ARE BONA FIDE MONTANA RESIDENTS; AMENDING SECTION 18-2-409, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

**Section 1.** Section 18-2-409, MCA, is amended to read:

**"18-2-409. Montana residents to be employed on state construction contracts.** (1) On any state construction project funded by state or federal funds, except a project partially funded with federal aid money from the United States department of transportation or ~~where~~ when residency preference laws are specifically prohibited by federal law and to which the state is a signatory to the construction contract, a contractor, subcontractor, or employer shall ensure that at least 50% of the ~~work must be performed by~~ workers performing labor on the project are bona fide Montana residents, as defined in 18-2-401.

(2) For any contract awarded for a state construction project, except a project partially funded with federal aid money from the United States department of transportation or ~~where~~ when residency preference laws are specifically prohibited by federal law, there must be inserted in the bid specification and the contract a provision, in language approved by the commissioner of labor and industry, implementing the requirements of subsection (1). The bid specification and the contract must provide that at least 50% of the workers on the project will be bona fide Montana residents. If there are two or more contracts and due to a lack of qualified personnel a contractor cannot guarantee that at least 50% of ~~his~~ the contractor's workers will be Montana residents, ~~his~~ the contract must provide that the percentage that the commissioner of labor and industry believes possible will be Montana residents and one or more of the other contracts must provide for a higher percentage of Montana residents so that 50% of the workers on the project will be Montana residents.

(3) The commissioner of labor and industry shall enforce this section and investigate complaints of its violation and may adopt rules to implement this section."

NEW SECTION. **Section 2. Effective date -- applicability.** [This act] is effective on passage and

approval and applies to contracts entered into on or after [the effective date of this act].

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