

HOUSE BILL NO. 403  
INTRODUCED BY KEANE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING ~~A GENERAL EACH~~ CONTRACTOR; SUBCONTRACTOR, OR EMPLOYER TO ENSURE THAT AT LEAST 50 PERCENT OF THE CONTRACTOR'S 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 GENERAL EACH contractor, subcontractor, or employer~~ shall ensure that at least 50% of the ~~work must be performed by~~ CONTRACTOR'S 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 GENERAL EACH~~ contractor cannot guarantee that at least 50% of ~~his the contractor's~~ CONTRACTOR'S workers ON THE PROJECT 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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