

1 HB48
2 133568-3
3 By Representative Givan
4 RFD: Commerce and Small Business
5 First Read: 07-FEB-12
6 PFD: 01/23/2012

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8 SYNOPSIS: This bill would require a contractor
9 performing work under a contract awarded for a
10 construction project funded by state or federal
11 funds, except a project partially funded with
12 federal aid money from the United States Department
13 of Transportation or when residency preference laws
14 are specifically prohibited by federal law, and to
15 which the State of Alabama is a party to ensure
16 that a specified percentage of the contractor's
17 workers performing labor on the contract are bona
18 fide Alabama residents.

19 This bill would also require any state
20 contract awarded for a construction project to
21 contain a provision in the bid specification and
22 contract that implements the residency requirement.
23

24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 To require any contractor performing work under a
2 contract awarded for a state construction project funded by
3 state or federal funds, except a project partially funded with
4 federal aid money from the United States Department of
5 Transportation or when residency preference laws are
6 specifically prohibited by federal law, and to which the State
7 of Alabama is a party to ensure that a specified percentage of
8 the contractor's workers performing labor on the contract are
9 bona fide Alabama residents; and to require any state contract
10 awarded for a state construction project to contain a
11 provision in the bid specification and contract that
12 implements the residency requirement.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. (a) Any contractor performing work under
15 a contract awarded for a state construction project funded by
16 state or federal funds, except a project partially funded with
17 federal aid money from the United States Department of
18 Transportation or when residency preference laws are
19 specifically prohibited by federal law, and to which the State
20 of Alabama is a party shall ensure that at least 50 percent of
21 the contractor's workers performing labor on the project are
22 bona fide Alabama residents.

23 (b) A contract awarded for a state construction
24 project is not valid unless it contains language in the bid
25 specification and contract implementing the requirements of
26 subsection (a), and receives approval from the Director of the
27 Department of Finance. The bid specification and the contract

1 must provide that at least 50 percent of the workers on the
2 project will be bona fide Alabama residents. If, due to a lack
3 of qualified personnel, a contractor cannot guarantee that at
4 least 50 percent of the contractor's workers on the project
5 will be Alabama residents, the contract must provide the
6 percentage that the Director of the Department of Finance
7 believes possible will be Alabama residents.

8 (c) The Department of Finance shall enforce this
9 section and investigate complaints of its violation and may
10 adopt rules to implement this section.

11 Section 2. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law.