

**HOUSE . . . . . No. 3435**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Aaron Vega*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to public construction employment for Massachusetts residents.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Aaron Vega</i>	<i>5th Hampden</i>	
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>4/8/2013</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>	<i>2/1/2013</i>

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By Mr. Vega of Holyoke, a petition (accompanied by bill, House, No. 3435) of Aaron Vega, Paul R. Heroux and Benjamin Swan for legislation to provide incentives for the employment of residents of the Commonwealth in public construction contracts. State Administration and Regulatory Oversight.

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**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act relative to public construction employment for Massachusetts residents.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Subsection (b) of section 39M of chapter 30 of the General Laws, as  
2 appearing in the 2010 Official Edition, is hereby amended by adding the following paragraph:-

3 The awarding authority shall incorporate section 44N of chapter 149 into the  
4 specifications.

5 SECTION 2. Subsection (1) of section 44B of chapter 149 of the General Laws, as  
6 appearing in the 2010 Official Edition, is hereby amended by adding the following paragraph:-

7 The awarding authority shall incorporate section 44N into the plans and specifications.

8 SECTION 3. Said chapter 149 is hereby amended by inserting after section 44M the  
9 following section:-

10 44N. (a) As used in this section, the following words shall have the following meanings:

11 “Contractor”, a person, agency, firm, business, developer, bidder, subcontractor or  
12 contractor hired to service a public construction contract as defined in this section, excluding  
13 design services.

14 “Public construction contract”, any contract awarded by a public agency as defined in  
15 section 44A of chapter 149 pursuant to section 44A of chapter 149 or section 39M of chapter 30  
16 worth \$250,000 or more.

17 “Massachusetts resident”, any person whose principal place of residence has been the  
18 commonwealth for 180 days or more immediately prior to the awarding, contracting or  
19 permitting of a public construction contract. Proof of residence may include, but is not limited to,  
20 a valid Massachusetts driver's license, a utility bill or proof of voter registration within the  
21 commonwealth.

22 (b) Residents of Massachusetts and a diversity of people qualified by craft should be part  
23 of and benefit from public construction projects in the commonwealth. Therefore, it is  
24 appropriate for the commonwealth to require that each public construction contract include  
25 employment opportunities for Massachusetts residents.

26 (c) A contractor performing under a public construction contract shall provide  
27 employment in the amount of 35 per cent minimum per craft of the total hours performed on any  
28 craft for which 10 or more hours of labor is performed to Massachusetts residents qualified by  
29 craft.

30 (d) The contractor shall make every effort to hire workers from the municipalities where  
31 they are working in which the public construction contract is being performed.

32 (e) Whoever provides false information to establish that he or she is a Massachusetts  
33 resident shall be punished by a fine of not more than \$1,000.

34 (f) Any contractor who violates subsection (c) shall be prohibited from participating in a  
35 public construction contract for a period of not more than 1 year from the date of the violation.

36 (g) The attorney general or a designee shall have all the necessary powers to require  
37 compliance with this section.