

HOUSE BILL NO. 554

INTRODUCED BY CONNELLY, BARDANOUVE, HARP, ASAY,  
HALLIGAN, KADAS, COHEN, DRISCOLL, MONTAYNE, GLASER,  
QUILICI, C. SMITH, JONES, WALLIN, PHILLIPS,  
BRANDEWIE, ADDY, HARPER

IN THE HOUSE

January 29, 1985	Introduced and referred to Committee on Business and Labor.
February 20, 1985	Committee recommend bill do pass as amended. Report adopted.  Bill printed and placed on members' desks.
February 21, 1985	Second reading, do not pass.
February 22, 1985	On motion, previous action reconsidered.
February 25, 1985	Second reading, do pass as amended.
February 26, 1985	Correctly engrossed.
February 27, 1985	Third reading, passed.  Transmitted to Senate.

IN THE SENATE

March 5, 1985	Introduced and referred to Committee on Labor and Employment Relations.
March 20, 1985	Committee recommend bill be concurrent in as amended. Report adopted.

March 22, 1985	Motion pass consideration.
March 23, 1985	Second reading, pass consideration.  Statement of Intent attached.
March 25, 1985	Second reading, concurred in as amended.
March 27, 1985	Third reading, concurred in. Ayes, 45; Noes, 5.  Returned to House with amendments and with Statement of Intent.

IN THE HOUSE

March 27, 1985	Received from Senate.
April 8, 1985	Second reading, amendments not concurred in.  On motion, Conference Committee requested.
April 9, 1985	Conference Committee appointed.
April 17, 1985	Conference Committee dissolved.  On motion, Free Conference Committee requested and appointed.
April 18, 1985	Free Conference Committee reported.
April 19, 1985	Second reading, Free Conference Committee report adopted.

April 19, 1985

Third reading, Free Conference  
Committee report adopted.

Free Conference Committee  
report adopted by Senate.

April 20, 1985

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 554  
 2 INTRODUCED BY Connelly Baumann HAPP Ray  
 3 Kadas Ward Montgomery McBlain  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CONTRACTS FOR  
 5 PROJECTS FINANCED UNDER THE MONTANA ECONOMIC DEVELOPMENT C. Smith  
 6 BOND ACT TO COMPLY WITH THE PROVISIONS OF THE PUBLIC Willie  
 7 CONTRACTOR'S FEES AND TAX LAW AND WITH THE PROVISIONS OF THE July  
 8 LAW ON PUBLIC CONSTRUCTION CONTRACTS; AMENDING SECTIONS Bill  
 9 17-5-1526 AND 17-5-1527, MCA."

10  
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 12 Section 1. Section 17-5-1526, MCA, is amended to read:  
 13 "17-5-1526. Procedure prior to financing projects. (1)  
 14 The board may finance projects [other than major projects]  
 15 under this part only when it finds that:  
 16 (a) the financing is in the public interest and is  
 17 consistent with the legislative purposes and findings set  
 18 forth in 17-5-1502;  
 19 (b) the financing to be provided by the board for a  
 20 project does not exceed either \$800,000 or 90% of the cost  
 21 or appraised value of the project, whichever is less;  
 22 (c) a financial institution will participate in  
 23 financing the project, either directly or through a letter  
 24 of credit, to the extent of at least 10% of the financing to  
 25 be provided by the board;

1 (d) the financing for the project is insured or  
 2 guaranteed in whole or in part by a private or governmental  
 3 insurer or guarantor, including but not limited to a  
 4 guaranty by the board pursuant to 17-5-1519; and  
 5 (e) any contracts to construct the projects require  
 6 all contractors to comply with the provisions of Title 15,  
 7 chapter 50, and of Title 18, chapter 2; and  
 8 ~~(e)~~ (f) adequate provision is made in the loan  
 9 agreement, lease, or other credit arrangement regarding a  
 10 project or projects being financed to provide for payment of  
 11 debt service on bonds of the board issued to finance such  
 12 project or projects, to create and maintain reserves  
 13 therefor, and to meet all costs and expenses of issuing and  
 14 servicing the bonds.  
 15 (2) In order to make the findings as described in  
 16 subsection (1)(a), a hearing must be conducted in the  
 17 following manner:  
 18 (a) the city or county in which the project will be  
 19 located must be notified; and the city and county must,  
 20 within 14 days after receipt of the notice, notify the board  
 21 if it elects to conduct the hearing; or  
 22 (b) if no request for a local hearing is received, the  
 23 board may hold the hearing at a time and place it  
 24 prescribes.  
 25 (3) If the hearing required by subsection (2) is



-2- INTRODUCED BILL  
 HB 554

1 conducted by a local government, the governing body of the  
2 local government must notify the board of its determination  
3 of whether the project is in the public interest within 14  
4 days of the completion of the public hearing.

5 (4) When a hearing is required either locally or at  
6 the state level, notice must be given, at least once a week  
7 for 3 weeks prior to the date set for the hearing, by  
8 publication in a newspaper of general circulation in the  
9 city or county where the hearing will be held. The notice  
10 must include the time and place of the hearing; the general  
11 nature of the project; the name of the lessee, borrower, or  
12 user of the project; and the estimated cost of the project."

13 Section 2. Section 17-5-1527, MCA, is amended to read:

14 "17-5-1527. Procedure prior to financing major  
15 projects. (1) The board may finance major projects under  
16 this part only when it finds that:

17 (a) the financing is in the public interest and is  
18 consistent with legislative purposes and findings;

19 (b) the financing to be provided by the board for a  
20 project does not exceed either \$10 million or 90% of the  
21 cost or appraised value of the project, whichever is less;

22 (c) a financial institution will participate in  
23 financing the project if the cost or appraised value is less  
24 than \$1 million, either directly or through a letter of  
25 credit, to the extent of at least 10% of the financing to be

1 provided by the board, provided, however, that participation  
2 by a financial institution in projects of over \$1 million is  
3 at the discretion of the board;

4 (d) the financing for the project is insured or  
5 guaranteed in whole or in part by a private or governmental  
6 insurer or guarantor, including but not limited to a  
7 guaranty by the board pursuant to 17-5-1519; and

8 (e) any contracts to construct the projects require  
9 all contractors to comply with the provisions of Title 15,  
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25 board may hold the hearing at a time and place it

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4 local government must notify the board of its determination  
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12 must include the time and place of the hearing; the general  
13 nature of the project; the name of the lessee, borrower, or  
14 user of the project; and the estimated cost of the project."

15 NEW SECTION. Section 3. Extension of authority. Any  
16 existing authority of the board of economic development to  
17 make rules on the subject of the provisions of this act is  
18 extended to the provisions of this act.

-End-

APPROVED BY COMM. ON  
BUSINESS AND LABOR

HOUSE BILL NO. 554

INTRODUCED BY CONNELLY, BARDANOUVE, HARP, ASAY,  
HALLIGAN, KADAS, COHEN, DRISCOLL, MONTAYNE, GLASER,  
QUILICI, C. SMITH, JONES, WALLIN, PHILLIPS,  
BRANDEWIE, ADDY, HARPER

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CONTRACTS FOR  
PROJECTS FINANCED UNDER THE MONTANA ECONOMIC DEVELOPMENT  
BOND ACT, THE MONTANA IN-STATE INVESTMENT ACT, AND THE  
INDUSTRIAL DEVELOPMENT PROJECTS LAW TO COMPLY WITH THE  
~~PROVISIONS--OF--THE--PUBLIC--CONTRACTOR'S--FEES--AND--TAX--LAW--AND~~  
~~WITH--THE--PROVISIONS~~ A PROVISION OF THE LAW ON PUBLIC  
CONSTRUCTION CONTRACTS; AMENDING SECTIONS 17-5-1526 AND  
17-5-1527, MCA."

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under this part only when it finds that:

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consistent with the legislative purposes and findings set  
forth in 17-5-1502;

(b) the financing to be provided by the board for a  
project does not exceed either \$800,000 or 90% of the cost

or appraised value of the project, whichever is less;

(c) a financial institution will participate in  
financing the project, either directly or through a letter  
of credit, to the extent of at least 10% of the financing to  
be provided by the board;

(d) the financing for the project is insured or  
guaranteed in whole or in part by a private or governmental  
insurer or guarantor, including but not limited to a  
guaranty by the board pursuant to 17-5-1519; and

(e) any contracts to construct the projects require  
all contractors to comply with the provisions of Title 157  
chapter 507 and of Title 187 chapter 2 18-2-403; and

~~(e)(f)~~ adequate provision is made in the loan  
agreement, lease, or other credit arrangement regarding a  
project or projects being financed to provide for payment of  
debt service on bonds of the board issued to finance such  
project or projects, to create and maintain reserves  
therefor, and to meet all costs and expenses of issuing and  
servicing the bonds.

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subsection (1)(a), a hearing must be conducted in the  
following manner:

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located must be notified; and the city and county must,  
within 14 days after receipt of the notice, notify the board

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 2 (b) if no request for a local hearing is received, the  
 3 board may hold the hearing at a time and place it  
 4 prescribes.

5 (3) If the hearing required by subsection (2) is  
 6 conducted by a local government, the governing body of the  
 7 local government must notify the board of its determination  
 8 of whether the project is in the public interest within 14  
 9 days of the completion of the public hearing.

10 (4) When a hearing is required either locally or at  
 11 the state level, notice must be given, at least once a week  
 12 for 3 weeks prior to the date set for the hearing, by  
 13 publication in a newspaper of general circulation in the  
 14 city or county where the hearing will be held. The notice  
 15 must include the time and place of the hearing; the general  
 16 nature of the project; the name of the lessee, borrower, or  
 17 user of the project; and the estimated cost of the project."

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19 "17-5-1527. Procedure prior to financing major  
 20 projects. (1) The board may finance major projects under  
 21 this part only when it finds that:

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 23 consistent with legislative purposes and findings;

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 25 project does not exceed either \$10 million or 90% of the

1 cost or appraised value of the project, whichever is less;  
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17 must include the time and place of the hearing; the general  
18 nature of the project; the name of the lessee, borrower, or  
19 user of the project; and the estimated cost of the project."

20 NEW SECTION. SECTION 3. PREFERENCE OF MONTANA LABOR.  
21 ANY CONTRACT TO CONSTRUCT A PROJECT FINANCED PURSUANT TO  
22 THIS PART MUST REQUIRE ALL CONTRACTORS TO COMPLY WITH THE  
23 PROVISIONS OF 18-2-403.

24 NEW SECTION. Section 4. Extension of authority. Any  
25 existing authority of the board of economic development to

1 make rules on the subject of the provisions of this act is  
2 extended to the provisions of this act.

3 NEW SECTION. SECTION 5. CODIFICATION INSTRUCTION.  
4 SECTION 3 IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF  
5 TITLE 17, CHAPTER 6, PART 3, AND AS AN INTEGRAL PART OF  
6 TITLE 90, CHAPTER 5, PART 1, AND THE PROVISIONS OF TITLE 17,  
7 CHAPTER 6, PART 3, AND OF TITLE 90, CHAPTER 5, PART 1, APPLY  
8 TO SECTION 3.

-End-

HOUSE BILL NO. 554

INTRODUCED BY CONNELLY, BARDANOUVE, HARP, ASAY,  
HALLIGAN, KADAS, COHEN, DRISCOLL, MONTAYNE, GLASER,  
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BOND ACT, THE MONTANA IN-STATE INVESTMENT ACT, AND THE  
INDUSTRIAL DEVELOPMENT PROJECTS LAW TO COMPLY--WITH THE  
PROVISIONS--OF--THE-PUBLIC-CONTRACTOR+S-FEES-AND-TAX-LAW-AND  
WITH-THE-PROVISIONS CONTAIN A PROVISION OF-THE-LAW-ON-PUBLIC  
CONSTRUCTION-CONTRACTS GIVING PREFERENCE TO THE EMPLOYMENT  
OF MONTANA RESIDENTS; AMENDING SECTIONS 17-5-1526 AND  
17-5-1527, MCA."

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

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consistent with the legislative purposes and findings set  
forth in 17-5-1502;

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project does not exceed either \$800,000 or 90% of the cost  
or appraised value of the project, whichever is less;

(c) a financial institution will participate in  
financing the project, either directly or through a letter  
of credit, to the extent of at least 10% of the financing to  
be provided by the board;

(d) the financing for the project is insured or  
guaranteed in whole or in part by a private or governmental  
insurer or guarantor, including but not limited to a  
guaranty by the board pursuant to 17-5-1519; and

(e) any contracts to construct the projects require  
all contractors to comply-with-the-provisions-of Title-15,  
chapter-50,--and--of--Title--18,--chapter--2 18-2-403 GIVE  
PREFERENCE TO THE EMPLOYMENT OF BONA FIDE MONTANA RESIDENTS  
AS DEFINED IN 18-2-401(4) IN THE PERFORMANCE OF THE WORK ON  
THE PROJECTS; and

(f) adequate provision is made in the loan  
agreement, lease, or other credit arrangement regarding a  
project or projects being financed to provide for payment of  
debt service on bonds of the board issued to finance such  
project or projects, to create and maintain reserves  
therefor, and to meet all costs and expenses of issuing and  
servicing the bonds.

(2) In order to make the findings as described in  
subsection (1)(a), a hearing must be conducted in the



1 following manner:

2 (a) the city or county in which the project will be  
3 located must be notified; and the city and county must,  
4 within 14 days after receipt of the notice, notify the board  
5 if it elects to conduct the hearing; or

6 (b) if no request for a local hearing is received, the  
7 board may hold the hearing at a time and place it  
8 prescribes.

9 (3) If the hearing required by subsection (2) is  
10 conducted by a local government, the governing body of the  
11 local government must notify the board of its determination  
12 of whether the project is in the public interest within 14  
13 days of the completion of the public hearing.

14 (4) When a hearing is required either locally or at  
15 the state level, notice must be given, at least once a week  
16 for 3 weeks prior to the date set for the hearing, by  
17 publication in a newspaper of general circulation in the  
18 city or county where the hearing will be held. The notice  
19 must include the time and place of the hearing; the general  
20 nature of the project; the name of the lessee, borrower, or  
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23 "17-5-1527. Procedure prior to financing major  
24 projects. (1) The board may finance major projects under  
25 this part only when it finds that:

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4 project does not exceed either \$10 million or 90% of the  
5 cost or appraised value of the project, whichever is less;

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7 financing the project if the cost or appraised value is less  
8 than \$1 million, either directly or through a letter of  
9 credit, to the extent of at least 10% of the financing to be  
10 provided by the board, provided, however, that participation  
11 by a financial institution in projects of over \$1 million is  
12 at the discretion of the board;

13 (d) the financing for the project is insured or  
14 guaranteed in whole or in part by a private or governmental  
15 insurer or guarantor, including but not limited to a  
16 guaranty by the board pursuant to 17-5-1519; and

17 (e) any contracts to construct the projects require  
18 all contractors to comply with the provisions of Title--15,  
19 chapter--50,--and--of--Title--18--chapter--2 18-2-403 GIVE  
20 PREFERENCE TO THE EMPLOYMENT OF BONA FIDE MONTANA RESIDENTS  
21 AS DEFINED IN 18-2-401(4) IN THE PERFORMANCE OF THE WORK ON  
22 THE PROJECTS; and

23 ~~(e)}~~(f) adequate provision is made in the loan  
24 agreement, lease, or other credit arrangement regarding a  
25 project or projects being financed to provide for payment of

1 debt service on bonds of the board issued to finance such  
2 project or projects, to create and maintain reserves  
3 therefor, and to meet all costs and expenses of issuing and  
4 servicing the bonds.

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6 subsection (1)(a), a hearing must be conducted in the  
7 following manner:

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18 days of the completion of the public hearing.

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1 user of the project; and the estimated cost of the project."

2 NEW SECTION. SECTION 3. PREFERENCE OF MONTANA LABOR.  
3 ANY CONTRACT TO CONSTRUCT A PROJECT FINANCED PURSUANT TO  
4 THIS PART MUST REQUIRE ALL CONTRACTORS TO COMPLY WITH THE  
5 PROVISIONS OF 18-2-403 GIVE PREFERENCE TO THE EMPLOYMENT OF  
6 BONA FIDE MONTANA RESIDENTS AS DEFINED IN 18-2-401(4) IN THE  
7 PERFORMANCE OF THE WORK ON THE PROJECTS.

8 NEW SECTION. Section 4. Extension of authority. Any  
9 existing authority of the board of economic development to  
10 make rules on the subject of the provisions of this act is  
11 extended to the provisions of this act.

12 NEW SECTION. SECTION 5. CODIFICATION INSTRUCTION.  
13 SECTION 3 IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF  
14 TITLE 17, CHAPTER 6, PART 3, AND AS AN INTEGRAL PART OF  
15 TITLE 90, CHAPTER 5, PART 1, AND THE PROVISIONS OF TITLE 17,  
16 CHAPTER 6, PART 3, AND OF TITLE 90, CHAPTER 5, PART 1, APPLY  
17 TO SECTION 3.

-End-

SENATE

STANDING COMMITTEE REPORT

CORRECTED COPY

March 19

19 85

MR. PRESIDENT

We, your committee on LABOR AND EMPLOYMENT RELATIONS

having had under consideration HOUSE BILL No. 554

third reading copy ( blue )  
color

BUILD MONTANA BORROWERS TO COMPLY WITH CONTRACTOR'S LAWS

(Senator Towe will carry the bill)

Respectfully report as follows: That HOUSE BILL No. 554

be amended as follows:

Page 2, line 16; page 4, line 22; and page 6, line 7.

Following: "PROJECTS" on each line

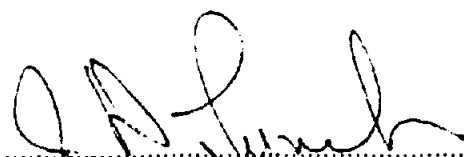
Insert: "in the same manner as preference is granted to veterans under 39-30-201"

AND AS AMENDED

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXX~~



SENATOR J.D. LYNCH

Chairman.

COMMITTEE OF THE WHOLE AMENDMENT

SENATE

MAR 25, 1985  
DATE

3:15  
TIME

SENATE LABOR AND EMPLOYMENT RELATIONS  
MR. CHAIRMAN: I MOVE TO AMEND STANDING COMMITTEE REPORT OF 3/19/85 XXX  
(corrected copy) ON HOUSE BILL NO. 554

~~XXXXXXX~~: ~~XXXXXXXXX~~ AS FOLLOWS:  
KMM

Strike: amendment in its entirety

PC3HB554.641

ADOPT  
REJECT

*[Signature]*  
TOWE

COMMITTEE OF THE WHOLE AMENDMENT

SENATE

MAR 25, 1985  
DATE

3:20  
TIME

MR. CHAIRMAN: I MOVE TO AMEND HOUSE BILL

No. 554

third reading copy ( blue ) as follows:  
Color

1. Page 2, line 11.  
Following: "(e)"  
Insert: "an applicant has submitted a statement indicating"  
Following: "projects"  
Insert: "will"

2. Page 2, line 16.  
Following: "PROJECTS"  
Insert: ", if their qualifications are substantially equal to those of nonresidents. Substantially equal qualifications means the qualifications of two or more persons among whom the employer cannot make a reasonable determination that the qualifications held by one person are significantly better suited for the position than the qualifications held by the other persons"

3. Page 6, line 7.  
Following: "PROJECTS"  
Strike: "."  
Insert: ", if their qualifications are substantially equal to those of nonresidents. Substantially equal qualifications means the qualifications of two or more persons among whom the employer cannot make a reasonable determination that the qualifications held by one person are significantly better suited for the position than the qualifications held by the other persons."

4. Attach the following Statement of Intent:

STATEMENT OF INTENT  
HOUSE BILL NO.554

"It is the intent of the legislature that nothing contained in HB 554 shall require the economic development board of the department of commerce to enforce the statements submitted by an applicant to comply with section 17-5-1526(e), provided a statement has been submitted by the applicant prior to the approval of the loan."

PC3HB554.642

ADOPT  
REJECT

*[Signature]*  
TOWE

1  
2  
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9

STATEMENT OF INTENT

HOUSE BILL 554

It is the intent of the legislature that nothing contained in HB 554 shall require the economic development board of the department of commerce to enforce the statements submitted by an applicant to comply with section 17-5-1526(e), MCA, provided a statement has been submitted by the applicant prior to the approval of the loan.

REFERENCE BILL  
HB 554

## HOUSE BILL NO. 554

INTRODUCED BY CONNELLY, BARDANOUVE, HARP, ASAY,  
HALLIGAN, KADAS, COHEN, DRISCOLL, MONTAYNE, GLASER,  
QUILICI, C. SMITH, JONES, WALLIN, PHILLIPS,  
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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CONTRACTS FOR  
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BOND ACT, THE MONTANA IN-STATE INVESTMENT ACT, AND THE  
INDUSTRIAL DEVELOPMENT PROJECTS LAW TO COMPLY--WITH THE  
PROVISIONS--OF--THE-PUBLIC-CONTRACTOR'S-FEES-AND-TAX-LAW-AND  
WITH-THE-PROVISIONS CONTAIN A PROVISION OF-THE-LAW-ON-PUBLIC  
CONSTRUCTION-CONTRACTS GIVING PREFERENCE TO THE EMPLOYMENT  
OF MONTANA RESIDENTS; AMENDING SECTIONS 17-5-1526 AND  
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under this part only when it finds that:

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forth in 17-5-1502;

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project does not exceed either \$800,000 or 90% of the cost  
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financing the project, either directly or through a letter  
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AS DEFINED IN 18-2-401(4) IN THE PERFORMANCE OF THE WORK ON  
THE PROJECTS IN-THE-SAME-MANNER-AS-PREFERENCE-IS-GRANTED--TO  
VETERANS---UNDER--39-30-201, IF THEIR QUALIFICATIONS ARE  
SUBSTANTIALLY EQUAL TO THOSE OF NONRESIDENTS. SUBSTANTIALLY  
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(e)(f) adequate provision is made in the loan



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 4 ~~AS DEFINED IN 18-2-401(4) IN THE PERFORMANCE OF THE WORK ON~~  
 5 ~~THE PROJECTS IN THE SAME MANNER AS PREFERENCE IS GRANTED TO~~  
 6 ~~VETERANS UNDER 39-30-201; and~~

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1 existing authority of the board of economic development to  
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3 extended to the provisions of this act.

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5 SECTION 3 IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF  
6 TITLE 17, CHAPTER 6, PART 3, AND AS AN INTEGRAL PART OF  
7 TITLE 90, CHAPTER 5, PART 1, AND THE PROVISIONS OF TITLE 17,  
8 CHAPTER 6, PART 3, AND OF TITLE 90, CHAPTER 5, PART 1, APPLY  
9 TO SECTION 3.

-End-

1                   STATEMENT OF INTENT

2                   HOUSE BILL 554

3

4           It is the intent of the legislature that nothing  
5 contained in HB 554 shall require the economic development  
6 board of the department of commerce to enforce the  
7 statements submitted by an applicant to comply with section  
8 17-5-1526(e), MCA, provided a statement has been submitted  
9 by the applicant prior to the approval of the loan.

CORRECTED  
REFERENCE BILL

HB 554

HOUSE BILL NO. 554

INTRODUCED BY CONNELLY, BARDANOUVE, HARP, ASAY,  
HALLIGAN, KADAS, COHEN, DRISCOLL, MONTAYNE, GLASER,  
QUILICI, C. SMITH, JONES, WALLIN, PHILLIPS,  
BRANDEWIE, ADDY, HARPER

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CONTRACTS FOR  
PROJECTS FINANCED UNDER THE MONTANA ECONOMIC DEVELOPMENT  
BOND ACT, THE MONTANA IN-STATE INVESTMENT ACT, AND THE  
INDUSTRIAL DEVELOPMENT PROJECTS LAW TO COMPLY WITH THE  
PROVISIONS OF THE PUBLIC CONTRACTOR'S FEES AND TAX LAW AND  
WITH THE PROVISIONS CONTAIN A PROVISION OF THE LAW ON PUBLIC  
CONSTRUCTION CONTRACTS GIVING PREFERENCE TO THE EMPLOYMENT  
OF MONTANA RESIDENTS; AMENDING SECTIONS 17-5-1526 AND  
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8 CHAPTER 6, PART 3, AND OF TITLE 90, CHAPTER 5, PART 1, APPLY  
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-End-



# CONFERENCE COMMITTEE REPORT

Report No. 1.....

....April 17, 1985....

MR. SPEAKER

We, your Free Conference Committee on

House Bill 554, REFERENCE COPY, salmon

met and considered Committee of the Whole Amendment - Towe, 3-25-85,

3:20 p.m.

We recommend as follows:

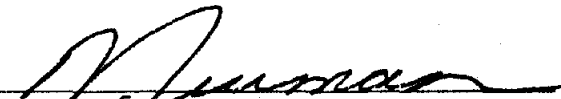
1. Statement of Intent.  
Page 1, line 8.  
Following: "17-5-1526"  
Insert: "(1)"

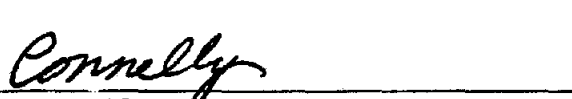
2. Bill.  
Page 5, line 6.  
Following: "39-30-201"  
Insert: ", if their qualifications are substantially equal to those of nonresidents. Substantially equal qualifications means the qualifications of two or more persons among whom the employer cannot make a reasonable determination that the qualifications held by one person are significantly better suited for the position than the qualifications held by the other person"

And that this Conference Committee report be adopted.

FOR THE SENATE

FOR THE HOUSE





Neuman, Chm

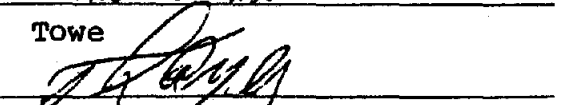
Connelly






Towe

Driscoll





Thayer

Jones

ADOPT REJECT



Kitselman

1 STATEMENT OF INTENT

2 HOUSE BILL 554

3  
4  
5  
6  
7  
8  
9  
10

It is the intent of the legislature that nothing contained in HB 554 shall require the economic development board of the department of commerce to enforce the statements submitted by an applicant to comply with section 17-5-1526(1)(e), MCA, provided a statement has been submitted by the applicant prior to the approval of the loan.

REFERENCE BILL: Includes Free  
Conference Committee Report  
Dated 4/17

HOUSE BILL NO. 554

INTRODUCED BY CONNELLY, BARDANOUVE, HARP, ASAY,  
HALLIGAN, KADAS, COHEN, DRISCOLL, MONTAYNE, GLASER,  
QUILICI, C. SMITH, JONES, WALLIN, PHILLIPS,  
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PROVISIONS--OF--THE-PUBLIC-CONTRACTOR'S-FEES-AND-TAX-LAW-AND  
WITH-THE-PROVISIONS CONTAIN A PROVISION OF-THE-LAW-ON-PUBLIC  
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 5 conducted by a local government, the governing body of the  
 6 local government must notify the board of its determination  
 7 of whether the project is in the public interest within 14  
 8 days of the completion of the public hearing.

9 (4) When a hearing is required either locally or at  
 10 the state level, notice must be given, at least once a week  
 11 for 3 weeks prior to the date set for the hearing, by  
 12 publication in a newspaper of general circulation in the  
 13 city or county where the hearing will be held. The notice  
 14 must include the time and place of the hearing; the general  
 15 nature of the project; the name of the lessee, borrower, or  
 16 user of the project; and the estimated cost of the project."

17 NEW SECTION. SECTION 3. PREFERENCE OF MONTANA LABOR.  
 18 ANY CONTRACT TO CONSTRUCT A PROJECT FINANCED PURSUANT TO  
 19 THIS PART MUST REQUIRE ALL CONTRACTORS TO COMPLY WITH THE  
 20 PROVISIONS OF 18-2-403 GIVE PREFERENCE TO THE EMPLOYMENT OF  
 21 BONA FIDE MONTANA RESIDENTS AS DEFINED IN 18-2-401(4) IN THE  
 22 PERFORMANCE OF THE WORK ON THE PROJECTS IN THE SAME MANNER  
 23 AS PREFERENCE IS GRANTED TO VETERANS UNDER 39-30-201, IF  
 24 THEIR QUALIFICATIONS ARE SUBSTANTIALLY EQUAL TO THOSE OF  
 25 NONRESIDENTS. SUBSTANTIALLY EQUAL QUALIFICATIONS MEANS THE

1 QUALIFICATIONS OF TWO OR MORE PERSONS AMONG WHOM THE  
2 EMPLOYER CANNOT MAKE A REASONABLE DETERMINATION THAT THE  
3 QUALIFICATIONS HELD BY ONE PERSON ARE SIGNIFICANTLY BETTER  
4 SUITED FOR THE POSITION THAN THE QUALIFICATIONS HELD BY THE  
5 OTHER PERSONS.

6 NEW SECTION. Section 4. Extension of authority. Any  
7 existing authority of the board of economic development to  
8 make rules on the subject of the provisions of this act is  
9 extended to the provisions of this act.

10 NEW SECTION. SECTION 5. CODIFICATION . INSTRUCTION.  
11 SECTION 3 IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF  
12 TITLE 17, CHAPTER 6, PART 3, AND AS AN INTEGRAL PART OF  
13 TITLE 90, CHAPTER 5, PART 1, AND THE PROVISIONS OF TITLE 17,  
14 CHAPTER 6, PART 3, AND OF TITLE 90, CHAPTER 5, PART 1, APPLY  
15 TO SECTION 3.

-End-