

No. 2002-45

AN ACT

HB 1459

Prohibiting a political subdivision or its authority or agency from requiring a proportion of workers on a construction project to be residents of a particular municipality.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Open Work Force Law.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Construction contract.” An agreement for the erection, repair, alteration or demolition of a building, bridge, roadway or other structure or any other improvement to real property of a political subdivision or its authority or agency.

Section 3. General rule.

A political subdivision or its authority or agency shall not, by ordinance, resolution or otherwise, require that a specified percentage of the work force or of the hours worked under a construction contract be made up of or performed by individuals who are residents of a specific municipality if any portion of the construction contract or of the project to which the construction contract relates is financed utilizing Federal or Commonwealth funds.

Section 4. Construction contracts.

No construction contract executed by a political subdivision or its authority or agency may contain a provision which requires that a specific percentage of the work force or of the hours worked under the construction contract be made up of or performed by individuals who are residents of a specific municipality if any portion of the construction or of the project to which the construction contract relates is financed utilizing Federal or Commonwealth funds.

Section 5. Voiding of ordinance, etc.

Any ordinance, resolution, contractual provision or other measure which violates section 3 or 4 is void.

Section 6. Remedies.

If this act is violated, the Commonwealth may do any or all of the following:

- (1) Enjoin the violation or seek other equitable remedies.
- (2) Seek remedies at law.

(3) Withhold funding for the project to which the construction contract relates.

Section 7. Applicability.

This act shall apply to construction contracts entered into, amended or renewed on or after the effective date of this act.

Section 8. Effective date.

This act shall take effect in 60 days.

APPROVED—The 16th day of May, A.D. 2002.

MARK S. SCHWEIKER