

5/1 3:21p

Chapter No. 505

12/SS01/R1129SG

JW / TB|ec

***SENATE BILL NO. 2622***

Originated in Senate

Liz Welch

Secretary

SENATE BILL NO. 2622

AN ACT TO REQUIRE CONTRACTORS AWARDED BIDS FOR PUBLIC WORKS PROJECTS THAT UTILIZE FUNDS RECEIVED BY STATE OR LOCAL GOVERNMENTAL ENTITIES RESULTING FROM A FEDERALLY DECLARED DISASTER OR A SPILL OF NATIONAL SIGNIFICANCE, INCLUDING DAMAGES, PENALTIES, FINES OR SUPPLEMENTAL PROJECTS PAID OR FINANCED BY RESPONSIBLE PARTIES PURSUANT TO A COURT ORDER, NEGOTIATED SETTLEMENT, OR OTHER INSTRUMENT, INCLUDING UNDER ANY LAW DISTRIBUTING SUCH FINES AND PENALTIES, TO AGREE TO REVIEW INDIVIDUALS SUBMITTED BY THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY FOR VACANT POSITIONS INVOLVING THE PROJECT BEFORE HIRING INDIVIDUALS WHO ARE NOT SUBMITTED BY THE DEPARTMENT; AND FOR RELATED PURPOSES.

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

**SECTION 1.** (1) All public works projects utilizing funds received by state or local governmental entities resulting from a federally declared disaster or a spill of national significance, including damages, penalties, fines or supplemental projects paid or financed by responsible parties pursuant to a court order, negotiated settlement, or other instrument, including under any law distributing such fines and penalties including the federal Resources and Ecosystems Sustainability, Tourist Opportunities and Revived Economy of the Gulf Coast Act of 2011 (R.E.S.T.O.R.E.), the Oil Pollution Act of 1990 or the Federal Water Pollution Control Act or similar legislation, shall be subject to the hiring policies established by this section.

(2) Contractors submitting bids for public works projects financed in whole or in part through the use of funds described in subsection (1) of this section shall submit with their bid an employment plan which shall include the following:

(a) The types of jobs involved in the public works project;

- (b) The skill level of the jobs involved in the project;
- (c) Wage information on the jobs involved in the project;
- (d) The number of vacant positions that the contractor needs to fill;
- (e) How the contractor will recruit, low wage and unemployed individuals for job vacancies;
- (f) Such other information as may be required by the Mississippi Department of Employment Security; and
- (g) Proof of registration with the Mississippi Department of Employment Security for taxation in accordance with the provisions of Title 71.

(3) When a contractor's bid is accepted, the contractor shall enter into an agreement with the entity that accepted the bid that requires the contractor not to hire any personnel to fill vacant positions necessary for the public works project for a period of ten (10) days after the date of the agreement. During the ten-day period the Mississippi Department of Employment Security shall submit qualified individuals to the contractor to consider for the vacant positions. The contractor shall review the individuals submitted by the department before hiring individuals who are not submitted by the department.

**SECTION 2.** The Mississippi Department of Employment Security will develop an annual report which tracks data received from contractors. Contractors will cooperate with the Mississippi Department of Employment Security to accumulate relevant data. Collected data and reports are intended solely to allow the Mississippi Department of Employment Security to improve workforce training programs, tailoring trainings to employer needs and hiring trends for in-demand jobs in Mississippi.

SECTION 3. This act shall take effect and be in force from and after its passage.

PASSED BY THE SENATE  
March 12, 2012

  
\_\_\_\_\_  
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
April 4, 2012

  
\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

  
\_\_\_\_\_  
GOVERNOR  
5/1/12 3:21pm