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Chapter No. 479

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SENATE BILL NO. 2528

Originated in Senate



Secretary

SENATE BILL NO. 2528

AN ACT TO AMEND SECTION 31-5-37, MISSISSIPPI CODE OF 1972, TO REQUIRE CONTRACTORS WHO SUBMIT BIDS FOR CERTAIN 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 TO CERTIFY THAT THEY WILL COMPLY WITH THE PROVISIONS OF THIS SECTION IF THEY ARE AWARDED SUCH CONTRACTS; TO PROVIDE THAT THE CONTRACTOR SHALL SUBMIT TO THE AGENCY OR GOVERNING AUTHORITY THAT SOLICITED THE BID AND THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY AN EMPLOYMENT PLAN WITHIN SEVEN DAYS AFTER THE AWARD OF THE CONTRACT; TO PROVIDE THAT FROM THE DATE WRITTEN NOTICE OF THE CONTRACT AWARD IS RECEIVED AND UNTIL TEN BUSINESS DAYS AFTER THE RECEIPT OF THE EMPLOYMENT PLAN BY THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY, THE CONTRACTOR AND ANY SUBCONTRACTOR SHALL NOT HIRE ANY PERSONNEL TO FILL VACANT POSITIONS NECESSARY FOR THE PUBLIC WORKS PROJECT EXCEPT RESIDENTS OF THE STATE OF MISSISSIPPI WHO ARE TO BE VERIFIED BY THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY AND/OR THOSE QUALIFIED INDIVIDUALS WHO ARE SUBMITTED BY THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY; TO PROVIDE THAT THE CONTRACT AWARD SHALL BE VACATED IF THE CONTRACTOR FAILS TO COMPLY WITH CERTAIN PROVISIONS OF THIS SECTION; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 31-5-37, Mississippi Code of 1972, is amended as follows:

31-5-37. (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 that involve an expenditure of Five Thousand Dollars (\$5,000.00) or more and that are financed, in whole or in part, through the use of funds described in subsection (1) of this section shall submit with their bid a certification that they will comply with the provisions of this section if they are awarded a contract. The contractor shall submit to the agency or governing authority that solicited the bid and the Mississippi Department of Employment Security an employment plan within seven (7) days after the award of the contract 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 and any subcontractor needs to fill;

(e) How the contractor and any subcontractor 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) * * * From the date written notice of the contract award is received and until ten (10) business days after the receipt of the employment plan by the Mississippi Department of Employment Security, the contractor and any subcontractor shall not * * * hire any personnel to fill vacant positions necessary for the public works project * * * except residents of the State of Mississippi who are to be verified by the Mississippi Department of Employment Security and/or those qualified individuals who are submitted by the Mississippi Department of Employment Security. For purposes of this subsection, the contractor or subcontractor is authorized to employ Mississippi residents to begin work immediately, and such persons are to be verified by the Mississippi Department of Employment Security after employment by the contractor or subcontractor. 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. The contract award shall be vacated if the contractor fails to comply with the provisions of this subsection.

SECTION 2. This act shall take effect and be in force from and after its passage.

PASSED BY THE SENATE
February 6, 2013



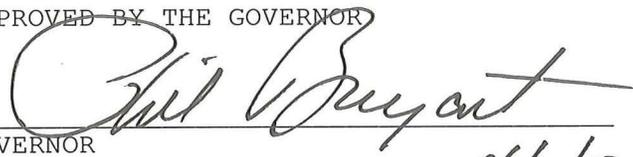
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 12, 2013



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

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