

By: Representatives Cummings, Lott, Moore,  
Staples

To: Judiciary B

HOUSE BILL NO. 1419

1 AN ACT TO AMEND SECTIONS 31-5-17, 31-5-19 AND 31-5-21,  
2 MISSISSIPPI CODE OF 1972, TO REQUIRE CONTRACTORS WITH PUBLIC  
3 CONTRACTS TO VERIFY THE LEGAL STATUS OF EMPLOYEES; TO REVISE  
4 PENALTIES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 31-5-17, Mississippi Code of 1972, is  
7 amended as follows:

8 31-5-17. Every public officer, contractor, superintendent,  
9 or agent engaged in or in charge of the construction of any state  
10 or public building or public work of any kind for the State of  
11 Mississippi or for any board, city commission, governmental  
12 agency, or municipality of the State of Mississippi shall employ  
13 only workmen and laborers who have actually resided in Mississippi  
14 for two (2) years next preceding such employment and who are in  
15 the country legally under the immigration laws.

16 **SECTION 2.** Section 31-5-19, Mississippi Code of 1972, is  
17 amended as follows:

18 31-5-19. In the event workmen or laborers qualified under  
19 the provisions of Section 31-5-17 are not available, then the  
20 contractor, officer, superintendent, agent, or person in charge of  
21 such work shall notify in writing the mayor of the city in which  
22 said work is being done, the president of the board of supervisors  
23 of the county in which said work is being done, the governor where  
24 said work is being done for the State of Mississippi, and the  
25 president, chairman, or executive officer of such board, city  
26 commission, or governmental agency for which said work is being  
27 done, of such fact. Unless the mayor, governor, president,  
28 executive officer, or chairman aforesaid, as the case may be,

29 shall forthwith supply such contractor, officer, superintendent,  
30 agent, or person in charge of said works with the satisfactory  
31 workmen or laborers needed, said contractor, officer,  
32 superintendent, agent, or person shall be authorized to employ  
33 workmen or laborers who are not qualified under the provisions of  
34 Section 31-5-17 to make up the deficiency. Nothing herein shall  
35 be construed to prevent the State of Mississippi, any county,  
36 municipality, board, or commission from placing or letting any  
37 contract for the erection or construction of any public building  
38 or public work in the open market, or soliciting bids from  
39 persons, firms, or corporations without the State of Mississippi.  
40 Any person, persons, firm, or corporation from without the State  
41 of Mississippi that may obtain such contracts for public buildings  
42 or public works shall comply with the provisions of Section  
43 31-5-17 upon undertaking the said contract or work.

44 Any person, persons, firm or corporation obtaining such  
45 contracts shall verify the legal status of all employees within  
46 three (3) days of hiring with the Systematic Alien Verification  
47 for Entitlements program (SAVE). The person, persons, firm or  
48 corporation shall retain verification forms regarding such hirings  
49 on file.

50 **SECTION 3.** Section 31-5-21, Mississippi Code of 1972, is  
51 amended as follows:

52 31-5-21. Any contractor, officer, superintendent, agent, or  
53 person in charge of said work who shall violate any of the  
54 provisions of Section 31-5-17, shall be liable upon conviction  
55 before a court of competent jurisdiction to a fine of not more  
56 than One Thousand Dollars (\$1000.00) or to imprisonment of not  
57 more than sixty (60) days, or both at the discretion of the court;  
58 and every day's employment of each workman or laborer in such  
59 violation shall constitute a separate offense.

60 However, where any workman or laborer furnishes such employer  
61 with a certificate by the sheriff, chancery clerk, or county

62 registrar of the county of his domicile to the effect that such  
63 workman or laborer has actually resided in this state two (2)  
64 years next preceding such employment, such employer, acting in  
65 good faith, shall be relieved of any liability by reason of  
66 employing such person.

67         **SECTION 4.** This act shall take effect and be in force from  
68 and after July 1, 2006.