

By: Representatives Cummings, Lott, Moore,  
Staples

To: Public Property; Labor

HOUSE BILL NO. 1447

1 AN ACT TO AMEND SECTIONS 31-5-17, 31-5-19 AND 31-5-21,  
2 MISSISSIPPI CODE OF 1972, TO PROHIBIT THE USE OF ILLEGAL  
3 IMMIGRANTS IN PERFORMING WORK ON PUBLIC WORKS CONTRACTS; TO  
4 PROVIDE 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. No public  
15 officer, contractor, superintendent or agent in charge of any such  
16 construction shall hire any illegal immigrants to perform any  
17 labor related to such construction.

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

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

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

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

50 31-5-21. Any contractor, officer, superintendent, agent, or  
51 person in charge of said work who shall violate any of the  
52 provisions of Section 31-5-17, shall be liable upon conviction  
53 before a court of competent jurisdiction to a fine of not more  
54 than One Hundred Dollars (\$100.00) or to imprisonment of not more  
55 than sixty (60) days, or both, at the discretion of the court; and  
56 every day's employment of each workman or laborer in such  
57 violation shall constitute a separate offense. If the violation  
58 involves the hiring of illegal aliens, the violation shall also be  
59 punished by the loss of the contract and ineligibility for public  
60 contracts for a period of five (5) years.

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

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