

By: Representative Cummings

To: Public Property; Labor

HOUSE BILL NO. 369

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, 2007.