

By: Representative Cummings

To: Judiciary A

HOUSE BILL NO. 228

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, 2007.

