

Regular Session, 2014

HOUSE BILL NO. 473

BY REPRESENTATIVE HUNTER

PUBLIC CONTRACTS: Establishes the "Hire La. First Act" to promote the hiring of state residents for public works and other contracts

1 AN ACT

2 To enact Chapter 27 of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950, to  
3 be comprised of R.S. 39:2211 through 2214, relative to certain contracts; to provide  
4 for definitions; to provide for requirements for bidding and proposals; to provide for  
5 duties of the Louisiana Workforce Commission; to provide for agreements; to  
6 require certain reporting; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 27 of Subtitle III of Title 39 of the Louisiana Revised Statutes of  
9 1950, comprised of R.S. 39:2211 through 2214, is hereby enacted to read as follows:

10 CHAPTER 27. HIRE LOUISIANA FIRST ACT

11 §2211. Title

12 This Chapter shall be known as the "Hire Louisiana First Act".

13 §2212. Definitions

14 As used in this Chapter the following terms have the following meanings  
15 unless the context clearly indicates otherwise:

16 (1) "Contract" or "public contract" means all types of state agreements,  
17 regardless of what they may be called, for the purchase of materials, supplies,  
18 services, or major repairs, or for the making of any public work funded by monies  
19 received by any state agency. The term "contract" shall include awards and notices

1 of award; contracts of a fixed-price, cost, cost-plus a fixed-fee, or incentive type  
2 contracts; contracts providing for the issuance of job or task orders; leases; letter  
3 contracts; and purchase orders. Supplemental agreements with respect to any of the  
4 foregoing contracts shall also be considered a "contract" for purposes of this Chapter.

5 (2) "Contractor" means any person, including any subcontractor of the  
6 contractor, who has a contract with a state agency to perform a public work as  
7 defined in this Chapter.

8 (3) "Data" means recorded information, regardless of form or characteristic.

9 (4) "Public work" means the erection, construction, alteration, improvement,  
10 or repair of any public facility or immovable property owned, used, or leased by the  
11 state.

12 §2213. Application of Chapter

13 A. Notwithstanding any provision of law to the contrary, the provisions of  
14 this Chapter apply to public contracts of a state agency which are governed by  
15 Chapter 10 of Title 38, Chapters 16 and 17 of this Title, and Parts XIII and XIII-A  
16 of Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950. This Chapter  
17 shall not apply to agency expenditures for amortization of debt, debt service,  
18 depreciation, employee benefits, per diem, relocation expenses, salaries, postage, and  
19 transfers of charges. This Chapter shall not apply to contracts for sole-source items,  
20 contracts with other governmental entities, and contracts prohibited by federal law  
21 from inclusion in this Chapter.

22 B. Political subdivisions are authorized to adopt all or any part of this  
23 Chapter and its accompanying regulations.

24 §2214. Contracts for public work

25 A. Any contract entered into by a state agency after August 1, 2015, shall  
26 conform to the requirements of this Section. In addition to all other provisions of  
27 law governing contracts for public works, including specifically the use of sealed  
28 bidding, requests for proposals, or any other type of competition used by a state

1 agency, the invitation for bids or proposals shall contain the elements provided for  
2 in Subsection B of this Section.

3 B. Each bid or proposal submitted for a contract shall contain all of the  
4 following:

5 (1) The number and types of jobs required for the project.

6 (2) The skill level of the jobs for the project.

7 (3) The wage or salary range for each job for the project.

8 (4) Methods which the contractor or its subcontractors shall use to recruit  
9 unemployed persons or persons employed in low-wage jobs to fill job openings for  
10 the project.

11 C. Within seven days of the date the contract is awarded, the contractor shall  
12 enter into an agreement with the Louisiana Workforce Commission, hereinafter  
13 referred to as the "commission", with respect to filling job openings resulting from  
14 the award of the contract. The agreement shall be confected by the commission in  
15 consultation with the executive director and shall contain provisions whereby the  
16 contractor agrees to consider eligible persons referred by the commission or a local  
17 workforce agency for any relevant job openings resulting from the contract. An  
18 eligible person shall be a resident of the state.

19 D. The commission and the respective local workforce agency shall refer  
20 eligible persons to the contractor for consideration for job openings. The contractor  
21 shall consider persons who are referred by the commission or local workforce agency  
22 as the sole source of job applicants for ten days from the date the agreement is  
23 executed; however, the hiring decision shall rest with the contractor. The contractor  
24 shall provide confidential data to the commission pertaining to the rationale for not  
25 hiring persons referred by the commission or workforce agency. Such data shall be  
26 used by the commission for the purpose of working with stakeholders to better align  
27 workforce training efforts to meet the needs of industry.

---

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

Hunter

HB No. 473

**Abstract:** Establishes the "Hire La. First Act" to require the hiring of state residents for state public works and other contracts.

Present law establishes the procedures and limitations to be used by state agencies and political subdivisions in contracting for public work.

Proposed law retains all provisions of present law governing contracts for public works and provides additional requirements for public works contracts by the state.

Proposed law defines a "contract" as all types of state agreements, regardless of what they may be called, for the purchase of materials, supplies, services, or major repairs, or for the making of any public work.

Proposed law requires any contract entered into by a state agency to conform with the requirements of proposed law. Further requires invitations for bids or proposals to contain information relative to the number and types of jobs to be created, wages, and methods to be used by the contractor to recruit unemployed persons or persons working at low wages to fill job openings expected as a result of the contract.

Proposed law requires the contractor to enter into an agreement with the La. Workforce Commission, (hereinafter commission) within seven days of the date the contract is awarded. The agreement shall require the contractor to agree to consider eligible persons referred by the commission or a local workforce agency for any relevant job opening resulting from the contract. An eligible person shall be a resident of the state.

Proposed law requires the commission and the respective local workforce agency to refer eligible persons to the contractor for consideration for job openings. Under the agreement, the contractor is required to consider these persons as the sole source of job applicants for the first 10 days from the date the agreement is executed; however, the hiring decision remains with the contractor.

Proposed law requires the contractor to provide confidential data to the commission pertaining to the rationale for not hiring persons referred by the commission or workforce agency. Such data shall be used by the commission for the purpose of working with stakeholders to better align workforce training efforts to meet the needs of industry.

(Adds R.S. 39:2211-2214)