

Regular Session, 2012
HOUSE BILL NO. 720

ACT No. 414

BY REPRESENTATIVES LEGER AND GAROFALO

1 AN ACT

2 To enact Chapter 26 of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950, to
3 be comprised of R.S. 39:2201 through 2204, relative to certain contracts for public
4 works by the Office of Coastal Protection and Restoration and political subdivisions;
5 to provide definitions; to provide for requirements for bidding and proposals; to
6 provide for duties of the Louisiana Workforce Commission; to provide for
7 agreements; to require reporting; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 26 of Subtitle III of Title 39 of the Louisiana Revised Statutes
10 of 1950, comprised of R.S. 39:2201 through 2204, is hereby enacted to read as follows:

11 CHAPTER 26. LOUISIANA FIRST HIRING ACT

12 §2201. Title

13 This Chapter shall be known as the "Louisiana First Hiring Act".

14 §2202. Definitions

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

17 (1) "Agency" means the Office of Coastal Protection and Restoration.

18 (2) "Contract" or "public contract" means all types of state agreements,
19 regardless of what they may be called, for services, major repairs, or for the making
20 of any public work funded by monies received by the agency or a political
21 subdivision from the Federal Resources and Ecosystems Sustainability, Tourist
22 Opportunities, and Revived Economies of the Gulf Coast States Act of 2011,
23 hereinafter referred to as "RESTORE", or as a result of any settlement related to the
24 explosion on, and sinking of the mobile offshore drilling unit Deepwater Horizon,

1 or the Comprehensive Master Plan for Coastal Protection. The term "contract" shall
2 include awards and notices of award; contracts of a fixed-price, cost, cost plus a
3 fixed-fee, or incentive type contracts; contracts providing for the issuance of job or
4 task orders; leases; letter contracts; and purchase orders. Supplemental agreements
5 with respect to any of the foregoing contracts shall also be considered a "contract"
6 for purposes of this Chapter.

7 (3) "Contractor" means any person who has a contract with the Office of
8 Coastal Protection and Restoration or a political subdivision to perform a public
9 work as defined in this Chapter.

10 (4) "Data" means recorded information, regardless of form or characteristic.

11 (5) "Director" means the executive director of the Office of Coastal
12 Protection and Restoration.

13 (6) "Public work" means the erection, construction, alteration, improvement,
14 or repair of any public facility or immovable property owned, used, or leased by the
15 Office of Coastal Protection and Restoration or a political subdivision which project
16 is funded entirely or partially by monies received through the Federal Resources and
17 Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the
18 Gulf Coast States Act of 2011, or as a result of any settlement related to the
19 explosion on, and sinking of the mobile offshore drilling unit Deepwater Horizon,
20 or the Comprehensive Master Plan for Coastal Protection.

21 §2203. Application of Chapter

22 A. Notwithstanding any provision of law to the contrary, the provisions of
23 this Chapter apply to public contracts of the agency or a political subdivision that are
24 governed by Chapter 10 of Title 38, Chapters 16 and 17 of this Title, and Parts XIII
25 and XIII-A of Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950. This
26 Chapter shall not apply to agency expenditures for amortization of debt, debt service,
27 depreciation, employee benefits, per diem, relocation expenses, salaries, postage, and
28 transfers of charges.

29 B. This Chapter shall not apply to contracts for sole-source items, contracts
30 with other governmental entities, and those contracts that are prohibited by federal

1 law from inclusion in this Chapter. In addition, the provisions of this Chapter shall
 2 not apply to contracts entered into where there is imminent threat to life or property,
 3 where an emergency has been declared by the governor under the provisions of the
 4 Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S.
 5 29:721, et seq., or where the chairman of the Coastal Protection and Restoration
 6 Authority, with the approval of the Coastal Protection and Restoration Authority
 7 Board, determines that an emergency exists whereby compliance with the provisions
 8 of this Chapter would create unreasonable hardship.

9 C. Political subdivisions are authorized to adopt all or any part of this
 10 Chapter and its accompanying regulations.

11 §2204. Contracts for public work

12 A. Any contract entered into by the agency or a political subdivision after
 13 August 1, 2012, shall conform to the requirements of this Section. In addition to all
 14 other provisions of law governing contracts for public works, including specifically
 15 the use of sealed bidding, requests for proposals, or any other type of competition
 16 used by the agency or a political subdivision, the contractor, within ten days of the
 17 contract having been awarded, shall submit to the Louisiana Workforce Commission
 18 the information required in Subsection B of this Section.

19 B. Each submission to the Louisiana Workforce Commission shall contain
 20 all of the following information:

- 21 (1) The number and types of jobs anticipated for the project.
- 22 (2) The skill level of the jobs anticipated for the project.
- 23 (3) The wage or salary range for each job anticipated for the project.
- 24 (4) Methods, if any, that the contractor will use to recruit unemployed
 25 persons or persons employed in low wage jobs to fill job openings for the project.

26 C. Within ten days of receipt of the information required in Subsection B of
 27 this Section, the Louisiana Workforce Commission shall provide the contractor with
 28 a list of people eligible for employment. An eligible person shall be a resident of a
 29 parish within the coastal zone as defined by the Louisiana State and Local Coastal
 30 Resources Management Act.

1 D. The information submitted under the provisions of Subsection B of this
2 Section shall be used by the commission for the purpose of working with
3 stakeholders to better align workforce training efforts to meet the needs of industry.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____