

By: Representative Cummings

To: Labor

HOUSE BILL NO. 1380

1 AN ACT TO PROVIDE FOR THE IMPOSITION OF FOREIGN LABOR FEES IN
2 CASES WHERE THE EMPLOYEE IS NOT A UNITED STATES CITIZEN; TO
3 PROVIDE THAT THE AMOUNT OF THE FEES SHALL BE TEN PERCENT OF THE
4 EMPLOYEE'S SALARY; TO PROVIDE THAT THE EMPLOYER SHALL PAY HALF OF
5 THIS AMOUNT IN THE FORM OF A FOREIGN LABOR USER FEE; TO PROVIDE
6 THAT THE EMPLOYEE SHALL PAY THE OTHER HALF OF THIS AMOUNT IN THE
7 FORM OF A FOREIGN LABOR WORKER FEE, WHICH SHALL BE DEDUCTED FROM
8 THE EMPLOYEE'S WAGES; TO PROVIDE THAT THE AMOUNTS SHALL BE
9 REMITTED TO THE MISSISSIPPI EMPLOYMENT SECURITY COMMISSION AND
10 DEPOSITED INTO THE STATE GENERAL FUND; AND FOR RELATED PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 **SECTION 1.** The purpose of this act is to promote the
13 employment of United States citizens within the State of
14 Mississippi and to enhance the ability of state government to
15 provide essential services to Mississippi citizens. The
16 Legislature declares that, in its considered judgment, the public
17 good and general welfare of the citizens of this state require the
18 enactment of this measure for the compulsory setting aside of
19 foreign labor fees imposed under this act to be deposited into the
20 State General Fund.

21 **SECTION 2.** Every employer making payments of wages to
22 employees who are not United States citizens shall (a) pay a
23 foreign labor user fee, and (b) deduct and withhold from the
24 employee's wages a foreign labor worker fee, in amounts determined
25 from tables promulgated by the Mississippi Employment Security
26 Commission. The foreign labor fee tables of the commission shall
27 provide that the total foreign labor fee shall be in the amount of
28 ten percent (10%) of the employee's salary, with half of such
29 amount designated as the foreign labor worker fee and half of such
30 amount designated as the foreign labor user fee. Such fees shall
31 be remitted by the employer to the commission in a manner to be

32 prescribed by the commission. The fees shall be deposited by the
33 commission into the State General Fund.

34 **SECTION 3.** This act shall take effect and be in force from
35 and after July 1, 2004.