

By: Representative Lott

To: Judiciary B

HOUSE BILL NO. 1426

1 AN ACT TO PROHIBIT AN INDEPENDENT EMPLOYMENT CONTRACTOR FROM
2 PROVIDING TEMPORARY OR PERMANENT EMPLOYEES WHO ARE NOT CITIZENS OF
3 THE UNITED STATES TO AN EMPLOYER WITH WHICH IT CONTRACTS; TO SET
4 FORTH PENALTIES FOR VIOLATIONS OF THIS ACT; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** (1) It shall be illegal for any independent
8 employment contractor to provide temporary or permanent employees
9 who are not citizens of the United States to an employer with
10 which it contracts. Each independent employment contractor shall
11 file in the office of the Department of Finance and Administration
12 a list of his or its employees, stating whether they are native
13 born citizens of the United States or naturalized citizens, and in
14 case of naturalization, the date thereof and the name of the court
15 in which granted.

16 (2) (a) Any person, firm or corporation violating the
17 provisions of this section shall be guilty of a misdemeanor, and
18 upon conviction, shall be punished by a fine of not less than
19 Fifty Dollars (\$50.00) nor more than Five Hundred Dollars
20 (\$500.00), or by imprisonment of not less than thirty (30) days
21 nor more than ninety (90) days, or by both such fine and
22 imprisonment. Every violation of subsection (1) of this section
23 with respect to a specific person may be charged and prosecuted as
24 a separate and distinct violation.

25 (b) In the case of a contract for the construction of
26 public works in which the contractor is in violation of this
27 section, the contract shall be voidable at the instance of the
28 state, county or municipality making it.

29 (3) For purposes of this section, "independent employment
30 contractor" means a person or entity who provides temporary or
31 permanent employees to work for an employer, and in which the
32 direct relationship is between the contractor and the employer
33 with the employer paying the contractor for the services of the
34 employees.

35 **SECTION 2.** The Department of Finance and Administration is
36 directed to enter into an agreement with the federal Immigration
37 and Naturalization Service in order to interface with the
38 Immigration and Naturalization Service database to facilitate the
39 verification of citizenship and alien status of individuals
40 seeking employment in this state.

41 **SECTION 3.** This act shall take effect and be in force from
42 and after July 1, 2005.