

AMENDMENT PROPOSED TO

HOUSE BILL NO. 1379

By Rep. Lott

Strike all amendments to HB 1379 and all other existing language after Section 1 of HB 1379, and insert the following in lieu thereof:

SECTION 2. The provisions of this act shall be enforced without regard to race, gender, religion, ethnicity, or national origin.

SECTION 3. DEFINITIONS. For the purpose of this act only, the following words shall have the meanings ascribed herein unless the content clearly states otherwise:

- (a) "Employer" is any person or business that is required by federal or state law to issue a United States Internal Revenue Service Form W-2 or Form 1099 to report income paid to employed or contracted personnel in Mississippi.
- (b) "Employee" is any person or entity that is hired to perform work within the state of Mississippi and to whom a United States Internal Revenue Service Form W-2 or Form 1099 must be issued.
- (c) "Third Party Employer" is any person or company that provides workers for another person or company. This includes, but is not limited to leasing companies and contract employers.

SECTION 4. EMPLOYEE VERIFICATION. (1) Employers in the state of Mississippi shall only hire employees who are legal citizens of the United States of America or are legal aliens. For purposes of this section, a legal alien is an individual who was lawfully present in the United States at the time of employment and for the duration of employment, or was permanently residing in the United States under color of law at the time of employment and for the duration of employment.

- (2) All employers in the state of Mississippi shall follow federal laws and guidelines for the verification of an employee's true identity and work authorization.

SECTION 5. EMPLOYER LIABILITY. Any employer that complies with the requirements of this act shall be held harmless by the Mississippi Department of Employment Security, provided the employer is not directly involved in the creation of any false documents, and provided that the employer did not knowingly and willfully accept false documents from the employee.

SECTION 6. THIRD PARTY EMPLOYERS (1) All third party employers that conduct business in Mississippi shall register to do business in Mississippi with the Mississippi Department of Employment Security before placing employees into the workforce in Mississippi.

(2) Third party employers shall provide proof of registration to any Mississippi employer with whom they do business.

SECTION 7. STATE AGENCIES. Each state agency, department or political subdivision shall meet the same requirements as employers in Sections 4 and 5 of this act.

SECTION 8. PENALTIES FOR NONCOMPLIANCE. (1) Any employer violating the provisions of this act shall be subject to the following penalties:

(a) Cancellation of any state or public contract, resulting in ineligibility for any state or public contract for up to three (3) years; or

(b) The loss of any license, permit, certificate, or other document granted to the employer by any agency, department or government entity in the state of Mississippi for the right to do business in Mississippi for up to one (1) year; or

(a) A fine up to \$1,000 to any employer with a state or public contract or any employer that has been issued any license, permit, certificate or other document by any agency, department, or government entity in the state of Mississippi granting the right to do business in Mississippi, or

(d) A combination of one or more of the above penalties.

(2) Any person or entity that is penalized under this act shall have the right to appeal to the Mississippi Department of Employment Security and to the circuit court of competent jurisdiction.

SECTION 9. EMPLOYER-EMPLOYEE PROGRAMS. (1) There is created a function of Employer-Employee Programs within the Mississippi Department of Employment Security.

(2) The duties of the Employer-Employee Programs shall be to:

(a) To assist companies and agencies in finding qualified United States citizens and qualified legal foreign workers as employees;

(b) To create education materials for employers and the community to assist in the compliance of this act; and

SECTION 10. EXEMPTIONS. (1) The provisions of this act shall not apply to:

(a) An employer who hires an employee through a state or federal work program that requires verification of the employee's social security number or provides for verification of the employee's lawful presence in the United States in an employment-authorized immigration status;

(b) Any candidate for employment referred by the Mississippi Department of Employment Security, if the Mississippi Department of Employment security has verified the social security number or provides for verification of the candidate's lawful presence in the United States in an employment-authorized immigration status.

(2) Neither shall the provisions of this act apply to individual homeowners who hire workers on their private property for non-commercial purposes, unless required by federal law to do so.

SECTION 11. FEDERAL COMPLIANCE. (1) Compliance with the sections of this statute shall not exempt the employer from regulations and requirements related to any federal laws or procedures related to employers.

(2) Any section of this act shall not be construed as an attempt to preempt Federal Law.

SECTION 12. ENFORCEMENT. (1) The Mississippi Department of Employment Security shall enforce the provisions of this act and shall promulgate rules and regulations that may be necessary to carry out the provisions of this act.

(2) The Mississippi Department of Employment Security shall seek input from representatives of state labor groups and state business groups to represent employers and employees.

(3) Any fines that are assessed for violation of this act shall be collected and retained by the Mississippi Department of Employment Security.

SECTION 13. EFFECTIVE DATE. (1) This act shall take effect and be in force from and after July 1, 2007, for all state agencies, departments, and political subdivisions, all employers who have contracts with the State of Mississippi, or with its departments, agencies, and political subdivisions, all third-party employers, and any person or company using a third-party employer.

(2) This act shall take effect and be in force from and after January 1, 2008, for all other employers who do business in Mississippi.