
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Mary Dozier O'Brien.

DIGEST

Present law (R.S. 23:991-996) provides relative to the hiring of aliens; however, present law does not contain provisions regarding the use of the E-Verify system in hiring new employees.

Proposed law provides for the "Employer Verification Act."

Proposed law provides definitions for the following terms:

1. Commission
2. Contractor
3. Employee
4. Employer
5. Legal alien
6. Private employer
7. Public employer
8. Status verification system
9. Subcontractor
10. Third party employer

Proposed law applies to any of these actions after the applicable date of compliance contained in the legislation:

1. The hire of a new employee.
2. A contract executed between a private employer and a contractor for the physical performance of services.
3. A contract with a third party employer.
4. An employment contract executed by a public employer.

Proposed law provides for a phase-in of compliance with the statute, as follows:

1. All employers in Louisiana with more than 250 employees-1/1/2011.
2. All public employers-7/1/2011.
3. All employers in Louisiana-1/1/2012.

Proposed law provides that all employers shall hire only legal citizens of the U.S. or legal aliens.

Proposed law requires all employers to register with and utilize the status verification system known as "E-Verify."

Proposed law provides that all third party employers who do business in Louisiana shall register with the Louisiana Workforce Commission and provide proof of registration with the status verification system, E-Verify.

Proposed law provides that an employer who violates the provisions of this statute shall be subject to the cancellation of any state contracts and ineligibility for any public contracts for a period not more than 3 years, shall be subject to losing any license, permit, certificate, or other document issued by the state for not more than 1 year, or both.

Proposed law provides that any contractor or employer shall be responsible for any additional costs incurred by the state or its political subdivisions for the cancellation of any contract or the revocation of any license, permit, certificate, or other document.

Proposed law provides for appeal of any penalty provided in proposed law.

Proposed law invests the Louisiana Workforce Commission and the attorney with the right to enforce the provisions of proposed law.

Proposed law provides for criminal sanctions for the employee who knowingly or with reckless disregard violates proposed law.

Proposed law provides protections from liability if the prospective new hire has been recommended for work through a state or federal work program, if the prospective new hire has been recommended for work by the Louisiana Workforce Commission, and for homeowners who hire workers for work noncommercial on private property, unless required to verify by federal law.

Effective August 15, 2010.

(Adds R.S. 23:998-998.6)