
The original instrument was prepared by Mary Dozier O'Brien. The following digest, which does not constitute a part of the legislative instrument, was prepared by Dawn Romero Watson.

DIGEST

Riser (SB 66)

Proposed law prohibits a private employer from bidding or otherwise contracting with a state agency unless the private employer attests in a sworn affidavit to:

- (1) Registered with and participates in a status verification system to verify that any new employees to be employed on the state project are legal citizens of the United States or are legal aliens.
- (2) Continue, during the term of the contract, to utilize the status verification system to verify the legal status of any new employees employed directly by the employer.

Proposed law provides that all costs to use the status verification system shall be borne by the entity seeking to participating in the public contract.

Proposed law provides for a penalty for violations of proposed law including cancellation of the contract and a prohibition of further state contracting for a period not to exceed three years.

Proposed law provides a right of appeal for any private employer penalized under proposed law.

Proposed law provides that any person, contractor, or employer who complies with proposed law shall not be liable, criminally or civilly, under state law for hiring an unauthorized alien if the information obtained in accordance with the state verification system indicated that the individual's federal legal status allowed the employer to hire the employee.

Proposed law only applies on contracts entered into or bids offered on or after January 1, 2012.

Proposed law provides that if the federal status verification system expires or is de-funded and extensions are not approved by the federal government, the provisions of the proposed law will no longer apply.

Effective August 15, 2011.

(Adds R.S. 23:998)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Labor and Industrial

Relations to the original bill.

1. Amendments provide that any person, contractor, or employer who utilizes the E-Verify system as required by this Act, shall not be liable, either civilly or criminally for incorrect information regarding any employee's legal status obtained through the E-Verify system.

Senate Floor Amendments to engrossed bill.

1. Limits application of proposed law from contracts with public entities to contracts with state agencies.
2. Adds payment by the state agency to the private employer of costs incurred and profit lost upon cancellation of a contract for proposed law violations.
3. Removes provisions requiring payments by the private employer to the state agency for additional costs associated with cancellation of a contract.
4. Adds authority for recovery of reasonable attorney fees and costs for the private employer if the penalty is not found to be supported by evidence or law.