

## SENATE SUMMARY OF HOUSE AMENDMENTS

**SB 66 By Senator Riser****KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

EMPLOYMENT. Requires verification of legal work status of employees by private employers seeking to contract with public entities. (8/15/11)

**SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL**

1. Changes each reference in the bill that prohibits a private employer from bidding or contracting with a state agency to prohibiting a private employer from bidding or contracting with a public entity.
2. Adds a finding by the legislature relative to discouraging illegal immigration by requiring employers who do business with public entities in Louisiana to cooperate fully with federal immigration authorities in the enforcement of federal immigration laws.
3. Changes the definition of "legal alien" to a person who is or was lawfully present or permanently residing legally in the United States and allowed to work at the time of employment and remains for the duration of that employment.
4. Changes the provisions of the affidavit a private employer must attest to prior to bidding on or contracting with a public entity and adds that a private employer must require a subcontractor to submit the same affidavit.
5. Adds a provision that for a period of three years from the date of a violation of proposed law, a private employer shall be ineligible to seek or participate in any public contract.
6. Adds a penalty provision providing that any private employer shall be liable for any additional costs incurred by a public entity, occasioned by the cancellation of a contract or loss of any license or permit to do business in the state.
7. Deletes the provision for the recovery by a private employer of attorney fees, court costs, and lost profits for a penalty that is not supported by evidence or law.
8. Makes technical changes.

**DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE**

Proposed law provides for legislative findings.

Proposed law defines the terms "legal alien" and "status verification system".

Proposed law prohibits a private employer from bidding or otherwise contracting with a public entity for the physical performance of services within the state of Louisiana unless the private employer attests in a sworn affidavit to the following:

- (1) The private employer is registered with and participates in a status verification system to verify that all its employees in the state of Louisiana are legal citizens of the United States or are legal aliens.
- (2) The private employer will continue, during the term of the contract, to utilize the status verification system to verify the legal status of all its new employees in the state of Louisiana.

- (3) The private employer will require all subcontractors to submit a sworn affidavit verifying compliance with proposed law.

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 public contracting for a period not to exceed three years from the date of the violation.

Proposed law provides that each private employer shall be liable for any additional costs incurred by a public entity, occasioned by the cancellation of a contract or loss of any license or permit to do business in the state, as provided in proposed law.

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 employee's federal legal status allowed the employer to hire the employee.

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 a refusal to hire an individual if the information obtained in accordance with the state verification system indicated that the employee's federal legal status was that of an unauthorized alien.

Proposed law only applies to 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)

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