



Mississippi Manufacturers Association

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Senate Addresses Concerns with Immigration Legislation

When Governor Haley Barbour signed SB 2988 known as the Mississippi Employment Protection Act, he issued a statement of concern that specific provisions of the bill could have unintended negative consequences. Barbour urged the Legislature to make the necessary technical changes to ensure this bill will have the intended effect.

In his call for the Special Session, one of the items Governor Barbour included was to make technical clarifying amendments to the recently-enacted immigration bill. In response to the call and concerns raised by MMA and other business groups the Senate Judiciary A Committee made a number of changes to the law. Following are the major ways the Senate Committee Substitute language clarifies the law:

1. Clarifies that when determining an employer's workforce size, for compliance purposes, the number of employees employed in Mississippi is the deciding factor.
2. Includes successors to E-Verify as acceptable for work authorization systems.
3. Eliminates private cause of action for discrimination based on discharge of a legal resident and retaining an unauthorized alien.
4. Advances E-Verify compliance dates for employers with 30 but less than 100 employees from July 1, 2010 to January 1, 2010 and all remaining employers from July 1, 2011 to January 1, 2011.
5. Adds language that says for an employer to be subject to penalties and loss of public contracts, licenses and the ability to do business in the state, the employer would have to receive notice of a violation, have a hearing and be found to have knowingly violated the law.
6. Eliminates the liability of the cost incurred because of the cancellation of a contract or the loss of a license or permit to do business in the state.
7. Adds that any person or entity penalized under this law shall have the right to appeal to the circuit court and the appeal shall proceed as a trial de novo.
8. Clarifies that there is no liability for an employer who hires an employee referred by the Mississippi Department of Employment Security.

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9. Adds no employer is liable for an employee who is not that employer's direct employee, but actually the employee of a third party employer.

During the regular session MMA and other business groups opposed requiring E-Verify as the only source for employers to verify work authorization. The mandated use of the E-Verify system has remained a part of the new Mississippi law and MMA has already begun to provide training for our members to comply with the Federal system. On May 21, MMA held a seminar with more than 150 people in attendance, including MMA members, and representatives from other trade associations and several state agencies.

The measure will be considered by the full Senate when they return on Tuesday.