



HR CORNER

FEES & BURGESS, P.C.



Volume 7, Issue 7

July 2011

BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT

Last month, Alabama Governor Robert Bentley signed into law the Beason-Hammon Alabama Taxpayer and Citizen Protection Act (Act). The Act contains a myriad of requirements and prohibitions aimed at unauthorized aliens, and those facilitating contracts, employment, and transportation for such people. The debate continues as to whether the new law is unduly burdensome for legal citizens, create unwanted administration, and reduces the taxpayer burden of illegal aliens in the state, effectively forcing illegal aliens to live and do business elsewhere.

Alabama, among many other states, is following the lead of Arizona in crafting its own law to deal with illegal immigration. In May 2011, the United States Supreme Court ruled that state laws containing some provisions similar to those in the Alabama legislation are constitutional, do not necessarily conflict with federal law, and are not pre-empted by federal law with respect to immigration issues. The Alabama law borrows language from the Arizona law, as well as federal law. In addition, it makes clear that the ultimate decision with respect to whether a person is a legitimate resident or citizen, or an unauthorized alien, must be made by the federal government, and not by the state or any of its agents. Although Alabama's law is very similar to Arizona in many respects, Alabama's law contains additional attributes and is broader in scope.

Like Arizona, Alabama prohibits knowingly hiring unauthorized aliens. In addition, it mandates the use of the federal E-Verify system to verify the employment eligibility of all potential employees. One key provision of the Alabama law makes it clear that any employer who utilizes E-Verify, in good faith, will be immune from liability under Alabama law (a) with respect to employment of an employee through that system, or (b) for any action by an employee for wrongful discharge or retaliation based on notification from the E-Verify program that the employee is an unauthorized alien. The E-Verify portion of the law will become effective April 1, 2012. Penalties related to failure to comply with this portion of the law range from a temporary suspension of the employer's business license to permanent suspension of its business license for repeat violations.

Additional provisions of the Alabama law, effective September 1, 2011, include:

- Denial of tax deductions related to performance of services paid to an unauthorized alien and penalty equal to 10 times the business expense deduction claimed for a violation;
- Prohibition against Alabama courts enforcing contracts with unauthorized aliens with certain exceptions, including contracts for food and medical services;
- Enhanced penalties for trespassing and possessing deadly weapons by unauthorized aliens;
- Requirement that law enforcement officers determine immigration status of a person who is reasonably suspected to be an unauthorized alien;
- A cause of action for discrimination against a citizen or unauthorized alien denied employment, or discharge of an employee who is a citizen or authorized alien, while retaining an employee the employer knew, or should have known, was an unauthorized alien.

Continued on page 2

BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT, *continued*

There will, no doubt, be challenges to this law from several interested parties. However, given the treatment that the Supreme Court has given the Arizona statute, it is likely that those portions of the law that are identical to those in the Arizona lawsuit will survive any scrutiny. Other provisions of the law may be subject to successful challenge. As such, stay tuned for additional updates.

FEES & BURGESS, P.C. - Calendar of Events

Fees & Burgess, P.C., is proud to present, and participate in the presentation of, the following upcoming seminars:

2011 NCMA World Congress July 10 – July 13, 2011; Denver, Colorado

Certified Commercial Contracts Manager (CCCM) Training

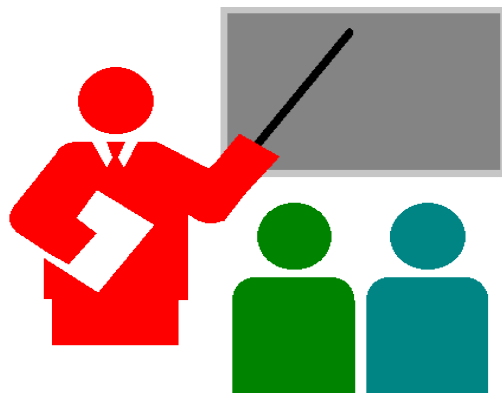
This four-part series, presented by Jeffrey Roth and Allen Anderson of Fees & Burgess, P.C., provides a practical introduction to the foundations of domestic commercial contracting. These sessions will feature discussion of risk management in several areas key to those buying or selling under the Uniform Commercial Code (UCC), including formation of commercial agreements and determination of applicable contract terms; performance issues under those agreements or terms, including risk of loss and delivery, acceptance, repudiation, warranties, and disclaimers, and of course, disputes, remedies, and dispute resolution.

Use of the New Incoterms® 2010 in Domestic and International Transactions

This workshop, presented by Jeffrey Roth and Allen Anderson of Fees & Burgess, P.C., will help educate both buyers and sellers in the domestic and international arenas of changes found in the new and recently-released version of Incoterms® 2010, which became effective January 1, 2011.

Click [here](#) to register, or for more information on NCMA's 2011 World Congress.

If you would like more information on these and other seminars, please visit us online at www.feesburgess.com.



EDUCATIONAL OPPORTUNITIES

During these rough economic times, it is important to get the most for your money. The lawyers of Fees & Burgess, P.C., have extensive experience working in a variety of fields, as both in-house and private counsel, representing various clientele. Our attorneys have diverse experience in many areas of law, including civil litigation; employment law; intellectual property; supply chain management; mergers and acquisitions; contract negotiation; dispute resolution; and various other fields.

This wide field of knowledge provides our attorneys with the insight and know-how to provide quality training on various topics. Our programs can be customized to fit any business need while keeping the costs of our training competitive, and without sacrificing quality.

Topics that Fees & Burgess, P.C., can provide training on include, but are not limited to:

A Recession Era Guide to Collecting on Construction Contracts	Managing Gender Identity Issues in the Workplace
Conducting Effective Workplace Investigations	Negotiation and Resolution of Federal Contract Claims
Construction Contracting	Privacy in the Workplace
Contingent Employees and Labor Outsourcing	Reducing Employee Benefits Costs for Alabama Businesses
Diversity Training	Reducing Risk in Purchasing Terms and Conditions
Elements of an Electrical Manufacturing Services Contract	Reduction in Workforce Strategies
Employment Law Survival Training for Managers	Retaliation and Whistleblowers
Family Medical Leave Act	Uniform Commercial Code: Primer to Articles 1, 2, and 2A
Hiring and Firing	Violence in the Workplace
Immigration Compliance	Wage and Hour Issues/Fair Labor Standards Act
Incoterms® 2010	Americans with Disabilities Act
Indemnity and Limitation of Liability Contract Clauses	Managing Employee Use of Internet and E-mail in the Workplace
International Contracting	Ethics, Business Conduct and Compliance in Government Contracting
Limiting Liability for Sexual Harassment	

For more information on these and other programs, please visit us online at www.feesburgess.com; contact us by e-mail at seminars@feesburgess.com; or by phone at (256) 536-0095.



SPEAKERS

FEES & BURGESS, P.C., provides speakers, training programs, seminars, and webcasts for various trade associations; business groups; and clients. For information regarding a program, contact seminars@feesburgess.com.

NEWSLETTERS

FEES & BURGESS, P.C., also publishes *F&B Quarterly Bytes*, focusing on multiple practice areas; and *F&B SCM Memo*, focusing on the supply chain management industry. To receive any of these newsletters, please e-mail newsletters@feesburgess.com with your contact information.

To remove your name from our mailing list, please e-mail newsletters@feesburgess.com.

Michael L. Fees

mfees@feesburgess.com

C. Gregory Burgess

gburgess@feesburgess.com

Allen L. Anderson

anderson@feesburgess.com

Jeffrey L. Roth

jroth@feesburgess.com

Stacy L. Moon

smoon@feesburgess.com

FEES & BURGESS, P.C.

213 Green Street

Huntsville, Alabama 35801

Telephone (256) 536-0095

Facsimile (256) 536-4440

www.feesburgess.com

Leah M. Green

lgreen@feesburgess.com

Ryan G. Blount

rblount@feesburgess.com

Lauren A. Smith

lsmith@feesburgess.com

Allison B. Chandler

achandler@feesburgess.com

HR Corner should not be construed as legal advice or a legal opinion on any specific facts or circumstances. The contents are intended for general information purposes only. Anyone needing specific legal advice should consult an attorney.

“No representation is made that the quality of legal services to be performed is greater than the quality of legal services performed by other lawyers.”