

**S.B. 81**  
**ILLEGAL IMMIGRATION**

Senator **John W. Hickman** proposes the following amendments:

1. *Page 2, Lines 51 through 54*

*Senate Committee Amendments*

2-12-2008:

51           ▶       requires an applicant for a state or local public benefit to {~~execute an affidavit~~  
52 ~~attesting to~~} certify the applicant's lawful presence in the United States, and provides  
53 penalties for making a false, fictitious, or fraudulent statement or representation in  
54 the {~~affidavit~~} application ;

2. *Page 16, Lines 462 through 464:*

462           (b) Subsection (3)(a) does not apply to a contract :  
              (i) entered into by the entities referred to  
463 in Subsection (3)(a) prior to July 1, 2009, even though the contract may involve the physical  
464 performance of services within the state on or after July 1, 2009 ; or  
              (ii) that involves underwriting, remarketing, broker-dealer activities, securities placement,  
              investment advisory, financial advisory, or other financial or investment banking services

3. *Page 17, Lines 510 through 511*

*Senate Committee Amendments*

2-12-2008:

510           (f) the exemption for paying the nonresident portion of total tuition ~~Š~~→ [for the time  
510a periods] as ~~Š~~  
511 set forth in Section 53B-8-106 {~~-~~} ; and  
              (g) an applicant for a license under Section 61-1-4, if the applicant is registered with the Financial  
              Industry Regulatory Authority and files an application with state Division of Securities through the  
              Central Registration Depository.

4. *Page 17, Lines 512 through 521*

*Senate Committee Amendments*

2-12-2008:

512           (4) (a) An agency or political subdivision required to verify the lawful presence in the

513 United States of an applicant under this section shall require the applicant to ~~{execute an~~  
514 ~~affidavit under penalty of perjury stating that:~~  
515 ~~—— (i) the applicant is a United States citizen; or~~  
516 ~~—— (ii) the applicant is:~~  
517 ~~—— (A) a qualified alien as defined in 8 U.S.C., Sec. 1641; and~~  
518 ~~—— (B) lawfully present in the United States;~~  
519 ~~—— (b) An agency or political subdivision providing a state or local benefit under this~~  
520 ~~section shall provide notary public services at no cost to an applicant.}~~ produce documentation  
substantiating the applicant's lawful presence, which may include:  
(i) a certified copy of a birth certificate that documents the applicant as a natural born citizen of the  
United States;  
(ii) a United States military card or a military dependent's identification card;  
(iii) a United States Coast Guard Merchant Mariner card;  
(iv) a Native American tribal document; or  
(v) any other form of documentation that establishes lawful presence of the applicant in the United States  
as prescribed by a rule enacted by the agency or the political subdivision, or in the case of a federal  
benefit, any other form of documentation prescribed by federal law or regulation.  
521 (5) ~~{(a)-}~~ An agency or political subdivision shall verify ~~{an affidavit executed}~~ the  
documentation provided by an applicant under

5. *Page 18, Lines 525 through 536:*

525 Security.  
526 ~~{(b) The affidavit is presumed proof of lawful presence in the United States until~~  
527 ~~eligibility verification is made under Subsection (5)(a)-}~~  
528 (6)(a) An individual who knowingly and willfully makes a false, fictitious, or  
529 fraudulent statement or representation in an ~~{affidavit executed}~~ application for benefits under this  
section or in the required documentation under Subsection (4)(a) is  
530 subject to the criminal penalties applicable in this state for:  
531 (i) making a written false statement under Subsection 76-8-504(2); and  
532 (ii) fraudulently obtaining public assistance program benefits under Sections 76-8-1205  
533 and 76-8-1206 and unemployment compensation under Section 76-8-1301 .  
534 (b) If the ~~{affidavit}~~ application or accompanying documentation constitutes a false claim  
of U.S. citizenship under 18 U.S.C., Sec.  
535 911, the agency or political subdivision shall file a complaint with the United States Attorney  
536 General for the applicable district based upon the venue in which the ~~{affidavit was~~  
~~executed}~~ application was made .