

**Representative Glenn A. Donnelson** proposes the following substitute bill:

**EMPLOYMENT VERIFICATION AMENDMENTS**

2006 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Glenn A. Donnelson**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions for Labor in General and other provisions related to the Utah Employment Act and verification requirements.

**Highlighted Provisions:**

This bill:

► enacts the Utah Employment Act including:

- defining terms;
- addressing interpretation of the act;
- requiring employers to participate in the federal basic verification pilot program;
- requiring recordkeeping; and
- providing for enforcement; and

► requires a state public procurement unit to condition procurement agreements on receiving documentation that an employee has elected to participate in the federal basic verification pilot program.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None



## Utah Code Sections Affected:

## ENACTS:

**34-44-101**, Utah Code Annotated 1953

**34-44-102**, Utah Code Annotated 1953

**34-44-103**, Utah Code Annotated 1953

**34-44-201**, Utah Code Annotated 1953

**34-44-202**, Utah Code Annotated 1953

**63-56-426**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **34-44-101** is enacted to read:

**CHAPTER 44. UTAH EMPLOYMENT ACT**

**Part 1. General Provisions**

**34-44-101. Title.**

This chapter is known as the "Utah Employment Act."

Section 2. Section **34-44-102** is enacted to read:

**34-44-102. Definitions.**

As used in this chapter:

(1) "Basic verification pilot program" means the electronic verification of work authorization program:

(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, P.L. 104-128, Division C, Title IV, Subtitle A, Section 403(a), 8 U.S.C. 1324a (1996) (as amended 2002, 2003); and

(b) operated by the United States Department of Homeland Security.

(2) "Employee" means an individual performing or applying for work or service of any kind or character for hire.

(3) "Employer" means a person employing or seeking to employ any individual for hire.

(4) "Employment" means:

(a) the act of employing; or

(b) the state of being employed, engaged, or hired.

(5) "State" means any of the following of the state:

(a) a department;

(b) a division;

(c) a commission;

(d) a council;

(e) a board;

(f) a bureau;

(g) a committee;

(h) an institution;

(i) a government corporation; or

(j) other establishment, official, or employee.

Section 3. Section **34-44-103** is enacted to read:

**34-44-103. Interpretation of chapter.**

This chapter shall be interpreted so as to be fully consistent with:

(1) federal immigration and labor laws; and

(2) the state's labor laws.

Section 4. Section **34-44-201** is enacted to read:

## **Part 2. Participation in Basic Verification Pilot Program**

**34-44-201. Participation in basic verification pilot program required for employer.**

(1) An employer employing an employee in this state, including the state or a political subdivision of the state, shall participate in the basic verification pilot program to verify the employment eligibility of any employee that the employer hires on or after the day on which the employer executes the documentation required under the basic verification pilot program to elect to participate in the basic verification pilot program.

(2) An employer shall maintain a current copy of the documentation described in Subsection (1).

Section 5. Section **34-44-202** is enacted to read:

**34-44-202. Liability.**

An employer who violates this chapter is guilty of an infraction.

Section 6. Section **63-56-426** is enacted to read:

88           **63-56-426. Participation in basic verification pilot program.**

89           A state public procurement unit shall require as a condition of any agreement to procure  
90 supplies, services, and construction needed by the state that an employer of an employee  
91 submit with that employer's response to a bid a current copy of the documentation required by  
92 the basic verification pilot program, as defined in Section 34-44-102, the employer obtained to  
93 elect to participate in the basic verification pilot program.