

Representative Glenn A. Donnelson proposes the following substitute bill:

UTAH EMPLOYMENT VERIFICATION ACT

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Glenn A. Donnelson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to labor to require employers to participate in a federal program to verify employment eligibility of employees.

Highlighted Provisions:

This bill:

- ▶ enacts the Utah Employment Verification Act including:
 - defining terms;
 - addressing interpretation of the act;
 - providing for severability;
 - requiring participation in the federal employment verification program; and
 - requiring recordkeeping; and
- ▶ requiring a study

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:



26 **34-44-101**, Utah Code Annotated 1953
27 **34-44-102**, Utah Code Annotated 1953
28 **34-44-103**, Utah Code Annotated 1953
29 **34-44-104**, Utah Code Annotated 1953
30 **34-44-201**, Utah Code Annotated 1953
31 **34-44-202**, Utah Code Annotated 1953

32 **Uncodified Material Affected:**

33 ENACTS UNCODIFIED MATERIAL

34

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

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

37 **CHAPTER 44. UTAH EMPLOYMENT VERIFICATION ACT**

38 **Part 1. General Provisions**

39 **34-44-101. Title.**

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

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

42 **34-44-102. Definitions.**

43 As used in this chapter:

44 (1) "Employee" means an employee as defined in Section 3401, Internal Revenue
45 Code.

46 (2) "Employer" means an employer as defined in Section 3401, Internal Revenue Code.

47 (3) "Federal employment verification program" means a program to electronically
48 verify employment eligibility that is:

49 (a) operated by the United States Department of Homeland Security to verify
50 information of employees pursuant to the Illegal Immigration Reform and Immigrant
51 Responsibility Act of 1996, P.L. 104-128, 110 Stat. 3009, Title IV, Subtitle A, (as amended
52 2002, 2003); or

53 (b) a similar program operated by the United States Department of Homeland Security.

54 (4) "State" means any of the following of the state:

55 (a) a department;

56 (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;

(2) this title; and

(3) Title 34A, Utah Labor Code.

Section 4. Section **34-44-104** is enacted to read:

34-44-104. Severability.

If any provision of this chapter or the application of a provision to any person or circumstance is held invalid, the invalidity may not affect other provisions or applications of this chapter. The provisions of this chapter are severable.

Section 5. Section **34-44-201** is enacted to read:

Part 2. Participation in Federal Employment Verification Program

34-44-201. Participation in federal employment verification program required for employer.

(1) By the later of July 1, 2008 or the day on which the employer first employs an employee in this state, an employer employing an employee in this state, including the state or a political subdivision of the state, shall participate in the federal employment verification program.

(2) An employer described in Subsection (1) shall verify the employment eligibility of each employee that the employer hires on or after the day on which the employer executes the documentation required under the federal employment verification program to participate in that program.

Section 6. Section **34-44-202** is enacted to read:

34-44-202. Recordkeeping.

(1) Beginning on the day specified in Subsection 34-44-201(1), an employer shall at all times maintain a current copy of the documentation required under the federal employment verification program to participate in that program.

(2) An employer shall keep a record of verifying the employment eligibility in accordance with Section 34-44-201 for each employee described in Subsection 34-44-201(2) for the time period:

(a) beginning with the day on which the employee's eligibility is verified under the federal employment verification programs; and

(b) ending one year after the day on which the employee is no longer employed by the employer.

Section 7. Study of Utah Employment Verification Act.

(1) The Labor Commission shall study and recommend a viable enforcement mechanism for enforcing the requirements of Title 34, Chapter 44, Utah Employment Verification Act.

(2) (a) In conducting the study required by this section, the commissioner of the Labor Commission shall collaborate with:

(i) the executive director of the Department of Commerce; and

(ii) the executive director of the Department of Workforce Services.

(b) The Department of Commerce and the Department of Workforce Services shall cooperate with the study.

(3) The study shall include issues related to:

(a) efficiency;

(b) coordination with and impacts on other programs administered by the departments participating in the study;

(c) federal law requirements;

(d) costs and funding mechanisms;

(e) implementation needs; and

(f) efforts to require employer verification in other states.

(4) The Labor Commission shall report to the Business and Labor Interim Committee

119 by no later than October 31, 2007, and include in the report:
120 (a) a specific recommendation, including proposed legislation, as to how to enforce the
121 Utah Employment Verification Act, on all public and private employers in the state;
122 (b) estimates as to the costs of enforcement and a specific recommendation, including
123 proposed legislation, as to how to fund the costs of enforcement; and
124 (c) any other recommendations related to the Utah Employment Verification Act.

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Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill will require the all employers in Utah, including state and local governments, to register electronically to participate in the employment verification program and electronically submit information for verification on newly hired workers. Costs cannot be measured but the impacts on individual businesses will vary. Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals.
