



House of Representatives *State of Utah*

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NOTICE OF BILL RETURNED TO RULES COMMITTEE

February 21, 2007

Mr. Speaker:

The Business and Labor Committee has returned **H.B. 127**, EMPLOYEE VERIFICATION, PROCUREMENT, AND INCENTIVES, by Representative S. Sandstrom, to the Rules Committee without recommendation with the following amendments:

1. *Page 3, Lines 72 through 75:*

72 (b) If an employer described in this Subsection (3) receives or claims an economic
73 development incentive, the employer shall notify the office of a finding described in
 Subsection
74 (3)(a) within ~~{five}~~ **eight** business days of the day on which the finding
 described in Subsection (3)(a)
75 is final.

2. *Page 4, Lines 92 through 109*

House Committee Amendments

2-8-2007:

92 (2) **(a)** A state **public** procurement unit shall require as a condition of any
 agreement to procure
93 supplies, services, and construction ~~{that is the subject of a request for~~
 proposals} **described in Subsection (2)(b)** that an
94 employer submit with that employer's response to a bid **related to that agreement** a
 certification that the employer:
95 ~~{(a)}~~ **(i)** participates in the federal employment verification program; and
96 ~~{(b)}~~ **(ii)** has not been found to violate the requirements of the federal
 employment

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97 verification program by:
98 ~~{(f)}~~ (A) the United States Department of Homeland Security; or
99 ~~{(f)}~~ (B) the ~~{division}~~ Division of Purchasing and General
Services .

(b) This section applies to an agreement to procure supplies, services, or
construction that:

(i) is the subject of a request for proposals; and

(ii) has a total dollar value equal to or greater than \$25,000.

(c) (i) This section does not apply to a person that does not directly
submit a response to a bid described in Subsection (2)(a) for the right to enter
into an agreement with the state public procurement unit, including a person
who is a subcontractor of the employer that submits a response to the bid.

(ii) An employer who submits a response to a bid in accordance with
Subsection (2)(a) may not be required under this section to certify whether or
not any subcontractor of that employer participates in the federal
employment verification program.

100 (3) (a) If the ~~{division}~~ Division of Purchasing and General Services
learns that the employer does not participate in the federal
101 employment verification program or an employer is found by the United States
Department of
102 Homeland Security to violate the requirements of the federal employment verification
program ~~{g}~~ :

(i) the employer shall remedy the violation within 60 days of the earlier of:

(A) the day on which the ~~{division}~~ Division of Purchasing and General
Services notifies the employer that the ~~{division}~~ Division of Purchasing and
General Services learned that the employer is subject to this Subsection (3); or

(B) the day on which the employer notifies the ~~{division}~~ Division of
Purchasing and General Services of the finding as required by Subsection (3)(b); and

(ii) if the employer fails to remedy the violation within the 60-day period
described in Subsection (3)(a)(i):

(A) for an agreement entered into on or after April 30, 2007, any agreement with
a state public procurement unit that is in effect terminates on the day immediately
following the day on which the 60-day period ends;



(B) the state public procurement unit has any remedy available under an agreement described in Subsection (3)(a)(ii)(A) for breach of that agreement; and
103 (C) the employer may not enter into a new agreement or renew an agreement to
provide supplies,
104 services, or construction to a state public procurement unit for one year after the day
on which the
105 finding described in {this} Subsection (3) (a)(i) becomes final.
106 (b) If an employer described in this Subsection (3) has an agreement to provide
107 supplies, services, or contraction to a state public procurement unit, the employer shall
notify the
108 {~~division~~} Division of Purchasing and General Services of the finding
described in Subsection (3)(a) within {~~five~~} eight business days of the day on
109 which the finding described in Subsection (3)(a) is final.

Respectfully,

Stephen D. Clark
Committee Chair

Voting: --

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