



# House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL  
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February 12, 2008

Mr. Speaker:

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 257**, EMPLOYEE VERIFICATION, by Representative C. Herrod, with the following amendments:

1. *Page 1, Lines 9 through 11:*

9           This bill modifies provisions related to state affairs in general by conditioning  
              ~~{certain~~  
10   ~~economic incentives and}~~ procurement agreements on employer participation in a  
              federal  
11   employee eligibility verification program.

2. *Page 1, Lines 15 through 17:*

15   verification program of a newly hired employee's employment eligibility as a  
16   condition for receiving ~~{certain economic incentives and}~~ procurement contracts  
17   including:

3. *Page 1, Lines 26 through 27:*

26   ENACTS:  
27       ~~{63-38f-206, Utah Code Annotated 1953}~~

4. *Page 2, Line 30 through Page 3, Line 76:*

30   *Be it enacted by the Legislature of the state of Utah:*  
31   ~~{Section 1. Section 63-38f-206 is enacted to read:~~  
32   ~~63-38f-206. Employment eligibility verification as a requirement for~~  
          ~~receiving~~  
33   ~~economic development incentives.~~  
34   ~~(1) As used in this section:~~  
35   ~~(a) "Economic development incentive" means one or more of the following:~~

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- 36 ~~\_\_\_\_\_ (i) a loan, grant, or other financial assistance described in Part 9, Industrial~~  
37 ~~Fund;~~  
38 ~~\_\_\_\_\_ (ii) a partial tax rebate described in Part 13, Aerospace and Aviation Zone;~~  
39 ~~\_\_\_\_\_ (iii) a partial tax rebate described in Part 17, Economic Development~~  
40 ~~Incentives Act;~~  
41 ~~\_\_\_\_\_ (iv) an incentive described in Part 18, Motion Picture Incentive Fund;~~  
42 ~~or~~  
43 ~~\_\_\_\_\_ (v) monies distributed under Part 19, Economic Development on Military~~  
44 ~~Installations;~~  
45 ~~or~~  
46 ~~\_\_\_\_\_ (vi) monies or other incentives distributed under Part 21, Economic~~  
47 ~~Development -~~  
48 ~~Government Procurement Contracts;~~  
49 ~~\_\_\_\_\_ (b) "Employee" means an individual performing or applying for work or~~  
50 ~~service of any~~  
51 ~~kind or character for hire;~~  
52 ~~\_\_\_\_\_ (c) "Employer" means a person employing or seeking to employ an~~  
53 ~~individual for hire;~~  
54 ~~\_\_\_\_\_ (d) "Employment" means:~~  
55 ~~\_\_\_\_\_ (i) the act of employing; or~~  
56 ~~\_\_\_\_\_ (ii) the state of being employed, engaged, or hired;~~  
57 ~~\_\_\_\_\_ (e) "Federal employment verification program" means a program to~~  
58 ~~electronically~~  
59 ~~verify employment eligibility that is:~~  
60 ~~\_\_\_\_\_ (i) operated by the United States Department of Homeland Security to verify~~  
61 ~~information of employees pursuant to the Illegal Immigration Reform and Immigrant~~  
62 ~~Responsibility Act of 1996, P.L. 104-128, 110 Stat. 3009, Title IV, Subtitle A, (as~~  
63 ~~amended~~  
64 ~~2002, 2003); or~~  
65 ~~\_\_\_\_\_ (ii) a similar program operated by the United States Department of~~  
66 ~~Homeland Security;~~  
67 ~~\_\_\_\_\_ (2) The office shall require as a condition for receipt of an economic~~  
68 ~~development~~  
69 ~~incentive that an employer certify that the employer:~~



60 ~~\_\_\_\_\_ (a) participates in a federal employment verification program referred to in~~  
61 ~~Subsection~~  
62 ~~(1)(e); and~~  
63 ~~\_\_\_\_\_ (b) has not been found to violate the requirements of the federal employment~~  
64 ~~verification program by:~~  
65 ~~\_\_\_\_\_ (i) the United States Department of Homeland Security; or~~  
66 ~~\_\_\_\_\_ (ii) the office.~~  
67 ~~(3) (a) If the office learns that an employer does not participate in the federal~~  
68 ~~employment verification program or is found by the United States Department of~~  
69 ~~Homeland~~  
70 ~~Security to violate the requirements of the federal employment verification program~~  
71 ~~within one~~  
72 ~~year after the day on which the employer receives or otherwise claims an economic~~  
73 ~~development incentive, the office may require the employer to repay to the state up to~~  
74 ~~the full~~  
75 ~~value of the economic development incentive as of the day on which the employer~~  
76 ~~receives or~~  
77 ~~otherwise claims the economic development incentive.~~  
78 ~~\_\_\_\_\_ (b) If an employer described in this Subsection (3) receives or claims an~~  
79 ~~economic~~  
80 ~~development incentive, the employer shall notify the office of a finding described in~~  
81 ~~Subsection~~  
82 ~~(3)(a) within five business days of the day on which the finding described in~~  
83 ~~Subsection (3)(a)~~  
84 ~~is final. }~~

5. Page 3, Line 77:

77 Section {~~2~~} 1 . Section ~~63-56-427~~ is enacted to read:

Respectfully,

Steven R. Mascaro

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Committee Chair

Voting: 5-1-2

3 HB0257.HC1.WPD 2/12/08 9:55 am ahunsaker/ALH JLW/ALH

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