

HOUSE BILL No. 6327

July 23, 2008, Introduced by Rep. Angerer and referred to the Committee on Oversight and Investigations.

A bill to prohibit knowing employment of illegal aliens; to provide procedures for verifying employee eligibility; to provide for certain powers and duties for certain state agencies; and to provide for administrative fines.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "employment eligibility verification act".

3 Sec. 2. As used in this act:

4 (a) "Department" means the department of labor and economic
5 growth.

6 (b) "Employ" means to permit an individual to perform labor or
7 services for remuneration.

8 (c) "Employer" means an individual, partnership, for-profit or

1 nonprofit corporation, association, or other legal entity that
2 employs 1 or more individuals.

3 (d) "Employment eligibility verification information" means
4 the documentation that is required by the United States department
5 of homeland security when completing the employment eligibility
6 verification form commonly referred to as the federal "Form I-9".

7 (e) "Unauthorized alien" means with respect to the employment
8 of an alien at a particular time, that the alien is not at that
9 time either of the following:

10 (i) An alien lawfully admitted for permanent residence in the
11 United States.

12 (ii) An alien authorized to be employed in the United States
13 under federal law.

14 Sec. 3. (1) An employer shall not recruit, hire, or refer an
15 individual for employment to be performed in this state if the
16 employer has actual or constructive knowledge that the individual
17 is an unauthorized alien.

18 (2) If an employer has not received information indicating
19 that the documentation or status is false or no longer valid, an
20 employer does not violate subsection (1) as to an individual if the
21 employer has done any of the following in a good faith effort to
22 comply with this act:

23 (a) Requested from the individual, received, and documented in
24 the employment record, before the individual begins work,
25 employment eligibility verification information.

26 (b) Verified the legal immigrant status of the individual,
27 before the individual begins to work, using the federal electronic

1 work authorization verification service provided by the United
2 States department of homeland security pursuant to the federal
3 basic pilot program extension and expansion act of 2003, Public Law
4 108-156.

5 Sec. 4. An employer who violates section 3 is responsible for
6 an administrative fine of \$1,000.00 for each individual employed in
7 violation of this act. An employer who violates section 3 a second
8 or subsequent time is responsible for an administrative fine of at
9 least \$2,000.00, but not more than \$5,000.00, for each individual
10 employed in violation of this act.

11 Sec. 5. The department shall impose an administrative fine as
12 provided in this act after notice and an opportunity for a hearing.
13 A person aggrieved by an administrative fine issued under this act
14 may request a hearing pursuant to the administrative procedures act
15 of 1969, 1969 PA 306, MCL 24.201 to 24.328.

16 Sec. 6. An administrative fine imposed under this act shall be
17 deposited in the general fund and is in addition to any other
18 criminal or civil sanction or remedy available under any other law.