

## CHAPTER 7

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**GOVERNMENT - STATE**


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**HOUSE BILL 06S-1001**

BY REPRESENTATIVE(S) Carroll M., Benefield, Berens, Borodkin, Buescher, Butcher, Carroll T., Crane, Curry, Gallegos, Garcia, Green, Hall, Hodge, Jahn, Kerr A., Kerr J., Knoedler, Larson, Liston, Lundberg, Marshall, McCluskey, McFadyen, Merrifield, Paccione, Penry, Ragsdale, Solano, Stafford, Todd, Welker, White, Witwer, Cloer, and Decker; also SENATOR(S) Hagedorn.

**AN ACT**

**CONCERNING THE REQUIREMENT THAT AN EMPLOYER VERIFY THAT IT DOES NOT EMPLOY ILLEGAL IMMIGRANTS IN ORDER TO QUALIFY FOR AN ECONOMIC DEVELOPMENT INCENTIVE AWARDED BY THE COLORADO ECONOMIC DEVELOPMENT COMMISSION.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** Part 1 of article 46 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**24-46-105.3. Economic development incentives - employers in compliance with federal law - legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THE COMMISSION ENCOURAGES, PROMOTES, AND STIMULATES ECONOMIC DEVELOPMENT AND EMPLOYMENT IN COLORADO BY AWARDING ECONOMIC DEVELOPMENT INCENTIVES TO EMPLOYERS IN THE FORM OF GRANTS, LOANS, AND PERFORMANCE-BASED INCENTIVES. THE GENERAL ASSEMBLY FURTHER FINDS THAT IT IS IN THE BEST INTEREST OF THE PEOPLE OF THE STATE TO ENSURE THAT UNITED STATES CITIZENS AND OTHERS LAWFULLY PRESENT IN THE STATE ARE THE BENEFICIARIES OF EMPLOYMENT OPPORTUNITIES THAT ARE MADE POSSIBLE THROUGH MONEYS AWARDED TO EMPLOYERS THE COMMISSION. THE GENERAL ASSEMBLY RECOGNIZES THAT MANY LOCAL GOVERNMENTS ALSO PARTICIPATE IN PROGRAMS TO DEVELOP NEW BUSINESSES, EXPAND EXISTING BUSINESSES, PROMOTE ECONOMIC DEVELOPMENT WITHIN THEIR JURISDICTIONS, AND CREATE EMPLOYMENT OPPORTUNITIES FOR COLORADO. THE GENERAL ASSEMBLY FURTHER RECOGNIZES THAT IT WOULD BE IN THE BEST INTEREST OF THE PEOPLE OF THE STATE IF LOCAL GOVERNMENTS WOULD TAKE STEPS TO ENSURE THAT UNITED STATES CITIZENS AND OTHERS LAWFULLY PRESENT IN THE STATE ARE THE BENEFICIARIES OF EMPLOYMENT OPPORTUNITIES CREATED THROUGH ECONOMIC

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

DEVELOPMENT INCENTIVES OFFERED AT THE LOCAL LEVEL. THEREFORE, THE GENERAL ASSEMBLY HEREBY ENCOURAGES ALL LOCAL GOVERNMENTS THAT PARTICIPATE IN ECONOMIC DEVELOPMENT INCENTIVE PROGRAMS TO DEVELOP STANDARDS TO ENSURE THAT ALL EMPLOYERS WHO ARE AWARDED ECONOMIC DEVELOPMENT INCENTIVES EMPLOY ONLY UNITED STATES CITIZENS OR PEOPLE WHO ARE LAWFULLY PRESENT IN THE STATE AND HAVE THE AUTHORITY TO WORK.

(2) IN ADDITION TO THE REQUIREMENTS SPECIFIED FOR ANY EMPLOYER TO RECEIVE A GRANT, LOAN, PERFORMANCE-BASED INCENTIVE, OR OTHER ECONOMIC DEVELOPMENT INCENTIVE PURSUANT TO THE PROVISIONS OF THIS ARTICLE, AN EMPLOYER SHALL BE IN COMPLIANCE WITH THE PROVISIONS OF 8 U.S.C. SEC. 1324a IN ORDER TO BE ELIGIBLE TO RECEIVE SUCH ECONOMIC DEVELOPMENT INCENTIVE. THE COMMISSION SHALL DEVELOP A PROCEDURE BY WHICH AN EMPLOYER THAT RECEIVES AN ECONOMIC DEVELOPMENT INCENTIVE PURSUANT TO THIS ARTICLE SHALL PROVIDE PROOF TO THE COMMISSION THAT EACH EMPLOYEE EMPLOYED BY THE EMPLOYER WITHIN THE UNITED STATES IS A UNITED STATES CITIZEN OR, IF NOT A UNITED STATES CITIZEN, IS LAWFULLY PRESENT IN THE STATE AND AUTHORIZED TO WORK.

(3) DURING THE PROCESS OF AWARDING A GRANT, LOAN, PERFORMANCE-BASED INCENTIVE, OR OTHER ECONOMIC DEVELOPMENT INCENTIVE TO AN EMPLOYER, THE COMMISSION SHALL HAVE THE DISCRETION TO DETERMINE WHEN TO VERIFY THAT THE EMPLOYER IS IN COMPLIANCE WITH THE PROVISIONS OF 8 U.S.C. SEC. 1324a.

(4) IF THE COMMISSION DETERMINES THAT AN EMPLOYER WHO RECEIVES AN ECONOMIC DEVELOPMENT INCENTIVE PURSUANT TO THIS ARTICLE IS NOT IN COMPLIANCE WITH THE PROVISIONS OF 8 U.S.C. SEC. 1324a, OR IS UNABLE TO PROVE THAT IT IS IN COMPLIANCE WITH THE REQUIREMENTS OF 8 U.S.C. SEC. 1324a, THE COMMISSION SHALL NOTIFY THE EMPLOYER BY CERTIFIED MAIL OF THE COMMISSION'S DETERMINATION OF NONCOMPLIANCE. THE EMPLOYER SHALL REPAY THE TOTAL AMOUNT OF MONEY RECEIVED AS AN ECONOMIC DEVELOPMENT INCENTIVE TO THE COMMISSION WITHIN THIRTY DAYS OF RECEIPT OF THE NOTICE.

(5) NOTWITHSTANDING THE PROVISIONS OF THIS ARTICLE, ANY EMPLOYER THAT HAS BEEN ISSUED A NOTICE OF NONCOMPLIANCE PURSUANT TO SUBSECTION (4) OF THIS SECTION SHALL BE INELIGIBLE TO QUALIFY FOR A GRANT, LOAN, PERFORMANCE-BASED INCENTIVE, OR OTHER ECONOMIC DEVELOPMENT INCENTIVE AWARDED PURSUANT TO THIS ARTICLE FOR FIVE YEARS AFTER THE DATE THAT THE EMPLOYER HAS REPAID THE COMMISSION IN FULL PURSUANT TO THE REQUIREMENTS OF SUBSECTION (4) OF THIS SECTION.

(6) UPON DETERMINATION THAT AN EMPLOYER IS INELIGIBLE TO RECEIVE AN ECONOMIC DEVELOPMENT INCENTIVE PURSUANT TO THIS SECTION, THE COMMISSION SHALL ALLOW THE EMPLOYER TO APPEAR AT A HEARING BEFORE THE COMMISSION AND TO ESTABLISH PROOF THAT THE EMPLOYER IS IN COMPLIANCE WITH THE PROVISIONS OF 8 U.S.C. SEC. 1324a. THE COMMISSION SHALL SATISFY THE REQUIREMENTS OF THIS SUBSECTION (6) WITHIN EXISTING RESOURCES.

(7) THIS SECTION SHALL BE ENFORCED WITHOUT REGARD TO RACE, RELIGION, GENDER, ETHNICITY, OR NATIONAL ORIGIN.

**SECTION 2. Applicability.** This act shall apply to grants, loans, performance-based incentives, or other economic development incentives awarded by the Colorado economic development commission on or after October 1, 2006.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: July 31, 2006