

Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0797.01 Christy Chase

SENATE BILL 08-139

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SENATE SPONSORSHIP

Schultheis,

HOUSE SPONSORSHIP

Lundberg,

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Senate Committees

Business, Labor and Technology

House Committees

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A BILL FOR AN ACT

101 CONCERNING NOTIFICATION TO EMPLOYERS OF THE FEDERAL  
102 ELECTRONIC VERIFICATION PROGRAM FOR USE IN VERIFYING  
103 THE WORK ELIGIBILITY STATUS OF NEW EMPLOYEES.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Requires the department of labor and employment to notify employers, quarterly for the next 2 years and twice per year thereafter, of the prohibition against hiring or continuing to employ an unauthorized alien and the availability of and participation requirements for the federal electronic verification program (e-verify program) to verify the work eligibility status of new employees. Also requires the department and the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

secretary of state to post on their respective web sites information about the prohibition against hiring unauthorized aliens and the e-verify program and a link to the e-verify program web site.

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

2           **SECTION 1.** Part 1 of article 2 of title 8, Colorado Revised  
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
4 read:

5           **8-2-124. Electronic verification program - availability - notice**  
6 **to employers - definitions.** (1) AS USED IN THIS SECTION:

7           (a) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND  
8 EMPLOYMENT.

9           (b) "ELECTRONIC VERIFICATION PROGRAM" OR "E-VERIFY  
10 PROGRAM" MEANS THE ELECTRONIC EMPLOYMENT VERIFICATION  
11 PROGRAM THAT IS AUTHORIZED IN 8 U.S.C. SEC. 1324a AND JOINTLY  
12 ADMINISTERED BY THE UNITED STATES DEPARTMENT OF HOMELAND  
13 SECURITY AND THE SOCIAL SECURITY ADMINISTRATION, OR ITS SUCCESSOR  
14 PROGRAM.

15           (c) (I) "EMPLOYER" MEANS A PERSON TRANSACTING BUSINESS IN  
16 COLORADO WHO, AT ANY TIME, EMPLOYS ANOTHER PERSON TO PERFORM  
17 SERVICES OF ANY NATURE AND WHO HAS CONTROL OF THE PAYMENT OF  
18 WAGES FOR SUCH SERVICES OR IS THE OFFICER, AGENT, OR EMPLOYEE OF  
19 THE PERSON HAVING CONTROL OF THE PAYMENT OF WAGES.

20           (II) "EMPLOYER" DOES NOT INCLUDE THE FEDERAL GOVERNMENT,  
21 THE STATE OF COLORADO, ANOTHER STATE, OR A POLITICAL SUBDIVISION  
22 OF COLORADO OR ANOTHER STATE.

23           (d) "EMPLOYMENT ELIGIBILITY VERIFICATION FORM I-9" MEANS  
24 THE FORM DEVELOPED BY THE UNITED STATES CITIZENSHIP AND

1 IMMIGRATION SERVICES IN THE DEPARTMENT OF HOMELAND SECURITY  
2 PURSUANT TO 8 U.S.C. SEC. 1324a (b).

3 (e) "UNAUTHORIZED ALIEN" HAS THE SAME MEANING AS SET  
4 FORTH IN 8 U.S.C. SEC. 1324a (h) (3).

5 (2) (a) (I) AS PART OF ITS QUARTERLY PUBLICATION DISTRIBUTED  
6 TO ALL EMPLOYERS, THE DEPARTMENT SHALL INCLUDE THE FOLLOWING  
7 STATEMENT, IN BOLD-FACED TYPE IN A CONSPICUOUS LOCATION,  
8 NOTIFYING EVERY EMPLOYER OF THE PROHIBITION UNDER FEDERAL LAW  
9 AGAINST HIRING OR CONTINUING TO EMPLOY AN UNAUTHORIZED ALIEN:

**IT IS UNLAWFUL FOR AN EMPLOYER TO:**

**HIRE, RECRUIT, OR REFER FOR A FEE, FOR  
EMPLOYMENT IN THE UNITED STATES, AN ALIEN,  
KNOWING THE ALIEN IS AN UNAUTHORIZED ALIEN;**

**HIRE, RECRUIT, OR REFER FOR A FEE, FOR  
EMPLOYMENT IN THE UNITED STATES, AN INDIVIDUAL  
WITHOUT VERIFYING THE EMPLOYMENT ELIGIBILITY  
STATUS OF THE INDIVIDUAL THROUGH COMPLETION OF  
THE EMPLOYMENT ELIGIBILITY VERIFICATION FORM  
I-9, OR ITS SUCCESSOR FORM; OR**

**CONTINUE TO EMPLOY AN ALIEN IN THE UNITED  
STATES, KNOWING THAT THE ALIEN IS OR HAS BECOME  
AN UNAUTHORIZED ALIEN.**

**FOR MORE SPECIFIC INFORMATION, EMPLOYERS  
SHOULD CONSULT 8 U.S.C. SEC. 1324a.**

25 (II) IMMEDIATELY FOLLOWING THE STATEMENT REQUIRED BY  
26 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), THE DEPARTMENT SHALL  
27 INCLUDE IN THE QUARTERLY PUBLICATION INFORMATION REGARDING THE

1 AVAILABILITY OF, AND THE REQUIREMENTS FOR, PARTICIPATION IN THE  
2 ELECTRONIC VERIFICATION PROGRAM TO VERIFY THE WORK ELIGIBILITY  
3 STATUS OF NEW EMPLOYEES.

4 (III) THE DEPARTMENT SHALL INCLUDE THE STATEMENT AND  
5 INFORMATION REQUIRED BY THIS PARAGRAPH (a) IN EACH QUARTERLY  
6 PUBLICATION DISTRIBUTED TO EMPLOYERS DURING THE TWO YEARS  
7 IMMEDIATELY FOLLOWING THE EFFECTIVE DATE OF THIS SECTION AND  
8 THEN TWICE PER YEAR THEREAFTER.

9 (b) THE DEPARTMENT SHALL PERMANENTLY POST ON ITS WEB SITE  
10 THE STATEMENT AND INFORMATION DESCRIBED IN PARAGRAPH (a) OF THIS  
11 SUBSECTION (2), AS WELL AS A LINK TO THE E-VERIFY WEB SITE AVAILABLE  
12 THROUGH THE INTERNET PORTAL FOR THE UNITED STATES CITIZENSHIP  
13 AND IMMIGRATION SERVICES, OR ITS SUCCESSOR AGENCY.

14 **SECTION 2.** Part 1 of article 21 of title 24, Colorado Revised  
15 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
16 read:

17 **24-21-112. Electronic verification program - notice -**  
18 **definitions.** (1) AS USED IN THIS SECTION:

19 (a) "ELECTRONIC VERIFICATION PROGRAM" OR "E-VERIFY  
20 PROGRAM" MEANS THE ELECTRONIC EMPLOYMENT VERIFICATION  
21 PROGRAM THAT IS AUTHORIZED IN 8 U.S.C. SEC. 1324a AND JOINTLY  
22 ADMINISTERED BY THE UNITED STATES DEPARTMENT OF HOMELAND  
23 SECURITY AND THE SOCIAL SECURITY ADMINISTRATION, OR ITS SUCCESSOR  
24 PROGRAM.

25 (b) "EMPLOYER" MEANS A PERSON TRANSACTING BUSINESS IN  
26 COLORADO WHO, AT ANY TIME, EMPLOYS ANOTHER PERSON TO PERFORM  
27 SERVICES OF ANY NATURE AND WHO HAS CONTROL OF THE PAYMENT OF

1 WAGES FOR SUCH SERVICES OR IS THE OFFICER, AGENT, OR EMPLOYEE OF  
2 THE PERSON HAVING CONTROL OF THE PAYMENT OF WAGES.

3 (2) THE SECRETARY OF STATE, IN CONSULTATION WITH THE  
4 DEPARTMENT OF LABOR AND EMPLOYMENT, SHALL POST ON THE  
5 SECRETARY OF STATE'S WEB SITE INFORMATION PERTAINING TO THE  
6 PROHIBITION AGAINST HIRING OR CONTINUING TO EMPLOY AN  
7 UNAUTHORIZED ALIEN, AS DEFINED IN 8 U.S.C. SEC. 1324a (h) (3), AND  
8 THE AVAILABILITY OF AND THE REQUIREMENTS FOR PARTICIPATION IN THE  
9 ELECTRONIC VERIFICATION PROGRAM AS A MEANS FOR EMPLOYERS TO  
10 VERIFY THE WORK ELIGIBILITY STATUS OF NEW EMPLOYEES. THE WEB SITE  
11 POSTING REQUIRED BY THIS SUBSECTION (2) SHALL APPEAR IN THE SAME  
12 FORMAT AS REQUIRED BY SECTION 8-2-124 (2) (a) (I), C.R.S., AND SHALL  
13 APPEAR IN A CONSPICUOUS LOCATION ON THE SECRETARY OF STATE'S WEB  
14 SITE. THE SECRETARY OF STATE'S WEB SITE SHALL ALSO PROVIDE A LINK  
15 TO THE E-VERIFY WEB SITE AVAILABLE THROUGH THE INTERNET PORTAL  
16 FOR THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, OR ITS  
17 SUCCESSOR AGENCY.

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