HOUSE COMMITTEE OF REFERENCE REPORT

_____ March 6, 2008
Chairman of Committee Date

Committee on State, Veterans, & Military Affairs.

After consideration on the merits, the Committee recommends the following:

SB08-139 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 3, line 6, strike "SHALL" and substitute "SHALL, AT A MINIMUM,";

line 7, strike "PROHIBITION UNDER";

line 9, before "ELECTRONIC", insert "OPTIONAL";

after line 10, insert the following:

"(II) (A) IN NOTIFYING EMPLOYERS OF THE E-VERIFY PROGRAM PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), THE DEPARTMENT SHALL INCLUDE LANGUAGE SIMILAR TO THE FOLLOWING:

AS WITH ALL CURRENT EMPLOYEE VERIFICATION PROGRAMS, THE E-VERIFY PROGRAM IS NOT ONE HUNDRED PERCENT ACCURATE, AND AN EMPLOYEE HAS RECOURSE AVAILABLE IF THE EMPLOYEE IS LEGALLY DOCUMENTED TO WORK IN THE UNITED STATES BUT THE EMPLOYER RECEIVES A FINAL NOTICE OF NONCONFIRMATION OF WORK ELIGIBILITY REGARDING THE EMPLOYEE THROUGH THE E-VERIFY PROGRAM.

(B) ADDITIONALLY, THE DEPARTMENT SHALL PROVIDE EMPLOYERS INFORMATION ABOUT WHEN, DURING THE HIRING PROCESS, AN EMPLOYER

MAY LAWFULLY USE THE E-VERIFY PROGRAM, SPECIFYING THAT THE E-VERIFY PROGRAM CAN ONLY BE USED AFTER AN EMPLOYEE IS HIRED AND CANNOT BE USED TO VERIFY THE WORK ELIGIBILITY STATUS OF EXISTING EMPLOYEES. THE NOTICE SHALL ALSO RESTATE THE REQUIREMENTS OF SECTION 24-34-402, C.R.S., WHICH PROHIBITS EMPLOYERS FROM ENGAGING IN DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICES.".

Renumber succeeding subparagraphs accordingly.

Page 3, line 15, strike "PROHIBITIONS UNDER".

Page 4, line 1, strike the second "**OR**";

line 4, strike "**ALIEN.**" and substitute "**ALIEN; OR**";

after line 4, insert the following:

"**WHILE USING THE E-VERIFY PROGRAM, REFUSE TO HIRE, DISCHARGE, PROMOTE, OR DEMOTE A PERSON, HARASS A PERSON DURING THE COURSE OF EMPLOYMENT, OR DISCRIMINATE AGAINST A PERSON IN MATTERS OF COMPENSATION, ON THE BASIS OF THE PERSON'S DISABILITY, RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION, RELIGION, AGE, NATIONAL ORIGIN, OR ANCESTRY, PURSUANT TO SECTION 24-34-402, C.R.S.**";

line 5, strike "**INFORMATION,**" and substitute "**INFORMATION REGARDING THE E-VERIFY PROGRAM AND ITS REQUIREMENTS AND USE,**";

line 13, strike "(II)" and substitute "(III)".

Page 5, line 16, strike "(a) (II)," and substitute "(a),".

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