

2007 DRAFTING REQUEST

Bill

Received: **11/14/2007**

Received By: **jkreye**

Wanted: **Soon**

Identical to LRB:

For: **Roger Breske (608) 266-2509**

By/Representing: **barb**

This file may be shown to any legislator: **NO**

Drafter: **jkreye**

May Contact:

Addl. Drafters:

Subject: **Tax, Other - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Breske@legis.wisconsin.gov**

Carbon copy (CC:) to: **joseph.kreye@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Denying certain government benefits to companies that hire illegal aliens

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkreye 11/14/2007	kfollett 11/14/2007		_____			S&L
/1	jkreye 01/11/2008	wjackson 01/12/2008	nmatzke 11/14/2007	_____	cduerst 11/14/2007	cduerst 12/13/2007	S&L
/2			pgreensl 01/14/2008	_____	cduerst 01/14/2008	cduerst 01/14/2008	S&L
				_____	cduerst 01/14/2008		

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/3	jkreye 01/14/2008	wjackson 01/14/2008	pgreensl 01/14/2008	_____	sbasford 01/14/2008	sbasford 01/14/2008	

FE Sent For: "13" @ intro. 1-22-08 <END>

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/2		/3WJ/1/14	pgreensl 01/14/2008	_____	cduerst 01/14/2008	cduerst 01/14/2008	
				_____	cduerst 01/14/2008		

Handwritten signatures and initials: jkreye, wjackson, nmatzke, pgreensl, cduerst.

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				_____	cduerst		
				_____	01/14/2008		

changed requestor

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For: Russell Decker (608) 266-2502

By/Representing: barb

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Drafter: jkreye

May Contact:

Addl. Drafters:

Subject: Tax, Other - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Sen.Decker@legis.wisconsin.gov

Carbon copy (CC:) to: joseph.kreye@legis.wisconsin.gov

Pre Topic:

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<END>

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By/Representing: barb

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May Contact:

Addl. Drafters:

Subject: Tax, Other - miscellaneous

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/1		1/2 wly 1/12	natzke 11/14/2007	1/14/07 JK PS	cduerst 11/14/2007	cduerst 12/13/2007	

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1/14
PS

<END>

for senate per JK

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/?	jkreye	11/14 11/14	nwn 4/14	nwn/ 11/14			

FE Sent For:

<END>

3467/1

2007 ASSEMBLY BILL 101

in 11-14-07
due Fri 11-16-07

February 22, 2007 - Introduced by Representatives SCHNEIDER, VRUWINK, F. LASEE, ALBERS and GUNDERSON, cosponsored by Senator LEIBHAM. Referred to Committee on Judiciary and Ethics.

D-N

Regen

1 AN ACT to amend 16.75 (6) (e), 16.855 (18), 16.855 (21) and 16.855 (22); and to
 2 create 16.756, 16.855 (23) and 560.29 of the statutes; relating to: making
 3 companies that hire illegal aliens ineligible for certain tax exemptions,
 4 governmental contracts, grants, and loans, granting rule-making authority,
 5 and providing penalties.

Analysis by the Legislative Reference Bureau

Under this bill, any company that has hired illegal aliens is, for a period of seven years, ineligible to: 1) receive any income or franchise tax credit or property tax exemption; 2) enter into a contract with the state or a local governmental unit for the construction, remodeling, or repair of a public work or building, or for the furnishing of supplies, services, equipment, or material of any kind; and 3) receive any grants or loans from a local governmental unit.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 SECTION 1. 16.75 (6) (e) of the statutes is amended to read:

1 16.75 (6) (e) The governor or his or her designee may waive any requirement
2 of this subchapter if the governor or his or her designee finds that there exists an
3 emergency which threatens the public health, safety or welfare and the waiver is
4 necessary to meet the emergency. The governor or his or her designee shall require
5 the award of each contract under this paragraph to be made with such competition
6 as is practicable under the circumstances. The governor or his or her designee shall
7 file with the department a statement of facts constituting the emergency for each
8 waiver issued under this paragraph, and a statement of the basis for selection of each
9 contractor under the emergency procedure. This paragraph does not apply to the
10 ~~requirement~~ requirements specified in sub. (7) and s. 16.756.

11 **SECTION 2.** 16.756 of the statutes [✓] is created to read:

12 **16.756 Companies hiring illegal aliens.** No company that hires an illegal
13 alien is eligible to enter into any contract with an agency for the purchase of
14 materials, supplies, equipment, or contractual services for a period of 7 years
15 beginning with the year in which the company hires an illegal alien.

16 **SECTION 3.** 16.855 (18) of the statutes [✓] is amended to read:

17 16.855 (18) ~~This~~ Except as provided in sub. (23), this section shall not apply
18 to restoration or reconstruction of the state capitol building, historic structures at the
19 old world Wisconsin site and at Heritage Hill state park when the department
20 determines that a waiver of this section would serve the best interests of this state.

21 **SECTION 4.** 16.855 (21) of the statutes [✓] is amended to read:

22 16.855 (21) ~~This~~ Except as provided in sub. (23), this section does not apply to
23 contracts by the department of natural resources for construction work related to
24 hazardous substance spill response under s. 292.11 or environmental repair under
25 s. 292.31.

ASSEMBLY BILL 101

1 **SECTION 5.** 16.855 (22) of the statutes is amended to read:

2 16.855 (22) The provisions of this section, except sub. subs. (10m) and (23), do
3 not apply to construction work for any project that does not require the prior approval
4 of the building commission under s. 13.48 (10) (a) if the project is constructed in
5 accordance with policies and procedures prescribed by the building commission
6 under s. 13.48 (29). If the estimated construction cost of any project is at least
7 \$40,000, and the building commission elects to utilize the procedures prescribed
8 under s. 13.48 (29) to construct the project, the department shall provide adequate
9 public notice of the project and the procedures to be utilized to construct the project
10 on a publicly accessible computer site.

11 **SECTION 6.** 16.855 (23) of the statutes is created to read:

12 16.855 (23) No company that hires an illegal alien is eligible to enter into any
13 contract with an agency for engineering or architectural services or for construction
14 work, as defined in s. 16.87 (1) (a) for a period of 7 years beginning with the year in
15 which the company hires an illegal alien.

16 **SECTION 7.** ~~560.29~~^{560.286} of the statutes is created to read:

17 **560.29 Hiring illegal aliens.** (1) DEFINITIONS. In this section:

18 (a) "Company" means any organization or enterprise operated for profit,
19 including a proprietorship, partnership, firm, business trust, joint venture,
20 syndicate, corporation, limited liability company, or association.

21 (b) "Local governmental unit" has the meaning given in s. 66.0131 (1) (a).

22 (c) "Public contract" means a contract for the construction, execution, repair,
23 remodeling, or improvement of a public work or building or for the furnishing of
24 supplies, services, equipment, or material of any kind.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

3467/1dn
JK: kjf

D-N
Date

Senator Decker:

This draft is based on 2007 assembly Bill 101.
" "

JK



**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3467/1dn
JK:kjf:nwn

November 14, 2007

Senator Decker:

This draft is based on 2007 Assembly Bill 101.

Joseph T. Kreye
Legislative Attorney
Phone: (608) 266-2263
E-mail: joseph.kreye@legis.wisconsin.gov

Barman, Mike

From: Piliouras, Elizabeth
Sent: Monday, December 17, 2007 2:58 PM
To: Worcester, Barbara
Cc: Barman, Mike
Subject: LRB3467 - pdf copy

Hi Barb:

Can you send me a copy of the illegal alien bill, or let Mike know that it's okay that I get one?

Thanks!
Beth

Beth Piliouras

Senator Roger Breske
608-266-2509

Piliouras, Elizabeth

From: Kreye, Joseph
Sent: Monday, December 17, 2007 2:23 PM
To: Piliouras, Elizabeth
Subject: RE: LRB3467

Hi Beth,

That error can be corrected as a chief clerk's correction after the bill is introduced. If, however, you want other changes to the bill, I can incorporate that correction with those changes.

Joe

Joseph T. Kreye
Senior Legislative Attorney
Legislative Reference Bureau
(608) 266-2263

From: Piliouras, Elizabeth
Sent: Monday, December 17, 2007 2:19 PM
To: Kreye, Joseph
Subject: LRB3467

Hi Joe:

Sorry to be such a pest... does it matter that on page 4, line 18, it says subch.111 instead of subch.III?

Thanks!
Beth

Beth Piliouras
Senator Roger Breske
608-266-2509

Barman, Mike

From: Barman, Mike
Sent: Tuesday, December 18, 2007 2:07 PM
To: Kreye, Joseph
Subject: RE: Did you hear from Decker's office?

Thanks

From: Kreye, Joseph
Sent: Tuesday, December 18, 2007 2:06 PM
To: Barman, Mike
Subject: RE: Did you hear from Decker's office?

Hi Mike,

I heard back from Decker's office and I sent Beth a copy.

Joe

Joseph T. Kreye
Senior Legislative Attorney
Legislative Reference Bureau
(608) 266-2263

From: Barman, Mike
Sent: Tuesday, December 18, 2007 2:05 PM
To: Piliouras, Elizabeth; Kreye, Joseph
Subject: RE: Did you hear from Decker's office?

Sorry, we have not heard back from them yet.

From: Piliouras, Elizabeth
Sent: Tuesday, December 18, 2007 2:04 PM
To: Kreye, Joseph; Barman, Mike
Subject: Did you hear from Decker's office?

Giving us permission to have an electronic copy of LRB 3467?

Thanks!
Beth

Beth Piliouras
Senator Roger Breske
608-266-2509

12/18/2007

Kreye, Joseph

From: Piliouras, Elizabeth
Sent: Friday, January 11, 2008 1:43 PM
To: Kreye, Joseph
Subject: LRB3467

Hi Joe:

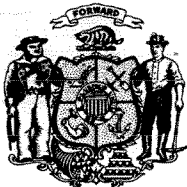
I'm sending back the jacket. Can you do a /2 that includes a good faith provision?

Thanks,
Beth

Beth Piliouras

Senator Roger Breske

608-266-2509



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3467/1

JK:kjf:nwn

+Wlj
RM mtr

2007 BILL

in 1-11-08
due Tues 1-15

Regen

1 AN ACT *to amend* 16.75 (6) (e), 16.855 (18), 16.855 (21) and 16.855 (22); and *to*
2 *create* 16.756, 16.855 (23) and 560.286 of the statutes; **relating to:** making
3 companies that hire illegal aliens ineligible for certain tax exemptions,
4 governmental contracts, grants, and loans, granting rule-making authority,
5 and providing penalties.

Analysis by the Legislative Reference Bureau

* Under this bill, any company that has hired illegal aliens is, for a period of seven years, ineligible to 1) receive any income or franchise tax credit or property tax exemption; 2) enter into a contract with the state or a local governmental unit for the construction, remodeling, or repair of a public work or building, or for the furnishing of supplies, services, equipment, or material of any kind; and 3) receive any grants or loans from a local governmental unit.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 SECTION 1. 16.75 (6) (e) of the statutes is amended to read:

BILL

1 16.75 (6) (e) The governor or his or her designee may waive any requirement
2 of this subchapter if the governor or his or her designee finds that there exists an
3 emergency which threatens the public health, safety or welfare and the waiver is
4 necessary to meet the emergency. The governor or his or her designee shall require
5 the award of each contract under this paragraph to be made with such competition
6 as is practicable under the circumstances. The governor or his or her designee shall
7 file with the department a statement of facts constituting the emergency for each
8 waiver issued under this paragraph, and a statement of the basis for selection of each
9 contractor under the emergency procedure. This paragraph does not apply to the
10 ~~requirement~~ requirements specified in sub. (7) and s. 16.756.

11 **SECTION 2.** 16.756 of the statutes is created to read:

12 **16.756 Companies hiring illegal aliens.** No company that hires an illegal
13 alien is eligible to enter into any contract with an agency for the purchase of
14 materials, supplies, equipment, or contractual services for a period of 7 years
15 beginning with the year in which the company hires an illegal alien.)

16 **SECTION 3.** 16.855 (18) of the statutes is amended to read:

17 16.855 (18) This Except as provided in sub. (23), this section shall not apply
18 to restoration or reconstruction of the state capitol building, historic structures at the
19 old world Wisconsin site and at Heritage Hill state park when the department
20 determines that a waiver of this section would serve the best interests of this state.

21 **SECTION 4.** 16.855 (21) of the statutes is amended to read:

22 16.855 (21) This Except as provided in sub. (23), this section does not apply to
23 contracts by the department of natural resources for construction work related to
24 hazardous substance spill response under s. 292.11 or environmental repair under
25 s. 292.31.

Not This section does not apply to any company that makes
a good faith effort to determine whether any person the
company hires is not an illegal alien.

BILL

1 **SECTION 5.** 16.855 (22) of the statutes is amended to read:

2 16.855 (22) The provisions of this section, except sub. ~~subs.~~ (10m) and (23), do
3 not apply to construction work for any project that does not require the prior approval
4 of the building commission under s. 13.48 (10) (a) if the project is constructed in
5 accordance with policies and procedures prescribed by the building commission
6 under s. 13.48 (29). If the estimated construction cost of any project is at least
7 \$40,000, and the building commission elects to utilize the procedures prescribed
8 under s. 13.48 (29) to construct the project, the department shall provide adequate
9 public notice of the project and the procedures to be utilized to construct the project
10 on a publicly accessible computer site.

11 **SECTION 6.** 16.855 (23) of the statutes is created to read:

12 16.855 (23) No company that hires an illegal alien is eligible to enter into any
13 contract with an agency for engineering or architectural services or for construction
14 work, as defined in s. 16.87 (1) (a) for a period of 7 years beginning with the year in
15 which the company hires an illegal alien.

16 **SECTION 7.** 560.286 of the statutes is created to read:

17 **560.286 Hiring illegal aliens. (1) DEFINITIONS.** In this section:

18 (a) "Company" means any organization or enterprise operated for profit,
19 including a proprietorship, partnership, firm, business trust, joint venture,
20 syndicate, corporation, limited liability company, or association.

21 (b) "Local governmental unit" has the meaning given in s. 66.0131 (1) (a).

22 (c) "Public contract" means a contract for the construction, execution, repair,
23 remodeling, or improvement of a public work or building or for the furnishing of
24 supplies, services, equipment, or material of any kind.

(Not) This ^{Sub} section does not apply to any company that makes a good faith effort to determine whether any person the company hires is not an illegal alien.

BILL

1 **(2) PENALTIES.** (a) Notwithstanding the provisions of any tax exemption under
2 ch. 70 or tax credit under ch. 71 for which a company would otherwise be eligible, any
3 company that has hired an illegal alien shall, for a period of 7 years beginning with
4 the year in which the company hired an illegal alien, be ineligible to:

- 5 1. Receive any tax exemption under ch. 70 or any tax credit under ch. 71.
- 6 2. Enter into a public contract with a local governmental unit.
- 7 3. Receive any grants or loans from a local governmental unit.
- 8 4. Enter into a contract for the purchase of materials, supplies, equipment, or
9 contractual services with any agency, as defined in s. 16.70 (1e).
- 10 5. Enter into a contract for engineering or architectural services or for
11 construction work, as defined in s. 16.87 (1) (a), with any agency, as defined in s. 16.70
12 (1e).

13 (b) Any company that has hired an illegal alien is subject to a \$10,000 fine for
14 each illegal alien the company hires.

15 **(3) RULES.** The department shall promulgate rules to implement and
16 administer this section.

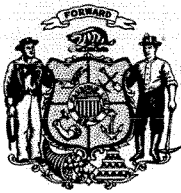
17 **(4) REVIEW.** A determination of ineligibility under sub. (2) (a) and the
18 imposition of any penalty under sub. (2) (b) are subject to review under subch. 111
19 of ch. 227.

20 ④ (c) Paragraphs (a) and (b) do not apply to any company
that makes a good faith effort to determine whether any
person the company hires is not an illegal alien. ○

(END)

SLASH 2
should be
sent Breske's office
(new requests)

Joe



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3467/2
JK:kjf&wlj:pg

3
↑ ↑
stays AM

2007 BILL

in 1-14-08

Today

Regen

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5 and providing penalties.

Analysis by the Legislative Reference Bureau

Under this bill, any company that has hired illegal aliens is, for a period of seven years, ineligible to 1) receive any income or franchise tax credit or property tax exemption; 2) enter into a contract with the state or a local governmental unit for the construction, remodeling, or repair of a public work or building, or for the furnishing of supplies, services, equipment, or material of any kind; and 3) receive any grants or loans from a local governmental unit.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 SECTION 1. 16.75 (6) (e) of the statutes is amended to read:

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1 16.75 (6) (e) The governor or his or her designee may waive any requirement
2 of this subchapter if the governor or his or her designee finds that there exists an
3 emergency which threatens the public health, safety or welfare and the waiver is
4 necessary to meet the emergency. The governor or his or her designee shall require
5 the award of each contract under this paragraph to be made with such competition
6 as is practicable under the circumstances. The governor or his or her designee shall
7 file with the department a statement of facts constituting the emergency for each
8 waiver issued under this paragraph, and a statement of the basis for selection of each
9 contractor under the emergency procedure. This paragraph does not apply to the
10 ~~requirement~~ requirements specified in sub. (7) and s. 16.756.

11 **SECTION 2.** 16.756 of the statutes is created to read:

12 **16.756 Companies hiring illegal aliens.** No company that hires an illegal
13 alien is eligible to enter into any contract with an agency for the purchase of
14 materials, supplies, equipment, or contractual services for a period of 7 years
15 beginning with the year in which the company hires an illegal alien. This section
16 does not apply to any company that makes a good faith effort to determine whether
17 any person the company hires is not an illegal alien.

18 **SECTION 3.** 16.855 (18) of the statutes is amended to read:

19 16.855 (18) This Except as provided in sub. (23), this section shall not apply
20 to restoration or reconstruction of the state capitol building, historic structures at the
21 old world Wisconsin site and at Heritage Hill state park when the department
22 determines that a waiver of this section would serve the best interests of this state.

23 **SECTION 4.** 16.855 (21) of the statutes is amended to read:

24 16.855 (21) This Except as provided in sub. (23), this section does not apply to
25 contracts by the department of natural resources for construction work related to

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1 hazardous substance spill response under s. 292.11 or environmental repair under
2 s. 292.31.

3 **SECTION 5.** 16.855 (22) of the statutes is amended to read:

4 16.855 (22) The provisions of this section, except ~~sub.~~ subs. (10m) and (23), do
5 not apply to construction work for any project that does not require the prior approval
6 of the building commission under s. 13.48 (10) (a) if the project is constructed in
7 accordance with policies and procedures prescribed by the building commission
8 under s. 13.48 (29). If the estimated construction cost of any project is at least
9 \$40,000, and the building commission elects to utilize the procedures prescribed
10 under s. 13.48 (29) to construct the project, the department shall provide adequate
11 public notice of the project and the procedures to be utilized to construct the project
12 on a publicly accessible computer site.

13 **SECTION 6.** 16.855 (23) of the statutes is created to read:

14 16.855 (23) No company that hires an illegal alien is eligible to enter into any
15 contract with an agency for engineering or architectural services or for construction
16 work, as defined in s. 16.87 (1) (a) for a period of 7 years beginning with the year in
17 which the company hires an illegal alien. This subsection does not apply to any
18 company that makes a good faith effort to determine whether any person the
19 company hires is not an illegal alien.

20 **SECTION 7.** 560.286 of the statutes is created to read:

21 **560.286 Hiring illegal aliens.** (1) DEFINITIONS. In this section:

22 (a) "Company" means any organization or enterprise operated for profit,
23 including a proprietorship, partnership, firm, business trust, joint venture,
24 syndicate, corporation, limited liability company, or association.

25 (b) "Local governmental unit" has the meaning given in s. 66.0131 (1) (a).

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1 (c) "Public contract" means a contract for the construction, execution, repair,
2 remodeling, or improvement of a public work or building or for the furnishing of
3 supplies, services, equipment, or material of any kind.

4 (2) PENALTIES. (a) Notwithstanding the provisions of any tax exemption under
5 ch. 70 or tax credit under ch. 71 for which a company would otherwise be eligible, any
6 company that has hired an illegal alien shall, for a period of 7 years beginning with
7 the year in which the company hired an illegal alien, be ineligible to:

8 1. Receive any tax exemption under ch. 70 or any tax credit under ch. 71.

9 2. Enter into a public contract with a local governmental unit.

10 3. Receive any grants or loans from a local governmental unit.

11 4. Enter into a contract for the purchase of materials, supplies, equipment, or
12 contractual services with any agency, as defined in s. 16.70 (1e).

13 5. Enter into a contract for engineering or architectural services or for
14 construction work, as defined in s. 16.87 (1) (a), with any agency, as defined in s. 16.70
15 (1e).

16 (b) Any company that has hired an illegal alien is subject to a \$10,000 fine for
17 each illegal alien the company hires.

18 (c) Paragraphs (a) and (b) do not apply to any company that makes a good faith
19 effort to determine whether any person the company hires is not an illegal alien.

20 (3) RULES. The department shall promulgate rules to implement and
21 administer this section.

22 (4) REVIEW. A determination of ineligibility under sub. (2) (a) and the
23 imposition of any penalty under sub. (2) (b) are subject to review under subch. 111
24 of ch. 227.

25 (END)

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1 (c) Paragraphs (a) and (b) do not apply to any company that makes a good faith
2 effort to determine whether any person the company hires is not an illegal alien,
3 except that this paragraph does not apply to a company that receives notice from the
4 federal government that an employee has provided a false or incorrect social security
5 number, unless the company corrects the problem described in the notice, in the
6 manner prescribed under federal law, no later than 30 days after receiving the notice.
7 An entity doing business in this state that receives a notice described in this
8 paragraph shall keep the notice for the period prescribed by the department and
9 shall submit the notice to the department at the department's request. An entity that
10 fails to submit the notice is subject to the penalties under pars. (a) and (b). ✓

Kreye, Joseph

From: Piliouras, Elizabeth
Sent: Monday, January 14, 2008 1:25 PM
To: Kreye, Joseph
Subject: LRB3467

Hi Joe:

Sorry, I should have been clearer. I meant I would like to use the same good faith effort clause as LRB1033/6.

I'm sending the jacket back.

The language from 1033 is below, pgs 4 & 5

(c) Paragraphs (a) and (b) do not apply to any company that makes a good faith effort to determine whether any person the company hires is not an illegal alien, except that this paragraph does not apply to a company that receives notice from the federal government that an employee has provided a false or incorrect social security number, unless the company corrects the problem described in the notice, in the manner prescribed under federal law, no later than 30 days after receiving the notice. An entity doing business in this state that receives a notice described in this paragraph shall keep the notice for the period prescribed by the department and shall submit the notice to the department at the department's request. An entity that fails to submit the notice is subject to the penalties under pars. (a) and (b).

Beth Piliouras

Senator Roger Breske

608-266-2509