

HOUSE BILL No. 6395

August 24, 2010, Introduced by Reps. Valentine, Liss, Constan, Kennedy, Huckleberry, Geiss, Womack, Slavens, Donigan, Ebli, Miller, Segal, Robert Jones, Kandrevas, Neumann, Roy Schmidt, Hammel, Terry Brown, Polidori, Mayes, Slezak, Roberts, Lisa Brown, Meadows, Espinoza and Haase and referred to the Committee on Judiciary.

A bill to provide for certain license sanctions against the holders of certain licenses; to provide certain powers and duties for certain state agencies; to provide for sanctions against employers for actions regarding the employment of undocumented workers; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "Michigan job protection act".

3 Sec. 3. As used in this act:

4 (a) "Employer" means an individual, partnership, for-profit or
5 nonprofit corporation, association, or other legal entity that
6 employs 1 or more individuals. Employer does not include a

1 governmental agency.

2 (b) "License" means a certificate, registration,
3 accreditation, permit, or license issued by a state regulatory
4 agency allowing a person to engage in a certain occupation or use a
5 certain title while engaging in an occupation.

6 (c) "State regulatory agency" means a department, bureau, or
7 agency of this state that has regulatory authority over the
8 issuance of a license. State regulatory agency includes a local
9 unit of government enforcing state law.

10 (d) "Undocumented worker" means, with respect to the
11 employment of a worker at a particular time, that the worker is not
12 at that time either of the following:

13 (i) An alien lawfully admitted for permanent residence in the
14 United States.

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

17 Sec. 5. (1) Except as otherwise provided by law, a state
18 regulatory agency shall revoke or suspend the license of an
19 employer that is determined by the state regulatory agency of
20 knowingly having done, or of knowingly doing, either or both of the
21 following:

22 (a) Employing an undocumented worker.

23 (b) Encouraging or inducing an undocumented worker to enter
24 the state for purposes of employing that undocumented worker.

25 (2) Subsection (1) does not prohibit the hiring or utilization
26 by an employer of a worker that is authorized to be employed in the
27 United States under federal law.

1 (3) In lieu of a mandatory suspension or revocation for a
2 first violation of subsection (1), the state regulatory agency may
3 order limitations upon the license that would require the licensee,
4 for a period of up to 3 years, to report to the state regulatory
5 agency any new employee and to require the licensee to provide a
6 copy of the I-9 or other appropriate form filed on behalf of the
7 employee.

8 (4) A state regulatory agency shall not issue an order of
9 license revocation or suspension or a limitation upon the license
10 unless it provides the license holder an opportunity for an
11 administrative hearing under the administrative procedures act of
12 1969, 1969 PA 306, MCL 24.201 to 24.328, or other hearing as
13 specifically provided by law. At an administrative hearing under
14 this subsection, a state regulatory agency shall recognize an order
15 of conviction issued by a court of competent jurisdiction and shall
16 accept the finding and conclusions reached by that court.

17 Sec. 7. An employer shall not knowingly do either or both of
18 the following:

19 (a) Employ an undocumented worker.

20 (b) Encourage or induce an undocumented worker to enter the
21 state for the purpose of employing that undocumented worker.