

Department of Planning and Budget 2008 Fiscal Impact Statement

1. Bill Number: HB926

House of Origin ☐ Introduced ☒ Substitute ☒ Engrossed
Second House ☒ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Byron

3. Committee: Courts of Justice

4. Title: **Professions and occupations; unlawful acts; employing illegal aliens**

5. Summary: This bill provides that the (i) corporate existence of a corporation, (ii) certificate of authority of any foreign corporation, (iii) certificate of a limited liability company (iv) certificate of a business trust, (v) certificate of registration to do business in the Commonwealth of any foreign limited liability company and (vi) certificate of registration to do business in the Commonwealth of a foreign business trust; may be revoked or terminated involuntarily by order of the State Corporation Commission (the SCC) upon conviction for a violation of 8 U.S.C. § 1324a(f), as amended, for actions constituting a pattern or practice of employing unauthorized aliens in the Commonwealth. All terminations or revocations shall not be eligible for reinstatement for at least one year. The bill provides that, before entering any order of revocation or termination, the SCC is to issue a rule against any limited liability company, foreign liability company, business trust, and foreign business trust to give them an opportunity to be heard and show cause why such an order shall not be entered. The SCC may issue the rule on its own motion or on the motion of the Attorney General. The bill also requires that these entities submit to the SCC as part of their corporate annual report, any conviction of the aforementioned violation.

6. Fiscal Impact Estimates: Preliminary. See Item 8.

7. Budget Amendment Necessary: See Item 8.

8. Fiscal Implications: This bill provides that the State Corporation Commission (the SCC) is responsible for revoking or terminating an entity's authority for violating 8 U.S.C. § 1324a(f) by employing unauthorized aliens in Virginia. Should the bill be interpreted as requiring the SCC to develop, mail, review and file corporation-type annual reports for limited liability companies and business trusts, then the SCC anticipates that the bill could have a fiscal impact on their agency that would require a budget amendment. If the bill is interpreted as not requiring the aforementioned actions by the SCC, then the SCC estimates that the bill should have a relatively minor fiscal impact on their agency, and that any impact should be absorbed within current resources.

The substitute version of this bill no longer has any impact on the Department of Professional and Occupational Regulation.

9. Specific Agency or Political Subdivisions Affected: State Corporation Commission.

10. Technical Amendment Necessary: No.

11. Other Comments: This bill is very similar to the enrolled version of SB782.

Date: 2/14/2008 dpbaek

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cc: Secretary of Commerce and Trade
Secretary of Finance