

House Amendment 8544

PAG LIN

1 1 Amend House File 2686 as follows:
1 2 [#1.](#) Page 1, line 26, by striking the words
1 3 <Iowa=issued>.
1 4 [#2.](#) Page 2, line 27, by striking the words
1 5 <Iowa=issued>.
1 6 [#3.](#) Page 3, line 35, by striking the word
1 7 <chapter> and inserting the following: <article>.
1 8 [#4.](#) Page 4, line 1, by striking the word <chapter>
1 9 and inserting the following: <article>.
1 10 [#5.](#) Page 4, line 3, by striking the word <chapter>
1 11 and inserting the following: <article>.
1 12 [#6.](#) Page 4, by inserting after line 23 the
1 13 following:
1 14 <____. a. Upon determining that an employee is
1 15 using false identity information, all state agencies
1 16 shall investigate whether the employee has violated
1 17 any laws.
1 18 b. The following state agencies shall take the
1 19 following action:
1 20 (1) The secretary of state's office shall remove
1 21 the employee's false identity information from the
1 22 voter registration list, as applicable, pursuant to
1 23 voter qualification requirements in section 48A.5.
1 24 (2) The department of transportation shall remove
1 25 the employee's false identity information from the
1 26 agency's driver's license records, as applicable.
1 27 (3) The department of human services shall
1 28 investigate the employee's possible use of the false
1 29 identity information to gain access to federal and
1 30 state resources.>
1 31 [#7.](#) Page 4, by inserting after line 32 the
1 32 following:
1 33 <Sec. _____. Section 321.177, Code 2007, is amended
1 34 by adding the following new subsection:
1 35 NEW SUBSECTION. 10. To any person who is an
1 36 unauthorized alien. For the purpose of this section,
1 37 an "unauthorized alien" means a person who is not a
1 38 citizen or legal resident and who has not been
1 39 lawfully admitted to the United States pursuant to
1 40 federal law.>
1 41 [#8.](#) Page 5, line 5, by striking the figure <91F.1>
1 42 and inserting the following: <10A.902>.
1 43 [#9.](#) Page 5, by inserting after line 17 the
1 44 following:
1 45 <Sec. _____. Section 321.190, subsection 1, Code
1 46 2007, is amended by adding the following new
1 47 paragraph:
1 48 NEW PARAGRAPH. e. The department shall not issue
1 49 a card to a person who is an unauthorized alien as
1 50 defined in section 321.177.>
2 1 [#10.](#) Page 5, by inserting after line 30 the
2 2 following:
2 3 <Sec. _____. NEW SECTION. 715A.8A IDENTITY THEFT
2 4 == AIDING AND ABETTING.
2 5 A person who knowingly assists an unauthorized
2 6 alien obtain false identification in order to obtain
2 7 employment commits the offense of identity theft under
2 8 section 715A.8 by aiding and abetting the commission
2 9 of the offense as provided in section 703.1.>
2 10 [#11.](#) Page 10, line 31, by striking the word
2 11 <working> and inserting the following: <employment>.
2 12 [#12.](#) Page 16, by striking lines 24 through 26 and
2 13 inserting the following: <duty of office for the
2 14 heads of state agencies or their designees. Failure
2 15 to so cooperate>.
2 16 [#13.](#) Page 16, by inserting after line 32 the
2 17 following:
2 18 <Sec. _____. NEW SECTION. 91G.13 AGRICULTURAL
2 19 ACTIVITIES.
2 20 A person shall not be classified as an employee or
2 21 a contractor under this chapter when the person
2 22 participates in agricultural activities on
2 23 agricultural land as defined in section 9H.1.
2 24 Agricultural activities include the raising,

2 25 harvesting, handling, drying, processing, or storage
2 26 of crops used for feed, food, fuel, seed, or fiber;
2 27 the production, care, feeding, or keeping of
2 28 livestock; fencing; drainage; the handling or
2 29 transportation of crops or livestock; the storage,
2 30 treatment, land application, or disposal of livestock
2 31 manure; the application of fertilizers, soil
2 32 conditioners, pesticides, and herbicides on crops;
2 33 environmental protection or preservation activities;
2 34 and any accessory or related activities.>

2 35 #14. Page 16, by inserting before line 33 the
2 36 following:

2 37 <Sec. _____. Section 84A.5, subsection 4, Code
2 38 Supplement 2007, is amended to read as follows:
2 39 4. The division of labor services is responsible
2 40 for the administration of the laws of this state under
2 41 chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 91, 91A,
2 42 91C, 91D, 91E, 91G, 92, and 94A, and section 85.68.
2 43 The executive head of the division is the labor
2 44 commissioner, appointed pursuant to section 91.2.>

2 45 #15. Page 17, by inserting after line 25 the
2 46 following:

2 47 <Sec. _____. Section 91.4, subsection 5, Code
2 48 Supplement 2007, is amended to read as follows:
2 49 5. The director of the department of workforce
2 50 development, in consultation with the labor
3 1 commissioner, shall, at the time provided by law, make
3 2 an annual report to the governor setting forth in
3 3 appropriate form the business and expense of the
3 4 division of labor services for the preceding year, the
3 5 number of disputes or violations processed by the
3 6 division and the disposition of the disputes or
3 7 violations, and other matters pertaining to the
3 8 division which are of public interest, together with
3 9 recommendations for change or amendment of the laws in
3 10 this chapter and chapters 88, 88A, 88B, 89, 89A, 89B,
3 11 90A, 91A, 91C, 91D, 91E, 91G, 92, and 94A, and section
3 12 85.68, and the recommendations, if any, shall be
3 13 transmitted by the governor to the first general
3 14 assembly in session after the report is filed.>

3 15 #16. Page 18, by striking lines 10 and 11 and
3 16 inserting the following: <duty of office for the
3 17 heads of the state agencies or their designees.
3 18 Failure to so cooperate>.

3 19 #17. By striking page 18, line 19, through page
3 20 19, line 9.

3 21 #18. Page 19, by inserting before line 10 the
3 22 following:

3 23 <DIVISION _____
3 24 UNAUTHORIZED ALIENS
3 25 Sec. _____. NEW SECTION. 421.71 STATE AIDE ==
3 26 EMPLOYER ELIGIBILITY.

3 27 1. An employer who chooses not to use the federal
3 28 employment eligibility program as authorized by the
3 29 federal Illegal Immigration Reform and Immigrant Act
3 30 of 1996, Pub. L. No. 104-208, shall not be eligible
3 31 for any developmental assistance.

3 32 2. For the purposes of this section,
3 33 "developmental assistance" means any form of public
3 34 assistance, including tax expenditures, made for the
3 35 purpose of stimulating the economic development of a
3 36 corporation, industry, geographic jurisdiction, or any
3 37 other sector of the state's economy, including but not
3 38 limited to public assistance involving industrial
3 39 development bonds, training grants, loans, loan
3 40 guarantees, enterprise zones, empowerment zones, tax
3 41 increment financing, fee waivers, land price
3 42 subsidies, infrastructure constructed or improved for
3 43 the benefit of a single business or defined group of
3 44 businesses at the time it is built or improved,
3 45 matching funds, tax abatements, tax credits and tax
3 46 discounts of every kind, including corporate,
3 47 franchise, personal income, sales and use, raw
3 48 materials, real property, job creation, individual
3 49 investment, excise, utility, inventory, accelerated
3 50 depreciation, and research and development tax credits
4 1 and discounts.

4 2 Sec. _____. NEW SECTION. 644.1 UNFAIR TRADE
4 3 PRACTICE.

4 4 The discharge of a United States citizen or lawful
4 5 permanent resident alien employee by an employer of

4 6 this state, who, on the date of the discharge employs
4 7 an unauthorized alien, shall be an unfair trade
4 8 practice. For the purpose of this section, "unfair
4 9 trade practice" means any practice which offends
4 10 established public policy. The discharged employee
4 11 shall have a private cause of action for such unfair
4 12 trade practice for damages due to discharge.

4 13 Sec. _____. NEW SECTION. 710B.1 ASSISTING
4 14 UNAUTHORIZED ALIENS.

4 15 1. An employer, employee, or labor organization,
4 16 or official member shall not knowingly assist an
4 17 unauthorized alien in avoiding contact with state or
4 18 federal officials.

4 19 2. For purposes of this section, an "unauthorized
4 20 alien" means a person who is not a citizen or legal
4 21 resident and who has not been lawfully admitted to the
4 22 United States pursuant to federal law.

4 23 3. A person who violates this section commits a
4 24 class "D" felony.

4 25 Sec. _____. MEMORANDUM OF UNDERSTANDING ==
4 26 ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

4 27 1. The attorney general is authorized and directed
4 28 to negotiate the terms of a memorandum of
4 29 understanding between the state of Iowa and the United
4 30 States department of justice or the United States
4 31 department of homeland security concerning the
4 32 enforcement of federal immigration and custom laws,
4 33 detention removals, and investigations in the state of
4 34 Iowa. The agreement shall provide that costs incurred
4 35 by the state for the detention and deportation of an
4 36 unauthorized alien shall be reimbursed by the federal
4 37 government.

4 38 2. The memorandum of understanding negotiated
4 39 pursuant to subsection 1 shall be signed on behalf of
4 40 this state by the attorney general and the governor or
4 41 as otherwise required by the appropriate federal
4 42 agency but shall not be implemented until money is
4 43 appropriated for such purpose.

4 44 3. A local government, whether acting through its
4 45 governing body or by an initiative, referendum, or any
4 46 other process, shall not enact any ordinance,
4 47 resolution, or policy that limits or prohibits a law
4 48 enforcement officer, local officer, or local
4 49 government employee from communicating or cooperating
4 50 with federal officials with regard to the immigration
5 1 status of any person within this state.

5 2 4. Notwithstanding any other provision of law, a
5 3 government entity or official within the state of Iowa
5 4 shall not prohibit, or in any way restrict, any
5 5 government entity or official from sending to, or
5 6 receiving from, the United States department of
5 7 homeland security information regarding the
5 8 citizenship or immigration status, lawful or unlawful,
5 9 of any individual.

5 10 5. Notwithstanding any other provision of law, a
5 11 person or agency shall not prohibit, or in any way
5 12 restrict, a public employee from doing any of the
5 13 following with respect to information regarding the
5 14 immigration status, lawful or unlawful, of any
5 15 individual:

5 16 a. Sending such information to, or requesting or
5 17 receiving such information from, the United States
5 18 department of homeland security.

5 19 b. Maintaining such information.

5 20 c. Exchanging such information with any other
5 21 federal, state, or local government entity.

5 22 6. Any natural or legal person lawfully domiciled
5 23 in this state may file for a writ of mandamus to
5 24 compel any noncooperating local or state governmental
5 25 agency to comply with this section.>

5 26 #19. Page 19, by inserting before line 10 the
5 27 following:

5 28 <Sec. _____. DEPARTMENT OF PUBLIC SAFETY == ILLEGAL
5 29 IMMIGRATION TASK FORCE. There is appropriated from
5 30 the general fund of the state to the department of
5 31 public safety for the fiscal year beginning July 1,
5 32 2008, and ending June 30, 2009, the following amount,
5 33 or so much thereof as is necessary, to be used for the
5 34 purposes designated:

5 35 For establishing an illegal immigration task force,
5 36 including salaries, support, maintenance,

5 37 miscellaneous purposes, and for not more than the
5 38 following full-time equivalent positions:
5 39 \$ 565,000
5 40 FTEs 12.00
5 41 Of the moneys appropriated in this section, the
5 42 department shall hire twelve state troopers for
5 43 purposes of the task force.>
5 44 #20. Page 19, by striking lines 14 and 15.
5 45 #21. Title page, line 1, by inserting after the
5 46 word <to> the following: <unauthorized aliens and>.
5 47 #22. Title page, line 3, by striking the word
5 48 <employment,> and inserting the following:
5 49 <employment and>.
5 50 #23. Title page, line 4, by striking the words
6 1 <prohibiting employers from>.
6 2 #24. Title page, by striking lines 5 and 6.
6 3 #25. Title page, line 7, by striking the words
6 4 <effective date> and inserting the following:
6 5 <appropriation>.
6 6 #26. By renumbering as necessary.
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6 10 R. OLSON of POLK
6 11 HF 2686.502 82
6 12 ak/rj/11546