

Senate File 108

S-5036

- 1 Amend Senate File 108 as follows:
- 2 1. Page 2, after line 9 by inserting:
  - 3 <\_\_\_. "*Unauthorized minor*" means a minor employed to perform
  - 4 work for which the minor was not of legal age under chapter 92
  - 5 or the federal Fair Labor Standards Act.>
- 6 2. Page 2, line 12, after <aliens> by inserting <or
- 7 **unauthorized minors**>
- 8 3. Page 2, line 13, after <aliens> by inserting <or
- 9 *unauthorized minors*>
- 10 4. Page 2, line 14, after <alien> by inserting <or an
- 11 unauthorized minor>
- 12 5. Page 2, line 16, after <alien> by inserting <or minor>
- 13 6. Page 2, line 18, after <alien> by inserting <or an
- 14 unauthorized minor>
- 15 7. Page 2, line 19, after <alien> by inserting <or an
- 16 unauthorized minor>
- 17 8. Page 2, line 28, after <alien> by inserting <or
- 18 unauthorized minor>
- 19 9. Page 3, line 1, after <aliens> by inserting <or
- 20 unauthorized minors>
- 21 10. Page 3, line 4, after <alien> by inserting <or
- 22 unauthorized minor>
- 23 11. Page 3, line 8, after <alien> by inserting <or
- 24 unauthorized minor>
- 25 12. Page 3, line 14, after <aliens> by inserting <or
- 26 unauthorized minors>
- 27 13. Page 3, line 15, after <alien> by inserting <or an
- 28 unauthorized minor>
- 29 14. Page 3, line 27, after <alien> by inserting <or
- 30 unauthorized minor>
- 31 15. Page 3, line 29, after <alien> by inserting <or
- 32 unauthorized minor>
- 33 16. Page 4, line 11, after <aliens> by inserting <or
- 34 unauthorized minors>
- 35 17. Page 4, line 25, after <alien> by inserting <or

1 unauthorized minor>

2 18. Page 4, line 27, after <alien> by inserting <or  
3 unauthorized minor>

4 19. Page 5, line 15, by striking <In>

5 20. Page 5, by striking line 16 and inserting:

6 <a. In determining whether an employee is an unauthorized  
7 alien, the>

8 21. Page 5, after line 24 by inserting:

9 <b. An employer may present evidence that an employee is not  
10 an unauthorized minor, including evidence of compliance with  
11 applicable provisions of chapter 92 and the federal Fair Labor  
12 Standards Act.>

13 22. Page 5, line 25, by striking <For the purposes of this  
14 section,>

15 23. Page 5, by striking line 26 and inserting:

16 <a. For the purposes of this section, an employer that  
17 establishes that it has complied in good>

18 24. Page 6, line 2, by striking <a.> and inserting <(1)>

19 25. Page 6, line 6, by striking <b.> and inserting <(2)>

20 26. Page 6, line 8, by striking <c.> and inserting <(3)>

21 27. Page 6, after line 10 by inserting:

22 <b. For the purposes of this section, an employer that  
23 establishes that it has complied in good faith with the  
24 requirements of applicable provisions of chapter 92 and the  
25 federal Fair Labor Standards Act establishes a conclusive  
26 affirmative defense that the employer did not knowingly employ  
27 an unauthorized minor. An employer is considered to have  
28 complied with applicable provisions of chapter 92 and the  
29 federal Fair Labor Standards Act notwithstanding an isolated,  
30 sporadic, or accidental technical or procedural failure to  
31 meet the requirements, if there is a good-faith attempt to  
32 comply with the requirements. For purposes of this subsection,  
33 *"good-faith attempt to comply"* means all of the following apply  
34 with respect to an employee hired or rehired by the employer:

35 (1) The employer made a bona fide attempt to meet the

1 requirements for completion of the form I-9 for the employee  
2 found in 8 C.F.R. §274a.2(a)(3), as amended through January 1,  
3 2023.

4 (2) The employer had in place a practice or procedure  
5 requiring an employee to produce government-issued  
6 documentation indicating the employee's age prior to beginning  
7 work for the employer.

8 (3) The employer followed the practice or procedure  
9 described in subparagraph (2) before an employee in question  
10 began work for the employer.>

11 28. Page 6, lines 30 and 31, by striking <E-verify program  
12 — employer participation> and inserting <Employer compliance>

13 29. Page 6, line 35, after <program> by inserting <and  
14 by examining government-issued documentation indicating the  
15 employee's age>

16 30. Page 7, line 12, after <program> by inserting <and  
17 shall implement a practice or procedure requiring an employee  
18 to produce government-issued documentation indicating the  
19 employee's age prior to beginning work for the employer>

20 31. Page 7, by striking lines 14 and 15 and inserting  
21 <government entity that the employer is in compliance with this  
22 subsection. If the government>

23 32. Title page, line 1, after <aliens> by inserting <or  
24 unauthorized minors>

25 33. By renumbering, redesignating, and correcting internal  
26 references as necessary.

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NATE BOULTON