

H-8119

1 Amend House File 2608 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. NEW SECTION. **95.1 Definitions.**

5 As used in this chapter, unless the context otherwise
6 requires:

7 1. "*Department*" means the department of workforce
8 development.

9 2. "*Employee*" means an individual who is paid wages by an
10 employer for service in employment in this state. "*Employee*"
11 does not include an independent contractor.

12 3. "*Employer*" means an employer as defined in section 96.1A.
13 In the case of an independent contractor, "*employer*" means
14 the independent contractor and does not mean the person or
15 organization that uses the contract labor.

16 4. "*Employment*" means the same as defined in section 96.1A.

17 5. "*E-verify program*" means the employment verification
18 program as jointly administered by the United States department
19 of homeland security and the United States social security
20 administration or any successor program.

21 6. "*Independent contractor*" means the same as described in
22 rules adopted by the department for purposes of administration
23 of chapter 96.

24 7. "*Wages*" means the same as defined in section 96.1A.

25 **Sec. 2. NEW SECTION. 95.2 E-verify program — employee**
26 **verification — penalty.**

27 1. An employer, after hiring or rehiring an employee, shall
28 verify the employment eligibility of the employee through the
29 e-verify program. A person who violates this subsection is
30 guilty of a class "D" felony.

31 2. An employer shall certify to the department each
32 verification the employee carries out pursuant to subsection 1,
33 and shall keep a record of the verification for the duration of
34 the employee's employment or at least three years, whichever
35 is longer. The certification shall be considered a record

1 under section 96.11, subsection 6, and rules adopted pursuant
2 thereto, and shall be submitted to the department within the
3 time period required by rule for an employer to submit the
4 employer's contribution and payroll report.

5 3. Every three months, the secretary of state shall request
6 from the United States department of homeland security a
7 list of employers from this state that are registered with
8 the e-verify program. On receipt of the list of employers,
9 the secretary of state shall make the list available on the
10 secretary of state's internet site.

11 Sec. 3. NEW SECTION. **95.3 Compliance with federal and state**
12 **law.**

13 This chapter shall not be construed to require an employer to
14 take any action that the employer believes in good faith would
15 violate federal or state law.

16 Sec. 4. NEW SECTION. **95.4 Rules.**

17 The department shall adopt rules pursuant to chapter 17A to
18 administer this chapter.

19 Sec. 5. NEW SECTION. **95.5 Use of federal funds by**
20 **department prohibited.**

21 The department shall not utilize federal funds, or personnel
22 or any other department resources for which federal funding
23 is allocated, to carry out the department's duties under this
24 chapter.>

25 2. Title page, by striking lines 1 through 4 and inserting
26 <An Act requiring verification of employment eligibility of
27 individuals by employers and providing penalties.>

B. MEYER of Polk