

**Hall of the House of Representatives**  
88th General Assembly - Regular Session, 2011  
**Amendment Form**

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**Subtitle of House Bill No. 2117**

REQUIRING A PRIVATE BUSINESS OR COMMERCIAL ENTERPRISE TO USE E-VERIFY  
IF THE PRIVATE BUSINESS OR COMMERCIAL ENTERPRISE RECEIVES STATE FUNDS.

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**Amendment No. 1 to House Bill No. 2117**

Amend House Bill No. 2117 as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 11, Chapter 3, Subchapter 2 is amended to add an additional section to read as follows:

11-3-206. Verification of employment eligibility by publicly funded employers.

(a) As used in this section:

(1) "E-verify program" means the electronic verification of work authorization program established under the Illegal Immigration Reform and Immigration Responsibility Act of 1996, 8 U.S.C. § 1324a, as it existed on January 1, 2011, that is operated by the United States Department of Homeland Security; and

(2) "Publicly funded employer" means a private entity or other commercial enterprise that receives state funds.

(b)(1) A publicly funded employer shall:

(A) Register with the E-Verify program by July 1, 2012;

and

(B) Beginning the earlier of July 1, 2012, or when the publicly funded employer registers with the E-verify program, use the E-verify program to verify the employment eligibility status of each new employee within three (3) days of the employee's hire.

(2) By July 1 of each year starting in 2013, a publicly funded employer shall certify to the Department of Labor that the publicly funded employer has verified through the E-verify program the employment eligibility status of each new employee of the publicly funded employer.

(c)(1) If a publicly funded employer cannot verify through the E-verify program the employment eligibility status of a new employee, the publicly funded employer shall terminate the new employee's employment within ten (10) business days of receiving notice of nonconfirmation from the E-verify program unless the new employee can produce additional evidence of employment eligibility.

(2) If a new employee is required to submit additional evidence of his or her employment eligibility, the publicly funded employer shall



maintain a copy of the evidence with the records from the E-verify program under subsection (d) of this section.

(d)(1) A publicly funded employer shall retain the record of verification or nonconfirmation from the E-verify program regarding the employment eligibility status of each new employee for at least two (2) years.

(2) A publicly funded employer shall provide the records retained under subdivision (d)(1) of this section to the Attorney General upon request.

(e) This section shall be enforced without regard to race, religion, gender, ethnicity, or national origin.

(f) A publicly funded employer that violates this section shall be subject to a penalty as follows:

(1) For a first violation, the publicly funded employer shall be assessed a fine between five hundred dollars (\$500) and one thousand dollars (\$1,000);

(2) For a second violation, the publicly funded employer shall be guilty of a Class A misdemeanor; and

(3) For a third violation, the publicly funded employer shall lose the privilege of receiving state funds for five (5) years.

SECTION 2. TEMPORARY LANGUAGE. DO NOT CODIFY.

After a publicly funded employer registers with the E-verify program:

(1) The three-day verification period under § 11-3-206(b)(1)(B) applies for each new employee; and

(2) The publicly funded employer shall verify the employment eligibility status of each employee hired between January 1, 2011, and the date of registration, inclusive, within ten (10) business days."

The Amendment was read \_\_\_\_\_

By: Representative Hammer

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Chief Clerk