

POLICY RESOURCES

E-Verify in the States

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The State of the States: E-Verify Bills 2012

STATE BILLS MANDATING OR CLARIFYING E-VERIFY'S USE

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STATE	BILL NUMBER	AUTHOR	BILL TEXT	STATUS
AL	HB 658	Hammon (+41 additional cosponsors)	<p>(Currently has a requirement that all employers to use E-Verify; exception for domestic employees.)</p> <p>Employers, contractors and subcontractors may not hire or continue to employ an unauthorized alien within the State of Alabama. All employers must sign up for E-Verify prior to performing any work on the project.</p> <p>Creates a penalty system for state contractors.</p> <p>http://e-lobbyist.com/gaits/text/623462</p>	Session Ended: Bill Died in Committee
	SB 57	Sanford	<p>(Currently has a requirement that all employers to use E-Verify; exception for domestic employees)</p> <p>Employers with one or more employees must attest through a sworn affidavit that they did not knowingly employ, hire for employment, or continue to employ an unauthorized alien as a condition for receipt of a state contract, award, or incentive.</p> <p>All subcontractors with one or more employees, on a project paid for by contract, grant, or incentive by the state must attest through a sworn affidavit that they did not knowingly employ, hire for employment, or continue to employ an unauthorized alien.</p> <p>All subcontractors with one or more employees must:</p> <p>Enroll in the E-Verify program prior to performing any work on the project OR</p>	Session Ended: Bill Died in Committee

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			<p>Verify the employment eligibility of employees using the ALVerify system (developed by the Center for Advanced Public Safety at the University of Alabama) OR</p> <p>Verify the employment eligibility of employees using the E-Verify employment agent service established by the Alabama Department of Homeland Security and</p> <p>All of these subcontractors provide a sworn affidavit with an attestation as well.</p> <p>http://alisondb.legislature.state.al.us/acas/searchableinstruments/2012rs/bills/sb57.htm</p>	
	SB 75	Sanford	<p>(Currently has a requirement that all employers to use E-Verify; exception for domestic employees)</p> <p>Provides business entities, employers and subcontractors in this state with an option to use federal E-Verify or a valid Alabama driver's license or identification card to verify the immigration status and eligibility of an employee.</p> <p>http://alisondb.legislature.state.al.us/acas/searchableinstruments/2012rs/bills/sb75.htm</p>	Session Ended: Bill Died in Committee
	SB 195	Sanford	<p>(Currently has a requirement that all employers to use E-Verify; exception for domestic employees)</p> <p>Amends Sections 9, 15, and 30 of Act 2011-535, 2011 Regular Session to provides business entities, employers and subcontractors in this state with an option to use federal E-Verify or a valid Alabama driver's license or identification card to verify the immigration status and eligibility of an employee.</p> <p>http://e-lobbyist.com/gaits/text/566503</p>	Session Ended: Bill Died in Committee
	SB 226	Hubbard	<p>(Currently has a requirement that all employers to use E-Verify; exception for domestic employees)</p> <p>Provides business entities and employers in this state with an option to use federal E-Verify or a valid Alabama driver's license or identification card to verify the immigration status and eligibility of an employee.</p> <p>Provides subcontractors on a project paid for by state contract, grant, or incentive with an option to use federal E-Verify or a valid Alabama driver's license or identification card to verify the immigration status and eligibility of an employee.</p> <p>Effective April 1, 2012,</p> <p>http://e-lobbyist.com/gaits/text/567787</p>	Session Ended: Bill Died in Committee

STATE	BILL NUMBER	AUTHOR	BILL TEXT	STATUS
	SB 260	Sanford	<p>(Currently has a requirement that all employers to use E-Verify; exception for domestic employees)</p> <p>Provides business entities and employers in this state with an option to use federal E-Verify, the ALVerify program developed by the Center for Advanced Public Safety at the University of Alabama, the E-Verify employer agent service established by the Alabama Department of Homeland Security, or a valid Alabama driver's license or identification card to verify the immigration status and eligibility of an employee.</p> <p>Provides subcontractors on a project paid for by state contract, grant, or incentive with an option to use federal E-Verify, the ALVerify program developed by the Center for Advanced Public Safety at the University of Alabama, the E-Verify employer agent service established by the Alabama Department of Homeland Security, or a valid Alabama driver's license or identification card to verify the immigration status and eligibility of an employee.</p> <p>http://e-lobbyist.com/gaits/text/568402</p>	Session Ended: Bill Died in Committee
	SB 541	Beason	<p>(Currently has a requirement that all employers to use E-Verify; exception for domestic employees)</p> <p>All contractors and subcontractors on a project beginning or renewed after October 1, 2011 must enroll in the E-Verify program prior to performing any work.</p> <p>Creates a penalty system for contractors and subcontractors.</p> <p>Effective following passage and approval by Governor.</p> <p>http://legiscan.com/gaits/text/629951</p>	Session Ended: Bill Died in Committee
AZ	SB 1218	Gallardo (+23 additional sponsors)	<p>(Currently has a requirement that all employers to use E-Verify; exception for domestic employees. Bill contains numerous enforcement provisions; only address Section 7 regarding E-Verify)</p> <p>Amends existing requirement regarding E-Verify documentation by removing the requirement for employers to keep a record of verification as completed through E-Verify for the duration of the employee's employment or three years, whichever is longer.</p> <p>http://www.azleg.gov/legtext/50leg/2r/bills/sb1218p.pdf</p>	Session Ended: Bill Died in Committee

STATE	BILL NUMBER	AUTHOR	BILL TEXT	STATUS
	SB 1517	Lewis (+8 additional sponsors)	<p>(Currently has a requirement that all employers to use E-Verify; exception for domestic employees. Bill contains numerous enforcement provisions; only address Section 7 regarding E-Verify)</p> <p>Amends existing requirement regarding E-Verify. In current law, use of E-Verify creates rebuttable presumption that employer did not knowingly employ an unauthorized alien. This bill would amend to this create a safe harbor for employers who use E-Verify. Employers who use E-Verify would receive a safe harbor unless they paid the employee in cash or received notice from state or local law enforcement for ICE that employee is using a name, SSN or other document that is fraudulent or doesn't belong to the employee.</p> <p>http://www.azleg.gov/legtext/50leg/2r/bills/sb1517p.pdf</p>	Session Ended: Bill Died in Rules Committee
CO	HB 1309	Swalm and Looper (+ 6 additional cosponsors) King (in Senate)	<p>Requires all employers in the state, by January 1, 2013, to instead participate in the federal electronic verification program (e-verify program) for purposes of verifying the work eligibility status of all new employees hired by an employer.</p> <p>Employers are subject to fines of up to \$5,000 for a first offense and up to \$25,000 for a second offense for failing to participate in the e-verify program. For subsequent offenses, an employer is subject to a fine of up to \$25,000 and a 6-month suspension of the employer's business licenses.</p> <p>http://e-lobbyist.com/gaits/text/582561</p>	Session Ended: Bill Died in Committee
FL	HB 1315 SB 1638	Harrell Altman	<p>(Currently has a requirement that all public agencies and state contractors use E-Verify)</p> <p>Requires all employers (except government agencies, individuals hiring domestic workers, individuals hiring independent contractors, and employment licensing companies) to use E-Verify beginning January 1, 2013. If an employer does not comply, it loses its business license.</p> <p>Creates a complaint and reporting mechanism for individuals who have actual or constructive knowledge that an employer is employing an unauthorized worker. Complaints cannot be made based on race, color, or national origin and there is a penalty for false reporting. The Dept of Economic Opportunity will investigate complaints and hold administrative hearings. The DEO will ask that the federal government verify the work authorization of any individual worker named in the complaint. If the DEO confirms that the employer hired an unauthorized</p>	Died in Subcommittee on 3-9-12

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			<p>worker, it will inform ICE and local law enforcement of the name and address of the worker named in the complaint. Upon a finding that the employer violated the law, DEO can assess numerous penalties on the employer, with increasing penalties for multiple violations.</p> <p>Creates an immunity from liability for unlawful hiring or refusal to hire (anti-discrimination) in instances where E-Verify confirms the employee’s work authorization.</p> <p>Creates a private right of action for a “deceptive and unfair trade practice.” Right of action exists for work authorized employees who were terminated from a job site where an employer was employing unauthorized individuals (knowing and reckless standard).</p> <p>Creates a penalty system for state contractors and creates new requirements for state subcontractors’ use of E-Verify.</p> <p>http://www.flsenate.gov/Session/Bill/2012/1315/BillText/Filed/PDF</p> <p>http://www.flsenate.gov/Session/Bill/2012/1638/BillText/Filed/PDF</p>	
GA	HB 810	Baker, Jackson	<p>(Currently has a requirement that all public agencies and state contractors use E-Verify. Requires businesses with 500+ employees to enroll by January 1, 2012; 100-499 employees to enroll by July 1, 2012; and 10-99 employees to enroll by July 1, 2013.)</p> <p>Delays implementation of mandatory E-Verify for small businesses</p> <ul style="list-style-type: none"> • 100-500 employees, effective July 1, 2012 • 50-100 employees, effective date is July 1, 2013 • 10-50 employees effective date is July 1, 2015 <p>http://www1.legis.ga.gov/legis/2011_12/pdf/hb810.pdf</p>	Session Ended
HI	SB 2028	Nishihara, Kahele	<p>Requires state purchasing agencies that enter in to any procurement contract to obtain proof that the responsible bidder or offeror uses the “e-verify” [E-Verify] system to verify the employment eligibility of its employees.</p> <p>http://www.capitol.hawaii.gov/session2012/bills/SB2028_.pdf</p>	Session Ended: Bill Died in Committee

STATE	BILL NUMBER	AUTHOR	BILL TEXT	STATUS
	SB 2194	Gabbard, Nishihara, Shimabukuro, Wakai	Requires all employers to use the “e-verify” [E-Verify] system to verify that an applicant is eligible to work in the United States. [Note that the bill contains a significant misunderstanding of current requirements under federal immigration law]. http://www.capitol.hawaii.gov/session2012/Bills/SB2194_.PDF	Measure Deferred by Committee on 1-26-12
IA	HF 2156	Garrett (+40 additional cosponsors)	Requires employer hiring a new employee to verify the employee’s employment eligibility through E-Verify; excludes independent contractors. Penalties include suspension of an employer’s business license. Contains a rebuttable presumption if federal government (E-Verify) indicates that employee has work authorization. Also contains an affirmative defense of entrapment. Requires employers to verify employee’s employment eligibility and creates a complaint mechanism; excludes independent contractors. http://e-lobbyist.com/gaits/text/558226	Session Ended: Bill Died in Committee
	HF 2430 (Committee Bill, successor to HF 2156)	House Judiciary	Requires employer hiring a new employee to verify the employee’s employment eligibility through E-Verify; excludes independent contractors. Penalties include suspension of an employer’s business license. Contains a rebuttable presumption if federal government (E-Verify) indicates that employee has work authorization. Also contains an affirmative defense of entrapment. Requires employers to verify employee’s employment eligibility and creates a complaint mechanism; excludes independent contractors. http://e-lobbyist.com/gaits/text/594929	Session Ended: Bill Died in Committee
KS	HB 2492	Committee on Federal and State Affairs	Requires all business entities awarded a governmental contract in excess of \$5,000 to use the E-Verify program. Also requires all public employers to enroll in E-Verify. Creates suspension of contract and debarment as penalties. http://www.kslegislature.org/li/b2011_12/measure/documents/hb2492_00_0000.pdf	Died in Committee on 6-1-12

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	HB 2575	Committee on Federal and State Affairs	On and after January 1, 2013, the state shall enroll and actively participate in E-Verify for verification of employment status of all employees whose employment commences after January 1, 2013. This section shall be cited as the state government immigration accountability act. http://kslegislature.org/li/b2011_12/measures/documents/hb2575_00_0000.pdf	Session Ended: Bill Died in Committee
	HB 2577	Committee on Federal and State Affairs	Business entity with a \$5,000+ contract with the government shall sign affidavit confirming enrollment and participate in E-Verify program for all new hires. All public employers, including any governmental entity, shall enroll and participate in good faith in the e-verify program. Requires contractors to verify employees' employment eligibility and includes penalties; excludes independent contractors. http://kslegislature.org/li/b2011_12/measures/documents/hb2577_00_0000.pdf	Died in Committee on 6-1-12
	SB 284	Committee on Commerce	Requires all governmental agencies to use E-Verify for all employees beginning work after January 1, 2013. Also requires any bidder, contractor, or employer involved in a public works contract of at least \$50,000 to use E-Verify. Requires subcontractor and contractor compliance. Creates complaint process to report employment of unauthorized individuals by public agency, bidder, or contractor. http://www.kslegislature.org/li/b2011_12/measures/documents/sb284_00_0000.pdf	Died in Committee on 6-1-12
KY	HB 5	Damron, Nelson, Westrom	Requires public agencies to, on and after January 1, 2013, to use E-Verify and prohibit the hiring of unauthorized aliens by contractors with public agencies. www.lrc.ky.gov/record/12rs/HB5/bill.doc	Passed House but Session Ended: Bill Died in Senate
LA	HB 996	Hoffman	(Currently has a requirement that all public agencies use E-Verify and all employers are encouraged to use E-Verify)	Passed. Signed by the

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			<p>To amend and reenact R.S. 38:2212.10(F) and to enact R.S. 38:2212.10(G), provides that E-Verify program only applies to contracts for public works. "Public works" is defined as the operation, erection, construction, alteration, improvement, or repair of any public facility or immovable property owned, used, or leased by a public entity.</p> <p>Effective August 1, 2012.</p> <p>http://e-lobbyist.com/gaits/text/606817</p>	Governor on 5-14-12. Becomes Act No. 142.
MD	HB 82	W. Miller (+36 additional sponsors)	<p>Requires mandatory registration in the federal E-Verify program for public contractors and their subcontractors and state grantees. Exempts contractors and subcontractors for contracts of less than \$100,000. Includes fines/civil liability for noncompliance.</p> <p>http://mlis.state.md.us/2012rs/bills/hb/hb0082f.pdf</p>	Unfavorable Report by Committee on 4-7-12
	HB 344	McDonough	<p>Requires mandatory registration in the federal E-Verify program for public contractors and their subcontractors and state grantees. Exempts contractors and subcontractors for contracts of less than \$100,000. Includes fines/civil liability for noncompliance.</p> <p>http://mlis.state.md.us/2012rs/bills/hb/hb0344f.pdf</p>	Unfavorable Report by Committee on 4-7-12
	HB 345	McDonough	<p>Contractors and subcontractors in the performance of state transportation projects under the Transportation Trust Fund contracts must be registered through E-Verify, and workers must be verified.</p> <p>http://mlis.state.md.us/2012rs/bills/hb/hb0345f.pdf</p>	Unfavorable Report by Committee on 4-7-12
	HB 355	Schuh (+7 additional sponsors)	<p>Establishes Office of Employment Verification Assistance within the Division of Labor and Industry to assist in the implementation and use of E-Verify by public contractors.</p> <p>http://mlis.state.md.us/2012rs/bills/hb/hb0355f.pdf</p>	Unfavorable Report by Committee on 4-7-12

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MN	HF 1976	Drazkowski, Scott	Section 1 requires the appointing authorities in the legislative, executive, and judicial branches to use federal E-Verify for all newly hired employees. https://www.revisor.mn.gov/bin/bldbill.php?bill=H1976.0.html&session=ls87	Passed House and Senate. Governor vetoed on 4-24-12.
	SF 1842	Daley, DeKruif, Lillie	Proposes coding for new law in Minnesota Statutes, chapter 43A which requires authorities in the legislative, executive, and judicial branches must use the federal E-Verify program for all newly hired employees. The commissioner must oversee training for executive branch appointing authorities on the use of E-Verify, and must conduct periodic audits of executive branch appointing authorities to ensure compliance with this section. http://e-lobbyist.com/gaits/text/606541	Session Ended: Bill Died in Committee
MO	HB 1224	Brattin	(Currently has a requirement that all public agencies and public contractors with \$5,000 or more in contracts to use E-Verify) Repeals sections 285.530, 285.535, and 285.555 RSMo, and replaced with three new sections enacted in lieu thereof, known as 285.530, 285.535, and 285.555. Section 285.530: All business entity and employers shall hire unauthorized workers to perform work in the state. As an award or contract in excess of \$5,000 and for any businesses that receive state tax credit, tax abatement, or state loans must enroll in a federal work authorization program (E-Verify). Contractors and subcontractors are not liable under this section. Section 285.535: Penalty provisions are created for businesses that are in violation of the law. Provides tax credits for businesses that incur costs when participating in the federal work authorization program. Section 285.555:	Session Ended: Bill Died in Committee

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			If federal government discontinues usage of federal work authorization program, then the state will discontinue its usage. http://www.house.mo.gov/billtracking/bills121/billpdf/intro/HB1224I.PDF	
	HB 1682	Wyatt	(Currently has a requirement that all public agencies and public contractors with \$5,000 or more in contracts to use E-Verify) Prohibits state departments from contracting with or providing money to any entity that has been found guilty of or pled guilty to violating any election, tax, or immigration law of this state. http://www.house.mo.gov/billtracking/bills121/billpdf/intro/HB1682I.PDF	Session Ended: Bill Died in Committee
MS	HB 488	Currie (+14 additional cosponsors)	(Currently has a requirement that all public agencies, public contractors, and employers to use E-Verify) Section 8 requires the State Board of Contractors to review contractor compliance with compliance with the status verification system requirements for employers and public employers set forth in Section 71-11-3(6)(k) of the Mississippi Employment Protection Act. Effective July 1, 2012. http://billstatus.ls.state.ms.us/documents/2012/pdf/HB/0400-0499/HB0488IN.pdf	Passed House. Died in Senate Committee on 4-3-12.
	SB 2089	Watson	(Currently has a requirement that all public agencies, public contractors, and employers to use E-Verify) Amends Section 71-11-3, Mississippi Code of 1972, to provide for retention of E-Verify confirmations for at least 3 years, revises and clarifies enforcement and penalties under the Mississippi Employment Protection Act. Effective July 1, 2012. [SB 2089 and SB2090 is essentially the same. SB 2090 has section 6, which incorporates all of SB 2089] http://billstatus.ls.state.ms.us/documents/2012/pdf/SB/2001-2099/SB2089IN.pdf	Died in Committee on 3-6-12

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	SB 2090	Fillingane	<p>(Currently has a requirement that all public agencies, public contractors, and employers to use E-Verify)</p> <p>Section 6: Amends Section 71-11-3, Mississippi Code of 1972, to provide for retention of E-Verify confirmations for at least 3 years, to clarify and revise enforcement and penalties under the Mississippi Employment Protection Act and to prescribe complaints procedure. Requires the board of public contractors to review contractor compliance with E-Verify requirements. Effective July 1, 2012.</p> <p>http://billstatus.ls.state.ms.us/documents/2012/pdf/SB/2001-2099/SB2090IN.pdf</p>	Died in Committee on 3-6-12
NE	LB 569	Coash	<p>Amends section 4-114, Revised Statutes Cumulative Supplement, 2010.</p> <p>Requires all employers and contractors to register and enroll in E-Verify.</p> <p>Any employer who violates the section is guilty of a Class III misdemeanor.</p> <p>Effective January 1, 2012.</p> <p>http://nebraskalegislature.gov/FloorDocs/Current/PDF/Intro/LB569.pdf</p>	Session Ended: Bill Died in Committee
NH	HB 1549	Cohn, Maltz, Tremblay, Kingsbury and Mauro	<p>Amends:</p> <ul style="list-style-type: none"> • RSA 260:14, III in which no motor vehicle records shall be used, directly or indirectly, for the E-Verify system. • RSA 275-A:4a in which no state agency may adopt or enforce a requirement that employers participate in the E-Verify system. <p>Effective 60 days after passage.</p> <p>http://www.gencourt.state.nh.us/legislation/2012/HB1549.html</p>	Passed House and Senate. Governor vetoed bill but Senate did not get enough votes to overturn the vetoed on 6-27-12.

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	HB 1620	Terrio	Amends RSA 275-A:4 to require employers to verify employment eligibility through the E-Verify system. http://www.gencourt.state.nh.us/legislation/2012/HB1620.html	Session ended
NJ	A 322 SB 164	Dancer, Chiusano Singer, Oroho	<p>Requires all employers, before hiring an employee, to verify employment eligibility of the employee through the E-Verify program:</p> <ul style="list-style-type: none"> • After December 31, 2010, all employers, who employ 100 or more employees, shall verify the employment eligibility of all new employees through the E-Verify program. • After December 31 2011, all employers, who employ less than 100 employees, shall verify the employment eligibility of all new employees through the E-Verify program. <p>Civil penalty of not less than \$100 and not more than \$1,000 are imposed if employers do not comply with E-Verify requirement.</p> <p>Directs the Commissioner of the Department of Labor and Development to develop a Statewide random auditing program to inspect private employers for compliance with the E-Verify requirement.</p> <p>Imposes penalties for employers who knowingly or intentionally employ unauthorized aliens, such as termination of employment to the unauthorized worker, and submission of quarterly reports for each new hires. For second violation, permanent revocation of employers' business licenses issued by the State.</p> <p>http://www.njleg.state.nj.us/2012/Bills/A0500/322_I1.PDF http://www.njleg.state.nj.us/2012/Bills/S0500/164_I1.PDF</p>	Pending Committee Action
NY	A 2217	Castelli	<p>Requires public and private employers to register for and participate in the E-verify program for verification of employment eligibility:</p> <ul style="list-style-type: none"> • Employers with 100+ employees, employers need to verify newly hired employees no later than July 1, 2012; • Employers with more than 50 but less than 100 employees, no later than January 1, 2013. • Employers with at least 25 employees but fewer than 50, no later than January 1, 2014. 	Pending Committee Action

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			<ul style="list-style-type: none"> All other employers, no later than January 1, 2015. <p>Establishes a \$250 tax credit for employers with less than fifty employees that register for the E-verify program.</p> <p>http://open.nysenate.gov/legislation/bill/A2217-2011</p>	
	S 5497	Ball	<p>Amends the civil service law to require all public agencies, and state and municipal contractors to register for and participate in the E-verify program.</p> <p>The bill also amends the state finance law to add section 135-b and the general municipal law to add 103-g, which states that state and municipal contractors who do not register and participate in the E-Verify system will have their contracts rendered forfeit and void by the state comptroller.</p> <p>Effective on the January after the passage of the bill.</p> <p>http://open.nysenate.gov/legislation/bill/S5497-2011</p>	Pending Committee Action
OR	HB 4052	Thatcher (+9 additional cosponsors)	<p>Requires state agencies to use federal E-Verify employment verification system to verify employment eligibility of job applicants.</p> <p>Instructs state agencies to report use of E-Verify system to Oregon Department of Administrative Services.</p> <p>Requires department to report annually to Legislative Assembly on use of E-Verify system by state agencies. Authorizes department to adopt rules.</p> <p>Creates Task Force on the Use of E-Verify by Public Employers. Requires task force to report findings and recommendations to interim legislative committee by October 1, 2012.</p> <p>Declare as an emergency, effective immediately upon passage.</p> <p>http://www.leg.state.or.us/12reg/measpdf/hb4000.dir/hb4052.intro.pdf</p>	Session ended: Bill died in Committee

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PA	HB 379	Galloway (+44 additional cosponsors)	<p>Amends Title 62 (Procurement) of the Pennsylvania Consolidated Statutes</p> <p>Prior to being awarded a public contract in excess of \$25,000, all public contractors are required to verify employment eligibility of new employees. All subcontractors are required to submit to the contractors the employment eligibility of their workers prior to execution of the subcontract.</p> <p>Civil penalties up to \$2,000 are imposed if contractors do not comply with the employment verification requirement.</p> <p>Effective July 1, 2011.</p> <p>http://e-lobbyist.com/gaits/text/359262</p>	Pending Committee Action
	HB 380	Galloway (+44 additional cosponsors)	<p>Title: Construction Industry Employment Verification Act</p> <p>Requires construction industry employers to verify the Social Security numbers of all employees through EVP (E-Verify Program). The employer will submit verification statement annually to the Department of Revenue with its state income tax return.</p> <p>Penalties, such as forfeiting all licenses, are imposed if employers fail to comply.</p> <p>Effective in 60 days after passage of the bill.</p> <p>http://e-lobbyist.com/gaits/text/359271</p>	Introduced in 2011. Pending Committee Action.
	HB 439	Mustio (+22 additional cosponsors)	<p>Title: Professional Licensees Illegal Employment Act</p> <p>Licensing board or commission shall verify the work authorization of every licensee.</p> <p>Effective in 60 days after passage of the bill.</p> <p>http://e-lobbyist.com/gaits/text/359465</p>	Introduced in 2011. Passed House. Pending Senate Committee Action.

STATE	BILL NUMBER	AUTHOR	BILL TEXT	STATUS
	HB 858 SB 947	Metcalfe (+40 additional cosponsors) Rafferty (+6 additional cosponsors)	Title: Fair Employment Act Makes it unlawful for employers and business entity to hire unauthorized workers. Requires business entity to affirm that it does not hire any unauthorized workers when applying and reapplying for business licenses or permits. Any contractors with contracts over \$10,000 shall provide documentation affirming their enrollment and participation in E-Verify program. All government entities shall enroll and actively participate in E-Verify Program. Penalties, such as suspension of licenses, are imposed if employers fail to comply. Effective in 60 days after passage of the bill. http://e-lobbyist.com/gaits/text/360216 http://e-lobbyist.com/gaits/text/248418	Introduced in 2011. Pending Committee Action.
	HB 1024	DeLuca (+15 additional cosponsors)	Amends Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, imposing penalties to employers who are found guilty of hiring unauthorized workers. Employers can be subject to suspension of their business license and civil fine in the amount of \$5,000. http://e-lobbyist.com/gaits/text/360640	Introduced in 2011. Pending Committee Action.
	SB 637	Ward (+16 additional cosponsors)	Title: Public Works Employment Verification Act As a precondition of being awarded a contract for public works, contractors and subcontractors are required to verify all new hires through EVP (E-Verify Program). Effective January 1, 2013. http://legiscan.com/gaits/text/658144	Passed. Signed by Governor on July 5, 2012. Became Act No. 127.
RI	HB 7313	Palumbo, Trillo, Nunes, Edwards, and Chippendale	Title 42 of the General Laws entitled "State Affairs and Government" is amended by adding section 42-28.10-9, stating that proof of verifying the employment authorization of an employee through the E-verify program creates a rebuttable presumption that an employer did not knowingly employ an unauthorized alien. Section 42-28.10-11 adds that After December 31, 2013, every employer, after hiring an	Session Ended: Bill Died in Committee

STATE	BILL NUMBER	AUTHOR	BILL TEXT	STATUS
			<p>employee, shall verify the employment eligibility of the employee through the E-verify program and shall keep a record of the verification for the duration of the employee's employment or at least three (3) years, whichever is longer.</p> <p>In addition to any other requirement for an employer to receive an economic development incentive from a government entity, the employer shall register with and participate in the E-verify program. Before receiving the economic development incentive, the employer shall provide proof to the government entity that the employer is registered with and is participating in the E-verify program.</p> <p>http://www.rilin.state.ri.us/billtext12/housetext12/h7313.pdf</p>	
	HB 7315	Palumbo, Trillo, Malik, Nunes, and Edwards	<p>Title 42 of the General Laws entitled "State Affairs and Government" is amended by adding section 42-155-2. Requires department of administration to register and use the federal government's E-Verify program to electronically verify the employment eligibility of new hires in the executive department.</p> <p>The executive department is considered to be all agencies and departments in the executive department excluding the offices of general officers, said officers being the department of attorney general, lieutenant governor, secretary of state, and general treasurer.</p> <p>The department of administration shall require that all persons and business, including grantees, contractors and their subcontractors and vendors doing business with the State of Rhode Island also register with and utilize the services of the E-Verify program to ensure compliance with federal and state law.</p> <p>http://www.rilin.state.ri.us/billtext12/housetext12/h7315.pdf</p>	Committee recommended measure be held for further study on 3-27-12
	HB 7927	Palumbo	<p>Title 42 of the General Laws entitled "State Affairs and Government" is amended by adding section 28-6.13-1, 28-6.13-2, 28-6.13-3. Requires all non-governmental employers within the state with three or more employees to apply to participate in the national "E-Verify" program. All employers are required to apply and verify work eligibility status of each newly hired employees by the following dates:</p> <ul style="list-style-type: none"> • An employer with 200 or more employees shall apply to participate in the program no later than January 1, 2013. • An employer with at least 50 employees but fewer than 200 employees shall apply to participate in the program no later than July 1, 2013. • An employer with fewer than 50 employees shall apply to participate in the program 	Committee recommended measure be held for further study on 3-27-12

STATE	BILL NUMBER	AUTHOR	BILL TEXT	STATUS
			<p>no later than January 1, 2014.</p> <p>Effective upon passage.</p> <p>http://www.rilin.state.ri.us/BillText/BillText12/HouseText12/H7927.pdf</p>	
	2011 SB 2216	Cote (+4 additional sponsors)	<p>Amends Title 28 of the General Laws entitled "Labor and Labor Relations." All employers are required to apply and verify work eligibility status of each newly hired employees by the following dates:</p> <ul style="list-style-type: none"> • An employer with 200 or more employees shall apply to participate in the program no later than January 1, 2013. • An employer with at least 50 employees but fewer than 200 employees shall apply to participate in the program no later than July 1, 2013. • An employer with fewer than 50 employees shall apply to participate in the program no later than January 1, 2014. <p>http://www.rilin.state.ri.us/billtext12/senatetext12/S2216.pdf</p>	Session Ended: Bill Died in Committee
SD	HB 1238	Nelson (+6 additional sponsors)	<p>After July 1, 2012, every employer, after hiring an employee, shall verify the employment eligibility of the employee through the e-verify program and shall keep a record of the verification for the duration of the employee's employment or at least three years, whichever is longer.</p> <p>Creates a complaint mechanism through the attorney general /county state's attorney for employers that uses contract, subcontract, or other independent contractor that obtains labor from unauthorized workers.</p> <p>Imposes penalties for employers who knowingly or intentionally employ unauthorized aliens, such as termination of employment to the unauthorized worker, submission of quarterly reports for each new hires, and suspension of business license for 10 days.</p> <p>http://legis.state.sd.us/sessions/2012/Bills/HB1238P.pdf</p>	Session Ended: Bill Died in Committee

STATE	BILL NUMBER	AUTHOR	BILL TEXT	STATUS
	SB 155	Tieszen (+13 additional sponsors)	Amends Title 22 by adding a new section which requires the person, employer, or business entity to confirm the legal work status of the applicant, hireling, or employee through the E-Verify program. It also excuses general contractor of any violation if the subcontractor or independent contractor is at fault for hiring unauthorized workers. http://legis.state.sd.us/sessions/2012/Bills/SB155P.pdf	Passed Committee. Died in Senate Floor on 2-10-12.
TN	HB 1520	Turner	(Currently requires all public agencies, public contractors and employers to use E-Verify for all new hires beginning 10/1/11)	Withdrawn. No House and Senate Votes
	SB 1351	Finney	Amends TCA titles 3, 4, 5, 6, 7, 8, 12 and 50 to require all public employers to register and participate in the work authorization program ("e-verify") before January 1, 2012. All employees hired on or after January 1, 2012 must be verified through the work authorization program. Directs the Commissioner of Labor and Workforce Development to conduct investigations on compliance. Prohibits private employers from employing unauthorized workers. Any contractor performing work required by a contract must submit the following to the general contractor: <ul style="list-style-type: none"> Records that confirmation verification of employee by completing I-9 forms For the contractor and each independent contractor working for the contractor: <ul style="list-style-type: none"> An unexpired Tennessee driver license Signed social security card OR Certificate of birth issued by the United States http://wapp.capitol.tn.gov/apps/billinfo/BillSummaryArchive.aspx?BillNumber=HB1520&ga=107	
	HB 1521 SB 1353	Turner Finney	(Currently requires all public agencies, public contractors and employers to use E-Verify for all new hires beginning 10/1/11) Amends TCA titles 3, 4, 5, 6, 7, 8, 12 and 50 to require all private employers to register and participate in the work authorization program ("e-verify") before January 1, 2012. All employees hired on or after January 1, 2012 must be verified through the work authorization program.	

STATE	BILL NUMBER	AUTHOR	BILL TEXT	STATUS
			<p>Directs the Commissioner of Labor and Workforce Development to conduct investigations on compliance and set penalties for employers that are noncompliant such as suspension of business license.</p> <p>Any contractor performing work required by a contract must submit the following to the general contractor:</p> <ul style="list-style-type: none"> Records that confirmation verification of employee by completing I-9 forms <p>For the contractor and each independent contractor working for the contractor:</p> <ul style="list-style-type: none"> An unexpired Tennessee driver license Signed social security card OR Certificate of birth issued by the United States <p>Prohibits public employers from knowingly employing unauthorized workers.</p> <p>http://wapp.capitol.tn.gov/apps/billinfo/BillSummaryArchive.aspx?BillNumber=HB1521&ga=107</p>	Senate Votes
	HB 3639 SB 3506	Haynes Tate	<p>(Currently requires all public agencies, public contractors and employers to use E-Verify for all new hires beginning 10/1/11)</p> <p>Amends the Tennessee Code Annotated, Section 50-1-703(a)(1) in which if an employer enrolls in the E-Verify program, the employer shall use E-Verify for each new employee. It also changes date by which certain employers must comply with certain provisions of the Act from January 1, 2013 to January 1, 2014.</p> <p>http://www.capitol.tn.gov/Bills/107/Bill/HB3639.pdf</p> <p>http://www.capitol.tn.gov/Bills/107/Bill/SB3506.pdf</p>	Session Ended: Bill Died in Committee
UT	HB 300 SB 157	Herrod	<p>(Currently has a requirement that all public agencies, public contractors and employers with 15+ employees to use E-Verify)</p> <p>Public employers shall register and use the Status Verification System to verify all new hires.</p> <p>Beginning July 1, 2009, public employer may not enter into contract unless the contractor registers and participates in the Status Verification System (this could be "E-Verify, an equivalent federal program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work eligibility status of a newly hired employee pursuant to the Immigration Reform and Control Act of 1986, or Social</p>	Session Ended

STATE	BILL NUMBER	AUTHOR	BILL TEXT	STATUS
			<p>Security Number Verification System).</p> <p>Each contractor or subcontractor who works under or for another contractor shall verify each new employee through the Status Verification System.</p> <p>http://le.utah.gov/~2012/bills/hbillint/hb0300.pdf</p> <p>http://le.utah.gov/~2012/bills/sbillint/sb0157.pdf</p>	
	HB 477	Sandstrom	<p>(Currently has a requirement that all public agencies, public contractors and employers with 15+ employees to use E-Verify)</p> <p>Modifies the Utah Labor Code, general government provisions, and oversight provisions to adopt the Utah Illegal Employment Act.</p> <p>After September 1, 2012, and except as provided in Subsection (2), every employer, after hiring an employee, shall verify the employment eligibility of the employee through the e-verify program and shall keep a record of the verification for the duration of the employee's employment or at least three years, whichever is longer.</p> <p>Exempts agriculture from verification.</p> <p>Attorney General shall establish compliance program, and fines are imposed for noncompliance.</p> <p>http://le.utah.gov/~2012/bills/hbillint/hb0477.pdf</p>	Session Ended
VA	HB 1077	Hugo	<p>(Currently has a requirement that all public agencies and for public contractors that have over 50 employees entering into \$50,000+ contracts to use E-Verify)</p> <p>Requires day labor centers who refer workers for a fee to be enrolled in the E-Verify program by December 1, 2012, and to use the E-Verify program for each day laborer referred by the day labor center to a third-party employer for a fee on and after December 1, 2012.</p> <p>http://lis.virginia.gov/cgi-bin/legp604.exe?121+ful+HB1077+pdf</p>	Continued to 2013 by voice vote

STATE	BILL NUMBER	AUTHOR	BILL TEXT	STATUS
WA	HB 2568	Kenney (+15 cosponsors)	Unless mandated by federal law, prohibits state, towns, or cities from requiring electronic employment verification as a condition for receiving a government contract; as a condition of maintaining or applying for a business license; or a penalty for violating licensing laws. http://apps.leg.wa.gov/documents/billdocs/2011-12/Pdf/Bills/House%20Bills/2568.pdf	Session Ended
WV	HB 2664	Moye (+4 additional cosponsors)	Requires all employers to verify legal employment status of workers through E-Verify system. http://www.legis.state.wv.us/bill_status/bills_text.cfm?billdoc=HB2664%20intr.htm&yr=2012&sesstype=RS&i=2664	Session Ended: Bill Died in Committee
	HB 4552	Miller	Amend the Code of West Virginia, 1931, by adding a new section, §21-1B-3a. Requires all agencies of the state to be enrolled in the E-Verify program by January 1, 2013, and on and after this date, use the program for each newly hired employee who is to perform work within the state. http://www.legis.state.wv.us/Bill_Status/bills_text.cfm?billdoc=hb4552%20intr.htm&yr=2012&sesstype=RS&i=4552	Session Ended: Bill Died in Committee

The State of the States: E-Verify Laws 2012

STATE LAWS AND EXECUTIVE ORDERS THAT MANDATE E-VERIFY'S USE

For more information, contact Emily Tulli at tulli@nilc.org or Josh Stehlik at stehlik@nilc.org.

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Last updated JULY 2012

STATE & EFFECTIVE DATE	PUBLIC AGENCIES	PUBLIC CONTRACTORS	ALL EMPLOYERS
Alabama HB 56 (1/1/12)	X (4/1/12)	X (1/1/12) (includes subcontractors and independent contractors)	X (4/1/12) (includes self-employed individuals; does not include occupants of households who perform casual domestic labor ¹)
Arizona ² HB 2779 (1/1/08) HB 2745 (5/1/08) ³	X	X	X (12/31/07) (includes self-employed individuals; excludes independent contractors from definition of "employee," but includes independent contractors in definition of "employer")
Colorado HB 1343 (8/7/06) HB 1073/SB 193 (5/13/08) ⁴		X	

¹ Does not apply to relationship between party and employees of independent contractor performing work for the party.

² The U.S. Supreme Court affirmed the lower court's dismissal of a facial challenge to the Arizona requirement in a 5-3 decision. *Chamber of Commerce v. Whiting*, 131 S.Ct.1968, 2011 WL 2039365 (2011).

³ Amendment to HB 2779.

⁴ Amends HB 1343.

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STATE & EFFECTIVE DATE	PUBLIC AGENCIES	PUBLIC CONTRACTORS	ALL EMPLOYERS
Florida Executive Order 11-116 (5/27/11) ⁵ Executive Order 11-02 (1/4/2011)	X (applies to current and prospective employees)	X (includes subcontractors; applies to all employees of the contractor employed to work in Florida during the contract term, not just those assigned to the government contract)	
Georgia HB 87 (7/1/11) HB2 (1/1/10) ⁶ SB 529 (7/1/07) ⁷	X (7/1/11) (includes counties and municipalities)	X (7/1/11) (includes contractors and sub-subcontractors; applies to contracts for the “physical performance of services;” ⁸ drivers’ license exception ⁹ for contractors and subcontractors with independent contractors and no employees)	X (500+ employees by 1/1/12; 100-499 employees by 7/1/12; 11-99 employees by 7/1/13; excludes employees working less than 35 hours/week and employers with fewer than 10 employees)
Idaho EO 2009-10 (7/1/09) ¹⁰ EO 2006-40 (12/13/06)	X (excludes Dept. of Education, legislative and judicial branches)	X (applies only to recipients of state or federal stimulus funds)	
Indiana SEA 590 (7/1/11) ¹¹	X (6/30/11)	X (includes subcontractors and self-employed individuals with employees; applies to contracts entered into/renewed after 6/30/11)	

⁵ Supersedes Executive Order 11-02.

⁶ Signed by Governor Purdue on 5/11/2009; all requirements effective 1/1/10 instead of rolling implementation. See www.legis.ga.gov/legis/2009_10/pdf/hb2.pdf.

⁷ Provided for phase-in by size of employer beginning on July 1, 2007 through July 1, 2009.

⁸ “Physical performance of services” is defined as “the building, altering, repairing, improving, or demolishing of any public structure or building or other public improvements of any kind to public real property within this state, including the construction, reconstruction, or maintenance of all or part of a public road; or any other performance of labor for a public employer within this state under a contract or other bidding process.”

⁹ Drivers’ license or state-issued identification card is only acceptable in lieu of an affidavit for independent contractors if issued by a state that verifies lawful immigration status before issuing a driver’s license or identification card.

¹⁰ Repeals and replaces Exec. Ord. 2006-40.

STATE & EFFECTIVE DATE	PUBLIC AGENCIES	PUBLIC CONTRACTORS	ALL EMPLOYERS
Louisiana Act No. 376 (HB 342) (1/1/12)		X (includes subcontractors; applies to contracts entered into/bids offered on or after 1/1/12 for the “physical performance of services” ¹²)	
Act No. 402 (HB 646) (8/15/11) ¹³			X (encouraged, but not mandatory; see footnote 13)
Minnesota EO 08-01 (1/29/08) ¹⁴			
Emmer Amendment to Stimulus Bill (2/17/10)		X (applies to recipients of funding from MN stimulus bill)	
State Government Finance Omnibus Bill 11-3590 (7/19/11)		X (applies to contracts of more than \$50,000)	
Mississippi SB 2988 (7/1/08)	X (7/1/08) ¹⁵	X (includes subcontractors; 250+ employees by 7/1/08; 100-249 employees by 7/1/09; 30-99 employees by 7/1/10; ALL Employers by 7/1/11)	X (250+ employees by 7/1/08; 100-249 employees by 7/1/09; 30-99 employees by 7/1/10; ALL Employers by 7/1/11) ¹⁶

¹¹ The language of the Act states that the E-Verify provision is effective July 1, 2011. However, the relevant subsections regarding public agencies and public contractors state that it applies to employees hired after June 30, 2011 and contracts entered into or renewed after June 30, 2011.

¹² “Physical performance of services” is not defined.

¹³ HB 646 does not mandate participation in E-verify by private employers. Employers must either participate in E-Verify, or request and maintain a copy of identification and work authorization documents. However, it encourages private employers to use E-Verify by providing a presumption of good faith for those who use it, but not for those who comply with other employment verification requirements.

¹⁴ The Minnesota Executive Order that mandated E-Verify for public contracts over \$50,000 expired on April 4, 2011 due to a change in Governor. See www.verificationsinc.com/eng/whatwevelearned/complianceprofile.cfm?szID=84.

¹⁵ Employers hiring employees through a state or federal work program that requires verification of the employee’s social security number and provides for verification of the employee’s lawful presence and employment authorization are exempt from using E-Verify. Any candidate for employment referred by the state Dept. of Employment Security is exempt from using E-Verify if the Dept. of Employment Security has verified the social security number and provides for verification of the employee’s lawful presence and employment authorization.

¹⁶ Individual homeowners who hire workers on their private property for noncommercial purposes are exempt from using E-Verify, unless required to do so by federal law.

STATE & EFFECTIVE DATE	PUBLIC AGENCIES	PUBLIC CONTRACTORS	ALL EMPLOYERS
Missouri HB 1549 (01/01/09)	X	X (includes subcontractors; applies to contracts of \$5,000 or more and business entities receiving a state-administered or subsidized tax credit, tax abatement, or loan from the state)	
Nebraska LB 403 (10/1/09)	X	X (applies to contracts for physical performance of services ¹⁷ entered into after 10/1/09)	
North Carolina SB 1523 (1/1/07)	X (includes state universities and colleges; 3/1/07 for local education agencies; 1/1/07 for all public other agencies ¹⁸)		
HB 36 (10/1/11)	X (10/1/11) (adds counties and municipalities)		X (500+ employees by 10/1/12; 100 - 499 employees by 1/1/13; 25 - 99 employees 7/1/13; exemption for employers with fewer than 25 employees; exemption for seasonal temporary employee employed for 90 or fewer days during a 12-consecutive-month period; state agencies are excluded from the definition of "employer")
Oklahoma HB 1804 (Partially in effect) ¹⁹ (11/1/07)	X	X (includes subcontractors; applies to contracts entered into after 7/1/08)	

¹⁷ "Physical performance of services" is not defined.

¹⁸ Does not apply to persons under contract or subcontract.

¹⁹ On June 4, 2008, the U.S. District Court for the District of Oklahoma enjoined the law pending the resolution of litigation. *Chamber of Commerce, et al., v. Edmondson, et al. and Kemp, Jr., et al.*, No. 08-6127, 08-6128 (W.D. Okla., June 4, 2008)(order granting preliminary injunction). Public employers would have had to use the program by 1/1/07 and public contractors by 1/1/08. However, the 10th Circuit struck down part of the E-Verify law on February 3, 2010, and the provision that requires public contractors (7(b))

STATE & EFFECTIVE DATE	PUBLIC AGENCIES	PUBLIC CONTRACTORS	ALL EMPLOYERS
Rhode Island ²⁰			
South Carolina H 4400 (6/4/2008) S 20 (1/1/2012) ²¹	X	X (includes subcontractors and sub-subcontractors; applies to service contracts for the physical performance of services; ²² with public employer where total value to be performed in a twelve-month period exceeds \$25,000; with political subdivision where total value to be performed in a twelve-month period exceeds \$15,000)	X
Tennessee HB 1378/SB 1669 (1/1/12) ²³	X (1/1/12) (but not mandatory; see footnote 23)	X (but not mandatory; see footnote 23)	X (500+ employees by 1/1/12; 200-499 employees by 7/1/12; 6-199 employees by 7/1/13; exemption for employer with fewer than 6 employees) (but not mandatory; see footnote 23)

and public employers (7(a)) to use E-Verify is currently in effect. The provision mandating E-Verify for all employers was struck down. See *Chamber of Commerce, et al., v. Edmondson*, 594 F.3d 742 (10th Cir. 2010).

²⁰ On Jan. 5, 2011, Rhode Island’s Governor, Gov. Chafee repealed Executive Order 08-01 (enacted on Mar. 27, 2008) that mandated E-Verify for public employers and contractors in the state. There is no mandatory E-Verify law or order currently on the books in Rhode Island.

²¹ S20 changed some of the provisions of HR 4400. Signed on 6/27/11 by Governor Haley, this SB1070 copycat law eliminated the staggered implementation dates of E-Verify for contractors and private employers and the provision that allowed South Carolina driver’s licenses to be used for employment verification purposes in lieu of E-Verify.

²² “Service contract” is defined as one involving the physical performance of manual labor if the total cost of labor exceeds either 30% of the total cost of all labor, or 5% of the total contract price. It does not include a contract primarily for the acquisition of an end product or a contract predominantly for the performance of professional or consultant services.

²³ For newly hired employees, all employers, public agencies, and public contractors must either participate in E-Verify, or request and maintain a copy of identity and work authorization documents. Employers are required to request and maintain a copy of identity and work authorization documents, but not to use E-verify, prior to the provision or labor or services by a “non-employee.”

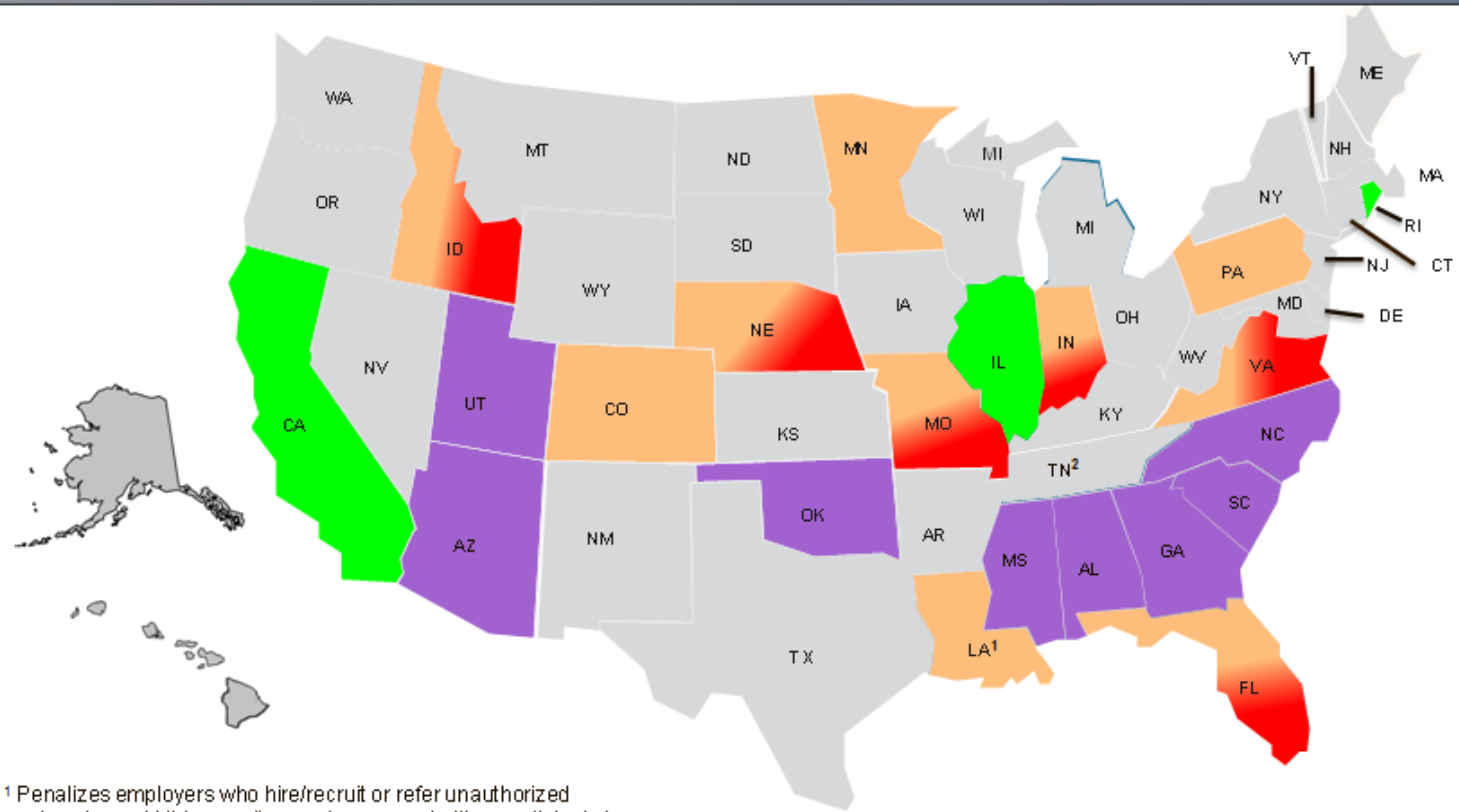
STATE & EFFECTIVE DATE	PUBLIC AGENCIES	PUBLIC CONTRACTORS	ALL EMPLOYERS
Utah SB 81 (7/1/09)	X	X (includes subcontractors; applies to contracts for the physical performance of services ²⁴ entered into after 7/1/09 ²⁵)	
SB 251 (7/1/10)			X (7/1/10) (exempts employers with fewer than 15 employees and employers of H-2A and H-2B workers)
Virginia HB 737 (4/11/10) Exec. Order (3/21/11) ²⁶	X (6/1/11 for executive branch agencies; 12/1/12 for other state agencies)		
HB 1859/SB 1049 (12/1/13)		X (with an average of more than 50 employees in 12 months prior to entering into a contract for \$50,000 or more)	
TOTAL: 18 states	16 state-wide laws	18 state-wide laws	9 states

²⁴ Does not define “physical performance of services.”

²⁵ Does not apply to a contract involving underwriting, remarketing, broker-dealer activities, securities placement, investment advisory, financial advisory, or other financial or investment banking services.

²⁶ Governor McConnell enacted an Executive Order to make the enroll date for public agencies 6/1/2011 rather than 12/1/2012 as mandated by HB 737. See www.governor.virginia.gov/news/viewRelease.cfm?id=649.

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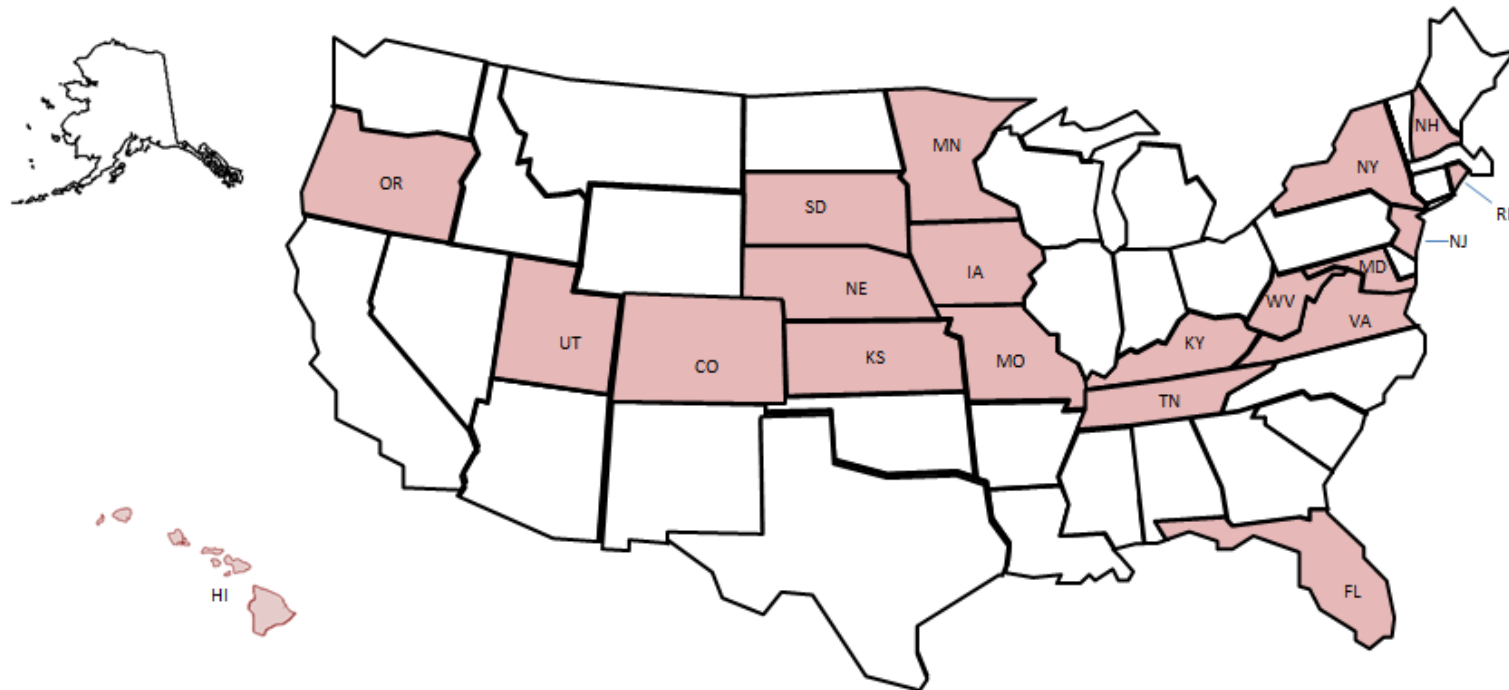
¹ Penalizes employers who hire/recruit or refer unauthorized workers to avoid this penalty, employers must either participate in E-Verify, or request and maintain a copy of identity and work authorization documents, for new hires.

² All employers must either participate in E-Verify, or request and maintain a copy of identification and work authorization documents, for new hires. Legislation in Tennessee encourages private employers to use E-Verify by providing a presumption of good faith for employers who use it, but not for those who comply with other employment verification requirements.

	Mandatory E-Verify for all employers
	Mandatory E-Verify for public agencies
	Mandatory E-Verify for state contractors
	Localities prohibited from mandating E-Verify or repealed E-Verify mandate

Fighting Back After *Whiting*

States That Said “No” to Mandatory E-Verify Bills (2012 Session)



This graphic depicts states that voted down bills mandating the use of E-Verify as of July 2012, with the majority of legislatures in recess. Only one state—Pennsylvania—passed a bill (Act No. 127, formerly [Senate Bill 637](#)) requiring some employers to use E-Verify. Louisiana also passed an E-Verify mandate, but this bill largely amended currently existing law and was not a significant expansion. It is also worth noting that some of the states delineated above already have existing E-Verify mandates and voted down attempts to broaden those state laws.

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