



## STATE LAWS & E-VERIFY PARTICIPATION

July 28, 2016

### ALABAMA **Effective 1/1/2011**

House Bill 56, also known as the Beason-Hammon Alabama Taxpayer and Citizen Protection Act; requires all Alabama employers to enroll and participate in E-Verify. This includes private and government employers with penalties for non-compliance such as the voiding of contracts or even the loss of business licenses.

### ARIZONA **Effective 5/1/2008**

House Bill 2779 and House Bill 2745 require all employers to use E-Verify and provides a safe harbor from sanctions for employers participating in E-Verify. Government Contracts are prohibited from being offered to employers who do not use E-Verify with noted penalties for non-compliance such as revocation of a business license or contracts.

### CALIFORNIA **Effective 1/1/2012 - Updated 1/1/2016**

Assembly Bill 622 went in effect in 2016 and forbids employers to unlawfully use the E-Verify program with penalties per violation set at \$10,000. In 2012, California passed Assembly Bill 1236 which prohibits state counties, cities or special districts from requiring mandatory participation in the E-Verify program for employers.

### COLORADO **Effective 8/6/2008**

House Bill 1343 and State Bill 193 were passed in 2006 with an update to the law in 2008. Since then, the State requires all employers who are current or prospective contractors for the state or local governments to enroll and participate in the E-Verify program.

**FLORIDA*****Effective 1/4/2011***

Executive Order 11-02 requires all state agencies and their contractors to enroll and participate in the E-Verify program for all employees. State agencies must also include in their contracts a requirement for all contractors and their subcontractors to use E-Verify on all employees. Violators risk losing their business contracts with the state or its agencies.

**GEORGIA*****Effective 7/1/2007***

State Bill 529 became effective July 1, 2007 and House Bill 87 was fully enacted by July 1, 2013 requiring all state and employers with 10 or more employees to enroll and participate in E-Verify. The requirement to use the program includes all state and local agencies, as well as their contractors and subcontractors. Violators are subject to the loss or denial of occupational tax certificates, business licenses, and or business contracts - among others.

**IDAHO*****Effective 6/1/2009***

Executive Order 2009-10 was signed into law by the governor May 2009 requiring all government agencies and their private contractors to enroll and participate in the E-Verify program for all employees. Non-compliance could result in the loss of business contracts.

**ILLINOIS*****Effective 1/1/2010***

State Bill 1133 prohibits the State or its local governments from enacting regulations requiring private employers to participate in E-Verify but does not bar those who do. Additionally, House Bill 1743 created privacy protections against employers violating E-Verify use when verifying the work eligibility of their employees through the program.

**INDIANA*****Effective 7/1/2011***

State-Bill 590 requires all state and their local government agencies to enroll and participate in the E-Verify program. This also includes mandatory participation in E-Verify for any contractors that have business contracts with the state or its agencies. The bill also forbids certain state income tax credits or deductions for employers - unless they participate in E-Verify.

**KANSAS*****Effective 1/1/2011***

Executive Order by the Office of Secretary of State requires all its own agency employees and any contractors doing business with the agency to enroll and participate in E-Verify.

**LOUISIANA*****Effective 1/1/2012***

House-Bill 342 prohibits state contractors from bidding or contracting on state work without first submitting an affidavit of participation in E-Verify. Contractors are also required to obtain sworn-statements from subcontractors attesting to their participation and use of E-Verify with penalties including loss of current contracts and/or bans from bidding on future work for up to three (3) years. House Bill 646 went in effect August 15, 2011 which exempted employers from penalties if they participated in the E-Verify program but were found to employ illegal aliens.

**MINNESOTA*****Effective 7/20/2011***

Employers or individuals applying for state economic incentives are not required to participate in E-Verify but must certify that they do not employ illegal workers. This was original an executive order that was extended by the state which also requires state contractors with business contracts exceeding \$50,000 to participate and use E-Verify.

**MISSISSIPPI*****Effective 7/1/2011***

State Bill 2988 was passed to require public as well as private employers to enroll and participate in the E-Verify program. Violations of the law include suspension of the employer's business license and/or debarment from business contracts with agencies.

**MISSOURI*****Effective 1/1/2009***

House-Bill 1549 requires all public employers to enroll and participate in the E-Verify program. Business with a state contract or grant exceeding \$5,000; and any business receiving state-administered or state-subsidized tax credit, tax abatement, or loan must participate in E-Verify. Penalties range from loss of contracts to the revocation of the business license held by employers found in non-compliance. Employers who do not fall into the above-mentioned categories are however offered an affirmative defense to allegations of hiring unauthorized aliens if they are using E-Verify.

**NEBRASKA*****Effective 10/1/2009***

LB-403 was passed into law and requires all state and local governments as well as their contractors to enroll and participate in the E-Verify program. Incentives are additionally offered to those private employers choosing to participate in the E-Verify program. Contracts between a public employer and business must include a provision requiring the contractor to use E-Verify.

**NORTH CAROLINA** **Effective: 1/1/2007 - Updated 2015**

With the exception of seasonal workers, House Bill 318, State Bill 1523, and House Bill 36; together require all state and local agencies as well as their offices and state universities to use E-Verify. Additionally, counties, cities, and private employers with more than 25 employees are required to participate in E-Verify or risk facing liabilities such as civil fines.

**OKLAHOMA** **Effective: 11/1/2007**

House Bill 1804 mandates all state and local government agencies as well as private employers with government contracts to use E-Verify. This includes sub-contractors; however any independent contractors without valid Social Security Numbers must have their income tax withheld by the State.

**PENNSYLVANIA** **Effective: 1/1/2013**

State Bill 627 mandates a requirement for public works contractors as well as their subcontractors to enroll and participate in the E-Verify program. Non-compliance may result in debarment from current and future contracts.

**RHODE ISLAND** **Rescinded: 2011**

A law enacted by Governor Carcieri in 2008 which had required mandatory participation in E-Verify was rescinded by Governor Chafee in 2011 and is no longer in effect.

**SOUTH CAROLINA** **Effective: 7/1/2010**

House Bill 4400 and State Bill 20 were passed and went in effect on July 1, 2010 requiring all public and private employers to mandatorily use E-Verify. Additionally, the civil penalties for non-compliance were replaced with the penalty of revocation of an employer's business license in 2011.

**TENNESSEE** **Effective: 2011 – Updated 1/1/2017**

House Bill 1378 and State Bill 1965 require all public and private employers with more than six (6) or more employees to either use E-Verify or confirm and maintain acceptable work authorization documents. However, by January 1, 2017 all employers must use E-Verify if they have more than fifty (50) employees.

## **TEXAS**

**Effective: 9/1/2015**

Executive Order and State Bill 374 require state agencies and institutions of higher education to use E-Verify. Contractors to state agencies must use E-Verify on all employees assigned to those respective contracts between the employer and the state or its agencies.

## **UTAH**

**Effective: 1/1/2009 – Updated 2011**

Effective since 2009 with the most recent addition to State Law in 2011, State-Bill 81 requires public employers, public contractors, and their subcontractors to enroll and participate in the E-Verify program. Private Employers with fifteen (15) or more employees are required to participate in E-Verify. Additionally, the State made it illegal to discharge a lawful employee while retaining an unauthorized alien in the same job category.

## **VIRGINIA**

**Effective: 12/1/2012**

House Bill 737 and house Bill 1859 were together in effect by 2011 and require employers with state contractors worth at least \$50,000 and fifty (50) or more employees to enroll and participate in the E-Verify program or face penalties for violations such as disbarment from their contracts.