

PROPOSED AMENDMENT

SB 87 # 1

DIGEST

Verification. Reinstates SECTION 1 of the bill but requires an affidavit to be notarized. Provides that a contractor for a public works project must take certain actions with respect to the immigration status of employees. Provides that a contractor may not employ an individual for a public works project if the person has no E-verification number, except under certain circumstances. Provides civil immunity for a contractor that in good faith misidentifies the immigration status of a worker to comply with certain provisions of this bill.

1 Page 1, delete lines 1 through 15, begin a new paragraph and insert:
2 "SECTION 1. IC 22-5-1.7-11.1, AS ADDED BY P.L.252-2015,
3 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2026]: Sec. 11.1. **(a)** This section applies only to a contract for
5 a public works project entered into or renewed after June 30, 2015, **and**
6 **before July 1, 2026.** A public agency may not enter into or renew a
7 contract for a public works project with a contractor unless:
8 (1) the contract contains:
9 (A) a provision requiring the contractor to enroll in and verify
10 the work eligibility status of all newly hired employees of the
11 contractor through the E-Verify program; and
12 (B) a provision that provides that a contractor is not required
13 to verify the work eligibility status of all newly hired
14 employees of the contractor through the E-Verify program if
15 the E-Verify program no longer exists; and
16 (2) the contractor signs an affidavit affirming that the contractor
17 does not knowingly employ an unauthorized alien.
18 **(b) This section applies only to a contract for a public works**
19 **project under IC 4-13.6, IC 5-16, IC 5-23-4, IC 5-30, or IC 5-32**
20 **entered into or renewed after June 30, 2026. A public agency may**
21 **not enter into or renew a contract for a public works project with**
22 **a contractor unless:**
23 **(1) the contract contains:**
24 **(A) a provision requiring the contractor to enroll in and**
25 **verify the work eligibility status of all newly hired**

1 **employees of the contractor through the E-Verify**
2 **program; and**

3 **(B) a provision that provides that a contractor is not**
4 **required to verify the work eligibility status of all newly**
5 **hired employees of the contractor through the E-Verify**
6 **program if the E-Verify program no longer exists; and**

7 **(2) the contractor signs a notarized affidavit affirming that**
8 **the contractor does not knowingly employ an unauthorized**
9 **alien."**

10 Page 2, delete lines 12 through 29, begin a new paragraph and
11 insert:

12 **"(b) A contractor for a public works project, including the**
13 **general contractor, a construction manager, or CMc (as defined in**
14 **IC 5-32-2-5), shall do the following:**

15 **(1) Before a contractor's employees begin work on a public**
16 **works project do the following:**

17 **(A) Provide the person who hired the contractor a**
18 **notarized affidavit affirming that the contractor does not**
19 **knowingly employ an unauthorized alien.**

20 **(B) Enroll in and verify the work eligibility of all**
21 **employees of the contractor working on the public works**
22 **project through the E-Verify program.**

23 **(2) Upon request of the person who hired the contractor,**
24 **provide an E-verification number for an individual who is:**

25 **(A) employed by the contractor; and**

26 **(B) working on the public works project;**

27 **within three (3) business days of the request.**

28 **(c) A contractor, including the general contractor, a**
29 **construction manager, or CMc (as defined in IC 5-32-2-5), may not**
30 **employ an individual for a public works project if:**

31 **(1) the contractor has verified the individual's work eligibility**
32 **through the E-verify program; and**

33 **(2) the individual has no E-verification number.**

34 **However, an individual may work on the project if the individual**
35 **provides the contractor with a valid E-verification number any**
36 **time after the initial verification.**

37 **(d) A contractor, including the general contractor, a**
38 **construction manager, or CMc (as defined in IC 5-32-2-5), acting**
39 **in good faith who falsely identifies:**

40 **(1) an unauthorized worker as an authorized worker; or**

1 **(2) an authorized worker as an unauthorized worker;**
2 **to comply with the provisions of this section is immune from civil**
3 **liability with respect to the false identification.**

4 SECTION 3. IC 34-30-2.1-298.5 IS ADDED TO THE INDIANA
5 CODE AS A NEW SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2026]: **Sec. 298.5. IC 22-5-1.7-11.2**
7 **(Concerning a contractor that discloses false information about an**
8 **employee).".**

(Reference is to SB 87 as introduced.)