

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

employees of the contractor through the E-Verify program; and

- (B) a provision that provides that a contractor is not required to verify the work eligibility status of all newly hired employees of the contractor through the E-Verify program if the E-Verify program no longer exists; and
- (2) the contractor signs a notarized affidavit affirming that the contractor does not knowingly employ an unauthorized alien."

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

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

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

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

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

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

(A) employed by the contractor; and

(B) working on the public works project;

within three (3) business days of the request.

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

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

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

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

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

(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.)