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SENATE BILL No. 87

Proposed Changes to introduced printing by AM008701

DIGEST OF PROPOSED AMENDMENT

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.

—
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-5-1.7-11.1, AS ADDED BY P.L.252-2015,
2 SECTION 32, IS ~~REPEALED~~AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2026]~~[:]~~Sec. **11.1.**(a)
4 This ~~section~~ applies ~~only~~ to ~~a~~ contract ~~for~~ a
5 ~~public~~ works ~~project~~ entered ~~into~~ or ~~renewed~~
6 ~~after~~ June ~~30, 2015.~~ A public agency may not enter into or
7 ~~renew a 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
10 verify the work eligibility status of all newly hired
11 employees of the contractor through the E-Verify program;
12 and
13 (B) a provision that provides that a contractor is not
14 required to verify the work eligibility status of all newly
15 hired employees of the contractor through the E-Verify
16 program if the E-Verify program no longer exists; and

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1 (2) the contractor signs an affidavit affirming that the contractor
2 does not knowingly employ an unauthorized alien. [2015, and
3 before July 1, 2026. A public agency may not enter into or
4 renew a contract for a public works project with a contractor
5 unless:

6 (1) the contract contains:

11 (B) a provision that provides that a contractor is not
12 required to verify the work eligibility status of all newly
13 hired employees of the contractor through the E-Verify
14 program if the E-Verify program no longer exists; and

15 (2) the contractor signs an affidavit affirming that the contractor
16 does not knowingly employ an unauthorized alien.

(1) the contract contains:

23 (A) a provision requiring the contractor to enroll in and
24 verify the work eligibility status of all newly hired
25 employees of the contractor through the E-Verify
26 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

31 (2) the contractor signs a notarized affidavit affirming that
32 the contractor does not knowingly employ an unauthorized
33 alien.]

34 SECTION 2. IC 22-5-1.7-11.2 IS ADDED TO THE INDIANA
35 CODE AS A NEW SECTION TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2026]: Sec. 11.2. (a) This section applies only
37 to a public contract for services that is:

37 to a public contract for services that is.
38 (1) entered into or renewed after June 30, 2026; and

(1) entered into or renewed after July 1, 1989, for a public works project under:

(2) for a public works project.

(B) IC 5-16:

41 (B) IC 5-16;
42 (C) IC 5-23-4;

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- (D) IC 5-30;
- (E) IC 5-32; or
- (F) any other statute applicable to the public works of the public agency.

(b) A ~~public agency may not enter into or renew a public contract for services with a contractor unless the public contract for services contains:~~

(1) a provision requiring [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 ~~and subcontractors of any tier to enroll~~ [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~~and~~ [.]

(2) ~~a provision requiring the contractor and subcontractors of any tier to submit to the public agency and, if applicable, [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) ←the E-Verify case verification number for an individual before the individual begins working on the public works project.

An individual whose final case result is final nonconfirmation may not be employed on [, may not employ an individual for] a public works project

(c) If a contractor or subcontractor of any tier knowingly or intentionally fails to comply with subsection (b), if:

(1) the contractor ~~or subcontractor is prohibited from working on all public works projects for public agencies for a period of twelve (12) months~~ [has verified the individual's work eligibility through the E-verify program; and

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



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

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

7 (1) an unauthorized worker as an authorized worker; or
8 (2) an authorized worker as an unauthorized worker;

9 to comply with the provisions of this section is immune from civil
10 liability with respect to the false identification.

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

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