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REPEALED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

(1) the contract contains:

(A) a provision requiring the contractor to enroll in and 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 an affidavit affirming that the contractor does not knowingly employ an unauthorized alien.

(b) This section applies only to a contract for a public works project under IC 4-13.6, IC 5-16, IC 5-23-4, IC 5-30, or IC 5-32 entered into or renewed after June 30, 2026. A public agency may not enter into or renew a contract for a public works project with a contractor unless:

(1) the contract contains:

(A) a provision requiring the contractor to enroll in and 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.]

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

(1) entered into or renewed after June 30, 2026; and

(2) for a public works project under:

(A) IC 4-13.6;

(B) IC 5-16;

(C) IC 5-23-4;



(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.



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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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