WEST VIRGINIA LEGISLATURE

Regular Session 2004

———●———

ENROLLED

Committee Substitute for

SENATE BILL NO. _____71_____

(By Senator _____Hunter_____ **)**

———●———

PASSED _____March 13, 2004_____

In Effect _90 days from_ **Passage**

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 71

(SENATOR HUNTER, *original sponsor*)

———————

[Passed March 13, 2004; in effect ninety days from passage.]

———————

AN ACT to amend and reenact §21-1B-1, §21-1B-2 and §21-1B-3 of the code of West Virginia, 1931, as amended, all relating to verifying legal employment status of workers employed in West Virginia; defining "unauthorized workers"; and permitting division of labor permits as proof of employment.

Be it enacted by the Legislature of West Virginia:

That §21-1B-1, §21-1B-2 and §21-1B-3 of the code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 1B. VERIFYING LEGAL EMPLOYMENT STATUS OF WORKERS.

§21-1B-1. Findings; policy.

1   The Legislature finds that employers have the responsi-
2 bility to verify the legal employment status of all persons

3   who come into their employ and to report their employ-
4   ment to the appropriate governmental agencies. Employ-
5   ers are precluded from hiring unauthorized workers and
6   can be penalized for doing so. Additionally, employers
7   owe a duty to the residents of the state to uphold the intent
8   and integrity of the general workforce due to the potential
9   loss of revenue to the state by loss of taxes, unemployment
10   premiums and workers' compensation premiums.

§21-1B-2. Definitions.

1   (a) "Employer" means any individual, person, corpora-
2   tion, department, board, bureau, agency, commission,
3   division, office, company, firm, partnership, council or
4   committee of the state government, public benefit corpora-
5   tion, public authority or political subdivision of the state
6   or other business entity which employs or seeks to employ
7   an individual or individuals.

8   (b) "Commissioner" means the labor commissioner or his
9   or her designated agent.

10   (c) "Unauthorized worker" means a person who does not
11   have the legal right to be employed or is employed in
12   violation of law.

13   (d) "Records" means records that may be required by the
14   commissioner of labor for the purposes of compliance with
15   the provisions of this article.

§21-1B-3. Unauthorized workers; employment prohibited.

1   (a) It is unlawful for any employer to employ, hire,
2   recruit, or refer, either for him or herself or on behalf of
3   another, for private or public employment within the state,
4   an unauthorized worker who is not duly authorized to be
5   employed by law.

6   (b) Employers shall be required to verify a prospective
7   employee's legal status or authorization to work prior to
8   employing the individual or contracting with the individ-
9   ual for employment services.

10   (c) For purposes of this article, proof of legal status or
11 authorization to work includes, but is not limited to, a
12 valid social security card, a valid immigration or
13 nonimmigration visa including photo identification, a
14 valid birth certificate, a valid passport, a valid photo
15 identification card issued by a government agency, a valid
16 work permit or supervision permit authorized by the
17 division of labor, a valid permit issued by the department
18 of justice or other valid document providing evidence of
19 legal residence or authorization to work in the United
20 States.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

....
Chairman Senate Committee

....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

....
Clerk of the Senate

....
Clerk of the House of Delegates

....
President of the Senate

....
Speaker House of Delegates

———————

The within is approved this the 5th

Day of April ,2004.

....
Governor

PRESENTED TO THE
GOVERNOR
DATE _5/22/04_
TIME _3:50 pm_