

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4759

By Delegates Phillips, Horst and McGeehan

[Introduced January 15, 2024; Referred
to the Committee on Government Organization then
Judiciary]

1 A BILL to amend and reenact §21-1B-2, §21-1B-3, §21-1B-5, §21-1B-6, §21-1B-7, and §21-1B-8
 2 of the Code of West Virginia, 1931, as amended, all relating to E-Verify, the federal
 3 employment authorization program; defining terms; requiring businesses to participate in
 4 E-Verify as a condition for receiving state contracts, grants, or incentives; requiring
 5 subcontractors to participate in E-Verify prior to working on any project paid for by any state
 6 contract, grant, or incentive; providing rules for E-Verify participation for contractors and
 7 subcontractors; requiring business entities and employers in this state to enroll and
 8 participate in E-Verify; listing exceptions to said mandatory participation; providing rules for
 9 E-Verify participation for business entities and employers; imposing civil penalties;
 10 providing defenses; providing for enforcement; and requiring the Division of Labor to
 11 propose legislative rules to implement the article's provisions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1B. VERIFYING LEGAL EMPLOYMENT STATUS OF WORKERS.

§21-1B-2. Definitions.

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

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

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

8 (d) "Records" means records that may be required by the Commissioner of Labor for the
 9 purposes of compliance with the provisions of this article.

10 (e) "Knowingly" means, with respect to conduct or to a circumstance described by a statute
 11 defining an offense, that a person is aware by documentation or action that the person's conduct is
 12 of that nature or that the circumstance exists. Failure to request or review documentation of an

13 ~~employee's legal status or authorization to work is deemed to be "knowingly".~~

14 (f) ~~"License" means any permit, certificate, approval, registration, charter or similar form of~~
15 ~~authorization that is required by law and that is issued for the purpose of operating a business in~~
16 ~~this State~~

17 "Alien" means any person who is not a citizen or national of the United States as described
18 in 8 U.S.C. § 1101 et seq., and any amendments thereto.

19 "Commissioner" means the Commissioner of the Division of Labor or his or her designated
20 agent.

21 "Employee" means any person directed, allowed, or permitted to perform labor or service
22 of any kind by an employer. The employees of an independent contractor working for a business
23 entity shall not be regarded as the employees of the business entity, for the purposes of this article.

24 "Employer" means any individual, person, corporation, department, board, bureau,
25 agency, commission, division, office, company, firm, partnership, council or committee of the state
26 government, public benefit corporation, public authority or political subdivision of the state, or
27 other business entity which employs or seeks to employ an individual or individuals and that is
28 registered or registers with the Secretary of State: *Provided*, That individual homeowners who hire
29 workers on their private property for noncommercial purposes are not employers for purposes of
30 this article.

31 "E-Verify" means the electronic verification of federal employment authorization program
32 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, PL 104-208, 8 U.S.C.
33 § 1324a, and operated by the United States Department of Homeland Security, or its successor
34 program.

35 "Federal work authorization program" means any of the electronic verification of work
36 authorization programs operated by the United States Department of Homeland Security or an
37 equivalent federal work authorization program operated by the United States Department of
38 Homeland Security to verify information of newly hired employees, under the Immigration Reform

39 and Control Act of 1986 (IRCA), P.L. 99-603 or the Illegal Immigration Reform and Immigrant
40 Responsibility Act of 1996, P.L. 104-208, Division C, Section 403(a), 8 U.S.C. § 1324a.

41 "Knowingly" means, with respect to conduct or to a circumstance described by a statute
42 defining an offense, that a person is aware by documentation or action that the person's conduct is
43 of that nature or that the circumstance exists.

44 "Lawful presence" or "lawfully present" means a person shall be regarded as an alien
45 unlawfully present in the United States only if the person's unlawful immigration status has been
46 verified by the federal government pursuant to 8 U.S.C. § 1373(c). No officer of this state or any
47 political subdivision of this state shall attempt to independently make a final determination of an
48 alien's immigration status. An alien possessing self-identification in any of the following forms is
49 entitled to the presumption that he or she is an alien lawfully present in the United States:

50 (1) A valid, unexpired West Virginia driver's license;

51 (2) A valid, unexpired West Virginia nondriver identification card (if applicable);

52 (3) A valid, tribal enrollment card or other form of tribal identification bearing a photograph
53 or other biometric identifier;

54 (4) Any valid United States federal or state government issued identification document
55 bearing a photograph or other biometric identifier, if issued by an entity that requires proof of lawful
56 presence in the United States before issuance;

57 (5) A foreign passport with an unexpired United States visa and a corresponding stamp or
58 notation by the United States Department of Homeland Security indicating the bearer's admission
59 to the United States; and

60 (6) A foreign passport issued by a Visa Waiver Program designated country with the
61 corresponding entry stamp and unexpired duration of stay annotation or an I-94W form by the
62 United States Department of Homeland Security indicating the bearer's admission to the United
63 States.

64 "License" means any permit, certificate, approval, registration, charter, or similar form of

65 authorization that is required by law and that is issued for the purpose of operating a business in
66 this state.

67 "Records" means records that may be required by the Commissioner of the Division of
68 Labor or the Attorney General for the purposes of enforcing the provisions of this article.

69 "Unauthorized worker" means a person who does not have the legal right to be employed
70 or is employed in violation of law or an alien who is not authorized to work in the United States as
71 defined in 8 U.S.C. § 1324a(h)(3).

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

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

4 (b) Employers shall be required to verify a ~~prospective~~ an employee's legal status or
5 authorization to work ~~prior to~~ after employing the individual ~~or contracting with the individual for~~
6 ~~employment services~~ but prior to three days after the employee's first day of work for pay, unless
7 the employee will work for fewer than three days, in which case the verification must occur no later
8 than the first day of work for pay.

9 (c) For purposes of this article, proof of legal status or authorization to work ~~includes, but is~~
10 ~~not limited to, a valid social security card, a valid immigration or nonimmigration visa, including~~
11 ~~photo identification, a valid birth certificate, a valid passport, a valid photo identification card issued~~
12 ~~by a government agency, a valid work permit or supervision permit authorized by the Division of~~
13 ~~Labor, a valid permit issued by the Department of Justice or other valid document providing~~
14 ~~evidence of legal residence or authorization to work in the United States~~ refers to evidence that the
15 employee's work authorization status has been verified by the E-Verify system. This proof
16 includes, but is not limited to, the case number assigned to each employee by the E-Verify system.

17 (d) ~~For purposes of enforcing the provisions of this article, and notwithstanding any other~~
18 ~~provision of this code to the contrary, the commissioner or his or her authorized representative~~

19 ~~may access information maintained by any other state agency, including, but not limited to, the~~
20 ~~Bureau of Employment Programs and the Division of Motor Vehicles, for the limited purpose of~~
21 ~~confirming the validity of a worker's legal status or authorization to work. The commissioner shall~~
22 ~~promulgate rules in accordance with the provisions of §29A-3-1 et seq. of this code to safeguard~~
23 ~~against the release of any confidential or identifying information that is not necessary for the~~
24 ~~limited purpose of enforcing the provisions of this article~~

25 (d) As a condition for the award of any contract, grant, or incentive by this state, any
26 political subdivision thereof, or any state-funded entity to a business entity or employer that
27 employs one or more employees, the business entity or employer shall provide documentation
28 establishing that the business entity or employer is enrolled in the E-Verify Program. During the
29 performance of the contract, the business entity or employer shall participate in the E-Verify
30 Program and shall verify every employee that is required to be verified according to the applicable
31 federal rules and regulations.

32 (e) No subcontractor on a project paid for by contract, grant, or incentive by this state, any
33 political subdivision thereof, or any state-funded entity may knowingly employ, hire for
34 employment, or continue to employ an unauthorized alien and shall also enroll in the E-Verify
35 Program prior to performing any work on the project and shall verify every employee that is
36 required to be verified according to the applicable federal rules and regulations.

37 (f) Compliance with this article may be verified by the commissioner at any time to ensure a
38 contractual agreement as provided for in §21-1B-3 of this code is being met.

39 (g) No business entity, employer, or public employer may knowingly employ, hire for
40 employment, or continue to employ an unauthorized alien to perform work within the state of West
41 Virginia. Knowingly employ, hire for employment, or continue to employ an unauthorized alien
42 means the actions described in 8 U.S.C. § 1324a.

43 (h) Effective January 1, 2025, every business entity or employer in this state shall enroll in
44 E-Verify and thereafter, according to the federal statutes and regulations governing E-Verify, shall

45 verify the employment eligibility of new hires through E-Verify. A business entity or employer that
46 uses E-Verify to verify the work authorization of an employee shall not be considered to have
47 violated this section with respect to the employment of that employee.

48 (i) The provisions of this section do not apply to the following:

49 (1) The relationship between a party and the employees of an independent contractor
50 performing work for the party;

51 (2) Casual domestic labor performed within a household; and

52 (3) Individual homeowners who hire workers on their private property for noncommercial
53 purposes.

§21-1B-5. Penalties; suspension or revocation of license.

1 ~~(a) Any employer who knowingly and willfully fails to maintain records as required by~~
2 ~~section four of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined~~
3 ~~\$100 for each offense. Failure to keep records on each employee constitutes a separate offense.~~

4 ~~(b) Any employer who knowingly violates the provisions of section three of this article by~~
5 ~~employing, hiring, recruiting or referring an unauthorized worker is guilty of a misdemeanor and,~~
6 ~~upon conviction thereof, is subject to the following penalties:~~

7 ~~(1) For a first offense, a fine of not less than \$100 nor more than \$1,000 for each violation;~~

8 ~~(2) For a second offense, a fine of not less than \$500 nor more than \$5,000 for each~~
9 ~~violation;~~

10 ~~(3) For a third or subsequent offense, a fine of not less than \$1,000 nor more than \$10,000,~~
11 ~~or confinement in jail for not less than thirty days nor more than one year, or both.~~

12 ~~(c) Any employer who knowingly and willfully provides false records as to the legal status~~
13 ~~or authorization to work of any employee to the commissioner or his or her authorized~~
14 ~~representative is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail not~~
15 ~~more than one year or fined not more than \$2,500, or both.~~

16 ~~(d) Any employer who knowingly and willfully and with fraudulent intent sells, transfers, or~~

17 ~~otherwise disposes of substantially all of the employer's assets for the purpose of evading the~~
18 ~~record-keeping requirements of section four of this article is guilty of a misdemeanor and, upon~~
19 ~~conviction thereof, shall be confined in jail not more than one year or fined not more than \$10,000,~~
20 ~~or both.~~

21 (a)(1) Upon the first violation of §21-1B-3(d) of this code by any business entity or
22 employer awarded a contract by the state, any political subdivision thereof, or any state-funded
23 entity, the business entity or employer shall be considered in breach of contract and the state,
24 political subdivision thereof, or state-funded entity may terminate the contract after providing
25 notice and an opportunity to be heard. Upon application by the state entity, political subdivision
26 thereof, or state-funded entity, the commissioner may bring an action to suspend the business
27 licenses and permits of the business entity or employer for a period not to exceed 60 days,
28 according to the procedures described in this section. The court shall order the business entity or
29 employer to file a signed, sworn affidavit with the commissioner within three days after the order is
30 issued by the court stating that the business entity or employer has terminated the employment of
31 every unauthorized alien and the business entity or employer will not knowingly or intentionally
32 employ an unauthorized alien in this state. Before a business license or permit that has been
33 suspended under this subsection is reinstated, a legal representative of the business entity or
34 employer shall submit to the court a signed, sworn affidavit stating that the business entity or
35 employer is in compliance with the provisions of this article and a copy of the Memorandum of
36 Understanding issued to the business entity or employer at the time of enrollment in E-Verify.

37 (2) Upon a second or subsequent violation of §21-1B-3(d) of this code by any business
38 entity or employer awarded a contract by the state, any political subdivision thereof, or any state-
39 funded entity, the business entity or employer shall be considered in breach of contract and the
40 state, any political subdivision thereof, or any state-funded entity shall terminate the contract after
41 providing notice and an opportunity to be heard. Upon application by the state entity, political
42 subdivision thereof, or state-funded entity, the commissioner may bring an action to permanently

43 revoke the business licenses and permits of the business entity or employer according to the
44 procedures described in this article.

45 (b)(1) Upon the first violation of §21-1B-3(e) of this code by a subcontractor, the state or
46 political subdivision thereof may bar the subcontractor from doing business with the state, any
47 political subdivision thereof, any state-funded entity, or with any contractor who contracts with the
48 state, any political subdivision thereof, or any state-funded entity after providing notice and an
49 opportunity to be heard. Upon application by the state entity or political subdivision thereof, or
50 state-funded entity, the commissioner may bring an action to suspend the business licenses and
51 permits of the subcontractor for a period not to exceed 60 days according to the procedures
52 described in this article. The court shall order the subcontractor to file a signed, sworn affidavit with
53 the commissioner within three days after the order is issued by the court stating that the
54 subcontractor has terminated the employment of every unauthorized alien and the subcontractor
55 will not knowingly or intentionally employ an unauthorized alien in this state. Before a business
56 license or permit that has been suspended under this subsection is reinstated, a legal
57 representative of the subcontractor shall submit to the court a signed, sworn affidavit stating that
58 the subcontractor is in compliance with the provisions of this article and a copy of the
59 Memorandum of Understanding issued to the subcontractor at the time of enrollment in E-Verify.

60 (2) Upon a second or subsequent violation of §21-1B-3(e) of this code by a subcontractor
61 and upon application by the state entity or political subdivision thereof, or state-funded entity, the
62 commissioner may bring an action to permanently suspend the business licenses of the business
63 entity or employer according to the procedures described in this article.

64 (c) The suspension of a business license or permit under §21-1B-5(a)(1) and §21-1B-
65 5(b)(1) of this code shall terminate one business day after a legal representative of the business
66 entity, employer, or subcontractor submits a signed, sworn affidavit stating that the business entity,
67 employer, or subcontractor is in compliance with the provisions of this article and a copy of the
68 Memorandum of Understanding issued at the time of enrollment in E-Verify to the court.

69 (d) On a finding of a first violation by a court of competent jurisdiction that a business entity
70 or employer knowingly violated §21-1B-3(g) of this code, the court shall do all of the following:

71 (1) Order the business entity or employer to terminate the employment of every
72 unauthorized alien.

73 (2) Subject the business entity or employer to a three-year probationary period throughout
74 the state. During the probationary period, the business entity or employer shall file quarterly
75 reports with the commissioner of each new employee who is hired by the business entity or
76 employer in the state.

77 (3) Order the business entity or employer to file a signed, sworn affidavit with the
78 commissioner within three days after the order is issued by the court stating that the business
79 entity or employer has terminated the employment of every unauthorized alien and the business
80 entity or employer will not knowingly or intentionally employ an unauthorized alien in this state.

81 (4) Direct the applicable state, county, or municipal governing bodies to suspend any
82 business licenses and permits of the business entity or employer for a period not to exceed 10
83 business days specific to the business location where the unauthorized alien performed work.

84 (e)(1) Before a business license or permit that has been suspended under §21-1B-5(d) of
85 this code is reinstated, a legal representative of the business entity or employer shall submit to the
86 court a signed, sworn affidavit stating that the business entity or employer is in compliance with the
87 provisions of this article and a copy of the Memorandum of Understanding issued to the business
88 entity or employer at the time of enrollment in E-Verify.

89 (2) The suspension of a business license or permit under subsection §21-1B-5(d) of this
90 code shall terminate one business day after a legal representative of the business entity or
91 employer submits a signed, sworn affidavit stating that the business entity or employer is in
92 compliance with the provisions of this article and a copy of the Memorandum of Understanding
93 issued to the business entity or employer to the court.

94 (f) For a second violation of §21-1B-3(g) of this code by a business entity or employer, the

95 court shall direct the applicable state, county, or municipal governing body to permanently revoke
96 any business licenses and permits, held by the business entity or employer specific to the
97 business location where the unauthorized alien performed work. On receipt of the order, and
98 notwithstanding any other law, the appropriate agencies shall immediately revoke the licenses and
99 permits held by the business entity or employer.

100 (g) For a third or subsequent violation of §21-1B-3(g) of this code, the court shall direct the
101 applicable governing bodies to permanently suspend any business licenses and permits of the
102 business entity or employer throughout the state.

103 (h) This section may not be construed to deny any procedural mechanisms or legal
104 defenses included in the E-Verify program or any other federal work authorization program.

105 (i) In any court proceedings, the determination of whether an employee is an unauthorized
106 alien shall be made by the federal government, pursuant to 8 U.S.C. § 1373(c). The court shall
107 consider only the federal government's determination when deciding whether an employee is an
108 unauthorized alien. The court may take judicial notice of any verification of an individual's
109 immigration status previously provided by the federal government and may request the federal
110 government to provide further automated or testimonial verification.

111 (j) If an employee of any agency of the state or any political subdivision thereof fails to
112 suspend the business licenses or permits of any business entity or employee, as a result of a
113 violation of this section, the agency shall be deemed to have violated this section and shall be
114 subject to being compelled to enforce this section by a writ of mandamus brought by the Attorney
115 General in any court of competent jurisdiction.

§21-1B-6. Denial of deductible business expense.

1 ~~On or after January 1, 2008, no wages or remuneration for services paid to an~~
2 ~~unauthorized worker of \$600 or more per annum may be claimed and allowed as a deductible~~
3 ~~business expense for state income tax purposes by a taxpayer if the employer has been convicted~~
4 ~~under this article of employing, hiring, recruiting, or referring the unauthorized worker. The~~

5 ~~commissioner shall notify the Department of Revenue of any conviction of an employer under this~~
6 ~~article and the department is to take the appropriate action against the taxpayer.~~

7 (a) No wage, compensation, whether in money, in kind, or in services, or remuneration of
8 any kind for the performance of services paid to an unauthorized alien may be allowed as a
9 deductible business expense for any state income or business tax purposes in this state. This
10 subsection shall apply whether or not an Internal Revenue Service Form 1099 is issued in
11 conjunction with the wages or remuneration.

12 (b) Any business entity or employer that knowingly fails to comply with the requirements of
13 §21-1B-3 of this code shall be liable for a penalty equal to 10 times the business expense
14 deduction claimed in violation of subsection (a). The penalty provided in this subsection shall be
15 payable to the West Virginia Tax Department.

§21-1B-7. Suspension or revocation of license Defenses.

1 ~~(a) If, upon examination of the record or records of conviction, the commissioner~~
2 ~~determines that an employer has been convicted of a third or subsequent offense under §21-1B-~~
3 ~~5(b) or has been convicted of the offenses described in subsection §21-1B-5(c) or §21-1B-5(c),~~
4 ~~the commissioner may enter an order imposing the following disciplinary actions:~~

5 ~~(1) Permanently revoke or file an action to revoke any license held by the employer; or~~

6 ~~(2) Suspend a license or move for a suspension of any license held by the employer for a~~
7 ~~specified period;~~

8 ~~(b) The order shall contain the reasons for the revocation or suspension and the revocation~~
9 ~~or suspension periods. Further, the order shall give the procedures for requesting a hearing. The~~
10 ~~person shall be advised in the order that because of the receipt of the record of conviction by the~~
11 ~~commissioner a presumption exists that the person named in the record of conviction is the person~~
12 ~~named in the commissioner's order and this constitutes sufficient evidence to support a revocation~~
13 ~~or suspension and that the sole purpose for the hearing held under this section is for the person~~
14 ~~requesting the hearing to present evidence that he or she is not the person named in the record of~~

15 ~~conviction. A copy of the order shall be forwarded to the person by registered or certified mail,~~
16 ~~return receipt requested. No revocation or suspension shall become effective until ten days after~~
17 ~~receipt of a copy of the order.~~

18 (a) A contractor of any tier shall not be liable under this section when its direct
19 subcontractor violates this section, if the contractor receives a sworn affidavit from the
20 subcontractor signed before a notary that the direct subcontractor, in good faith, has complied with
21 respect to verifying each of its employee's eligibility for employment, unless the contractor knows
22 the direct subcontractor is violating this section.

23 (b)(1) A business entity or employer that establishes that it has complied in good faith with
24 §21-1B-3 of this code establishes an affirmative defense that the business entity or employer did
25 not knowingly hire or employ an unauthorized alien.

26 (2) A subcontractor that establishes that it has complied in good faith with §21-1B-3 of this
27 code establishes an affirmative defense that the subcontractor did not knowingly hire or employ an
28 unauthorized alien.

29 (c) Any business entity or employer that terminates an employee to comply with §21-1B-3
30 of this code shall not be liable for any wrongful-termination claims made against the business
31 entity or employer by the terminated employee.

32 (d) It is an affirmative defense to a violation of §21-1B-3 of this code that a business entity
33 or employer was entrapped.

34 (1) To claim entrapment, the business entity or employer must admit by testimony or other
35 evidence the substantial elements of the violation.

36 (2) A business entity or employer who asserts an entrapment defense has the burden of
37 proving by clear and convincing evidence the following:

38 (A) The idea of committing the violation started with law-enforcement officers or their
39 agents rather than with the business entity or employer.

40 (B) The law-enforcement officers or their agents urged and induced the business entity or

41 employer to commit the violation;

42 (C) The business entity or employer was not already predisposed to commit the violation
43 before the law-enforcement officers or their agents urged and induced the employer to commit the
44 violation.

45 (e) An employer is not in violation of §21-1B-3 of this code:

46 (1) During a time period in which the E-Verify program is suspended or not operational; or

47 (2) If the employer acts upon false results generated by the E-Verify program concerning
48 an employee's work authorization status.

§21-1B-8. Citation for violation Enforcement.

1 ~~(a) If, upon inspection or investigation, the commissioner believes that an employer has~~
2 ~~violated a provision of this article, the commissioner shall issue a notice to produce records or~~
3 ~~documents to the employer. Each notice shall be in writing and shall describe with particularity the~~
4 ~~nature of the violation, including a reference to the provision of this article alleged to have been~~
5 ~~violated. The employer shall have up to seventy-two hours, or for good cause shown to the~~
6 ~~commissioner, a greater period of time, to produce employment status verification records.~~

7 ~~(b) If after the time period allowed under subsection (a) of this section the employer is~~
8 ~~unable to produce the required documents to satisfy the commissioner that there is no violation of~~
9 ~~this article, the commissioner may issue a citation to the employer. Each citation shall be in writing~~
10 ~~on a standard form as prescribed by the commissioner and shall describe with particularity the~~
11 ~~nature of the violation, including a reference to the provision of this article alleged to have been~~
12 ~~violated. Each citation issued under this section or a copy or copies thereof shall be prominently~~
13 ~~presented to a magistrate or circuit judge in the county where the violation occurred.~~

14 (a) By July 1, 2024, the commissioner shall propose rules for legislative approval, in
15 accordance with §29A-3-1 et seq. of this code, to implement the requirements and provisions of
16 this section, including, but not limited to developing a statewide random auditing program to
17 inspect private employers for compliance with the provisions of this section, safeguarding against

18 the release of any confidential or identifying information that is not necessary for the limited
19 purpose of enforcing the provisions of this article, and posting educational information and
20 materials about the E-Verify program on the Division of Labor's website.

21 (b) For purposes of enforcing the provisions of this article, and notwithstanding any other
22 provision of this code to the contrary, the commissioner or his or her authorized representative
23 may access information maintained by any other state agency, including, but not limited to, the
24 Bureau of Employment Programs and the Division of Motor Vehicles, for the limited purposes of
25 confirming an employer's compliance with the provisions of this section and whether an employee
26 is authorized to work, as determined by the federal government.

27 (c) In addition to actions taken by the state or political subdivisions thereof, the Attorney
28 General may bring an action to enforce the requirements of this section in any court of competent
29 jurisdiction, including, but not limited to, in the circuit court of any county of this state wherein the
30 business entity or employer does business, to enforce the requirements of this article.

31 (d)(1) Any resident of this state may petition the Attorney General to bring an enforcement
32 action against a specific business entity or employer by means of a written, signed petition. A valid
33 petition shall include an allegation that describes the alleged violator or violators, as well as the
34 action constituting the violation, and the date and location where the violation occurred.

35 (2) A petition that alleges a violation on the basis of national origin, ethnicity, or race shall
36 be considered invalid and may not be acted upon.

37 (e) The Attorney General shall respond to any petition under this subdivision within 60 days
38 of receiving the petition, either by filing a civil complaint in a court of competent jurisdiction or by
39 informing the petitioner in writing that the Attorney General has determined that filing a civil
40 complaint is not warranted.

NOTE: The purpose of this bill is to verify the legal employment status of all persons who come into their employ and to report their employment to the appropriate governmental agencies. The bill defines "E-Verify", the electronic verification of federal employment

authorization program of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and provides that unauthorized workers' employment is prohibited.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.