

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 204

Short Title: Public Entities & Contractors/Use E-Verify. (Public)

Sponsors: Senators Allran; Apodaca, Bingham, Blake, Brock, Brown, Clary, Daniel, Davis, East, Forrester, Goolsby, Harrington, Hise, Hunt, Newton, Pate, Preston, Rabon, Soucek, Stevens, and Tucker.

Referred to: Rules and Operations of the Senate.

March 7, 2011

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT COUNTIES, MUNICIPALITIES, AND PUBLIC CONTRACTORS USE THE FEDERAL E-VERIFY PROGRAM TO VERIFY THE WORK AUTHORIZATION OF NEWLY HIRED EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 5 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-99.1. County verification of employee work authorization.

(a) Counties Must Use E-Verify. – Each county shall register and participate in E-Verify to verify the work authorization of new employees.

(b) E-Verify Defined. – As used in this section, the term 'E-Verify' means the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law.

(c) Nondiscrimination. – This section shall be enforced without regard to race, religion, gender, ethnicity, or national origin."

SECTION 2. Article 7 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-169.1. City verification of employee work authorization.

(a) Cities Must Use E-Verify. – Each city shall register and participate in E-Verify to verify the work authorization of new employees.

(b) E-Verify Defined. – As used in this section, the term 'E-Verify' means the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law.

(c) Nondiscrimination. – This section shall be enforced without regard to race, religion, gender, ethnicity, or national origin."

SECTION 3. G.S. 153A-449 reads as rewritten:

"§ 153A-449. Contracts with private entities; contractors must use federal work authorization verification program.

(a) Authority. – A county may contract with and appropriate money to any person, association, or corporation, in order to carry out any public purpose that the county is authorized by law to engage in.

(b) Contractors Must Use E-Verify. – No county may enter into a contract for the physical performance of services within this State unless the contractor registers and



1 participates in E-Verify to verify the work authorization of new employees. As used in this
2 subsection, the term 'E-Verify' means the federal E-Verify program operated by the United
3 States Department of Homeland Security and other federal agencies, or any successor or
4 equivalent program used to verify the work authorization of newly hired employees pursuant to
5 federal law."

6 **SECTION 4.** G.S. 160A-20.1 reads as rewritten:

7 **"§ 160A-20.1. Contracts with private ~~entities.~~entities; contractors must use federal work**
8 **authorization verification program.**

9 (a) Authority. – A city may contract with and appropriate money to any person,
10 association, or corporation, in order to carry out any public purpose that the city is authorized
11 by law to engage in.

12 (b) Contractors Must Use E-Verify. – No city may enter into a contract for the physical
13 performance of services within this State unless the contractor registers and participates in
14 E-Verify to verify the work authorization of new employees. As used in this subsection, the
15 term 'E-Verify' means the federal E-Verify program operated by the United States Department
16 of Homeland Security and other federal agencies, or any successor or equivalent program used
17 to verify the work authorization of newly hired employees pursuant to federal law."

18 **SECTION 5.** G.S. 143-129 is amended by adding a new subsection to read:

19 "(j) No contract subject to this section may be awarded by any board or governing body
20 of the State, institution of State government, or any political subdivision of the State, unless the
21 contractor registers and participates in E-Verify to verify the work authorization of new
22 employees. As used in this subsection, the term 'E-Verify' means the federal E-Verify program
23 operated by the United States Department of Homeland Security and other federal agencies, or
24 any successor or equivalent program used to verify the work authorization of newly hired
25 employees pursuant to federal law."

26 **SECTION 6.** Article 3 of Chapter 143 of the General Statutes is amended by
27 adding a new section to read:

28 **"§ 143-48.5. Contractors must use federal work authorization verification program.**

29 An entity required to report to the Department of Administration pursuant to G.S. 143-48(b)
30 shall not enter into any contract for goods or services unless the contractor registers and
31 participates in E-Verify to verify the work authorization of new employees. As used in this
32 section, the term 'E-Verify' means the federal E-Verify program operated by the United States
33 Department of Homeland Security and other federal agencies, or any successor or equivalent
34 program used to verify the work authorization of newly hired employees pursuant to federal
35 law."

36 **SECTION 7.** G.S. 126-7.1(f) reads as rewritten:

37 "(f) Each State agency, department, institution, university, community college, and local
38 education agency shall verify, in accordance with the Basic Pilot Program administered by the
39 United States Department of Homeland Security pursuant to 8 U.S.C. § 1101, et seq, each
40 individual's legal status or authorization to work in the United States after hiring the individual
41 as an employee to work in the United States, register and participate in E-Verify to verify the
42 work authorization of new employees. As used in this subsection, the term 'E-Verify' means the
43 federal E-Verify program operated by the United States Department of Homeland Security and
44 other federal agencies, or any successor or equivalent program used to verify the work
45 authorization of newly hired employees pursuant to federal law."

46 **SECTION 8.** This act becomes effective October 1, 2011, and applies to contracts
47 entered into or renewed on or after that date.