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INTERIM STUDY PROPOSAL 2011-088

State of Arkansas
88th General Assembly
Regular Session, 2011

As Engrossed: H1/12/11 H2/1/11 H2/3/11

A Bill

HOUSE BILL 1013

By: Representative Nickels

Filed with: Interim House Committee on State Agencies and Governmental Affairs
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

*AN ACT TO ALLOW THE CONTRACTORS LICENSING BOARD TO
SUSPEND OR REVOKE THE CERTIFICATE OF LICENSE FOR A
CONTRACTOR WHO IS FOUND TO KNOWINGLY EMPLOY A WORKER
WITHOUT LEGAL AUTHORIZATION TO WORK IN THE UNITED
STATES EITHER DIRECTLY OR THROUGH A SUBCONTRACTOR;
AND FOR OTHER PURPOSES.*

Subtitle

*AN ACT TO ALLOW THE CONTRACTORS LICENSING
BOARD TO TAKE ACTION AGAINST A CONTRACTOR
FOR KNOWINGLY EMPLOYING A WORKER WITHOUT
LEGAL AUTHORIZATION TO WORK IN THE UNITED
STATES.*

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 17, Chapter 25, Subchapter 3 is amended
to add a new section to read as follows:

17-25-317. Workers without legal authorization to work in the United
States – Prohibition.

(a) As used in this section, "worker without legal authorization to
work in the United States" means an individual who cannot present valid and
appropriate documentation evidencing both identity and authorization to work
as required by Federal Form 1-9 as existing on January 1, 2011, and using the

1 applicable regulations, standards, and guidelines of Federal Form 1-9 as
2 existing on January 1, 2011.

3 (b)(1) If after notice and hearing, a contractor licensed under this
4 chapter is found by the Contractors Licensing Board to knowingly employ a
5 worker without legal authorization to work in the United States either
6 directly or through a subcontractor, the board may:

7 (A) Suspend the contractor's certificate of license; or

8 (B) Revoke the contractor's certificate of license.

9 (2) A contractor shall not be found to have knowingly employed a
10 worker without legal authorization to work in the United States if the
11 contractor uses the federal E-verify system, if allowed by law, to verify the
12 legal status of all persons offered employment by the contractor. Use of the
13 federal E-verify system, if allowed by law, is an affirmative defense under
14 this section.

15 (c) A contractor shall not be liable through a subcontractor under
16 this section if the contractor and subcontractor agree in writing that the
17 subcontractor shall be responsible for verifying through the federal E-verify
18 system, if allowed by law, that each worker employed by the subcontractor is
19 legally authorized to work in the United States.

20 (d) The board shall promulgate rules necessary to carry out the
21 provisions of this section.

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23
24 /s/Nickels

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26 Referred by the Arkansas House of Representatives

27 Prepared by: MBM/VJF