

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H3/21/11

A Bill

HOUSE BILL 2117

5 By: Representative Hammer
6

For An Act To Be Entitled

8 AN ACT REQUIRING A PRIVATE BUSINESS OR COMMERCIAL
9 ENTERPRISE TO USE E-VERIFY IF THE PRIVATE BUSINESS OR
10 COMMERCIAL ENTERPRISE RECEIVES STATE FUNDS; AND FOR
11 OTHER PURPOSES.
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Subtitle

14 REQUIRING A PRIVATE BUSINESS OR
15 COMMERCIAL ENTERPRISE TO USE E-VERIFY IF
16 THE PRIVATE BUSINESS OR COMMERCIAL
17 ENTERPRISE RECEIVES STATE FUNDS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 *SECTION 1. Arkansas Code Title 11, Chapter 3, Subchapter 2 is amended*
24 *to add an additional section to read as follows:*

25 *11-3-206. Verification of employment eligibility by publicly funded*
26 *employers.*

27 *(a) As used in this section:*

28 *(1) "E-verify program" means the electronic verification of work*
29 *authorization program established under the Illegal Immigration Reform and*
30 *Immigration Responsibility Act of 1996, 8 U.S.C. § 1324a, as it existed on*
31 *January 1, 2011, that is operated by the United States Department of Homeland*
32 *Security; and*

33 *(2) "Publicly funded employer" means a private entity or other*
34 *commercial enterprise that receives state funds.*

35 *(b)(1) A publicly funded employer shall:*

36 *(A) Register with the E-Verify program by July 1, 2012;*



1 and

2 (B) Beginning the earlier of July 1, 2012, or when the
3 publicly funded employer registers with the E-verify program, use the E-
4 verify program to verify the employment eligibility status of each new
5 employee within three (3) days of the employee's hire.

6 (2) By July 1 of each year starting in 2013, a publicly funded
7 employer shall certify to the Department of Labor that the publicly funded
8 employer has verified through the E-verify program the employment eligibility
9 status of each new employee of the publicly funded employer.

10 (c)(1) If a publicly funded employer cannot verify through the E-
11 verify program the employment eligibility status of a new employee, the
12 publicly funded employer shall terminate the new employee's employment within
13 ten (10) business days of receiving notice of nonconfirmation from the E-
14 verify program unless the new employee can produce additional evidence of
15 employment eligibility.

16 (2) If a new employee is required to submit additional evidence
17 of his or her employment eligibility, the publicly funded employer shall
18 maintain a copy of the evidence with the records from the E-verify program
19 under subsection (d) of this section.

20 (d)(1) A publicly funded employer shall retain the record of
21 verification or nonconfirmation from the E-verify program regarding the
22 employment eligibility status of each new employee for at least two (2)
23 years.

24 (2) A publicly funded employer shall provide the records
25 retained under subdivision (d)(1) of this section to the Attorney General
26 upon request.

27 (e) This section shall be enforced without regard to race, religion,
28 gender, ethnicity, or national origin.

29 (f) A publicly funded employer that violates this section shall be
30 subject to a penalty as follows:

31 (1) For a first violation, the publicly funded employer shall be
32 assessed a fine between five hundred dollars (\$500) and one thousand dollars
33 (\$1,000);

34 (2) For a second violation, the publicly funded employer shall
35 be guilty of a Class A misdemeanor; and

36 (3) For a third violation, the publicly funded employer shall

1 lose the privilege of receiving state funds for five (5) years.

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3 SECTION 2. TEMPORARY LANGUAGE. DO NOT CODIFY.

4 After a publicly funded employer registers with the E-verify program:

5 (1) The three-day verification period under § 11-3-206(b)(1)(B)
6 applies for each new employee; and

7 (2) The publicly funded employer shall verify the employment
8 eligibility status of each employee hired between January 1, 2011, and the
9 date of registration, inclusive, within ten (10) business days.

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11 /s/Hammer
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