

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE DRS55062-MD-36 (02/02)

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

(Public)

Sponsors: Senator Allran.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THAT COUNTIES, MUNICIPALITIES, AND PUBLIC  
3 CONTRACTORS USE THE FEDERAL E-VERIFY PROGRAM TO VERIFY THE  
4 WORK AUTHORIZATION OF NEWLY HIRED EMPLOYEES.

5 The General Assembly of North Carolina enacts:

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

8 **"§ 153A-99.1. County verification of employee work authorization.**

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

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

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

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

19 **"§ 160A-169.1. City verification of employee work authorization.**

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

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

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

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

29 **"§ 153A-449. Contracts with private ~~entities~~-entities; contractors must use federal work**  
30 **authorization verification program.**

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

34 (b) Contractors Must Use E-Verify. – No county may enter into a contract for the  
35 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.