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HOUSE BILL 2568

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State of Washington

62nd Legislature

2012 Regular Session

By Representatives Kenney, Sells, Hunt, Hasegawa, Moscoso, Hudgins, Ryu, Pettigrew, Ormsby, Santos, Reykdal, Eddy, Fitzgibbon, Upthegrove, Appleton, and Maxwell

Read first time 01/17/12. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to maintaining voluntary use of electronic  
2 employment verification systems; and adding a new chapter to Title 49  
3 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

6 (a) An electronic employment verification system, originally known  
7 as the basic pilot program, enacted by P.L. 104-208 and renamed in 2007  
8 as the e-verify program, was established as an experimental and  
9 temporary system available to employers on a voluntary basis;

10 (b) A recent study by the United States government accountability  
11 office found that significant challenges remain for the e-verify  
12 program, including the persistence of erroneous tentative  
13 nonconfirmations, the risks of identity theft and employer fraud, the  
14 difficulties in correcting personal information, and the need for  
15 reliable cost estimates and sufficient resources;

16 (c) Another recent study concluded that, if use of the e-verify  
17 program had been made mandatory for all employers in 2010, it would  
18 have cost businesses two billion seven hundred million dollars, two

1 billion six hundred million dollars of which would have been borne by  
2 small businesses;

3 (d) The costs, technological demands, and staff time required to  
4 use and implement the e-verify program come at a time when many  
5 employers are struggling and many workers remain unemployed;

6 (e) The state must pursue all avenues in facilitating and  
7 incubating economic growth and job development; and

8 (f) It is too expensive to mandate the use of the e-verify program,  
9 especially in fragile economic times.

10 (2) For these reasons, the legislature intends that the state  
11 maintain the intent of federal law by ensuring that private employers  
12 retain the ability to choose whether to participate in an electronic  
13 employment verification program.

14 NEW SECTION. **Sec. 2.** The definitions in this section apply  
15 throughout this chapter unless the context clearly requires otherwise.

16 (1) "Electronic employment verification system" means an employment  
17 verification system that allows employers to electronically verify  
18 workers' employment authorization with the federal government. The  
19 term "electronic employment verification system" includes the basic  
20 pilot program, enacted by P.L. 104-208 and renamed in 2007 as the  
21 e-verify program, and other pilot programs for electronic employment  
22 eligibility confirmation. The term "electronic employment verification  
23 system" does not include the I-9 employment eligibility verification  
24 form or any other employment eligibility systems that are required by  
25 federal law.

26 (2) "Employer" means an employer other than the state, or a county,  
27 city, town, or other political subdivision thereof.

28 NEW SECTION. **Sec. 3.** Except as required by federal law or as a  
29 condition of receiving federal funds, neither the state nor any county,  
30 city, town, or other political subdivision thereof shall require an  
31 employer to use an electronic employment verification system, including  
32 under the following circumstances:

33 (1) As a condition of receiving a government contract;

34 (2) As a condition of applying for or maintaining a business  
35 license; or

36 (3) As a penalty for violating licensing or other similar laws.

1           NEW SECTION.   **Sec. 4.**   Sections 1 through 3 of this act constitute  
2   a new chapter in Title 49 RCW.

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