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## A BILL FOR AN ACT

RELATING TO E-VERIFY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 103D, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§103D-       Contracts with the State or counties; e-Verify  
5 required. Government agencies making procurements subject to  
6 this chapter shall require, as a prerequisite to entering into  
7 any procurement contract, proof that a contracting entity uses  
8 the e-Verify system to verify the employment eligibility of its  
9 employees.

10           For the purposes of this section, "e-Verify" means an  
11 online system operated jointly by the United States Department  
12 of Homeland Security and the Social Security Administration  
13 containing information on the status of an individual's  
14 employment eligibility in the United States."

15           SECTION 2. Section 78-1, Hawaii Revised Statutes, is  
16 amended to read as follows:

17           "§78-1 Citizenship and residence; exceptions. (a) All  
18 elective officers in the service of the government of the State



1 or any county shall be citizens of the United States and  
2 residents of the State for at least three years immediately  
3 preceding assumption of office.

4 (b) All appointive officers in the service of the  
5 government of the State or any county who are employed as  
6 department heads and deputies or assistants to a department head  
7 shall be citizens of the United States and residents of the  
8 State for at least one year immediately preceding their  
9 appointment. All others appointed in the service of the  
10 government of the State or in the service of any county or  
11 municipal subdivision of the State shall be citizens, nationals,  
12 or permanent resident aliens of the United States and residents  
13 of the State at the time of their appointment. A national or  
14 permanent resident alien appointee shall not be eligible for  
15 continued employment unless such person diligently seeks  
16 citizenship upon becoming eligible to apply for United States  
17 citizenship.

18 (c) All persons seeking employment with the government of  
19 the State or in the service of any county shall be citizens,  
20 nationals, or permanent resident aliens of the United States, or  
21 eligible under federal law for unrestricted employment in the  
22 United States, and shall become residents of the State within



1 thirty days after beginning their employment and as a condition  
2 of eligibility for continued employment.

3 "Resident" means a person who is physically present in the  
4 State at the time the person claims to have established the  
5 person's domicile in the State and shows the person's intent is  
6 to make Hawaii the person's primary residence.

7 (d) The appointing authority may approve the appointment  
8 of persons without consideration of the requirements under  
9 subsection (c) when services essential to the public interest  
10 require highly specialized technical and scientific skills or  
11 knowledge for critical-to-fill and labor shortage positions.

12 (e) For the positions involved in the performance of  
13 services in planning and executing measures for the security of  
14 Hawaii and the United States, the employees shall be citizens of  
15 the United States in addition to meeting the requirement of  
16 residency in subsection (c).

17 (f) The department of human resources development and each  
18 count personnel department, in hiring any new employee for the  
19 first time in that jurisdiction, as a prerequisite to the  
20 hiring, shall use the e-Verify system to verify the employment  
21 eligibility of each employee.



1        For the purposes of this subsection, "e-Verify" means an  
 2 online system operated jointly by the United States Department  
 3 of Homeland Security and the Social Security Administration  
 4 containing information on the status of an individual's  
 5 employment eligibility in the United States.

6        [~~f~~] (g) This section shall not apply to persons  
 7 recruited by the University of Hawaii under the authority of  
 8 section [~~+~~]304A-1001[~~+~~]."

9        SECTION 3. New statutory material is underscored.

10       SECTION 4. This Act shall take effect upon its approval.

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**Report Title:**

Procurement; e-Verify

**Description:**

Requires all entities contracting with the State or any county and any government agency making new hires to provide proof that it has used the e-Verify system to verify the employment eligibility of its employees and new hires.

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