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BILL ANALYSIS / SUMMARY

H0584

2026 Regular Session

2/5/2026

IDAHO DAIRYMEN'S ASSOCIATION POSITION: OPPOSED

SHORT TITLE: Workers, lawful status

SPONSOR(S): Representative Jordan Redman, R– Coeur d'Alene

Representative Jaron Crane, R– Nampa

COMMITTEE ASSIGNMENT: Business Committee

STATEMENT OF PURPOSE: This legislation adds to Idaho employment law to prohibit employment of illegal aliens and require employers to e-verify an employee's legal employment status as a condition of employment.

FISCAL NOTE: This legislation causes no additional expenditure of funds at the state or local level of government nor does it cause an increase or decrease in revenue for state or local government therefore the legislation has no fiscal impact.

BILL SUMMARY: H252 mandates use of the non-mandatory federal E-Verify pilot program in Idaho, provides definitions, creates an investigation process without funding, and sets penalties for non-compliance. The main provisions are: (1) all employers must use the E-Verify pilot program to verify valid work authorization for all existing and new employees beginning January 1, 2026; (2) the attorney general is responsible for enforcing the mandate and can bring civil actions for non-compliance (although no funding is appropriated for this purpose); (3) private citizens can petition the attorney general to investigate non-compliance claims (with no penalty for baseless claims); and (4) business licenses and permits will be temporarily suspended or permanently revoked based on non-compliance.

REASONING FOR POSITION: Idaho's dairy farm families are committed to finding a constructive solution to statewide issues caused by a broken federal immigration system. However, IDA opposes policies that overlook the massive shortage of domestic workers and lack of guestworker visa programs for year-round industries critical to Idaho's economy. In its current form, IDA cannot support H252. It imposes burdens on industry not shared by industry throughout the nation, and imposes burdens on industries that have no access to alien guestworkers. Thus, as written, H252 simply seeks to harm industries such as construction, retail, hospitality, and livestock agriculture. H252 also weaponizes the Attorney General

to initiate investigations simply based on a citizen suggestion, without any penalty or recourse against the citizen where false or harassing accusations are made.

1. **H252 imposes mandatory hiring practices upon private employers, requiring use of a non-mandatory federal digital identity database.** H252 is incompatible with conservative principles of limited government and minimal regulatory burden on private enterprise. State government should not be using a heavy hand to promote a nationwide digital identity system, let alone one implemented as a non-mandatory pilot program. The hiring process already requires identity and work authorization verification through the I-9 process. As such, H252 is really being used as a sword to require small businesses and family farms to digitize their hiring processes.
2. **H252's language is unduly burdensome and punitive for Idaho businesses.** H252 puts businesses at risk of discrimination and harassment by enabling individuals to petition the Attorney General for enforcement without providing any protections against unfounded claims made against an employer, thereby potentially subjecting law-abiding employers arbitrary investigations, business disruptions, or reputational harm. Penalties against noncompliance are overly harsh, with a 10-day revocation of the business license for a first offense and permanent revocation possible after the second offense.
3. **The E-Verify system is operated by the federal government and has not reached a rate of 100% accuracy. System errors have the potential to deprive eligible workers of their right to work.** Between 2005 and 2018, 568,283 workers (approximately 40,592 per year) experienced a delayed work start date because the initial tentative non-confirmation return was erroneous. In 36% of initial return challenges, the issue took more than 8 days to resolve, further delaying the work start date. A 2016 study suggests that approximately 187,500 final non-confirmation returns per year are in error, thereby denying people with lawful work status their right to work.
4. **There is not an adequate guestworker visa program for year-round industries vital to Idaho's economy such as agriculture, construction, hospitality, and retail.** Under the H-2A program, visas for short-term agricultural workers are specifically restricted to work that is considered "seasonal or temporary". Multiple agriculture industries, including dairies and livestock operations, require continual, year-round labor and are ineligible for the existing visa programs, and employers can be debarred or fined if they use H-2A workers for year-round work activities. Similarly, under the H-2B program, visas for short-term non-agricultural workers are limited in number and specifically restricted to work that is considered "seasonal or temporary". Construction, hotels, and restaurants that require continual, year-round labor are thereby ineligible for the program, and employers can be debarred or fined if they use H-2B workers for year-round work activities.

5. **Contrary to popular belief, immigrant workers are not taking jobs away from U.S. workers.** For an employer to employ guestworkers through the H-2A or H-2B visa programs, the Department of Labor must find: (1) there are insufficient U.S. workers willing or able to perform; and (2) employing guestworkers will not harm the wages or working conditions of U.S. workers. For example, in 2023, Intermountain West advertised 6,415 seasonal agricultural job openings for the upcoming harvest season. Of the 6,415 openings, only 23 U.S. workers applied, with only 12 applicants meeting the job requirements. Ultimately, 2 U.S. workers were hired, but both quit before the harvest started; the entire harvest would have been lost without guestworker labor.
6. **The U.S. economy has a worker shortage problem.** As of 2023, there were approximately 9.5 million job openings, 6.5 million job seekers, and 7.8 million unauthorized workers in the U.S. Accordingly, if all 7.8 million unauthorized workers were removed, there would be approximately 11 million unfilled jobs, putting the U.S. at risk of falling behind China as the world's strongest economy.
7. **What is happening in U.S. border states is not synonymous with what is happening in Idaho.** In Idaho, 86% of unauthorized immigrants are working. Their spending ripples through Idaho's economy by supporting jobs and stimulating additional spending. Additionally, unauthorized immigrants pay income, sales and other taxes. Unauthorized immigrants are ineligible for most publicly funded programs, including housing and food assistance programs, Medicaid and subsidized health insurance.

IMPACTS TO AGRICULTURE: H252 will increase labor costs for many industries and drive up already inflationary consumer prices. Such costs come directly out of the ever-decreasing margins faced by farmers and ranchers. Moreover, these increases cannot be offset with increases in the commodity prices they are paid. For instance, the price of milk in January 1984 was \$13.10/cwt; in January 2026 it was \$14.70/cwt. If farmers and ranchers are unable to employ enough workers, food and crop production could be drastically reduced.

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