

By: Jackson

H.B. No. 291

A BILL TO BE ENTITLED

AN ACT

relating to requiring governmental entities and contractors with governmental entities to participate in the federal work authorization program; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 6, Government Code, is amended by adding Chapter 619 to read as follows:

CHAPTER 619. VERIFICATION OF EMPLOYEE INFORMATION

Sec. 619.001. DEFINITIONS. In this chapter:

(1) "Federal work authorization program" means a work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees under the federal Immigration Reform and Control Act of 1986 (Pub. L. No. 99-603).

(2) "Governmental entity" means:

(A) the state; or

(B) a political subdivision of the state, including a municipality, a county, or any kind of district.

Sec. 619.002. VERIFICATION. A governmental entity shall register and participate in the federal work authorization program to verify information of all new employees.

Sec. 619.003. RULES. The Texas Workforce Commission shall adopt rules and prescribe forms to implement this chapter.

Sec. 619.004. TERMINATION OF EMPLOYMENT. An employee of a

1 governmental entity who is responsible for verifying information of
2 new employees of the governmental entity as required by Section
3 619.002 is subject to immediate termination of employment if the
4 employee fails to comply with that section.

5 SECTION 2. Chapter 2252, Government Code, is amended by
6 adding Subchapter F to read as follows:

7 SUBCHAPTER F. FEDERAL WORK AUTHORIZATION PROGRAM

8 Sec. 2252.151. DEFINITIONS. In this subchapter:

9 (1) "Federal work authorization program" means a work
10 authorization program operated by the United States Department of
11 Homeland Security to verify information of newly hired employees
12 under the federal Immigration Reform and Control Act of 1986 (Pub.
13 L. No. 99-603).

14 (2) "Governmental entity" means:

15 (A) the state; or

16 (B) a political subdivision of the state,
17 including a municipality, a county, or any kind of district.

18 Sec. 2252.152. VERIFICATION. (a) A governmental entity
19 may not award a contract for goods or services within this state to
20 a contractor unless the contractor registers and participates in
21 the federal work authorization program to verify information of all
22 new employees. The contractor must continue to participate in the
23 program during the term of the contract.

24 (b) Each contract with a governmental entity must include
25 the following statement:

26 "_____ (name of contractor) certifies that
27 _____ (name of contractor) is not ineligible to receive this

1 contract under Subchapter F, Chapter 2252, Government Code, and
2 acknowledges that if this certification is inaccurate or becomes
3 inaccurate during the term of the contract, the contract will be
4 terminated without payment and a civil penalty may be imposed."

5 (c) If a governmental entity determines that a contractor
6 was ineligible to have the contract awarded under Subsection (a) or
7 has ceased participation in the federal work authorization program
8 during the term of the contract, the governmental entity shall
9 immediately terminate the contract without further obligation to
10 the contractor.

11 (d) Each governmental entity shall develop procedures for
12 the administration of this section.

13 Sec. 2252.153. CIVIL PENALTY. (a) The attorney general may
14 institute an action in district court to recover a civil penalty
15 against a person who is awarded a contract in violation of Section
16 2252.152 or has ceased participation in the federal work
17 authorization program during the term of the contract.

18 (b) A civil penalty imposed under this section may not
19 exceed \$500 or one percent of the contract price, whichever is
20 greater, for each violation. Each day a contractor holds the
21 contract while in violation of Section 2252.152 constitutes a
22 separate violation for purposes of imposing the penalty.

23 (c) A civil penalty recovered in an action brought by the
24 attorney general shall be deposited in the state treasury.

25 SECTION 3. Subchapter F, Chapter 2252, Government Code, as
26 added by this Act, applies only in relation to a contract for which
27 the request for bids or proposals or other applicable expressions

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1 of interest is made public on or after the effective date of this
2 Act.

3 SECTION 4. This Act takes effect September 1, 2007.