

By: Solomons

H.B. No. 202

A BILL TO BE ENTITLED

1 AN ACT
2 relating to requiring state contractors to participate in the
3 federal electronic verification of work authorization program, or
4 E-verify.

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

6 SECTION 1. The heading to Chapter 2264, Government Code, is
7 amended to read as follows:

8 CHAPTER 2264. CERTAIN RESTRICTIONS ON [~~USE OF CERTAIN~~] PUBLIC
9 SUBSIDIES AND STATE CONTRACTS

10 SECTION 2. Section 2264.101, Government Code, is
11 transferred to Subchapter B, Chapter 2264, Government Code,
12 redesignated as Section 2264.054, Government Code, and amended to
13 read as follows:

14 Sec. 2264.054 [~~2264.101~~]. RECOVERY. (a) A public
15 agency, local taxing jurisdiction, or economic development
16 corporation, or the attorney general on behalf of the state or a
17 state agency, may bring a civil action to recover any amounts owed
18 to the public agency, state or local taxing jurisdiction, or
19 economic development corporation under this subchapter [~~chapter~~].

20 (b) The public agency, local taxing jurisdiction, economic
21 development corporation, or attorney general, as applicable, shall
22 recover court costs and reasonable attorney's fees incurred in an
23 action brought under Subsection (a).

24 (c) A business is not liable for a violation of this

1 subchapter [~~chapter~~] by a subsidiary, affiliate, or franchisee of
2 the business, or by a person with whom the business contracts.

3 SECTION 3. The heading to Subchapter C, Chapter 2264,
4 Government Code, is amended to read as follows:

5 SUBCHAPTER C. E-VERIFY PROGRAM [~~ENFORCEMENT~~]

6 SECTION 4. Subchapter C, Chapter 2264, Government Code, is
7 amended by adding Sections 2264.1011, 2264.102, and 2264.103 to
8 read as follows:

9 Sec. 2264.1011. DEFINITIONS. In this subchapter:

10 (1) "E-verify program" means the electronic
11 verification of work authorization program of the federal Illegal
12 Immigration Reform and Immigrant Responsibility Act of 1996 (Pub.
13 L. No. 104-208, reprinted in note, 8 U.S.C. Section 1324a),
14 operated by the United States Department of Homeland Security, or a
15 successor work authorization program designated by the United
16 States Department of Homeland Security or other federal agency
17 authorized to verify the work authorization status of newly hired
18 employees pursuant to the federal Immigration Reform and Control
19 Act of 1986 (8 U.S.C. Section 1101 et seq.).

20 (2) "State agency" has the meaning assigned by Section
21 2103.001.

22 Sec. 2264.102. VERIFICATION BY CONTRACTORS. (a) A state
23 agency may not award a contract for goods or services within this
24 state to a contractor unless the contractor and any subcontractor
25 register with and participate in the E-verify program to verify
26 employee information. The contractor and any subcontractor must
27 continue to participate in the program during the term of the

1 contract.

2 (b) Each contract with a state agency must include the
3 following statement:

4 "_____ (name of contractor) certifies that
5 _____ (name of contractor) is not ineligible to receive this
6 contract under Subchapter C, Chapter 2264, Government Code, and
7 acknowledges that if this certification is inaccurate or becomes
8 inaccurate during the term of the contract, the contractor may be
9 barred from participating in state contracts."

10 (c) If a state agency determines that a contractor was
11 ineligible to have the contract awarded under Subsection (a), that
12 a contractor has ceased participation in the E-verify program
13 during the term of the contract, or that a subcontractor is not
14 registered with or is not participating in the E-verify program,
15 the state agency shall refer the matter to the comptroller for
16 action.

17 (d) Each state agency shall develop procedures for the
18 administration of this section.

19 Sec. 2264.103. BARRING FROM STATE CONTRACTS. (a) Using
20 procedures prescribed under Section 2155.077, the comptroller
21 shall bar a contractor from participating in state contracts if the
22 comptroller determines that the contractor:

23 (1) was awarded a contract in violation of Section
24 2264.102;

25 (2) has ceased participation in the E-verify program
26 during the term of the contract; or

27 (3) hired a subcontractor to perform work under the

1 contract who is not registered with or is not participating in the
2 E-verify program.

3 (b) Debarment under this section is for a period of one year
4 except that the debarment may be extended by the comptroller for
5 additional one-year periods if the comptroller determines that the
6 grounds for debarment under this section continue to exist.

7 SECTION 5. Each state agency subject to Subchapter C,
8 Chapter 2264, Government Code, as amended by this Act, shall
9 develop the procedures required under Section 2264.102(d),
10 Government Code, as added by this Act, not later than October 1,
11 2011.

12 SECTION 6. Sections 2264.1011, 2264.102, and 2264.103,
13 Government Code, as added by this Act, apply only in relation to a
14 contract for which the request for bids or proposals or other
15 applicable expressions of interest is made public on or after the
16 effective date of this Act.

17 SECTION 7. This Act takes effect September 1, 2011.