

By: Zedler

H.B. No. 1239

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to a prohibition against the construction or operation by  
3 a local governmental entity of a day labor center used to facilitate  
4 the employment of aliens not lawfully present in the United States.

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

6 SECTION 1. Subtitle C, Title 7, Local Government Code, is  
7 amended by adding Chapter 247 to read as follows:

8 CHAPTER 247. CERTAIN PROHIBITIONS APPLYING TO MORE THAN ONE TYPE OF  
9 LOCAL GOVERNMENT

10 Sec. 247.001. PROHIBITION AGAINST CONSTRUCTION OR  
11 OPERATION BY LOCAL GOVERNMENTAL ENTITY OF DAY LABOR CENTER THAT  
12 FACILITATES EMPLOYMENT OF ALIENS NOT LAWFULLY PRESENT. (a) In this  
13 section:

14 (1) "Day laborer" means an individual engaged in or  
15 waiting to be engaged in occasional or irregular labor for which an  
16 individual is generally employed for a period not longer than that  
17 required to complete a specific assignment, and for which wages are  
18 paid directly to the individual or indirectly by a person who  
19 recruits day laborers or a third-party employer for work undertaken  
20 by the individual. The term does not include an individual engaged  
21 in or waiting to be engaged in labor of a professional or clerical  
22 nature.

23 (2) "Day labor center" means a central facility or  
24 location at which day laborers assemble to find employment. The

1 term does not include:

2 (A) a temporary skilled labor agency;

3 (B) a staff leasing service agency;

4 (C) an employment counselor;

5 (D) a talent agency;

6 (E) an employment service or labor training  
7 program; or

8 (F) a labor union hiring hall.

9 (b) A municipality, county, or other local governmental  
10 entity may not use public money to construct or operate a day labor  
11 center used for the purpose of facilitating the knowing employment  
12 of any person who is not:

13 (1) a United States citizen;

14 (2) a legal permanent resident of the United States;

15 or

16 (3) a qualified alien or nonimmigrant under the  
17 Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.) who  
18 is lawfully present in the United States.

19 SECTION 2. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect September 1, 2011.