

By: Miller of Comal

H.B. No. 1272

A BILL TO BE ENTITLED

AN ACT

relating to requiring employers to participate in the federal electronic verification of work authorization program or E-Verify; establishing an unlawful employment practice and providing criminal penalties.

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

SECTION 1. Subtitle B, Title 2, Labor Code, is amended by adding Chapter 53 to read as follows:

CHAPTER 53. VERIFICATION OF EMPLOYEE INFORMATION

Sec. 53.001. DEFINITIONS. In this chapter:

(1) "Employee" means an individual, other than an independent contractor, who, for compensation, performs services for an employer under a written or oral contract of hire, whether express or implied.

(2) "Employer" means a person who employs one or more employees. The term includes a governmental entity.

(3) "E-verify program" means the electronic verification of work authorization program of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Pub. L. No. 104-208, reprinted in note, 8 U.S.C. Section 1324a), operated by the United States Department of Homeland Security, or a successor work authorization program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work authorization status of newly hired

1 employees pursuant to the federal Immigration Reform and Control  
2 Act of 1986 (8 U.S.C. Section 1101 et seq.).

3 (4) "Governmental entity" means:

4 (A) the state; or

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

7 Sec. 53.002. VERIFICATION. An employer shall register and  
8 participate in the E-verify program to verify information of all  
9 new employees.

10 Sec. 53.003. RULES. The Texas Workforce Commission shall  
11 adopt rules and prescribe forms to implement this chapter.

12 SECTION 2. This Act takes effect September 1, 2011.