

By: Price

H.B. No. 3129

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; creating an administrative penalty.

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) "Commission" means the Texas Workforce Commission.

(2) "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.

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

(4) "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

1 authorized to verify the work authorization status of newly hired
2 employees pursuant to the federal Immigration Reform and Control
3 Act of 1986 (8 U.S.C. Section 1101 et seq.).

4 (5) "Governmental entity" means:

5 (A) the state; or

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

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

11 Sec. 53.003. ADMINISTRATIVE PENALTY. (a) The commission
12 may assess an administrative penalty against an employer who
13 violates this chapter or a rule or order adopted under this chapter
14 in the amount of not less than \$5,000 for a first violation and
15 \$10,000 for each subsequent violation.

16 (b) An administrative penalty assessed under this section
17 is subject to the procedural requirements applicable to
18 administrative penalties under Sections 51.033(d)-(r).

19 Sec. 53.004. RULES. The commission shall adopt rules and
20 prescribe forms to implement this chapter.

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