

By: Ratliff

H.B. No. 676

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 and 2264.102 to read as  
8 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 registers with and  
25 participates in the E-verify program to verify employee  
26 information. The contractor must continue to participate in the  
27 program during the term of the contract.

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

3       "\_\_\_\_\_ (name of contractor) certifies that  
4 \_\_\_\_\_ (name of contractor) is not ineligible to receive this  
5 contract under Subchapter C, Chapter 2264, Government Code, and  
6 acknowledges that if this certification is inaccurate or becomes  
7 inaccurate during the term of the contract, the contract may be  
8 terminated without payment."

9       (c) The state agency shall terminate the contract without  
10 penalty or further obligation to the contractor if the state agency  
11 determines that:

12             (1) the contractor was ineligible to have the contract  
13 awarded under Subsection (a) or has ceased participation in the  
14 E-verify program during the term of the contract; and

15             (2) the state agency can re-award the contract without  
16 additional cost to the state agency.

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

19       SECTION 5. Sections 2264.1011 and 2264.102, Government  
20 Code, as added by this Act, apply only in relation to a contract for  
21 which the request for bids or proposals or other applicable  
22 expressions of interest is made public on or after the effective  
23 date of this Act.

24       SECTION 6. This Act takes effect September 1, 2013.