

By: White

H.B. No. 1730

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 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 contractor may be
8 barred from participating in state contracts."

9 (c) If a state agency determines that a contractor was
10 ineligible to have the contract awarded under Subsection (a) or
11 that a contractor has ceased participation in the E-verify program
12 during the term of the contract, the state agency shall refer the
13 matter to the comptroller for action.

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

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

20 (1) was awarded a contract in violation of Section
21 2264.102; or

22 (2) has ceased participation in the E-verify program
23 during the term of the contract.

24 (b) Debarment under this section is for a period of one
25 year.

26 SECTION 5. Each state agency subject to Subchapter C,
27 Chapter 2264, Government Code, as amended by this Act, shall

1 develop the procedures required under Section 2264.102(d),
2 Government Code, as added by this Act, not later than October 1,
3 2013.

4 SECTION 6. Sections 2264.1011, 2264.102, and 2264.103,
5 Government Code, as added by this Act, apply only in relation to a
6 contract for which the request for bids or proposals or other
7 applicable expression of interest is made public on or after the
8 effective date of this Act.

9 SECTION 7. This Act takes effect September 1, 2013.