

By: Kolkhorst

S.B. No. 484

A BILL TO BE ENTITLED

1 AN ACT

2 relating to restrictions in connection with public subsidies and
3 contracts awarded to businesses that employ undocumented workers.

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

5 SECTION 1. The heading to Chapter 2264, Government Code, is
6 amended to read as follows:

7 CHAPTER 2264. RESTRICTIONS ON USE OF CERTAIN PUBLIC SUBSIDIES AND
8 ON CERTAIN PUBLIC CONTRACTS

9 SECTION 2. Section 2264.001, Government Code, is amended by
10 adding Subdivision (1-a) and amending Subdivision (4) to read as
11 follows:

12 (1-a) "E-verify program" means the electronic
13 verification of employment authorization program of the federal
14 Illegal Immigration Reform and Immigrant Responsibility Act of 1996
15 (Pub. L. No. 104-208, reprinted in note, 8 U.S.C. Section 1324a),
16 operated by the United States Department of Homeland Security, or a
17 successor employment authorization program designated by the
18 United States Department of Homeland Security or other federal
19 agency authorized to verify the employment authorization status of
20 newly hired employees under the federal Immigration Reform and
21 Control Act of 1986 (8 U.S.C. Section 1101 et seq.).

22 (4) "Undocumented worker" means an individual who, at
23 the time of employment, is not:

24 (A) lawfully admitted for permanent residence to

1 the United States under an Act that is enacted by the United States
2 Congress and becomes law; or

3 (B) authorized under a law enacted by the United
4 States Congress to be employed in that manner in the United States.

5 SECTION 3. Section 2264.052, Government Code, is amended to
6 read as follows:

7 Sec. 2264.052. CONDITION ON RECEIPT OF PUBLIC SUBSIDIES.

8 (a) The statement required by Section 2264.051 must state that if,
9 after receiving a public subsidy, the business, or a branch,
10 division, or department of the business, is convicted of a
11 violation under 8 U.S.C. Section 1324a(f), the business shall repay
12 the full amount and value of the public subsidy, including tax
13 refunds and tax rebates, with interest, at the rate and according to
14 the other terms provided by an agreement under Section 2264.053,
15 not later than the 120th day after the date the public agency, state
16 or local taxing jurisdiction, or economic development corporation
17 notifies the business of the violation.

18 (b) Notwithstanding Subsection (a), a business is not
19 required to repay the public subsidy as provided by that subsection
20 if the business used and reasonably relied on the E-verify program
21 before employing an undocumented worker.

22 SECTION 4. Subchapter B, Chapter 2264, Government Code, is
23 amended by adding Section 2264.054 to read as follows:

24 Sec. 2264.054. ADDITIONAL RESTRICTIONS. (a) This section
25 applies only to a business that is required to repay a public
26 subsidy under Section 2264.052.

27 (b) A public agency, state or local taxing jurisdiction, or

1 economic development corporation may not provide a public subsidy
2 or award a public contract to a business to which this section
3 applies before the second anniversary of the last day by which the
4 business is required to repay the public subsidy as prescribed by
5 Section 2254.052(a).

6 SECTION 5. The changes in law made by this Act apply only to
7 a public subsidy awarded on or after the effective date of this Act.
8 A public subsidy awarded before the effective date of this Act is
9 governed by the law in effect on the date the public subsidy was
10 awarded, and the former law is continued in effect for that purpose.

11 SECTION 6. This Act takes effect September 1, 2015.