

Amend Amendment No. 6 by Anchia to CSHB 1818 (page 33, prefiled amendments packet) by striking the text of the amendment and substituting the following:

SECTION \_\_\_\_\_. (a) Subchapter C, Chapter 81, Natural Resources Code, is amended by adding Section 81.072 to read as follows:

Sec. 81.072. REQUIREMENTS REGARDING EMPLOYMENT OF PERSONS NOT LAWFULLY PRESENT; OFFENSE. (a) In this section:

(1) "Employ" means to agree or promise to provide compensation for labor or services rendered.

(2) "Person not lawfully present" means a person who, at the time of employment, is not:

(A) a citizen or national of the United States;  
or

(B) an alien who is lawfully admitted for permanent residence in the United States under the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.) or authorized to be employed by that Act or the United States attorney general.

(b) The executive head of any private business entity that is issued a license, permit, certificate, or other authorization by the commission or that enters into a contract with the commission, including the executive head of any private business entity that is a subcontractor directly involved in the performance of a service to be performed under a contract with the commission, must attest, in the manner and on a form prescribed by the commission and accessible on the commission's Internet website, that the entity:

(1) uses due diligence to inquire regarding the employment authorization status of each employee.

(2) does not currently and will not during the term of the authorization or contract, as applicable, employ any person not lawfully present.

(c) The attestation required by Subsection (b) must occur before the issuance of the authorization or execution of the contract, as applicable.

(d) If the commission discovers that a private business entity that has been issued a license, permit, certificate, or

other authorization by, or with whom the commission contracts or the entity subcontracts, employs persons not lawfully present, the commission shall promptly refer the entity's executive head to the appropriate local law enforcement entity and to the United States Immigration and Customs Enforcement for proper enforcement.

(e) The commission shall publish on the commission's Internet website under the heading "Sanctuary Industries" the name of any private business entity found by the commission under Subsection (d) to employ persons not lawfully present.

(f) A person commits an offense if the person makes a false attestation under Subsection (b). An offense under this subsection is a Class A misdemeanor. Notwithstanding Section 6.02(b), Penal Code, proof of a culpable mental state is not required for a conviction for an offense under this subsection.

(g) The commission shall adopt rules for the administration of this section.

(b) Notwithstanding any other provision of this Act, this section takes effect January 1, 2018.