

Amend CSSB 312 (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 223, Transportation Code, is amended by adding Section 223.051 to read as follows:

Sec. 223.051. VERIFICATION BY CONTRACTORS. (a) In this section, "E-verify program" has the meaning assigned by Section 673.001, Government Code.

(b) The department may not award a contract for the construction, maintenance, or improvement of a highway in this state to a contractor unless the contractor and any subcontractor register with and participate in the E-verify program to verify employee information. The contractor and any subcontractor must continue to participate in the program during the term of the contract.

(c) Each contract with the department must include the following statement:

"_____ (name of contractor) certifies that _____ (name of contractor) is not ineligible to receive this contract under Section 223.051, Transportation Code, and acknowledges that if this certification is inaccurate or becomes inaccurate during the term of the contract, the contractor may be barred from participating in contracts with the Texas Department of Transportation."

(d) If the department determines that a contractor was ineligible to have the contract awarded under Subsection (b), that a contractor has ceased participation in the E-verify program during the term of the contract, or that a subcontractor is not registered with or is not participating in the E-verify program, the department shall refer the matter to the comptroller for action.

(e) The department shall develop procedures for the administration of this section.

(f) Using procedures prescribed under Section 2155.077, Government Code, the comptroller shall bar a contractor from participating in contracts with the department if the department determines that the contractor:

(1) was awarded a contract in violation of this section;

(2) has ceased participation in the E-verify program during the term of the contract; or

(3) hired a subcontractor to perform work under the contract who is not registered with or is not participating in the E-verify program.

(g) Debarment under this section is for a period of up to five years.

(h) A contractor who registers with and participates in the E-verify program as provided by Subsection (b) may not be barred under this section if, as a result of receiving inaccurate verification information from the E-verify program, the contractor hires or employs a person in violation of 8 U.S.C. Section 1324a.

(i) It is an affirmative defense to a civil action for damages or the imposition of a civil penalty for an employer's refusal to hire or employ a person based on the employer's participation in the E-verify program as required by this section that the employer participated in the E-verify program in accordance with the rules and guidelines of the program and received inaccurate information.

(j) Nothing in this section may be construed to allow intentional discrimination of any class protected by law.

SECTION _____. The Texas Department of Transportation shall develop the procedures required under Section 223.051, Transportation Code, as added by this Act, not later than October 1, 2017.

SECTION _____. Section 223.051, Transportation Code, as added by this Act, applies only in relation to a contract for which the request for bids or proposals or other applicable expression of interest is made public on or after the effective date of this Act.