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HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Rinaldi

1 Amend C.S.S.B. No. 312 (house committee report) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

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

6 Sec. 223.051. VERIFICATION BY CONTRACTORS. (a) In this
7 section, "E-verify program" has the meaning assigned by Section
8 673.001, Government Code.

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

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

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

25 (d) If the department determines that a contractor was
26 ineligible to have the contract awarded under Subsection (b), that
27 a contractor has ceased participation in the E-verify program
28 during the term of the contract, or that a subcontractor is not
29 registered with or is not participating in the E-verify program,

1 the department shall refer the matter to the comptroller for
2 action.

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

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

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

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

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

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

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

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

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

1 SECTION _____. The Texas Department of Transportation shall
2 develop the procedures required under Section 223.051,
3 Transportation Code, as added by this Act, not later than October 1,
4 2017.

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