

By: White of Tyler

H.B. No. 88

A BILL TO BE ENTITLED

AN ACT

relating to requiring state contractors to participate in the federal electronic verification of employment authorization program, or E-verify.

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

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

CHAPTER 2264. CERTAIN RESTRICTIONS ON ~~[USE OF CERTAIN]~~ PUBLIC  
SUBSIDIES AND STATE CONTRACTS

SECTION 2. Section 2264.101, Government Code, is transferred to Subchapter B, Chapter 2264, Government Code, redesignated as Section 2264.054, Government Code, and amended to read as follows:

Sec. 2264.054 ~~[2264.101]~~. RECOVERY. (a) A public agency, local taxing jurisdiction, or economic development corporation, or the attorney general on behalf of the state or a state agency, may bring a civil action to recover any amounts owed to the public agency, state or local taxing jurisdiction, or economic development corporation under this subchapter ~~[chapter]~~.

(b) The public agency, local taxing jurisdiction, economic development corporation, or attorney general, as applicable, shall recover court costs and reasonable attorney's fees incurred in an action brought under Subsection (a).

(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 employment authorization program of the federal  
12 Illegal Immigration Reform and Immigrant Responsibility Act of 1996  
13 (Pub. 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 employment authorization program designated by the  
16 United States Department of Homeland Security or other federal  
17 agency authorized to verify the employment authorization status of  
18 newly hired employees under the federal Immigration Reform and  
19 Control 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 2015.

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, 2015.