

Regular Session, 2011

HOUSE BILL NO. 342

BY REPRESENTATIVE EDWARDS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC CONTRACTS: Provides for the verification of citizenship of employees engaged in public contract work

1 AN ACT

2 To enact R.S. 38:2212.10, relative to public contracts; to provide for the verification of
3 employees engaged in public contract work; to provide for penalties; and to provide
4 for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 38:2212.10 is hereby enacted to read as follows:

7 §2212.10. Verification of employees involved in public contract work

8 A. Findings. (1) The legislature finds that when illegal immigrants are
9 living in this state and are encouraged to reside here through the benefit of
10 employment without verification of immigration status, the result is that the
11 enforcement of federal immigration law is impeded and obstructed, the security of
12 the nation's borders is undermined, and the privileges and immunities of the citizens
13 of Louisiana are impermissibly restricted.

14 (2) The legislature further finds that it is a compelling public interest of this
15 state to discourage illegal immigration by requiring employers who do business with
16 the state of Louisiana to cooperate fully with federal immigration authorities in the
17 enforcement of federal immigration law.

18 B. Definitions. For the purposes of this Section, the following terms shall
19 have the following meanings:

1 (1) "Legal alien" is a person who is or was lawfully present or permanently
2 residing legally in the United States at the time of employment and remains so
3 throughout the duration of that employment.

4 (2) "Status verification system" means the electronic verification of work
5 authorization program of the Illegal Immigration Reform and Responsibility Act of
6 1996, 8 U.S.C. 1324(a), and operated by the United States Department of Homeland
7 Security, known as the "E-Verify" program.

8 C. A private employer shall not bid on or otherwise contract with a public
9 entity for the physical performance of services within the state of Louisiana unless
10 the private employer verifies in a sworn affidavit attesting to both of the following:

11 (1) The private employer is registered and participates in a status verification
12 system to verify that new employees are legal citizens of the United States or are
13 legal aliens.

14 (2) The private employer shall continue, during the term of the contract, to
15 utilize a status verification system to verify the legal status of all new employees.

16 D. Penalties; employer liability; appeal. (1) Any private employer violating
17 the provisions of this Section shall be subject to cancellation of any public contract,
18 resulting in ineligibility for any public contract for a period of not more than three
19 years from the date the violation is discovered.

20 (2) Any private employer shall be liable for any additional costs incurred by
21 a public entity, occasioned by the cancellation of a contract or loss of any license or
22 permit to do business in the state, as provided in this Subsection.

23 (3) Any private employer penalized in accordance with this Section shall
24 have the right to appeal to the appropriate agency, department, or other public entity
25 sanctioning the employer or to the court of competent jurisdiction.

26 E. The provisions of this Section shall apply only to contracts entered into
27 or bids offered on or after January 1, 2012.

- 1 F. In the event the status verification system expires and extensions are not
 2 approved by the federal government, the provisions of this Section shall no longer
 3 apply.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Edwards

HB No. 342

Abstract: Provides that a private employer shall not bid on or contract with a public entity unless the employer attests to the use of an immigration status verification system.

Proposed law provides for the definition of a "status verification system" as the electronic verification of work authorization program of the Illegal Immigration Reform and Responsibility Act of 1996, 8 U.S.C. 1324(a), and operated by the U.S. Dept. of Homeland Security, known as the "E-Verify" program.

Proposed law provides for the definition of "legal alien" as a person who is or was lawfully present or permanently residing legally in the U.S. at the time of employment and remains so throughout the duration of that employment.

Proposed law provides that a private employer shall not bid on or otherwise contract with a public entity unless the private employer verifies in a sworn affidavit attesting to both of the following:

- (1) The private employer is registered and participates in a status verification system to verify that new employees are legal citizens of the U.S. or are legal aliens.
- (2) The private employer must continue, during the term of the contract, to utilize a status verification system to verify the legal status of all new employees.

Proposed law provides that any private employer found to be in violation of the provisions of proposed law shall be subject to cancellation of any public contract, resulting in ineligibility for any public contract for a period of not more than three years from the date the violation is discovered.

Proposed law further provides that the private employer shall be liable for any additional costs incurred by a public entity, occasioned by the cancellation of a contract or loss of any license or permit to do business in the state.

Proposed law provides that a private employer penalized in accordance with proposed law shall have the right to appeal to the appropriate agency, department, or other public entity sanctioning the person or to the court of competent jurisdiction.

Proposed law applies only to contracts entered into or bids offered on or after Jan. 1, 2012.

Proposed law provides that in the event the status verification system expires and extensions are not approved by the federal government, the provisions of proposed law shall no longer apply.

(Adds R.S. 38:2212.10)