

2016 Regular Session

HOUSE BILL NO. 609

BY REPRESENTATIVE HUNTER

ALIENS/ILLEGAL: Provides with respect to illegal aliens employed by businesses who contract with the state

1 AN ACT

2 To enact Chapter 27 of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 39:2301 through 2304, relative to public contracts; to prohibit any employer
4 who contracts with the state from employing illegal aliens; to provide for
5 enforcement and penalties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Chapter 27 of Title 39 of the Louisiana Revised Statutes of 1950,
8 comprised of R.S. 39:2301 through 2304, is hereby enacted to read as follows:

9 CHAPTER 27. PROHIBITION IN PUBLIC GOVERNMENT CONTRACTS IN THE
10 HIRING OF CERTAIN ALIENS

11 §2301. Definitions

12 As used in this Chapter, the following terms have the following meanings
13 unless the context clearly indicates otherwise:

14 (1) "Contractor" means any person, firm, association, or corporation that
15 desires to submit a bid for or enter into a contract with any state in return for
16 performing any work or services pursuant to a contract awarded by any state
17 department, office, division, commission, council, board, bureau, committee,
18 institution, agency, government corporation, or other establishment or official of the
19 executive or judicial branches of state government to perform construction or repair
20 work or to supply supplies, materials, or equipment.

1 (2) "Employs" and "Employed" include any instance in which a contractor
 2 provides to another person any form of remuneration in return for performing any
 3 work or services pursuant to a contract awarded by any state department, office,
 4 division, commission, council, board, bureau, committee, institution, agency,
 5 government corporation, or other establishment or official of the executive or
 6 judicial branches of state government.

7 (3) "Illegal alien" means a person not legally present in the United States.
 8 §2302. Hiring of illegal aliens; contractors and subcontractors; work status
 9 verification

10 A. No contract for construction or repair work or for the purchase of
 11 supplies, materials, or equipment shall be awarded by any agent or employee of the
 12 state, any board or governing body of the state or of any institution of the state
 13 government, or by any agent, employee, or board or governing body of any political
 14 subdivision of the state to any contractor who knowingly employs or contracts with
 15 an illegal alien to perform work pursuant to the contract or who knowingly contracts
 16 with a subcontractor who knowingly employs or contracts with an illegal alien to
 17 perform work pursuant to the contract. The provisions of this Section shall apply to
 18 all contracts involving the expenditure of public money regardless of the amount and
 19 shall apply to both formal and informal bids.

20 B.(1) Prior to submitting a bid to or entering into a contract with any state
 21 department, institution, or agency, or any political subdivision of the state, a
 22 contractor shall verify the citizenship and work authorization status of each
 23 individual employed by the contractor, whether permanent, temporary, or seasonal,
 24 to perform work pursuant to the contract, in accordance with the terms and
 25 conditions of the United States Citizenship and Immigration Services E-Verify
 26 System administered by the United States Department of Homeland Security or by
 27 using the method of verification as provided pursuant to R.S. 23:992.2. The
 28 verification required by this Subsection shall be conducted only after the hiring of
 29 the individual as an employee to work in the United States.

1 (2) If a contractor uses the United States Citizenship and Immigration
2 Services E-Verify System to verify the work authorization status of an individual,
3 he is presumed to have been in good faith and is not liable if that individual is not
4 actually authorized to work in the United States.

5 §2303. Enforcement; civil suits authorized

6 The attorney general may institute a civil action in the courts of the state,
7 upon his own initiative, or upon receiving information from the commissioner of
8 administration or a private citizen concerning a violation of this Chapter.

9 §2304. Penalties

10 A. Any violation of the provisions of this Section shall render the contract
11 void.

12 B. If a contractor is discovered to have knowingly used the services of an
13 illegal alien in the performance of a contract:

14 (1) Upon a first offense, the contractor shall be prohibited from submitting
15 a bid to or entering into a contract to supply goods or services with any state
16 department, institution, or agency, or any political subdivision of the state, for one
17 year from the date the violation was discovered and pay a fine of fifty thousand
18 dollars.

19 (2) Upon a second offense, the contractor shall have his license to do
20 business in the state revoked for a period of five years and pay a fine of fifty
21 thousand dollars for each illegal alien in his employ.

22 (3) Upon a third offense, the contractor shall have his license to do business
23 in the state revoked permanently and shall pay a fine of fifty thousand dollars for
24 each illegal alien in his employ.

25 C. The business license of a contractor who has been found to have been in
26 violation of this Chapter shall be revoked by the licensing authority when the
27 attorney general sends a judgment that indicates the ruling of the court to the
28 licensing authority ordering the revocation.

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)]

HB 609 Original

2016 Regular Session

Hunter

Abstract: Prohibits any contractor engaged in a contract for goods or services with a public entity from hiring illegal aliens.

Proposed law provides definitions for "contractor", "employ or employed", and "illegal alien".

Proposed law prohibits any contractor who submits a bid or enters into a contract with any state department, institution, or agency, or any political subdivision of the state, from employing illegal aliens. Proposed law further requires the contractor to verify the work authorization status of every person in his employ.

Proposed law provides immunity for a contractor who uses E-Verify to verify the work authorization status of an employee and the employee is not a person authorized to work in the United States.

Proposed law provides that the attorney general may institute a suit against a contractor for hiring illegal aliens upon his own initiative or upon information he receives from the commissioner of administration or an private citizen of a violation.

Proposed law provides that the contract will be void if a contractor is found to have employed illegal aliens. The other penalties are as follows:

- (1) Upon a first offense, the contractor shall be prohibited from submitting a bid to or entering into a public contract for one year from the date the violation was discovered and pay a fine of \$50,000.
- (2) Upon a second offense, the contractor shall have his license to do business in the state revoked for a period of five years and pay a fine of \$50,000 for each illegal alien in his employ.
- (3) Upon a third offense, the contractor shall have his license to do business in the state revoked permanently and shall pay a fine of \$50,000 for each illegal alien in his employ.

Proposed law provides that the method for license revocation is that the attorney general sends the judgment ordering the revocation to the licensing authority, who shall revoke the license pursuant to the court order.

(Adds R.S. 39:2301-2304)