

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 308

Short Title: State Contracts/Illegal Immigrants. (Public)

Sponsors: Representatives Cleveland; Avila, Blackwood, Blust, Boylan, Brown, Current, Dockham, Dollar, Folwell, Frye, Gulley, Hilton, Holloway, Howard, Killian, Langdon, Lewis, McGee, Moore, Neumann, Pate, Samuelson, Setzer, Starnes, Steen, Tillis, and Walend.

Referred to: Judiciary II.

February 22, 2007

A BILL TO BE ENTITLED

1 AN ACT PROHIBITING STATE AND LOCAL GOVERNMENT CONTRACTS
2 WITH CONTRACTORS WHO EMPLOY ILLEGAL IMMIGRANTS AND
3 REQUIRING CONTRACTORS TO VERIFY AND CERTIFY THEIR
4 EMPLOYEES' LEGAL STATUS OR AUTHORIZATION TO WORK IN THE
5 UNITED STATES.
6

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Article 8 of Chapter 143 of the General Statutes is amended by
9 adding the following new section to read:

10 "**§ 143-129.1A. Contracts with illegal immigrants prohibited; verification and**
11 **certification required.**

12 (a) No contract for construction or repair work or for the purchase of apparatus,
13 supplies, materials, or equipment shall be awarded by any agent or employee of the
14 State, any board or governing body of the State or of any institution of the State
15 government, or by any agent, employee, or board or governing body of any political
16 subdivision of the State to any contractor who knowingly employs or contracts with an
17 illegal immigrant to perform work under the contract or who knowingly contracts with a
18 subcontractor who knowingly employs or contracts with an illegal immigrant to perform
19 work under the contract. For purposes of this section, the term 'contractor' means any
20 person, firm, association, or corporation that desires to submit a bid for or enter into a
21 contract with any State department, institution, or agency, or the board or governing
22 body of any political subdivision of the State, to perform construction or repair work or
23 to supply apparatus, supplies, materials, or equipment.

24 (b) Prior to submitting a bid or entering into a contract, a contractor shall verify,
25 in accordance with the Basic Pilot Employment Verification Program administered by
26 the United States Department of Homeland Security pursuant to 8 U.S.C. § 1101 et seq.,

1 the legal status or authorization to work in the United States of each individual
2 employed by the contractor to perform work under the contract. The verification
3 required by this section shall be conducted only after the hiring of the individual as an
4 employee to work in the United States in accordance with State and federal law.

5 (c) A contractor submitting a bid or entering into a contract shall certify that the
6 contractor has verified, as provided in subsection (b) of this section, the legal status or
7 authorization to work in the United States of each individual employed by the contractor
8 to perform work under the contract. Any person who submits a certification required by
9 this subsection known to be false shall be guilty of a Class I felony.

10 (d) Every contract entered into under this Article shall contain a provision that:

11 (1) The contractor shall not:

12 a. Knowingly employ or contract with an illegal immigrant to
13 perform work under the contract.

14 b. Enter into a contract with a subcontractor who fails to certify to
15 the contractor that the subcontractor shall not knowingly
16 employ or contract with an illegal immigrant to perform work
17 under the contract.

18 (2) The contractor has verified through participation in the Basic Pilot
19 Employment Verification Program administered by the United States
20 Department of Homeland Security the legal status or authorization to
21 work in the United States of each individual employed by the vendor
22 to perform work under the contract.

23 (e) A violation of this section shall render the contract void. A contract that is
24 void under this section may continue in effect until an alternative can be arranged when:
25 (i) immediate termination would result in harm to the public health or welfare and (ii)
26 the continuation is approved by the Secretary of Administration after consultation with
27 the effected State department, institution, or agency or the governing body of the
28 political subdivision of the State. Approval of continuation of contracts under this
29 subsection shall be given for the minimum period necessary to protect the public health
30 or welfare.

31 (f) If a contractor is discovered to have knowingly used the services of illegal
32 immigrants in the performance of a contract, the contractor shall be prohibited from
33 submitting a bid for or entering into a contract to supply goods or services to the State
34 or any political subdivision of the State for one year from the date the violation was
35 discovered."

36 **SECTION 2.** This act becomes effective October 1, 2007, and applies to all
37 bids submitted and all contracts entered into on or after that date.