

HOUSE BILL No. 4130

January 31, 2017, Introduced by Reps. Runestad, Vaupel, Kelly and Lucido and referred to the Committee on Commerce and Trade.

A bill to require verification that public contracts are performed by employees who are entitled to work in the United States; to prohibit an employer from discharging certain employees while employing an illegal alien; to prescribe acceptable methods for verifying legal presence in the United States; to condition the eligibility of employers to perform certain public contracts on participation in the federal immigrant verification system; to create duties and responsibilities for certain state and local departments, agencies, and officers; to require promulgation of rules; and to provide remedies and prescribe penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "public contract and employment eligibility verification act".

3 Sec. 3. As used in this act:

1 (a) "E-verify" means the electronic verification of work
2 authorization program of 8 USC 1324a that is operated by the United
3 States Department of Homeland Security or any equivalent federal
4 work authorization program operated by the United States Department
5 of Homeland Security or any other designated federal agency
6 authorized to verify the documentation of newly hired employees,
7 pursuant to the immigration reform and control act of 1986, PL 99-
8 603.

9 (b) "Employer" means a person who employs for compensation 10
10 or more individuals at 1 time during the calendar year.

11 (c) "Form I-9" means the employment verification form that
12 fulfills the employment verification obligations under 8 CFR
13 274a.2.

14 (d) "Public employer" means a department, agency, or
15 instrumentality of this state or a political subdivision of this
16 state.

17 (e) "Subcontractor" includes a subcontractor, contract
18 employee, staffing agency, and a contractor.

19 Sec. 5. (1) A public employer shall register and participate
20 in the E-verify system to verify the documentation of each new
21 employee.

22 (2) A public employer shall not enter into a contract for the
23 performance of services within this state unless the contractor
24 registers and participates in the E-verify program to verify the
25 documentation of all of the contractor's new employees.

26 (3) A contractor or subcontractor shall not enter into a
27 contract or subcontract with a public employer concerning the

1 performance of services within this state unless the contractor or
2 subcontractor registers with and participates in the E-verify
3 system to verify the documentation of all new employees.

4 Sec. 7. The department of licensing and regulatory affairs
5 shall promulgate rules to implement this act pursuant to the
6 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
7 24.328.

8 Sec. 9. (1) An employer or an agency or political subdivision
9 of the state shall verify the lawful presence of an individual in
10 the United States as required under section 5 by obtaining a form
11 I-9 or, in the case of an independent contractor, an affidavit that
12 the independent contractor and each of the independent contractor's
13 new employees executes under penalty of perjury and that states
14 that he or she is 1 of the following:

15 (a) A United States citizen.

16 (b) A qualified alien as that term is defined in 8 USC 1641,
17 and is lawfully present in the United States.

18 (2) The employer or agency or political subdivision shall
19 further verify the status of an individual who has executed a form
20 I-9 or an affidavit described in subsection (1), through the E-
21 verify system. Until the further eligibility verification is made,
22 the form I-9 or the affidavit is presumed to be proof of lawful
23 presence for the purposes of this section.

24 (3) An individual who knowingly and willfully makes a false,
25 fictitious, or fraudulent statement or representation in a form I-9
26 or an affidavit executed pursuant to this section is guilty of
27 perjury punishable as provided in section 423 of the Michigan penal

1 code, 1931 PA 328, MCL 750.423.

2 (4) An individual who willfully and repeatedly violates this
3 act is responsible for a state civil infraction and shall be
4 ordered to pay a civil fine of not less than \$100.00 and not more
5 than \$1,000.00 per violation.

6 Sec. 11. (1) Any business, including a subcontractor, that
7 violates section 5(3) is debarred from contracting with any public
8 body in this state for a period of 1 year from the date of the
9 final determination of that violation by a public body or court of
10 law.

11 (2) A public employer shall immediately terminate for default
12 the public contract or subcontract of any business, including a
13 subcontractor, found to have employed 2 or more unauthorized aliens
14 during the period in which the business was in violation of section
15 5(3).

16 (3) An employer who has complied with section 5(3), including
17 cooperation with the investigation of an alleged violation by a
18 subcontractor, is not subject to the sanctions under this section
19 for a subcontractor or individual independent contractor.

20 Enacting section 1. This act takes effect 90 days after the
21 date it is enacted into law.