

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE PRINCIPAL CLERK

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HOUSE DRH10076-LM-19B (02/01)

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

Sponsors: Representatives Conrad, Cleveland, Millis, and Szoka (Primary Sponsors).

Referred to:

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

6 The General Assembly of North Carolina enacts:

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

9 **"§ 143-133.1. Contracts with illegal immigrants prohibited; verification and certification**  
10 **required.**

11 (a) No contract for construction or repair work or for the purchase of apparatus,  
12 supplies, materials, or equipment shall be awarded by any agent or employee of the State, any  
13 board or governing body of the State or of any institution of the State government, or by any  
14 agent, employee, or board or governing body of any political subdivision of the State to any  
15 contractor who knowingly employs or contracts with an illegal immigrant to perform work  
16 under the contract or who knowingly contracts with a subcontractor who knowingly employs or  
17 contracts with an illegal immigrant to perform work under the contract. For purposes of this  
18 section, the term "contractor" means any person, firm, association, or corporation that desires to  
19 submit a bid for or enter into a contract with any State department, institution, or agency, or any  
20 political subdivision of the State, to perform construction or repair work or to supply apparatus,  
21 supplies, materials, or equipment. For purposes of this section, the terms "employs" and  
22 "employed" include any instance in which a contractor provides to another person any form of  
23 financial or other remuneration in return for performing any work or services under a contract  
24 awarded by any State department, institution, or agency, or any political subdivision of the  
25 State. The provisions of this section shall apply to all contracts involving the expenditure of  
26 public money, regardless of the amount, and shall apply to both formal and informal bids.

27 (b) Prior to submitting a bid to or entering into a contract with any State department,  
28 institution, or agency, or any political subdivision of the State, a contractor shall verify the  
29 authorization to work in the United States of each individual employed by the contractor,  
30 whether permanent, temporary, or seasonal, to perform work under the contract in accordance  
31 with the terms and conditions of the E-Verify Program administered by the United States  
32 Department of Homeland Security pursuant to section 403(a) of the Illegal Immigration Reform  
33 and Immigrant Responsibility Act of 1996 (8 U.S.C. § 1324a note), P.L. 104-208, as amended.  
34 The verification required by this subsection shall be conducted only after the hiring of the  
35 individual as an employee to work in the United States.



1       (c) A contractor submitting a bid to or entering into a contract with any State  
2 department, institution, or agency, or any political subdivision of the State, shall certify on a  
3 form approved by the Secretary of Administration that the contractor has verified, as provided  
4 in subsection (b) of this section, the authorization to work in the United States of each  
5 individual employed by the contractor, whether permanent, temporary, or seasonal, to perform  
6 work under the contract. Any person who submits a certification required by this subsection  
7 known to be false shall be guilty of a Class I felony.

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

9           (1) The contractor shall not:

10           a. Knowingly employ or contract with an illegal immigrant to perform  
11 work under the contract.

12           b. Enter into a contract with a subcontractor who fails to certify to the  
13 contractor that the subcontractor shall, by using the E-Verify  
14 Program, verify the authorization to work in the United States of  
15 each individual employed by the subcontractor, whether permanent,  
16 temporary, or seasonal, to perform work under the contract.

17           (2) The contractor has, by using the E-Verify Program, verified the  
18 authorization to work in the United States of each individual employed by  
19 the contractor, whether permanent, temporary, or seasonal, to perform work  
20 under the contract.

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

28       (f) If a contractor is discovered to have knowingly used the services of an illegal  
29 immigrant in the performance of a contract under this Article, the contractor shall be prohibited  
30 from submitting a bid to or entering into a contract to supply goods or services with any State  
31 department, institution, or agency, or any political subdivision of the State, for one year from  
32 the date the violation was discovered."

33       **SECTION 2.** This act becomes effective October 1, 2013, and applies to all bids  
34 submitted and all contracts entered into on or after that date.