

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE DRH30098-LM-28A (02/02)

Short Title: State Contracts/Illegal Immigrants.

(Public)

Sponsors: Representative Cleveland.

Referred to:

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

10 (1) The contractor shall not:

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

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

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

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

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

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