

House Bill 2681

Sponsored by Representatives FLORES, THATCHER; Representatives BOQUIST, CAMERON, DALLUM, ESQUIVEL, GARRARD, GIROD, HANNA, KRIEGER, KRUMMEL, RICHARDSON, SCOTT, G SMITH, WHISNANT, Senator WHITSETT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits state government from employing individual who is not legally present or legally employable.

Prohibits state contracting agency from awarding public contract for services to contractor that knowingly employs illegal alien to perform work under contract or that contracts with subcontractor that knowingly employs illegal alien to perform work under contract.

Prohibits Oregon Economic and Community Development Commission, Economic and Community Development Department and financial institution that contracts with commission or department to make loans or grants from making loan or grant to person that knowingly employs illegal alien to perform work funded by loan or grant.

A BILL FOR AN ACT

1
2 Relating to illegal aliens.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. State government, as defined in ORS 174.111, may not employ an individual**
5 **who is not legally present or legally employable in the United States.**

6 **SECTION 2. Section 3 of this 2007 Act is added to and made a part of ORS chapter 279A.**

7 **SECTION 3. (1) A state contracting agency may not enter into or renew a public contract**
8 **for services with a contractor that knowingly employs an illegal alien to perform work under**
9 **the contract or that contracts with a subcontractor that knowingly employs an illegal alien**
10 **to perform work under the contract. Before executing a public contract for services, each**
11 **prospective contractor shall provide documentation to the state contracting agency verifying**
12 **that the contractor is not currently employing an illegal alien.**

13 **(2) Each public contract for services shall include a provision that the contractor may**
14 **not:**

15 **(a) Knowingly employ an illegal alien to perform work under the contract; or**

16 **(b) Enter into a contract with a subcontractor that knowingly employs an illegal alien**
17 **to perform work under the contract.**

18 **(3) If a contractor violates the provision of the public contract for services required by**
19 **subsection (2) of this section, the state contracting agency may terminate the contract for**
20 **a breach of the contract. If the contract is terminated, the contractor is liable for actual and**
21 **consequential damages to the state contracting agency. Regardless of whether the contract**
22 **is terminated, the contractor is ineligible to receive a public contract for services for a pe-**
23 **riod of 10 years after the date that the breach was discovered.**

24 **SECTION 4. (1) The Oregon Economic and Community Development Commission, the**
25 **Economic and Community Development Department and any financial institution that con-**
26 **tracts with the commission or department to make loans or grants may not make any loan**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 or grant to a person that knowingly employs an illegal alien to perform work funded by the
2 loan or grant. Before executing any agreement relating to a loan or grant, each prospective
3 recipient of a loan or grant shall provide documentation to the commission, department or
4 financial institution, as appropriate, verifying that the recipient is not currently employing
5 an illegal alien.

6 (2) Each agreement relating to a loan or grant shall include a provision that the recipient
7 may not knowingly employ an illegal alien to perform work funded by the loan or grant.

8 (3) If a recipient violates the provision of the agreement required by subsection (2) of this
9 section, the commission, department or financial institution, as appropriate, may terminate
10 the agreement for a breach of the agreement. If the agreement is terminated, the commis-
11 sion, department or financial institution may take any appropriate action and seek any ap-
12 propriate remedy relating to a breach as provided for in the agreement. Regardless of
13 whether the agreement is terminated, the recipient is ineligible to receive a loan or grant
14 from the commission, department or financial institution for a period of 10 years after the
15 date that the breach was discovered.

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