

HOUSE BILL NO. 4061

February 04, 2025, Introduced by Reps. Tisdell, Kuhn, Fox, Neyer, Martin, Rigas, BeGole, Frisbie, St. Germaine, Beson, Cavitt, Bierlein, Kelly, Kunse, Harris, DeBoyer, Pavlov and Roth and referred to Committee on Government Operations.

A bill to require verification that public contracts are performed by employees who are entitled to work in the United States; 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 provide for the powers and duties of certain state and local governmental officers and entities; to provide for the promulgation of rules; and to provide sanctions and penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 Sec. 3. As used in this act:

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

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

13 (c) "Form I-9" means the employment verification form that
14 fulfills the employment verification obligations under 8 CFR
15 274a.2.

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

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

21 Sec. 5. (1) A public employer shall register and participate
22 in the E-verify system to verify the documentation of all of the
23 public employer's new employees.

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

28 (3) A contractor or subcontractor shall not enter into a

1 contract or subcontract with a public employer for the performance
2 of services within this state unless the contractor or
3 subcontractor registers and participates in the E-verify system to
4 verify the documentation of all of the contractor's or
5 subcontractor's new employees.

6 Sec. 7. The department of labor and economic opportunity shall
7 promulgate rules to implement this act under the administrative
8 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

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

16 (a) A United States citizen.

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

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

25 (3) An individual who knowingly and willfully makes a false,
26 fictitious, or fraudulent statement or representation in a form I-9
27 or an affidavit executed under this section is guilty of perjury
28 punishable as provided in section 423 of the Michigan penal code,
29 1931 PA 328, MCL 750.423.

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

5 Sec. 11. (1) An employer that violates section 5(3) is
6 prohibited from contracting with any public body in this state for
7 a period of 1 year after the date of the final determination of
8 that violation by a public body or court of law.

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

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

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