
By: **Delegates McMillan, Aumann, Bartlett, Boschert, Boteler, Burns, Cadden, Cluster, Dwyer, Frank, Gilleland, Glassman, Impallaria, Kelly, Kohl, Krebs, McComas, McConkey, McDonough, Miller, Parker, Shewell, Smigiel, Stocksdale, Trueschler, and Wood**

Introduced and read first time: February 10, 2006

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Finance and Procurement - Employment Authorization Verification -**
3 **Maryland Job Protection Act**

4 FOR the purpose of requiring, as a condition of the award of State contracts or grants
5 to employers, that employers enroll and participate in a certain federal
6 employment authorization verification program; providing for a certain
7 exemption to the enrollment and participation requirements; requiring that the
8 terms and conditions of a State contract or grant provide certain notice;
9 requiring the Board of Public Works to adopt certain regulations; authorizing
10 the Board of Public Works to audit employers that are awarded State contracts
11 or grants to ensure that the employers have enrolled and participate in a certain
12 federal employment authorization verification program; authorizing the Board
13 of Public Works to recommend that contracts or grants be terminated or
14 renegotiated in a certain manner if certain employers fail to enroll and
15 participate in a certain program; providing for a delayed effective date;
16 providing for the application of this Act; and generally relating to employment
17 authorization verification for State contracts and grants.

18 BY adding to
19 Article - State Finance and Procurement
20 Section 12-101(c); and 18-101 through 18-105, inclusive, to be under the new
21 title "Title 18. State Contracts and Grants"
22 Annotated Code of Maryland
23 (2001 Replacement Volume and 2005 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - State Finance and Procurement**

2 12-101.

3 (C) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT TITLE 18 OF THIS
4 ARTICLE.

5 TITLE 18. STATE CONTRACTS AND GRANTS.

6 18-101.

7 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

8 (B) "BASIC PILOT PROGRAM" MEANS THE ELECTRONIC VERIFICATION OF
9 WORK AUTHORIZATION PROGRAM CREATED UNDER THE ILLEGAL IMMIGRATION
10 REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996.11 (C) "BOARD" MEANS THE BOARD OF PUBLIC WORKS OR A DESIGNEE OF THE
12 BOARD OF PUBLIC WORKS.13 (D) (1) "EMPLOYER" MEANS A PERSON ENGAGED IN A BUSINESS, INDUSTRY,
14 PROFESSION, TRADE, OR OTHER ENTERPRISE IN THE STATE THAT IS AWARDED A
15 STATE GRANT OR CONTRACT FOR GOODS OR SERVICES.

16 (2) "EMPLOYER" INCLUDES CONTRACTORS AND SUBCONTRACTORS.

17 18-102.

18 THIS TITLE DOES NOT APPLY TO A CONTRACT OR GRANT FOR GOODS OR
19 SERVICES NEEDED IMMEDIATELY TO PREVENT OR RESPOND TO AN IMMINENT
20 THREAT TO PUBLIC HEALTH OR SAFETY.

21 18-103.

22 AS A CONDITION OF THE AWARD OF A CONTRACT OR GRANT TO AN EMPLOYER,
23 THE STATE SHALL REQUIRE THAT THE EMPLOYER:24 (1) ENROLL IN THE BASIC PILOT PROGRAM PRIOR TO THE START OF
25 WORK ON A CONTRACT OR THE USE OF GRANT FUNDS; AND26 (2) PARTICIPATE IN THE BASIC PILOT PROGRAM SUBSEQUENT TO THE
27 START OF WORK ON A CONTRACT OR THE USE OF GRANT FUNDS.

28 18-104.

29 THE TERMS AND CONDITIONS OF A CONTRACT OR GRANT AWARDED BY THE
30 STATE SHALL PROVIDE NOTICE TO AN EMPLOYER SPECIFYING THAT THE CONTRACT
31 OR GRANT MAY BE TERMINATED IF THE EMPLOYER FAILS TO ENROLL AND
32 PARTICIPATE IN THE BASIC PILOT PROGRAM IN ACCORDANCE WITH § 18-103 OF THIS
33 TITLE.

1 18-105.

2 (A) THE BOARD MAY AUDIT AN EMPLOYER THAT IS AWARDED A STATE
3 CONTRACT OR GRANT TO ENSURE THAT THE EMPLOYER IS IN COMPLIANCE WITH §
4 18-103 OF THIS TITLE.

5 (B) IF AN AUDIT OF AN EMPLOYER THAT IS AWARDED A STATE CONTRACT OR
6 GRANT DETERMINES THAT THE EMPLOYER HAS NOT COMPLIED WITH THE
7 REQUIREMENTS OF § 18-103 OF THIS TITLE, THE BOARD MAY RECOMMEND THAT THE
8 CONTRACT OR GRANT BE TERMINATED OR RENEGOTIATED TO ACCOUNT FOR A
9 VIOLATION OF THIS SECTION.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
11 construed to apply only prospectively and may not be applied or interpreted to have
12 any effect on or application to any contract or grant awarded before the effective date
13 of this Act.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 January 1, 2007.