

HB 249-FN – AS INTRODUCED

2013 SESSION

13-0719
06/09

HOUSE BILL **249-FN**

AN ACT requiring employers to verify an employee’s eligibility to work in the United States.

SPONSORS: Rep. Duarte, Rock 2; Rep. Tamburello, Rock 5; Rep. Rappaport, Coos 1; Rep. Pitre, Straf 2; Rep. Renzullo, Hills 37; Sen. Reagan, Dist 17; Sen. Boutin, Dist 16

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill requires employers to verify employees’ eligibility to work in the United States by using a status verification system.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT requiring employers to verify an employee's eligibility to work in the United States.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Chapter; Verification of Eligibility to Work. Amend RSA by inserting after chapter 283
2 the following new chapter:

3 CHAPTER 283-A

4 VERIFICATION OF ELIGIBILITY TO WORK

5 283-A:1 Definitions. In this chapter:

6 I. "Status verification system" means an electronic system operated by the federal
7 government, through which a person or entity may make an inquiry to verify or ascertain the
8 citizenship or immigration status of any employee. The status verification system shall include:

9 (a) The electronic verification of work authorization program of the Illegal Immigration
10 Reform and Immigration Responsibility Act of 1996, P.L. 104-208, Division C, section 403(a), 8
11 U.S.C. section 1324a, and operated by the United States Department of Homeland Security, known
12 as the Basic Pilot Program.

13 (b) Any equivalent federal program designated by the United States Department of
14 Homeland Security or any other federal agency authorized to verify the work eligibility status of
15 newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L.
16 99-603.

17 II. "Public employer" means every department, agency, or instrumentality of the state or a
18 political subdivision of the state.

19 283-A:2 Participation in Status Verification Program Required.

20 I. Every public employer shall register and participate in the Basic Pilot Program, or an
21 equivalent status verification system, to verify the work eligibility status of all new employees.

22 II. Every contractor and subcontractor that enters into a contract with a public employer
23 shall register and participate in the Basic Pilot Program, or an equivalent status verification system,
24 to verify the work eligibility status of all new employees.

25 283-A:3 Penalty. Any contract entered into with a public employer after the effective date of this
26 section by any contractor or subcontractor who is not in compliance with RSA 283-A:2 shall be
27 cancelled. Such contractor or subcontractor shall be ineligible to enter into any contract with a
28 public employer for 3 years from the date of cancellation.

29 2 Effective Date. This act shall take effect January 1, 2014.

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HB 249-FN - FISCAL NOTE

AN ACT requiring employers to verify an employee's eligibility to work in the United States.

FISCAL IMPACT:

The New Hampshire Association of Counties, and New Hampshire Municipal Association state this bill, **as introduced**, may increase county and local expenditures by an indeterminable amount in FY 2014 and each year thereafter. There is no impact on state, county, and local revenue, or state expenditures.

METHODOLOGY:

The New Hampshire Association of Counties (NHAC) states this bill requires all public employers to verify employees' employment eligibility status using an electronic work authorization system through the U.S. Department of Homeland Security. The NHAC indicates county and local expenditures related to this bill are indeterminable.

The New Hampshire Municipal Association states this bill will increase local expenditures by an indeterminable amount.

The Judicial Branch does not foresee a fiscal impact in excess of \$10,000 because of the limited number of new hires currently being processed each year.

The Department of Administrative Services and the Legislative Branch do not foresee additional costs because the State is already required to verify employment status.