

HB 267-FN – AS INTRODUCED

2015 SESSION

15-0412
06/04

HOUSE BILL **267-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. Spillane, Rock 2; Sen. Reagan, Dist 17

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Fifteen

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 E-Verify.

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 E-Verify, or an equivalent status
21 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 E-Verify, or an equivalent status verification system, to verify the
24 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 may be
27 cancelled by the public employer. Such contractor or subcontractor shall be ineligible to enter into
28 any contract with a public employer for 3 years from the date of cancellation.

29 2 Effective Date. This act shall take effect January 1, 2016.

HB 267-FN FISCAL NOTE

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

FISCAL IMPACT:

The New Hampshire Municipal Association and New Hampshire Association of Counties state this bill, **as introduced**, may increase county and local expenditures by an indeterminable amount in FY 2016 and each year thereafter. This bill will have no impact on state, county, and local revenue or state expenditures.

METHODOLOGY:

The New Hampshire Municipal Association states this bill will require employers to verify an employees' eligibility to work in the United States by using a status verification system. The Association states that all municipal employers are already required to obtain documentation showing an employee's eligibility to work in the United States. Because the Association is not sufficiently familiar with the E-Verify program, which is free, it cannot determine if it will require additional municipal staffing time. Therefore, the Association is not able to determine if this bill will increase local expenditures.

The New Hampshire Association of Counties states this bill could add some indeterminable administrative costs. The Association states county enforcement and prosecuting costs could increase by an indeterminable amount as a result of this bill.

The Department of Administrative Services states this bill will have no fiscal impact on the state. The state is required by federal law to verify the employment eligibility of every new hire to state positions. This bill will change the methodology to verify employees' eligibility but not the verification requirement.