

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 309

Short Title: Verify Government Employee Legal Status. (Public)

Sponsors: Representatives Cleveland; Blackwood, Blust, Boylan, Brown, Current, Daughtridge, Dockham, Dollar, Folwell, Frye, Grady, Gulley, Hilton, Holloway, Howard, Justice, Justus, Langdon, Lewis, McGee, Moore, Neumann, Pate, Samuelson, Setzer, Starnes, Steen, and Walend.

Referred to: Judiciary II.

February 22, 2007

A BILL TO BE ENTITLED

AN ACT REQUIRING VERIFICATION OF THE LEGAL STATUS OF CONTRACTED STATE EMPLOYEES AND OF CONTRACTED AND REGULAR EMPLOYEES OF LOCAL GOVERNMENTS AND REQUIRING THAT CONTRACTORS PROVIDING LABOR OR PERSONAL SERVICES TO THE STATE PARTICIPATE IN THE BASIC PILOT PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. Section 23.1.(b) of S.L. 2006-259 reads as rewritten:

"SECTION 23.1.(b) ~~This section does not apply to persons under contract or subcontract.~~ This section applies to employees hired on or after January 1, 2007, except that it applies to employees of local education agencies hired on or after March 1, 2007."

SECTION 2. G.S. 126-7.1 is amended by adding a new subsection to read:

"(f1) Each contractor or subcontractor that does business with the State by providing employees pursuant to a labor or personal services contract shall agree, as a term and condition of their contract with the State, to verify in accordance with the Basic Pilot Program administered by the United States Department of Homeland Security pursuant to 8 U.S.C. § 1101, et seq., each newly hired individual's legal status or authorization to work in the United States before assigning a newly hired individual to serve as a contract employee for the State in the United States."

SECTION 3. Article 8 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-129.10. Contractor participation in the Basic Pilot Program required.

As a condition for the award of any contract with the State for the performance of any labor or personal services, the contractor shall provide documentation, in a form and manner acceptable to the State, affirming the contractor's enrollment and

1 participation in the Basic Pilot Program administered by the United States Department
2 of Homeland Security pursuant to 8 U.S.C. § 1101, et seq."

3 **SECTION 4.** Article 6 of Chapter 153A of the General Statutes is amended
4 by adding a new section to read:

5 "**§ 153A-94.3. Verification of county employee legal status.**

6 (a) Each county shall verify, in accordance with the Basic Pilot Program
7 administered by the United States Department of Homeland Security pursuant to 8
8 U.S.C. § 1101, et seq., each individual's legal status or authorization to work in the
9 United States after hiring the individual as an employee to work in the United States.

10 (b) Each contractor or subcontractor that does business with the county by
11 providing employees pursuant to a labor or personal services contract shall agree, as a
12 term and condition of their contract with the county, to verify in accordance with the
13 Basic Pilot Program administered by the United States Department of Homeland
14 Security pursuant to 8 U.S.C. § 1101, et seq., each newly hired individual's legal status
15 or authorization to work in the United States before assigning a newly hired individual
16 to serve as a contract employee for the county in the United States."

17 **SECTION 5.** Article 7 of Chapter 160A of the General Statutes is amended
18 by adding a new section to read:

19 "**§ 160A-164.3. Verification of municipal employee legal status.**

20 (a) Each city shall verify, in accordance with the Basic Pilot Program
21 administered by the United States Department of Homeland Security pursuant to 8
22 U.S.C. § 1101, et seq., each individual's legal status or authorization to work in the
23 United States after hiring the individual as an employee to work in the United States.

24 (b) Each contractor or subcontractor that does business with the city by providing
25 employees pursuant to a labor or personal services contract shall agree, as a term and
26 condition of their contract with the city, to verify in accordance with the Basic Pilot
27 Program administered by the United States Department of Homeland Security pursuant
28 to 8 U.S.C. § 1101, et seq., each newly hired individual's legal status or authorization to
29 work in the United States before assigning a newly hired individual to serve as a
30 contract employee for the city in the United States."

31 **SECTION 6.** This act becomes effective July 1, 2007, and applies to
32 contracts entered into on or after that date.