

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 1942  
Committee Substitute Favorable 6/20/06

Short Title: Verify Public Employee Legal Status/Funds.

(Public)

Sponsors:

Referred to:

May 15, 2006

A BILL TO BE ENTITLED

AN ACT PROVIDING FOR THE USE OF THE BASIC PILOT PROGRAM FOR  
VERIFICATION OF THE LEGAL STATUS OF NEWLY HIRED EMPLOYEES  
OF THE STATE; LOCAL EDUCATION AGENCIES; AND COMMUNITY  
COLLEGES; AND APPROPRIATING FUNDS FOR THAT PURPOSE.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 126 of the General Statutes is amended by adding a  
new Article to read:

"Article 16.

"Verification of Employee Legal Status.

**"§ 126-95. Verification of employee legal status.**

(a) Definitions. – The following definitions apply in this section:

(1) Basic Pilot Program. – The electronic verification of work  
authorization program authorized under 8 U.S.C. § 1101, et seq.

(2) Employee. – Any person employed by a State agency, department,  
institution, university, and local subdivision under G.S. 126-5(a)(2)  
and (3); a local education agency; and a community college. The term  
shall not include a person under contract or subcontract.

(b) Verification Required. – Each State agency, department, institution,  
university, and local subdivision under G.S. 126-5(a)(2)and (3); local education agency;  
and community college shall verify, in accordance with the Basic Pilot Program  
administered by the United States Department of Homeland Security, each individual's  
legal status or authorization to work in the United States after hiring the individual as an  
employee.

(c) Application. – The provisions of this section apply to all newly hired  
employees as defined by subsection (a) of this section."

**SECTION 2.** G.S. 126-5 is amended by adding a new subsection to read:

1       "(c9) Article 16 of this Chapter shall apply to all State employees, including all  
2 employees of The University of North Carolina, public school employees, and  
3 community college employees."

4           **SECTION 3.** By August 1, 2006, the State Personnel Commission, The  
5 University of North Carolina, the State Board of Education, and the Community  
6 Colleges System Office shall take all steps necessary to participate in the Basic Pilot  
7 Program operated by the United States Department of Homeland Security for the  
8 verification of the legal status of newly hired employees.

9           **SECTION 4.** There is appropriated from the General Fund to the  
10 Department of Administration, Office of State Personnel, the sum of fifty thousand  
11 dollars (\$50,000) for the 2006-2007 fiscal year to provide technical assistance and  
12 training to State agencies, departments, institutions, universities, local subdivisions  
13 under G.S. 126-5(a)(2) and (3); local education agencies or the Department of Public  
14 Instruction; and community colleges in carrying out and monitoring compliance with  
15 the provisions of this act.

16           **SECTION 5.** This act becomes effective July 1, 2006, and applies to  
17 employees hired on or after August 1, 2006.