

HB 1292-FN - AS AMENDED BY THE SENATE

05/23/2024 2179s

2024 SESSION

24-2146
05/10HOUSE BILL ***1292-FN***

AN ACT relative to coverage of children under the state retiree insurance plan and relative to federal immigration enforcement.

SPONSORS: Rep. Luneau, Merr. 9; Rep. Myler, Merr. 9; Sen. Whitley, Dist 15

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill removes the requirement that young adult children covered under a retired state employee's insurance plan be full-time students.

The bill also prohibits state and local government entities from adopting sanctuary policies to prohibit or impede the enforcement of federal immigration law.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

05/23/2024 2179s 24-2146
05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to coverage of children under the state retiree insurance plan and relative to federal immigration enforcement.

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

1 State Employees Group Insurance; Medical and Surgical Benefits; Eligibility of Children Between the Ages of 19 and 25. Amend RSA 21-I:30, IV to read as follows:

IV. Fully dependent minor children, children between the ages of 19 through 25 [~~if full-time students~~], and any certifiably dependent child with a disability who is institutionalized or living in the household and being cared for by the qualified retired member, the member's spouse, or the qualified surviving spouse, and whose certificate is on file, shall be eligible for this plan on payment of a premium as long as they are eligible for the plan benefit per the foregoing requirements. The amount of the premium shall be the full cost of the plan benefits as determined by the department of administrative services. Participants may voluntarily cease participation in plan benefits at any time.

2 New Chapter; Anti-Sanctuary Act. Amend RSA by inserting after chapter 130 the following new chapter:

CHAPTER 130-A

ANTI-SANCTUARY ACT

103-A:1 Definitions. In this chapter:

I. "Federal immigration agency" means the United States Department of Justice and the United States Department of Homeland Security, a division within such an agency, including United States Immigration and Customs Enforcement and United States Customs and Border Protection, any successor agency, and any other federal agency charged with the enforcement of immigration law.

II. "Immigration detainer" means a facially sufficient written or electronic request issued by a federal immigration agency using that agency's official form to request that another law enforcement agency detain a person based on probable cause to believe that the person to be detained is a removable alien under federal immigration law, including detainers issued pursuant to 8 U.S.C. sections 1226 and 1357 along with a warrant described in subparagraph (c). For the purpose of this section, an immigration detainer shall be deemed facially sufficient if:

(a) The federal immigration agency's official form is complete and indicates on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law; or

(b) The federal immigration agency's official form is incomplete and fails to indicate on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law, but is supported by an affidavit, order, or other official documentation that indicates that the federal immigration agency has probable cause to believe that the person to be detained is a removable alien under federal immigration law; and

(c) The federal immigration agency supplies with its detention request a Form I-200 Warrant for Arrest of Alien or a Form I-205 Warrant of Removal/Deportation or a successor warrant or other warrant authorized by federal law.

III. "Inmate" means a person in the custody of a law enforcement agency.

IV. "Law enforcement agency" means an agency in this state charged with enforcement of state, county, municipal, or federal laws or with managing custody of detained persons in this state and includes municipal police departments, sheriff's offices, state police departments, state university and college police departments, county correctional agencies, and the department of corrections.

V. "Local governmental entity" means any county, municipality, or other political subdivision of this state.

VI. "Sanctuary policy" means a law, policy, practice, procedure, or custom adopted or allowed by a state entity or local governmental entity which prohibits or impedes a law enforcement agency from complying with 8 U.S.C. section 1373 or which prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency so as to limit such law enforcement agency in, or prohibit the agency from:

(a) Complying with an immigration detainer;

(b) Complying with a request from a federal immigration agency to notify the agency before the release of an inmate or detainee in the custody of the law enforcement agency;

(c) Providing a federal immigration agency access to an inmate for interview;

(d) Participating in any program or agreement authorized under section 287 of the Immigration and Nationality Act, 8 U.S.C. section 1357; or

(e) Providing a federal immigration agency with an inmate's incarceration status or release date.

VII. "State entity" means any county, city, municipality, town, village, village district, special district, or other political subdivision of this state, including law enforcement agencies. The term shall include officials, officers, representatives, agents, and employees.

103-A:2 Prohibition of Sanctuary Policies.

No state government entity, local government entity, or law enforcement agency shall knowingly enact, issue, adopt, promulgate, enforce, permit, endorse, maintain, or have in effect any sanctuary policy.

103-A:3 Cooperation with Federal Immigration Authorities.

I. A law enforcement agency shall use best efforts to support the enforcement of federal immigration law.

II. Except as otherwise expressly prohibited by federal law, a state entity, local governmental entity, or law enforcement agency, or an employee, an agent, or a representative of the entity or agency, may not prohibit or in any way restrict a law enforcement agency from taking any of the following actions with respect to information regarding a person's immigration status:

- (a) Sending the information to or requesting, receiving, or reviewing the information from a federal immigration agency for purposes of this chapter.
- (b) Recording and maintaining the information for purposes of this chapter.
- (c) Exchanging the information with a federal immigration agency or another state entity, local governmental entity, or law enforcement agency for purposes of this chapter.
- (d) Using the information to comply with an immigration detainer.
- (e) Using the information to confirm the identity of a person who is detained by a law enforcement agency.

III. This section does not require a state entity, local governmental entity, or law enforcement agency to provide a federal immigration agency with information related to a victim of or a witness to a criminal offense if the victim or witness timely and in good faith responds to the entity's or agency's request for information and cooperation in the investigation or prosecution of the offense.

IV. This section does not authorize a law enforcement agency to detain an alien unlawfully present in the United States pursuant to an immigration detainer solely because the alien witnessed or reported a crime or was a victim of a criminal offense.

V. This section does not apply to any alien unlawfully present in the United States if he or she is or has been a necessary witness or victim of a crime of domestic violence, rape, sexual exploitation, sexual assault, murder, manslaughter, assault, battery, human trafficking, kidnapping, false imprisonment, involuntary servitude, fraud in foreign labor contracting, blackmail, extortion, or witness tampering.

103-A:4 Enforcement.

I. Any executive or administrative state, county, or municipal officer who violates his or her duties under this chapter may be subject to action by the attorney general, who may file suit against a local governmental entity or local law enforcement agency in a court of competent jurisdiction for declaratory or injunctive relief for a violation of this chapter.

II. If a local governmental entity or local law enforcement agency violates this chapter, the court shall enjoin the unlawful sanctuary policy. The court has continuing jurisdiction over the parties and subject matter and may enforce its orders with the initiation of contempt proceedings as provided by law.

III. An order approving a consent decree or granting an injunction shall include written findings of fact that describe with specificity the existence and nature of the sanctuary policy that violates this chapter.

3 Effective Date.

I. Section 2 of this act shall take effect January 1, 2025.

II. The remainder of this act shall take effect 60 days after its passage.

LBA

24-2146

Amended 5/29/24

HB 1292-FN- FISCAL NOTE

AS AMENDED BY THE SENATE (AMENDMENT # 2024-2179s)

AN ACT relative to coverage of children under the state retiree insurance plan and relative to federal immigration enforcement.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	Section 1: Indeterminable	Section 1: Indeterminable	Section 1: Indeterminable
<i>Revenue Fund(s)</i>	Various Agency Funds			

Expenditures	\$0	Section 1: Indeterminable	Section 1: Indeterminable	Section 1: Indeterminable
		Section 2: Indeterminable Increase (General Funds) \$127,000 to \$227,000+	Section 2: Indeterminable Increase (General Fund) \$125,000 to \$225,000+	Section 2: Indeterminable Increase (General Funds) \$125,000to \$225,000+
<i>Funding Source(s)</i>	Various Agency Funds and General Funds			
Appropriations	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

Section 1 of this bill eliminates the mandate for dependent minor children of retirees, aged 19 to 25, to maintain full-time student status to qualify for coverage under the State of NH retiree health benefit program.

The Department of Administrative Services states the fiscal impact is indeterminable because the Department is unable to predict how many retirees would opt to cover dependents aged 19 to 25. However, the cost for a dependent's coverage on the retiree health plan is around \$983 per month, paid entirely by the retiree to the Plan. Expanding eligibility may increase enrollment and claims, potentially increasing costs for the Retiree Health Benefit Plan.

Section 2 of this bill prohibits state and local government entities from adopting sanctuary policies to prohibit or impede the enforcement of federal immigration law.

The Department of Justice indicates this bill would authorize the Attorney General to bring enforcement actions for violations of the proposed chapter. The Department states the fiscal impact would be proportional to the number of enforcement actions brought under the bill and the corresponding personnel and litigation costs associated with each action. The number of enforcement actions that may result from the bill is unknown. A small number of enforcement actions may be absorbed by the present staffing levels and litigation budget. If this bill resulted in a significant number of enforcement actions, the Department would require an additional attorney in the Bureau of Civil Law and an increase in the litigation budget. A larger number of enforcement actions would necessitate and increase in the litigation budget by up to \$100,000, and Department of Justice would need an attorney to oversee those actions. The estimated cost of an additional attorney, including benefits and associated costs, would be \$127,000 in FY 2025, \$125,000 in FY 2026 and \$125,000 in FY 2027.

The Judicial Branch states it is not possible to estimate how this change in law would impact the number of filings in the courts. Because the bill creates a new enforcement action, it is expected that litigation could increase.

This bill does not appropriate funds to cover the estimated expenditures nor does it authorize any positions.

AGENCIES CONTACTED:

Department of Administrative Services, Department of Justice, and Judicial Branch