

March 24, 2005

S 976. TAXPAYER AND CITIZEN PROTECTION ACT. *TO ENACT THE NORTH CAROLINA TAXPAYER AND CITIZEN PROTECTION ACT, TO REQUIRE PROOF OF CITIZENSHIP TO REGISTER TO VOTE, AND TO PROVIDE THAT TO RECEIVE CERTAIN PUBLIC BENEFITS, AN APPLICANT FOR PUBLIC ASSISTANCE PROGRAM BENEFITS MUST PROVIDE PROOF THAT THE APPLICANT IS A UNITED STATES CITIZEN OR, IF NOT A UNITED STATES CITIZEN, IS LAWFULLY PRESENT IN THE UNITED STATES UNDER FEDERAL LAW; TO PROVIDE FOR TEMPORARY BENEFITS TO BE PAID IN CASES WHERE THE APPLICANT CANNOT PROVIDE PROOF AT THE TIME OF APPLICATION; TO REQUIRE CERTAIN STATE AGENCIES TO COOPERATE WITH LOCAL GOVERNMENTS AND THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO DEVELOP A SYSTEM FOR VERIFYING LAWFUL PRESENCE IN THE UNITED STATES; TO PROVIDE THAT A PERSON WHO WILLFULLY EMPLOYS AN INDIVIDUAL WHO IS INDIGENT AND IS NOT LAWFULLY PRESENT IN THE UNITED STATES SHALL BE RESPONSIBLE FOR THE COST OF MEDICALLY NECESSARY SERVICES TO THE INDIVIDUAL EMPLOYED; AND TO AUTHORIZE ANY INDIVIDUAL TO FILE A COMPLAINT WITH THE AFFECTED STATE AGENCY FOR ITS FAILURE TO COMPLY WITH THIS ACT.* Amends GS 163-82.4(a) and enacts new GS 163-82.6A to require proof of citizenship in order to register to vote, require county boards of elections to compile and publish lists of approved documents that are satisfactory evidence of US citizenship, and provide that a person already registered is deemed to have provided satisfactory evidence of citizenship.

Adds new GS 108A-25.4 to require proof of citizenship or of lawful presence in the US by any applicant for public assistance program benefits or for a state or local government-issued identification document. Prohibits provision of public assistance benefits to an applicant who has not met the requirement and prohibits acceptance of a state or local government-issued identification card, including a driver's license, to establish identity or determine eligibility unless the agency that issued the card verified the person's immigration status. Provides for temporary benefits or identification document for person who cannot provide the required proof but signs sworn affidavit that the person is eligible. Requires state and local agencies to report to the Attorney General and to a federal immigration law enforcement office any applicant or beneficiary who fails to verify legal presence and provides that a state or local government employee who knowingly and willfully fails to report violations of federal immigration law is guilty of a Class 2 misdemeanor, as is the person's supervisor if that person knows of the employee's failure to report and fails to direct the employee to report. Exempts from these provisions public assistance programs that are excepted from verification of eligibility under federal law. Specifies conditions under which "any person" who believes a state or local government agency has failed to comply with these public assistance program requirements may file a complaint with the agency charged with administering the program or institute a proceeding for injunction or mandamus.

Rewrites GS 108A-70 to provide that any person knowingly and willfully employing a non-US citizen who otherwise is not a resident of the state, is responsible for the cost of providing medically necessary services for that person or members of the household who are medically indigent if the medical condition leading to the need for services arises during the course of employment. Creates a cause of action for reimbursement plus costs and attorney fees against an employer of a medically indigent person to the state for services provided under the state Medical Assistance Plan and to any county or health care provider that provides health care services to the indigent person. A person who relies in good faith on documentation establishing employment authorization in the US is not subject to these provisions.

Effective with respect to voter registration for voters registering on or after January 1, 2005, and otherwise effective January 1, 2006, and applies to applications for public assistance programs made on and after that date.

Intro. by Webster.

Ref. to Judiciary I

GS 163, 108A