



HOUSE BILL 318: Protect North Carolina Workers Act

2015-2016 General Assembly

Committee:

Introduced by:

Analysis of: S.L. 2015-294

Date:

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SUMMARY: *S.L. 2015-294, as amended by Secs. 36.3 and 91.2 of S.L. 2015-264, makes the following changes:*

- *Effective October 1, 2015, and applying to contracts entered into on or after that date, requires E-Verify compliance by contractors and subcontractors with State and local governments, agencies, and institutions, with certain exceptions.*
- *Effective October 1, 2015, provides that (i) consulate or embassy documents or (ii) identity documents created by other entities, unless expressly authorized by the General Assembly to be used for identification, may not be used to determine identification or residency for law enforcement or other government purposes. If no other documentation is available, law enforcement may use identity documents created by other entities to assist in determining an individual's identity or residency.*
- *Prohibits counties and cities from adopting certain restrictions related to enforcement of federal immigration laws and gathering information related to citizenship or immigration status.*
- *Effective October 1, 2015, prohibits the Department of Health and Human Services from seeking certain work requirement waivers for food and nutrition benefits for able-bodied adults without dependents.*

Except as otherwise provided, this act became effective October 29, 2015.

BILL ANALYSIS:

E-Verify

Section 1(a) of S.L. 2015-294 prohibits any board or governing body of the State, any State institution, or any political subdivision of the State from entering a contract unless the contractor and any subcontractors comply with the State E-verify requirements. The government entities may satisfy this requirement by including a term in the contract requiring the contractor and any subcontractors to comply with the State E-verify requirements. The provision specifically exempts from its application contracts for travel expenses, solely for the purchase of goods, apparatus, supplies, materials, or equipment, contracts with other units of government, and so-called "piggy-back" contracts. These are contracts for purchases established by the State or federal government in which the contractor is willing to extend to a political subdivision the same or more favorable prices, terms, and conditions.

Sections 1(b) and (c) make conforming changes.

Section 2 amends the Local Government Finance act with regard to penalties imposed on finance officers who give a false certificate to a contract or agreement. Inclusion by the finance officer of a

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contract term requiring the contractor to comply with the State E-verify requirements is deemed in compliance with the governmental contract E-verify requirement.

Sections 3 through 9 make conforming changes to various sections of Article 2 of Chapter 64.

Section 10 adds a new section to Article 2 of Chapter 64 establishing the consequences for violation of the new governmental contract E-verify requirement. The Commissioner of Labor must notify any governmental entity found in violation of the statute and the Department of Labor must maintain a list of governmental entities so notified and publish the list on its website.

Identification Documents

Section 11 adds a new Article 18 to Chapter 15A entitled "Identification Documents". This provision makes the use of certain documents unacceptable by any government official for purposes of determining a person's identity or residency. The documents are (i) a matricula consular or other similar document, other than a valid passport, issued by a consulate or embassy of another country, and (ii) an identity document created by any person, organization, county, city, or other local authority, except where expressly authorized to be used for identification by the General Assembly. However, a law enforcement officer may use an identity document created by any person, organization, county, city, or other local authority to assist in determining the identity or residency of a person when they are the only documents providing an indication of identity or residency available to the law enforcement officer at the time.

Sections 12, 13, and 14 make conforming changes to the motor vehicle law, the insurance law, and the medical assistance law to remove use of consular documents from the list of documents that can be used to verify State residency.

Prohibition on Certain Local Government Restrictions related to Immigration

Section 15 creates new prohibitions on counties and cities by restricting any policy, ordinance, or procedure that would:

- Limit or restrict the enforcement of federal immigration laws to less than the full extent permitted by federal law.
- With regards to citizenship or immigration status information, lawful or unlawful, of any individual:
 - Prohibit law enforcement officials or agencies from gathering such information.
 - Direct law enforcement officials or agencies not to gather such information.
 - Prohibit the communication of such information to federal law enforcement agencies.

Prohibition on Certain Federal Time Limit Waivers for Food and Nutrition Benefits

Section 16 prohibits the Department of Health and Human Services (DHHS) from seeking federal time limit waivers for food and nutrition benefits for able-bodied adults without dependents who have not met federal work requirements. DHHS is not prohibited from seeking waivers for the Disaster Supplemental Nutrition Assistance Program in an area that has received a Presidential disaster declaration of Individual Assistance from the Federal Emergency Management Agency. DHHS may continue with requests for waiver if the pending or granted waiver can be modified so that the period of the waiver will not extend beyond March 1, 2016.

EFFECTIVE DATE: Sections 1-12 and 14 of this act became effective October 1, 2015, and apply to contracts entered into on or after that date. Section 13 of this act became effective January 1, 2016, and applies to insurance policies entered into on or after that date. Section 15 became effective October 29, 2015. Section 16 became effective October 1, 2015.

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O. Walker Reagan, Director of the Research Division, and Karen Cochrane-Brown, Staff Attorney, substantially contributed to this summary.