

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 425

Short Title: Employment Sec. Law Conformed.

(Public)

Sponsors: Representatives Robinson; Flaherty and Buchanan.

Referred to: Commerce.

March 2, 1989

A BILL TO BE ENTITLED

AN ACT TO MAKE CONFORMING AMENDMENTS TO THE EMPLOYMENT
SECURITY LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 96-4(t) is amended by adding a subsection to read:

"(7a) Nothing in this subsection (t) shall be construed to prevent the Commission from disclosing, upon request and on a reimbursable basis only, to officers and employees of the Department of Housing and Urban Development and to representatives of a public housing agency as defined in Section 303(i)(4) of the Social Security Act, any information from the records of the Employment Security Commission with respect to individuals applying for or participating in any housing assistance program administered by the Department of Housing and Urban Development who have signed an appropriate consent form approved by the Secretary of Housing and Urban Development. It is the purpose of this paragraph to assure the Employment Security Commission's compliance with Section 303(i)(1) of the Social Security Act and it shall be construed accordingly."

Sec. 2. G.S. 96-4(t) is amended by adding a subsection to read:

"(7b) Nothing in this subsection (t) shall be construed to prevent the Commission from disclosing, upon request and on a reimbursable basis, to the Secretary of Health and Human Services, any information from the records of the Employment Security Commission as may be required by Section 303(h)(1) of the Social Security Act. It is the purpose of this paragraph to assure compliance with Section 303(h)(1) of the Social Security Act and it shall be construed accordingly."

Sec. 3. G.S. 96-13(f) reads as rewritten:

- 1 "(f) (1) Benefits shall not be payable on the basis of services
2 performed by an alien unless such alien is an individual who has
3 been lawfully admitted for permanent residence or otherwise is
4 permanently residing in the United States under color of law or was
5 lawfully present for purposes of performing such services (including
6 an alien who is lawfully present in the United States as a result of the
7 application of the provisions of section 203 (a)(7) or section 212
8 (d)(5) of the Immigration and Nationality Act). Any data or
9 information required of individuals applying for benefits to
10 determine whether benefits are not payable to them because of their
11 alien status shall be uniformly required from all applicants for
12 benefits. In the case of an individual whose application for benefits
13 would otherwise be approved, no determination that compensation to
14 such individual is not payable because of his alien status shall be
15 made except upon a preponderance of the evidence.
- 16 (2) An individual who is not a citizen or national of the United States shall
17 not be deemed available for work under subsection (a)(3) of this
18 section unless the individual is in satisfactory immigration status under
19 the laws administered by the United States Department of Justice,
20 Immigration and Nationalization Service."
- 21 Sec. 4. This act is effective upon ratification.