**South Carolina General Assembly**

120th Session, 2013-2014

**S. 36**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Campsen

Document Path: l:\s-res\gec\020empl.hm.gec.docx

Introduced in the Senate on January 8, 2013

Currently residing in the Senate Committee on **Judiciary**

Summary: Matricula consular card issued by another country not proof of lawful presence in U.S.

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/13/2012 Senate Prefiled

12/13/2012 Senate Referred to Committee on **Judiciary**

1/8/2013 Senate Introduced and read first time ([Senate Journal‑page 43](file:///h:\SJ%20Archive\2013\01-08-13.docx))

1/8/2013 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 43](file:///h:\SJ%20Archive\2013\01-08-13.docx))

**VERSIONS OF THIS BILL**

[12/13/2012](file:///p:\pprever\2013-14\36_20121213.docx)

**A** **BILL**

TO AMEND SECTION 8‑14‑20 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT PUBLIC EMPLOYERS VERIFY THE EMPLOYMENT AUTHORIZATION OF ALL NEW EMPLOYEES, TO PROVIDE THAT A WORKER IS NOT ELIGIBLE TO OBTAIN A SOUTH CAROLINA DRIVER’S LICENSE OR IDENTIFICATION CARD IF THE WORKER’S ONLY PROOF OF IDENTIFICATION IS A MATRICULA CONSULAR CARD OR A SUBSTANTIALLY SIMILAR DOCUMENT ISSUED BY A CONSULATE OR EMBASSY OF ANOTHER COUNTRY; TO AMEND SECTION 8‑29‑10, RELATING TO THE VERIFICATION OF A PERSON’S LAWFUL PRESENCE IN THE UNITED STATES BY AN AGENCY OR POLITICAL SUBDIVISION OF THIS STATE, TO PROVIDE THAT AN AGENCY OR POLITICAL SUBDIVISION SHALL NOT ACCEPT A MATRICULA CONSULAR CARD OR A SUBSTANTIALLY SIMILAR DOCUMENT ISSUED BY A CONSULATE OR AN EMBASSY OF ANOTHER COUNTRY AS PROOF OF A PERSON’S LAWFUL PRESENCE IN THE UNITED STATES; TO AMEND SECTION 41‑8‑20, RELATING TO THE REQUIREMENT THAT PRIVATE EMPLOYERS VERIFY THE EMPLOYMENT AUTHORIZATION OF ALL NEW EMPLOYEES, TO PROVIDE THAT A WORKER IS NOT ELIGIBLE TO OBTAIN A SOUTH CAROLINA DRIVER’S LICENSE OR IDENTIFICATION CARD IF THE WORKER’S ONLY PROOF OF IDENTIFICATION IS A MATRICULA CONSULAR CARD OR A SUBSTANTIALLY SIMILAR DOCUMENT ISSUED BY A CONSULATE OR EMBASSY OF ANOTHER COUNTRY; AND TO AMEND SECTION 59‑101‑430, RELATING TO THE PROHIBITION OF AN ALIEN UNLAWFULLY PRESENT IN THE UNITED STATES FROM ATTENDING A PUBLIC INSTITUTION OF HIGHER LEARNING IN THIS STATE, TO PROVIDE THAT A PUBLIC INSTITUTION OF HIGHER LEARNING IN THIS STATE SHALL NOT ACCEPT A MATRICULA CONSULAR CARD OR A SUBSTANTIALLY SIMILAR DOCUMENT ISSUED BY A CONSULATE OR EMBASSY OF ANOTHER COUNTRY AS VERIFICATION OF A PERSON’S LAWFUL PRESENCE IN THE UNITED STATES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 8‑14‑20(B) of the 1976 Code is amended to read:

“(B) A public employer may not enter into a services contract with a contractor for the physical performance of services within this State unless the contractor agrees:

(1) to register and participate in the federal work authorization program to verify the employment authorization of all new employees; and require agreement from its subcontractors, and through the subcontractors, the sub‑subcontractors, to register and participate in the federal verification of the employment authorization of all new employees; or

(2) to employ only workers who:

(a) possess a valid South Carolina driver’s license or identification card issued by the South Carolina Department of Motor Vehicles;

(b) are eligible to obtain a South Carolina driver’s license or identification card in that they meet the requirements set forth in Sections 56‑1‑40 through 56‑1‑90. A worker is not eligible to obtain a South Carolina driver’s license or identification card, if the worker’s only proof of identification is a matricula consular card or a substantially similar document issued by a consulate or embassy of another country; or

(c) possess a valid driver’s license or identification card from another state where the license requirements are at least as strict as those in South Carolina, as determined by the Executive Director of the South Carolina Department of Motor Vehicles, or his designee. A state that accepts a matricula consular card or a substantially similar document issued by a consulate or embassy of another country as proof of identification for purposes of issuing a driver’s license or identification card is not a state where the license requirements are at least as strict as those in South Carolina. The Executive Director of the South Carolina Department of Motor Vehicles, or his designee, shall publish on its website a list of states where the license requirements are at least as strict as those in South Carolina.”

SECTION 2. Section 8‑29‑10(D) of the 1976 Code is amended to read:

“(D) Verification of lawful presence in the United States by the agency or political subdivision required to make such verification must occur as follows:

(1) the applicant must execute an affidavit that he is a United States citizen or legal permanent resident eighteen years of age or older; or

(2) the applicant must execute an affidavit that he or she is a qualified alien or nonimmigrant under the Federal Immigration and Nationality Act, Public Law 82‑414, eighteen years of age or older, and lawfully present in the United States.

An agency or political subdivision shall not accept a matricula consular card or a substantially similar document issued by a consulate or embassy of another country as verification of a person’s lawful presence in the United States.”

SECTION 3. Section 41‑8‑20(B) of the 1976 Code is amended to read:

“(B) On and after July 1, 2009, all private employers of one hundred or more employees who are required by federal law to complete and maintain federal employment eligibility verification forms or documents must:

(1) register and participate in the E‑Verify federal work authorization program, or its successor, to verify information of all new employees, and verify the work authorization of every new employee within five business days after employing a new employee; or

(2) employ only workers who, at the time of employment:

(a) possess a valid South Carolina driver’s license or identification card issued by the South Carolina Department of Motor Vehicles;

(b) are eligible to obtain a South Carolina driver’s license or identification card in that they meet the requirements set forth in Sections 56‑1‑40 through 56‑1‑90. A worker is not eligible to obtain a South Carolina driver’s license or identification card, if the worker’s only proof of identification is a matricula consular card or a substantially similar document issued by a consulate or embassy of another country; or

(c) possess a valid driver’s license or identification card from another state where the license requirements are at least as strict as those in South Carolina, as determined by the director. The Executive Director of the Department of Motor Vehicles, or his designee, shall determine which states have driver’s license requirements that are at least as strict as those in South Carolina, and shall develop and periodically update a list of the states. A state that accepts a matricula consular card or a substantially similar document issued by a consulate or embassy of another country as proof of identification for purposes of issuing a driver’s license or identification card is not a state where the license requirements are at least as strict as those in South Carolina. The Department of Motor Vehicles shall provide the director with a copy of the list and all updates to the list. The director shall publish the list on the Department of Labor, Licensing and Regulation’s website.”

SECTION 4. Section 59‑101‑430 of the 1976 Code is amended to read:

“Section 59‑101‑430. (A) An alien unlawfully present in the United States is not eligible to attend a public institution of higher learning in this State, as defined in Section 59‑103‑5. The trustees of a public institution of higher learning in this State shall develop and institute a process by which lawful presence in the United States is verified. In doing so, institution personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien’s immigration status with the federal government pursuant to 8 USC Section 1373(c). A public institute of higher learning in this State shall not accept a matricula consular card or a substantially similar document issued by a consulate or embassy of another country as verification of a person’s lawful presence in the United States.

(B) An alien unlawfully present in the United States is not eligible on the basis of residence for a public higher education benefit including, but not limited to, scholarships, financial aid, grants, or resident tuition.”

SECTION 5. This act takes effect upon approval by the Governor.

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