

1-1-2009

## California Taxpayer Protection Act. Verson3

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September 21, 2009

California Attorney General Edmund G. Brown Jr.  
Attn: Krystal Paris, Initiative Coordinator  
1300 I Street, 17<sup>th</sup> Floor, Post Office Box 944255  
Sacramento, California 94244-2550

**RECEIVED**

**SEP 23 2009**

**INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE**

This is the written request for preparation of title and summary of the chief purposes and points of the proposed initiative measure, known as the California Taxpayer Protection Act of 2010. This text of the initiative is attached.

Proponent: Ted Hilton TED HILTON

I, Ted Hilton, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

\_\_\_\_\_  
(Signature of Proponent)

Dated this 21<sup>st</sup> day of SEPTEMBER 2009

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1. This measure shall be known and may be cited as the California Taxpayer Protection Act of 2010.**

**SECTION 2. Section 27 is added to the Government Code, to read:**

**27. (a) (1) Except as provided in paragraph (2) or where exempted by federal law, every agency or a political subdivision of this state shall verify the lawful presence in the United States of any natural person fourteen (14) years of age or older who has applied for state or local benefits, as defined in 8 U.S.C., Section 1621 on June 1, 2010, or for federal public benefits as defined in 8 U.S.C., Section 1611 on June 1, 2010, that are administered by an agency or political subdivision of this state.**

**(2) Verification of lawful presence under the provisions of this section shall not be required:**

**(A) For any purpose for which lawful presence in the United States is not restricted by law, ordinance or regulation.**

**(B) For emergency medical care and other assistance exempt from verification as described in Section 1611 (b) of, and Section 1621 (b) of, Title 8 of the United States Code, on June 1, 2010.**

**(b) (1) Verification of lawful presence in the United States by the agency or political subdivision required to make such verification shall require that the applicant execute an affidavit under penalty of perjury that:**

**(A) He or she is a United States citizen; or**

**(B) He or she is a qualified alien under the federal Immigration and Nationality Act and is lawfully present in the United States.**

**(2) For an applicant who has executed the affidavit described in subparagraph (B), eligibility for benefits shall be verified through the Systematic Alien Verification for Entitlements (SAVE) Program operated by the United States Department of Homeland Security, or an equivalent program designated by the United States Department of Homeland Security. Until this eligibility verification is made, the affidavit may be presumed to be proof of lawful presence for the purposes of this section.**

**(3) The California Health and Human Services Agency shall adopt regulations to provide for the adjudication of extraordinary individual circumstances under which the verification procedures imposed by this section would impose undue hardship on a legal resident of California.**

**(c) (1) If an ineligible applicant, as defined in paragraph (2), is unable to satisfy the verification requirements of subdivision (b) when applying for a public benefit on behalf of a person who is determined to be eligible, a copy of the application shall be provided to the United States Department of Homeland Security, or its successor.**

**(2) For purposes of this subdivision, "ineligible applicant" means a parent, relative, or guardian, applying on behalf of an eligible person for a state or local public benefit or federal public benefit, as defined in paragraph (1) of subdivision (a), who is a member of the same household as the eligible person.**

**(d) (1) A person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit executed pursuant to subdivision (b) shall be subject to the penalties specified in Section 114 of the Penal Code.**

**(2) An officer or employee of an agency or political subdivision of the state who provides any state, local, or federal public benefits in violation of the requirements of this section is guilty of a misdemeanor.**

**SECTION 3. Section 102425.5 is added to the Health and Safety Code, to read:**

**102425.5. (a) Notwithstanding any other provision of law, a certificate of live birth as described in Section 102425 shall be registered for a birth that occurs on or after December 1, 2010, only after compliance with Section 102425 and subdivision (b) or (c) of this section.**

**(b) (1) The parent or parents registering a birth, either in person to the local registrar, or at the time of the child's birth to a hospital official, shall be required to execute an affidavit under penalty of perjury, stating the signer's social security number and either of the following that:**

**A) He or she is a citizen, or national of the United States.**

**B) He or she is an alien lawfully admitted for permanent residence who maintains his or her residence in the United States.**

**(2) The local registrar shall verify an affidavit executed pursuant to subparagraph (B), through the United States Citizenship and Immigration Services (USCIS), or an equivalent program designated by the United States Department of Homeland Security.**

**(c) (1) If neither parent has provided the documentation required under subdivision (b), a certificate of live birth as described in Section 102425 shall be registered for a birth that occurs on or after December 1, 2010, only after the birth mother appears in person before the local registrar and provides the local registrar with all of the following:**

**(A) Either of the following documents, which shall be photocopied by the local registrar:**

**(i) A United States-issued document with photograph proving lawful status in the United States.**

**(ii) An official foreign government-issued identification document with photograph.**

**(B) Documentation proving current United States address.**

**(C) Documentation of all hospital birth delivery costs paid with public funds, which shall constitute a public record.**

**(D) A fingerprint.**

**(E) An additional fee of fifty dollars (\$50), paid in cash or by money order.**

**(2) The information obtained pursuant to paragraph (1) shall constitute an official government record. The local registrar shall provide this information to the United States Department of Homeland Security, or its successor. The local registrar shall provide this information to any state or federal agency, upon request.**

**(3) A certificate of live birth registered pursuant to this subdivision shall contain a space for the printed words "Foreign Parent," if applicable to the documentation presented.**

**SECTION 4.** Section 10003 is added to the Welfare and Institutions Code, to read:

**10003.** To the extent permitted under federal law, an ineligible applicant, as defined in paragraph (2) of subdivision (c) of Section 27 of the Government Code, who files an application on behalf of an eligible recipient for publicly funded social services that constitute a state or local benefit as defined in subsection (c) of Section 1621 of Title 8 of the United States Code on June 1, 2010, that are funded by state block grants, or other state or local funds, shall be subject to the verification requirements under subdivision (b) of Section 27 of the Government Code as a condition of establishing the recipient's initial eligibility, or upon re-determination of eligibility, as a condition of the eligible recipient receiving the state or local benefit.

**SECTION 5.** Section 11200.1 is added to the Welfare and Institutions Code, to read:

**11200.1. (a)** Notwithstanding any other provision of law, commencing on the first day of the first calendar quarter after the effective date of this section, aid under this chapter shall be provided only to an assistance unit that includes one or more aided adults.

**(b)** If subdivision (a) is not upheld in a court of law, a child in a child-only CalWORKS case shall be prohibited from receiving benefits for more than five years.

**SECTION 6.** The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.