

Senate Bill 336

By: Senators Rogers of the 21st, Pearson of the 51st, Seabaugh of the 28th, Schaefer of the 50th, Douglas of the 17th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial
2 relations, so as to enact the "Georgia Fair Employment Act"; to provide a short title; to define
3 terms; to state certain legislative findings; to provide certain exceptions to the Act; to make
4 certain discharge of employees an unfair trade practice; to authorize a certain cause of action;
5 to prohibit certain compensation as certain tax deductions; to require suspension of certain
6 certificates of incorporation under certain circumstances; to require participation in certain
7 programs as condition for certain contracts or grants; to provide for construction of the Act;
8 to provide for other related matters; to provide an effective date; to repeal conflicting laws;
9 and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations,
13 is amended by inserting at the end thereof a new Chapter 16 to read as follows:

14 "CHAPTER 16

15 34-16-1.

16 This chapter shall be known and may be cited as the 'Georgia Fair Employment Act.'

17 34-16-2.

18 As used in this chapter, the term:

19 (1) 'Basic pilot program' means the electronic verification of work authorization program
20 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, P.L.
21 104-208, Division C, Section 403(a); 8 U.S.C. Section 1324(a), and operated by the
22 United States Department of Homeland Security.

1 (2) 'Employee' means any person performing or applying for work or service of any kind
2 or character for hire.

3 (3) 'Employer' means any person employing or seeking to employ any person for hire.

4 (4) 'Employment' means the act of employing or state of being employed, engaged, or
5 hired.

6 (5) 'Illegal laborer,' 'unauthorized alien,' or 'illegal alien' means any person that is an
7 undocumented immigrant who is in this country illegally and is performing or applying
8 for work or service of any kind or character for hire.

9 34-16-3.

10 (a) The General Assembly finds that employers in this state who use illegal laborers have
11 systematically distorted the labor market of this state by reducing wages, adversely
12 affecting working conditions, and evading taxes. Employment of unauthorized illegal
13 laborers should be viewed as any other illegal business practice, that is, a means to exploit
14 others and to gain an advantage over law-abiding competitors.

15 (b) The General Assembly further finds that the United States has established and
16 maintains a national program for the electronic verification of work authorization, the Basic
17 Pilot Program, which enables employers to verify promptly and accurately the employment
18 eligibility of all job applicants.

19 34-16-4.

20 This chapter shall not apply to any business domiciled in this state which:

21 (1) Has enrolled and participates in the Basic Pilot Program; or

22 (2) Is exempt from compliance with federal employment verification procedures under
23 federal law which makes the employment of unauthorized aliens unlawful.

24 34-16-5.

25 The discharge of any United States citizen or permanent resident alien employee by an
26 employer of this state who, on the date of the discharge, employed an unauthorized alien
27 shall be an unfair trade practice as defined in Chapter 1 of Title 10. The discharged
28 employee shall have a private cause of action for such unfair trade practice.

29 34-16-6.

30 (a) Compensation, whether in money or in kind or in services, provided to any illegal alien
31 shall not be allowed as a business expense deduction from any income or business taxes
32 returned to this state.

1 (b) Any corporation operating in this state in violation of this chapter shall have its
2 certificate of incorporation suspended.

3 34-16-7.

4 The State of Georgia shall require, as a condition of the award of a contract or a grant to
5 any business or enterprise, that the business or enterprise shall enroll and participate in the
6 Basic Pilot Program.

7 34-16-8.

8 The provisions of this chapter shall be construed so as to be fully consistent with federal
9 immigration law."

10 **SECTION 2.**

11 This Act shall become effective on January 1, 2006.

12 **SECTION 3.**

13 All laws and parts of laws in conflict with this Act are repealed.