

House Bill 1259

By: Representatives Reese of the 98th, Rice of the 51st, Austin of the 10th, Parsons of the 42nd,
Loudermilk of the 14th, and others

A BILL TO BE ENTITLED
AN ACT

1 To enact the "Georgia Employer and Worker Protection Act of 2010"; to provide for a short
2 title; to amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to
3 general provisions applicable to counties and municipal corporations, so as to require
4 participation in the federal employment eligibility verification system as a condition of
5 obtaining a business license or occupational tax certificate; to provide for related matters; to
6 provide for an effective date and applicability; to repeal conflicting laws; and for other
7 purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Georgia Employer and Worker Protection
11 Act of 2010."

12 **SECTION 2.**

13 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general
14 provisions applicable to counties and municipal corporations, is amended by revising Code
15 Section 36-60-6, relating to the issuance of local business licenses and evidence of state
16 licensure, as follows:

17 "36-60-6.

18 (a) Before any county or municipal corporation issues a business license or occupational
19 tax certificate to any person engaged in a profession or business required to be licensed by
20 the state under Title 43, the person must provide evidence of such licensure to the
21 appropriate agency of the county or municipal corporation that issues business licenses.
22 No business license shall be issued to any person subject to licensure under Title 43
23 without evidence of such licensure being presented.

24 (b) Any person presenting false or misleading evidence of such state licensure shall be
25 guilty of a misdemeanor.

26 (b) In addition to the requirements of subsection (a) of this Code section, before any
27 county or municipal corporation issues or renews a business license or occupational tax
28 certificate to any business, the business shall obtain authorization to use and agree to use,
29 as a condition of being issued a business license or occupational tax certificate, the federal
30 employment eligibility verification system known as E-Verify or any future replacement
31 employment eligibility verification system. In order to ensure compliance with this
32 subsection, any county or municipal corporation issuing a business license or occupational
33 tax certificate shall require, as a part of the application process, a notarized sworn affidavit
34 from each applicant attesting that he or she will utilize the employment eligibility
35 verification system. The affidavit shall include the federally assigned user number and date
36 of authority and shall express an intent to continually use the system in accordance with
37 federal regulations.

38 (c) Any county or municipal corporation issuing a business license or occupational tax
39 certificate shall annually provide to the Department of Audits and Reports, not later than
40 December 31 of each year, a report demonstrating compliance with the provisions of this
41 Code section. Each year, the Department of Audits and Reports shall conduct an annual
42 audit of no fewer than 25 percent of such reporting agencies. The Department of Audits
43 and Reports shall publish not later than February 1 of each year a report of the department's
44 audit findings."

45 **SECTION 3.**

46 This Act shall become effective on July 1, 2010, and shall apply to business licenses or
47 occupational tax certificates issued on or after such date.

48 **SECTION 4.**

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