

House Bill 2 (RULES COMMITTEE SUBSTITUTE)

By: Representatives Rice of the 51st, Peake of the 137th, Lindsey of the 54th, and Graves of the 12th

A BILL TO BE ENTITLED
AN ACT

1 To revise provisions relating to verification of lawful presence of persons receiving public
2 benefits or working for public employers or contractors; to amend Article 1 of Chapter 2 of
3 Title 32 of the Official Code of Georgia Annotated, relating to the Department of
4 Transportation in general, so as to provide that the department shall not fund Local
5 Assistance Road Program projects submitted by counties and municipalities not in
6 compliance with employee and public benefit requirements; to provide for certification and
7 verification of compliance; to amend Code Section 50-36-1 of the Official Code of Georgia
8 Annotated, relating to verification of lawful presence within United States of persons
9 applying for public benefits, so as to specify the types of local government actions for which
10 verification is required; to provide for related matters; to repeal conflicting laws; and for
11 other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 Article 1 of Chapter 2 of Title 32 of the Official Code of Georgia Annotated, relating to the
15 Department of Transportation in general, is amended by adding a new Code section to read
16 as follows:

17 "32-2-9.

18 (a) On and after January 1, 2010, the department shall not fund any Local Assistance Road
19 Program project submitted by a county or municipality unless the county or municipality:

20 (1) Is in compliance with Code Section 13-10-91 as determined by the department; and

21 (2) Is in compliance with Code Section 50-36-1 as determined by the department.

22 (b) In the event that funding is withheld because a local government fails to meet the terms
23 of subsection (a) of this Code section, the local government shall become eligible for the
24 project funding once compliance is established.

25 (c) In applying this Code section to counties, withholding of grants shall apply only with
 26 respect to failure to comply by the county governing authority or agents or employees over
 27 whom the county governing authority has management control.

28 (d) No grant shall be denied to a local government due to the failure of the United States
 29 Department of Homeland Security or any successor agency to process, register, or respond
 30 to a local government request.

31 (e) Each county and municipality in the state shall annually certify and demonstrate to the
 32 department its compliance with Code Sections 13-10-91 and 50-36-1 in such manner as
 33 specified by rules and regulations adopted by the department. Compliance shall consist of
 34 taking all reasonably necessary steps to participate in the federal work authorization
 35 program and the SAVE program or any successor federal programs, including conformity
 36 with any federal agency requirements such as providing any required copies of statutory
 37 authorization and any required affidavits, letters, memorandums of understanding, or other
 38 documentation. Verification of the work authorization status of prison labor shall not be
 39 required for compliance. The department shall evaluate the certifications so made and
 40 may:

41 (1) Disapprove a certification so made if the department finds that the county or
 42 municipality is not in compliance after giving the county or municipality notice of its
 43 preliminary finding and an opportunity to submit further evidence of compliance; or

44 (2) Require any county or municipality to provide further information as needed by the
 45 department to make its determination with respect to compliance.

46 A disapproval of certification or a failure to seek certification shall result in ineligibility
 47 under subsection (a) of this Code section. The department shall make an annual report of
 48 the counties and municipalities determined to be in compliance and shall transmit copies
 49 of the annual report to the appropriations committees of the Senate and House of
 50 Representatives.

51 (f) This Code section shall not affect the funding of:

52 (1) Any project approved by the department prior to January 1, 2010; or

53 (2) A project where the county was in compliance at the time of project approval but
 54 later becomes noncompliant."

55 **SECTION 2.**

56 Code Section 50-36-1 of the Official Code of Georgia Annotated, relating to verification of
 57 lawful presence within United States of persons applying for public benefits, is amended by
 58 revising subsection (a) as follows:

59 "(a)(1) Except as provided in subsection (c) of this Code section or where exempted by
 60 federal law, on or after July 1, 2007, every agency or a political subdivision of this state

61 shall verify the lawful presence in the United States of any natural person 18 years of age
62 or older who has applied for state or local public benefits, as defined in 8 U.S.C. Section
63 1621, or for federal public benefits, as defined in 8 U.S.C. Section 1611, that is
64 administered by an agency or a political subdivision of this state.

65 (2) Except as provided in subsection (b) of this Code section or where exempted by
66 federal law, as it relates to Georgia, the term 'local public benefits' shall include, but not
67 be limited to, any license which is issued as a precondition for engaging in business or
68 any other local public benefit provided by a local government."

69 **SECTION 3.**

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