

Senate Bill 217

By: Senators Hill of the 32nd and Rogers of the 21st

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 10 of Title 13 of the Official Code of Georgia Annotated,
2 relating to security and immigration compliance, so as to provide for an exception to the
3 public works affidavit requirement to demonstrate participation in the federal work
4 authorization program for persons who have no employees and do not intend to hire any
5 employees; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 3 of Chapter 10 of Title 13 of the Official Code of Georgia Annotated, relating to
9 security and immigration compliance, is amended by revising paragraph (2) of subsection (b)
10 of Code Section 13-10-91, relating to verification of new employee eligibility, applicability,
11 and rules and regulations, as follows:

12 "(2) No contractor or subcontractor who enters a contract pursuant to this chapter with
13 a public employer or a contractor of a public employer shall enter into such a contract or
14 subcontract in connection with the physical performance of services within this state
15 unless the contractor or subcontractor registers and participates in the federal work
16 authorization program to verify information of all newly hired employees. Any
17 employee, contractor, or subcontractor of such contractor or subcontractor shall also be
18 required to satisfy the requirements of this paragraph. In lieu of the affidavit required by
19 this subsection, a contractor or subcontractor who has no employees and does not hire or
20 intend to hire employees for purposes of satisfying or completing the terms and
21 conditions of any part or all of the original contract with the public employer shall instead
22 provide a copy of the federally issued documents demonstrating lawful presence in this
23 country if a non-citizen or alien or a copy of the state issued driver's license of each
24 independent contractor, consultant, or any and all workers paid using a federal Form 1099
25 statement utilized in the satisfaction of part or all of the original contract with the public
26 employer. A driver's license shall only be accepted in lieu of an affidavit if it is issued

27 by a state within the United States and such state verifies lawful presence in the United
28 States according to all federal immigration laws as a condition of issuance of such driver's
29 license. In the event that the contractor or subcontractor later determines that he or she
30 will need to hire employees to satisfy or complete the performance of services under the
31 applicable contract, then he or she shall first be required to comply with the affidavit
32 requirements of this subsection."

33 **SECTION 2.**

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