

LOST

Senators Rogers of the 21st, Murphy of the 27th and Mullis of the 53rd offered the following amendment:

1 *Amend the Senate Judiciary Committee Substitute to HB 87 (LC 35 2271S) by deleting lines*
 2 *33 through 37 and inserting in lieu thereof:*

3 authorities from adopting immigration sanctuary policies; to amend Chapter 36 of Title 50
 4 of the Official Code of Georgia Annotated,

5 *By deleting lines 504 through 545 and inserting in lieu thereof the following:*

6 "36-60-6.

7 (a) Every private employer with more than ten employees shall register with and utilize
 8 the federal work authorization program, as defined by Code Section 13-10-90. The
 9 requirements of this subsection shall be effective on July 1, 2012, as to employers with 100
 10 or more employees and on December 31, 2012, as to employers with more than ten
 11 employees.

12 (b) For purposes of this Code section, the term 'employee' shall have the same meaning as
 13 set forth in subparagraph (A) of paragraph (1.1) of Code Section 48-13-5, provided that
 14 such person is also employed to work not less than 35 hours per week.

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

22 (d) Before any county or municipal corporation issues or renews a business license,
 23 occupational tax certificate, or other document required to operate a business to any person,
 24 the person shall provide evidence that he or she is authorized to use the federal work
 25 authorization program or evidence that the provisions of this Code section do not apply.
 26 Evidence of such use shall be in the form of a sworn affidavit attesting that he or she
 27 utilizes the federal work authorization program in accordance with federal regulations or
 28 that he or she employs fewer than 11 employees. Whether an employer is exempt from
 29 using the federal work authorization program as required by this Code section shall be
 30 determined by the number of employees employed by such employer on January 1 of the
 31 year during which the affidavit is submitted. The affidavit shall include the person's
 32 federally assigned employment eligibility verification system user number and the date of

33 authority for use. The requirements of this subsection shall be effective on July 1, 2012,
34 as to employers with 100 or more employees and on December 31, 2012, as to employers
35 with more than ten employees.

36 (e) Any county or municipal corporation issuing or renewing a business license,
37 occupational tax certificate, or other document required to operate a business shall provide
38 to the Department of Audits and Accounts not later than December 31 of each year a report
39 demonstrating that such county or municipality is acting in compliance with the provisions
40 of this Code section. This annual report shall identify each license or certificate issued by
41 the agency in the preceding 12 months and include the name of the person and business
42 issued a license or other document and his or her federally assigned employment eligibility
43 verification system user number as provided in the affidavit submitted at the time of
44 application. Subject to funding, the Department of Audits and Accounts shall annually
45 conduct an audit of no fewer than 20 percent of such reporting agencies.

46 (f) In order to assist private businesses and counties and municipal corporations in
47 complying with the provisions of this Code section, the Department of Audits and
48 Accounts shall provide a standardized form affidavit which may be used as acceptable
49 evidence demonstrating use of the federal employment eligibility verification system or
50 that the provisions of subsection (b) of this Code section do not apply to the applicant. The
51 form affidavit shall be posted by the Department of Audits and Accounts on the agency's
52 official website no later than July 1, 2011.

53 (g) Once an applicant for a business license, occupational tax certificate, or other
54 document required to operate a business has submitted an affidavit with a federally
55 assigned employment eligibility verification system user number, he or she shall not be
56 authorized to submit a renewal application using a new or different federally assigned
57 employment eligibility verification system user number, unless accompanied by a sworn
58 document explaining the reason such applicant obtained a new or different federally
59 assigned employment eligibility verification system user number.

60 (b)(h) Any person presenting false or misleading evidence of such state licensure shall be
61 guilty of a misdemeanor. Any person, including any government official or employee,
62 knowingly acting in violation of this Code section shall be guilty of a misdemeanor;
63 provided, however, that any person who knowingly submits a false or misleading affidavit
64 pursuant to this Code section shall be guilty of submitting a false document in violation of
65 Code Section 16-10-20. It shall be a defense to a violation of this Code section that such
66 person acted in good faith and made a reasonable attempt to comply with the requirements
67 of this Code section.

68 (i) Documents required by this Code section may be submitted electronically, provided the
69 submission complies with Chapter 12 of Title 10.

70 (j) The Attorney General shall be authorized to conduct an investigation and bring any
71 criminal or civil action he or she deems necessary to ensure compliance with the provisions
72 of this Code section."

73 *By deleting lines 656 through 686 and redesignating Sections 18 through 24 as Sections 17*
74 *through 23, respectively.*

75 *By deleting "19" on line 780 and replacing it with "18".*