

SENATE AMENDMENT TO HB 87

ADOPTED SENATE

1 *Amend the House Amendment to the As Passed Senate version of HB 87 (AM 35 0260) by*
 2 *inserting after "Board;" on line 37 the following:*

3 to establish a study on the impact of immigration reform on Georgia's agricultural industry
 4 within the Department of Agriculture;

5 *By deleting "of a witness with knowledge" on line 391.*

6 *By deleting lines 538 through 609 and inserting in lieu thereof the following:*

7 **SECTION 12.**

8 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general
 9 provisions applicable to local governments, is amended by revising Code Section 36-60-6,
 10 relating to issuance of local business licenses and evidence of state licensure, as follows:

11 "36-60-6.

12 (a) Every private employer with more than ten employees shall register with and utilize
 13 the federal work authorization program, as defined by Code Section 13-10-90. The
 14 requirements of this subsection shall be effective on January 1, 2012, as to employers with
 15 500 or more employees, on July 1, 2012, as to employers with 100 or more employees but
 16 fewer than 500 employees, and on July 1, 2013, as to employers with more than ten
 17 employees but fewer than 100 employees.

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

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

28 (d) Before any county or municipal corporation issues or renews a business license,
 29 occupational tax certificate, or other document required to operate a business to any person,
 30 the person shall provide evidence that he or she is authorized to use the federal work
 31 authorization program or evidence that the provisions of this Code section do not apply.

32 Evidence of such use shall be in the form of an affidavit as provided by the Attorney
33 General in subsection (f) of this Code section attesting that he or she utilizes the federal
34 work authorization program in accordance with federal regulations or that he or she
35 employs fewer than 11 employees or otherwise does not fall within the requirements of this
36 Code section. Whether an employer is exempt from using the federal work authorization
37 program as required by this Code section shall be determined by the number of employees
38 employed by such employer on January 1 of the year during which the affidavit is
39 submitted. The affidavit shall include the employer's federally assigned employment
40 eligibility verification system user number and the date of authority for use. The
41 requirements of this subsection shall be effective on January 1, 2012, as to employers with
42 500 or more employees, on July 1, 2012, as to employers with 100 or more employees but
43 fewer than 500 employees, and on July 1, 2013, as to employers with more than ten
44 employees but fewer than 100 employees.

45 (e) Beginning December 31, 2012, and annually thereafter, any county or municipal
46 corporation issuing or renewing a business license, occupational tax certificate, or other
47 document required to operate a business shall provide to the Department of Audits and
48 Accounts a report demonstrating that such county or municipality is acting in compliance
49 with the provisions of this Code section. This annual report shall identify each license or
50 certificate issued by the agency in the preceding 12 months and include the name of the
51 person and business issued a license or other document and his or her federally assigned
52 employment eligibility verification system user number as provided in the affidavit
53 submitted at the time of application. Subject to funding, the Department of Audits and
54 Accounts shall annually conduct an audit of no fewer than 20 percent of such reporting
55 agencies.

56 (f) In order to assist private businesses and counties and municipal corporations in
57 complying with the provisions of this Code section, the Attorney General shall provide a
58 standardized form affidavit which may be used as acceptable evidence demonstrating use
59 of the federal employment eligibility verification system or that the provisions of
60 subsection (b) of this Code section do not apply to the applicant. The form affidavit shall
61 be posted by the Attorney General on the Department of Law's official website no later
62 than January 1, 2012.

63 (g) Once an applicant for a business license, occupational tax certificate, or other
64 document required to operate a business has submitted an affidavit with a federally
65 assigned employment eligibility verification system user number, he or she shall not be
66 authorized to submit a renewal application using a new or different federally assigned
67 employment eligibility verification system user number, unless accompanied by a sworn

68 document explaining the reason such applicant obtained a new or different federally
 69 assigned employment eligibility verification system user number.

70 ~~(b)~~(h) Any person presenting false or misleading evidence of such state licensure shall be
 71 guilty of a misdemeanor. Any government official or employee knowingly acting in
 72 violation of this Code section shall be guilty of a misdemeanor; provided, however, that
 73 any person who knowingly submits a false or misleading affidavit pursuant to this Code
 74 section shall be guilty of submitting a false document in violation of Code Section
 75 16-10-20. It shall be a defense to a violation of this Code section that such person acted
 76 in good faith and made a reasonable attempt to comply with the requirements of this Code
 77 section.

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

80 (j) The Attorney General shall be authorized to conduct an investigation and bring any
 81 criminal or civil action he or she deems necessary to ensure compliance with the provisions
 82 of this Code section. The Attorney General shall provide an employer who is found to
 83 have committed a good faith violation of this Code section 30 days to demonstrate to the
 84 Attorney General that such employer has come into compliance with this Code section.
 85 During the course of any investigation of violations of this Code section, the Attorney
 86 General shall also investigate potential violations of Code Section 16-9-121.1 by
 87 employees that may have led to violations of this Code section."

88 *By inserting between lines 867 and 868 the following:*

89 **SECTION 20.1.**

90 WHEREAS, Georgia's agricultural industry is a vital pillar for this state's economy and
 91 essential to the quality of life enjoyed by all Georgians; and

92 WHEREAS, understanding the impact of immigration reform measures on Georgia's
 93 important agricultural industry is a fundamental key to the implementation of immigration
 94 reform in a manner that is in the best interests of this state; and

95 WHEREAS, the General Assembly recognizes that the federal guest worker program,
 96 designated the H-2A visa program, for temporary and seasonal agriculture immigrant
 97 workers is administratively cumbersome and flawed; and

1 WHEREAS, both Georgia and federal law fail to address many of the legal, economic, and
2 security aspects of immigration issues facing our state and especially our agricultural
3 industry; and

4 WHEREAS, these issues of great importance to the economy and of this state have not
5 before received extensive study by the Georgia General Assembly and merit such detailed
6 and specialized consideration at this time.

7 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
8 GEORGIA that the Department of Agriculture is directed to conduct a study of the
9 conditions, needs, issues, and problems mentioned above or related thereto and recommend
10 any actions or legislation that the department deems necessary or appropriate. The
11 Department of Agriculture shall consider the current and future impact of immigration on the
12 state agricultural industry. The department shall work in conjunction with and collect expert
13 testimony and information from the United States Department of Agriculture, the Department
14 of Justice, and other state governments. The department shall specifically address the need
15 for reform of the federal H-2A program and provide recommendations for such federal
16 reform. In addition, the department shall recommend changes needed in Georgia to provide
17 for improvements in the H-2A process, identify where such action may be taken by the state,
18 and provide a report evaluating the legal and economic feasibility of implementing a state
19 guest worker program. The department may conduct such meetings at such places and at
20 such times as it may deem necessary or convenient to enable it to exercise fully and
21 effectively its powers, perform its duties, and accomplish the objectives and purposes of this
22 resolution. The Department of Agriculture shall make a final written report to the Governor,
23 the President of the Senate, and the Speaker of the House of Representatives not later than
24 January 1, 2012. Provided that the provisions of this Act have been complied with, the
25 department shall not have any further obligation to continue such study on or after January
26 1, 2012.