

1 SB71
2 194406-2
3 By Senators Orr, Holley and Allen
4 RFD: Governmental Affairs
5 First Read: 05-MAR-19

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8 SYNOPSIS: Existing law prohibits businesses from
9 knowingly employing or hiring unauthorized aliens
10 to perform work within the State of Alabama and
11 provides penalties.

12 This bill would require any person who
13 applies for a business license or permit from a
14 municipality or county and who employs five or more
15 persons to prove enrollment in E-Verify prior to
16 issuance of a business license or permit, and would
17 provide penalties.

18 Amendment 621 of the Constitution of Alabama
19 of 1901, now appearing as Section 111.05 of the
20 Official Recompilation of the Constitution of
21 Alabama of 1901, as amended, prohibits a general
22 law whose purpose or effect would be to require a
23 new or increased expenditure of local funds from
24 becoming effective with regard to a local
25 governmental entity without enactment by a 2/3 vote
26 unless: it comes within one of a number of
27 specified exceptions; it is approved by the

1 affected entity; or the Legislature appropriates
2 funds, or provides a local source of revenue, to
3 the entity for the purpose.

4 The purpose or effect of this bill would be
5 to require a new or increased expenditure of local
6 funds within the meaning of the amendment. However,
7 the bill does not require approval of a local
8 governmental entity or enactment by a 2/3 vote to
9 become effective because it comes within one of the
10 specified exceptions contained in the amendment.

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT
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16 Relating to immigration; to add Section 31-13-15.1
17 to the Code of Alabama 1975, to require all business license
18 and permit applicants who employ five or more persons to prove
19 enrollment in E-Verify prior to the issuance of a business
20 license or permit by a municipality or county; and in
21 connection therewith would have as its purpose or effect the
22 requirement of a new or increased expenditure of local funds
23 within the meaning of Amendment 621 of the Constitution of
24 Alabama of 1901, now appearing as Section 111.05 of the
25 Official Recompilation of the Constitution of Alabama of 1901,
26 as amended.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 31-13-15.1 is added to the Code
2 of Alabama 1975 to read as follows:

3 §31-13-15.1

4 (a) (1) Before any county or municipality issues a
5 business license, permit, or other document required to
6 operate a business to any person employing at least five
7 persons, the person shall provide evidence that he or she is
8 enrolled in E-Verify or shall provide evidence this section
9 does not apply to the person. Evidence of use of E-Verify
10 shall be in the form of an affidavit as provided by the
11 Attorney General in subsection (b) attesting that the person
12 uses E-Verify in accordance with federal regulations, that the
13 person employs fewer than five persons, or that the person
14 otherwise is not subject to the requirements of this section.
15 The affidavit shall include the employer's federal work
16 authorization user identification number and the date of
17 enrollment unless the applicant is not subject to the
18 requirements of this subsection.

19 (2) Upon satisfying the requirements of subdivision
20 (1), for all subsequent renewals of a business license,
21 permit, or other document, the person shall submit the federal
22 work authorization user identification number to the county or
23 municipality or assert that the person is exempt from this
24 requirement, provided the federal work authorization user
25 number provided for the renewal is the same federal work
26 authorization user number provided in the affidavit under
27 subdivision (1). If the federal work authorization user number

1 is different than the federal work authorization user number
2 provided in the affidavit under subdivision (1), then the
3 person shall be subject to the requirements of subsection (c).

4 (b) The Attorney General shall provide to the public
5 a standardized form affidavit which shall be used as
6 acceptable evidence demonstrating use of E-Verify or that
7 subsection (a) does not apply to the applicant. The form
8 affidavit shall be posted by the Attorney General on the
9 official website of the Office of the Attorney General no
10 later than January 1, 2020.

11 (c) Once an applicant for a business license,
12 permit, or other document required to operate a business has
13 submitted an affidavit with a federally assigned employment
14 eligibility verification system user number, the person may
15 not submit a renewal application using a new or different
16 federally assigned employment eligibility verification system
17 user number unless the application is accompanied by a sworn
18 document explaining the reason the applicant obtained a new or
19 different federally assigned employment eligibility
20 verification system user number.

21 (d) (1) Any person presenting false or misleading
22 evidence of business licensure shall be guilty of a Class C
23 misdemeanor.

24 (2) Any official or employee of a county or
25 municipality knowingly acting in violation of this subsection
26 shall be guilty of a Class C misdemeanor.

1 (3) Any person who knowingly submits a false or
2 misleading affidavit pursuant to subsection (a) shall be
3 guilty of a Class C misdemeanor.

4 (4) It shall be a defense to a violation of this
5 subsection that the person acted in good faith and made a
6 reasonable attempt to comply with its requirements.

7 Section 2. Although this bill would have as its
8 purpose or effect the requirement of a new or increased
9 expenditure of local funds, the bill is excluded from further
10 requirements and application under Amendment 621, now
11 appearing as Section 111.05 of the Official Recompilation of
12 the Constitution of Alabama of 1901, as amended, because the
13 bill defines a new crime or amends the definition of an
14 existing crime.

15 Section 3. This act shall become effective on the
16 first day of the third month following its passage and
17 approval by the Governor, or its otherwise becoming law.