SB107
204105-1
By Senator Orr
RFD: Fiscal Responsibility and Economic Development
First Read: 04-FEB-20
SYNOPSIS: Existing law prohibits businesses from knowingly employing or hiring unauthorized aliens to perform work within the State of Alabama and provides penalties.

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

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the
affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to
the entity for the purpose.

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

A BILL
TO BE ENTITLED
AN ACT

Relating to immigration; to add Section 31-13-15.1
to the Code of Alabama 1975, to require all business license
and permit applicants who employ one or more persons to prove
enrollment in E-Verify prior to the issuance of a business
license or permit by a municipality or county; and in
connection therewith would have as its purpose or effect the
requirement of a new or increased expenditure of local funds
within the meaning of Amendment 621 of the Constitution of
Alabama of 1901, now appearing as Section 111.05 of the
Official Recompilation of the Constitution of Alabama of 1901,
as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
Section 1. Section 31-13-15.1 is added to the Code of Alabama 1975 to read as follows:

§31-13-15.1

(a)(1) Before any county or municipality issues or renews a business license, permit, or other document required to operate a business to any person employing at least one person, the person, pursuant to this section, shall submit an affidavit to the Secretary of State, on a form provided by the Attorney General, attesting that the person uses E-Verify in accordance with federal regulations. The affidavit shall include the employer's federal work authorization user identification number and the date of enrollment, and shall be submitted to the Secretary of State for inclusion on a statewide database as provided for by subsection (c). The affidavit may be submitted electronically on the website for the Secretary of State.

(2) Upon satisfying the requirements of subdivision (1), for all subsequent renewals of a business license, permit, or other document, the person shall submit the federal work authorization user identification number to the county or municipality, provided the federal work authorization user number provided for the renewal is the same federal work authorization user number provided in the affidavit under subdivision (1). If the federal work authorization user number is different than the federal work authorization user number provided in the affidavit under subdivision (1), then the person shall be subject to the requirements of subsection (c).
(b) The Attorney General shall provide to the public a standardized form affidavit which shall be used as acceptable evidence demonstrating use of E-Verify or that the person does not have any employees. The form affidavit shall be posted by the Attorney General on the official website of the Office of the Attorney General no later than January 1, 2021.

(c) The Secretary of State shall create a statewide database, open to and searchable by members of the public, in which affidavits submitted pursuant to this section are catalogued. The Secretary of State shall adopt rules to implement this subsection.

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

(e) An person who knowingly submits a false or misleading affidavit pursuant to this section shall be guilty of a Class C misdemeanor.

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

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