

1 HB99  
2 125659-1  
3 By Representatives Rich, Johnson (W) and Greeson  
4 RFD: Public Safety and Homeland Security  
5 First Read: 01-MAR-11

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8 SYNOPSIS: Existing law does not expressly prohibit a  
9 business entity or a public employer in this state  
10 from employing an unauthorized alien.

11 This bill would make it unlawful for a  
12 business entity with twenty or more employees or a  
13 public employer located in the State of Alabama to  
14 knowingly hire or to recruit for a fee for  
15 employment an unauthorized alien.

16 This bill would also require a business  
17 entity with twenty or more employees or a public  
18 employer to use E-Verify to determine the  
19 employment eligibility of each of its employees and  
20 would require immediate dismissal of any employee  
21 who is an unauthorized alien.

22 This bill would provide for suspension or  
23 revocation of the business license of a business  
24 entity with twenty or more employees for second and  
25 subsequent violations.

26  
27 A BILL

1 TO BE ENTITLED

2 AN ACT

3  
4 Relating to the employment of unauthorized aliens;  
5 to make it unlawful for a business entity with twenty or more  
6 employees or a public employer to hire an unauthorized alien;  
7 to require a business entity with twenty or more employees or  
8 a public employer to use E-Verify; and to provide penalties.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. (a) For the purposes of this act, the  
11 following words shall have the following meanings:

12 (1) ALIEN. Any person who is not a citizen or  
13 national of the United States, as described in Title 8, U.S.C.  
14 §1101, et seq., and any amendments thereto.

15 (2) BUSINESS ENTITY. Any person or group of persons  
16 performing or engaging in any activity, enterprise,  
17 profession, or occupation for gain, benefit, advantage, or  
18 livelihood, whether for profit or not-for-profit which is  
19 required to have a business license. "Business entity" shall  
20 include, but not be limited to, the following:

21 a. Self-employed individuals, business entities  
22 filing articles of incorporation, partnerships, limited  
23 partnerships, limited liability companies, foreign  
24 corporations, foreign limited partnerships, foreign limited  
25 liability companies authorized to transact business in this  
26 state, business trusts, and any business entity that registers  
27 with the Secretary of State.

1           b. Any business entity that possesses a business  
2 license, permit, certificate, approval, registration, charter,  
3 or similar form of authorization issued by a county or a  
4 municipality in the State of Alabama and any business entity  
5 that is operating unlawfully without a business license.

6           (3) EMPLOYEE. Any person directed, allowed, or  
7 permitted to perform labor or service of any kind by a  
8 business entity or public employer, with the exception of  
9 casual domestic labor hired to work in or around the personal  
10 abode of an individual. The employees of an independent  
11 contractor working for a business entity shall not be regarded  
12 as the employees of the business entity, for the purposes of  
13 this act.

14           (4) E-VERIFY. The electronic verification of federal  
15 employment authorization program of the Illegal Immigration  
16 Reform and Immigrant Responsibility Act of 1996, P.L. 104-208,  
17 Division C, Section 403(a); 8 U.S.C. §1324(a), and operated by  
18 the United States Department of Homeland Security, or its  
19 successor program.

20           (5) PUBLIC EMPLOYER. Every department, agency, or  
21 instrumentality of the state or a political subdivision of the  
22 state.

23           (6) UNAUTHORIZED ALIEN. An alien who is not  
24 authorized to work in the United States, as defined in Title  
25 8, U.S.C. §1324a(h) (3).

26           Section 2. (a) It is unlawful for a business entity  
27 with twenty or more employees or a public employer located in

1 the State of Alabama to knowingly hire or to recruit for a fee  
2 for employment an unauthorized alien.

3 (b) Every business entity with twenty or more  
4 employees or a public employer located in this state shall use  
5 E-Verify to determine the employment eligibility of each of  
6 its employees and shall immediately dismiss any employee who  
7 is an unauthorized alien.

8 (c) (1) Upon a first violation of the act, a business  
9 entity with twenty or more employees shall be issued a warning  
10 by the Attorney General. Within 60 days following the first  
11 violation, the Attorney General shall ensure the business  
12 entity with twenty or more employees has come into compliance  
13 with this act.

14 (2) Upon a second violation of this act, a business  
15 entity with twenty or more employees shall have its business  
16 license suspended until the business entity with twenty or  
17 more employees has met the requirements of this act.

18 (3) Upon a third or subsequent violation of this  
19 act, a business entity with twenty or more employees shall  
20 have its business license revoked for one year.

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