

1 SB107  
2 204105-1  
3 By Senator Orr  
4 RFD: Fiscal Responsibility and Economic Development  
5 First Read: 04-FEB-20

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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 one 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  
15

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

17                   (2) Upon satisfying the requirements of subdivision  
18 (1), for all subsequent renewals of a business license,  
19 permit, or other document, the person shall submit the federal  
20 work authorization user identification number to the county or  
21 municipality, provided the federal work authorization user  
22 number provided for the renewal is the same federal work  
23 authorization user number provided in the affidavit under  
24 subdivision (1). If the federal work authorization user number  
25 is different than the federal work authorization user number  
26 provided in the affidavit under subdivision (1), then the  
27 person shall be subject to the requirements of subsection (c).

1           (b) The Attorney General shall provide to the public  
2 a standardized form affidavit which shall be used as  
3 acceptable evidence demonstrating use of E-Verify or that the  
4 person does not have any employees. The form affidavit shall  
5 be posted by the Attorney General on the official website of  
6 the Office of the Attorney General no later than January 1,  
7 2021.

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

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

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

26           Section 2. Although this bill would have as its  
27 purpose or effect the requirement of a new or increased

1 expenditure of local funds, the bill is excluded from further  
2 requirements and application under Amendment 621, now  
3 appearing as Section 111.05 of the Official Recompilation of  
4 the Constitution of Alabama of 1901, as amended, because the  
5 bill defines a new crime or amends the definition of an  
6 existing crime.

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