

Illegal Immigration Reform Enhancements for 2013

Association County Commissioners of Georgia, 4/3/2013

Senate Bill 160

SB 160 passed by conference committee report. The final version of the bill contained most of the language of HB 125 with a few modifications. This law will go into effect on July 1, 2013.

Components of SB 160:

- Changes the definition of "physical performance of services" so that it applies to all labor or service contracts that exceed \$2,499.99 except for services performed by an individual who is licensed pursuant to Title 26, Title 43, or the State Bar of Georgia;
- Removes the minimum employee requirement in the definition of "public employer." This change will not impact counties but may impact county authorities;
- Provides that once the E-Verify private employer affidavit has been submitted to the county, only the E-Verify number has to be provided for subsequent renewals so long as the E-Verify number has not been changed;
- Allows applicants for county "public benefits" (e.g., health benefits, retirement benefits, occupation tax registration, licenses, etc.) to submit their SAVE ("Systematic Alien Verification for Entitlements) affidavit and copies of their secure and identifiable documents by mail or such other standards as are acceptable to the county;
- Allows secure and verifiable documents to be submitted during the nine months prior to the filing of the affidavit so long as the documents have not expired by the time that the affidavit is filed and allows applicants under 18 at the time of application to submit the SAVE affidavit within 30 days after their 18th birthday;
- Provides that SAVE affidavits and the secure and verifiable documents for U.S. citizens do not have to be submitted for the renewal of the public benefit if the applicant has already submitted these documents to the county;
- Adds original birth certificates, certificates of birth issued by the U.S. Department of State as acceptable secure and verifiable documents;
- Prohibits counties from accepting foreign passports as a form of secure and verifiable document unless they are submitted with a I-94, I-95A or I-94W form;
- Removes "contracts" from the list of public benefits and adds drivers' licenses;
- Provides for a definition of SAVE;
- Removes the federal definition of "public benefit;"
- Removes the requirement for the Attorney General's Office to prepare an annual report of public benefits;
- Exempts utility services related to basic needs from the secure and verifiable document requirement;
- Consolidates the two mandated E-Verify reports and the Public Benefits report into one report that is annually submitted to the Department of Audits and Accounts; and
- Provides that agencies and political subdivisions that fail to provide the public benefits section of the immigration report will not be entitled to any financial assistance, funds or grants from the Department of Community Affairs.