

House Bill 125 (COMMITTEE SUBSTITUTE)

By: Representatives Hightower of the 68th, Golick of the 40th, and Jasperse of the 11th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 10 of Title 13 of the Official Code of Georgia Annotated,
2 relating to security and immigration compliance, so as to modify provisions relating to
3 penalties for the failure of a public employer to utilize the federal work authorization
4 program and modify provisions relating to requiring private employers to utilize the federal
5 work authorization program; to provide legislative intent relative thereto; to amend Code
6 Section 36-60-6 of the Official Code of Georgia Annotated, relating to utilization of the
7 federal work authorization program, so as to modify provisions relating to private businesses
8 participating in the employment eligibility verification system prior to the issuance of a
9 business license or other document and provisions related to evidence of state licensure,
10 annual reporting, and violations; to amend Code Section 36-80-23 of the Official Code of
11 Georgia Annotated, relating to prohibition on immigration sanctuary policies by local
12 governmental entities, so as to correct a cross-reference; to amend Chapter 36 of Title 50 of
13 the Official Code of Georgia Annotated, relating to verification of lawful presence within the
14 United States, so as to modify provisions relating to the "Secure and Verifiable Identity
15 Document Act" and the provision of public benefits to illegal aliens and to add new
16 provisions relating to requiring agencies to submit annual immigration compliance reports;
17 to provide for related matters; to provide an effective date; to repeal conflicting laws; and for
18 other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 SECTION 1.

21 Article 3 of Chapter 10 of Title 13 of the Official Code of Georgia Annotated, relating to
22 security and immigration compliance, is amended by revising Code Section 13-10-90,
23 relating to definitions pertaining to security and immigration compliance, as follows:

24 "13-10-90.

25 As used in this article, the term:

26 (1) 'Commissioner' means the Commissioner of Labor.

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(2) 'Contractor' means a person or entity that enters into a contract for the physical performance of services ~~with a public employer.~~

(3) 'Federal work authorization program' means any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify employment eligibility information of newly hired employees, commonly known as E-Verify, or any subsequent replacement program.

(4) 'Physical performance of services' means ~~the building, altering, repairing, improving, or demolishing of any public structure or building or other public improvements of any kind to public real property within this state, including the construction, reconstruction, or maintenance of all or part of a public road; or any other performance of labor or~~ services for a public employer ~~within this state under a contract or other~~ using a bidding process or by contract wherein the labor or services exceed \$2,499.99.

(5) 'Public employer' means every department, agency, or instrumentality of ~~the~~ this state or a political subdivision of ~~the~~ this state ~~with more than one employee.~~

(6) 'Subcontractor' means a person or entity having privity of contract with a contractor, subcontractor, or sub-subcontractor and includes a contract employee or staffing agency.

(7) 'Sub-subcontractor' means a person or entity having privity of contract with a subcontractor or privity of contract with another person or entity contracting with a subcontractor or sub-subcontractor."

SECTION 2.

It is the intent of the General Assembly that all public employers and contractors at every tier and level use the federal work authorization program on all projects, jobs, and work resulting from any bid or contract and that every public employer and contractor working for a public employer take all possible steps to ensure that a legal and eligible workforce is utilized in accordance with federal immigration and employment.

SECTION 3.

Article 3 of Chapter 10 of Title 13 of the Official Code of Georgia Annotated, relating to security and immigration compliance, is amended by revising paragraph (1) of subsection (b) and subparagraph (b)(7)(A) of Code Section 13-10-91, relating to verification of new employee eligibility, applicability, and rules and regulations, as follows:

"(b)(1) A public employer shall not enter into a contract ~~pursuant to this chapter~~ for the physical performance of services unless the contractor registers and participates in the federal work authorization program. Before a bid for any such service is considered by

a public employer, the bid shall include a signed, notarized affidavit from the contractor attesting to the following:

(A) The affiant has registered with, is authorized to use, and uses the federal work authorization program;

(B) The user identification number and date of authorization for the affiant;

(C) The affiant will continue to use the federal work authorization program throughout the contract period; and

(D) The affiant will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the contractor with the same information required by subparagraphs (A), (B), and (C) of this paragraph.

An affidavit required by this subsection shall be considered an open public record once a public employer has entered into a contract for physical performance of services; provided, however, that any information protected from public disclosure by federal law or by Article 4 of Chapter 18 of Title 50 shall be redacted. Affidavits shall be maintained by the public employer for five years from the date of receipt."

~~"(7)(A) Not later than December 31 of each year, a public employer shall submit a compliance report to the state auditor certifying compliance with the provisions of this subsection. Such compliance report shall contain the public employer's federal work authorization program verification user number and date of authorization and the legal name, address, and federal work authorization program user number of the contractor and the date of the contract between the contractor and public employer. Public employers subject to the requirements of this subsection shall provide an annual report to the Department of Audits and Accounts pursuant to Code Section 50-36-4 as proof of compliance with this subsection. Subject to available funding, the state auditor shall conduct annual compliance audits on a minimum of at least one-half of the reporting agencies and publish the results of such audits annually on the department's Department of Audits and Accounts' website on or before September 30."~~

SECTION 4.

Code Section 36-60-6 of the Official Code of Georgia Annotated, relating to utilization of the federal work authorization program, issuance of a business or similar license, evidence of state licensure, annual reporting, form affidavit, violations, and investigations, is amended by revising subsections (d), (e), and (f) as follows:

"(d)(1) Before any county or municipal corporation issues ~~or renews~~ a business license, occupational tax certificate, or other document required to operate a business to any person, the person shall provide evidence that he or she is authorized to use the federal work authorization program or evidence that the provisions of this Code section do not

97 apply. Evidence of such use shall be in the form of an affidavit as provided by the
98 Attorney General in subsection (f) of this Code section attesting that he or she utilizes the
99 federal work authorization program in accordance with federal regulations or that he or
100 she employs fewer than 11 employees or otherwise does not fall within the requirements
101 of this Code section. Whether an employer is exempt from using the federal work
102 authorization program as required by this Code section shall be determined by the
103 number of employees employed by such employer on January 1 of the year during which
104 the affidavit is submitted. The affidavit shall include the employer's federally assigned
105 employment eligibility verification system user number and the date of authority for use.
106 The requirements of this subsection shall be effective on January 1, 2012, as to employers
107 with 500 or more employees, on July 1, 2012, as to employers with 100 or more
108 employees but fewer than 500 employees, and on July 1, 2013, as to employers with more
109 than ten employees but fewer than 100 employees.

110 (2) Upon satisfying the requirements of paragraph (1) of this subsection, for all
111 subsequent renewals of a business license, occupation tax certificate, or other document,
112 the person shall submit to the county or municipality his or her federal work authorization
113 user number or assert that he or she is exempt from this requirement, provided that the
114 federal work authorization user number provided for the renewal is the same federal work
115 authorization user number as provided in the affidavit under paragraph (1) of this
116 subsection. If the federal work authorization user number is different than the federal
117 work authorization user number provided in the affidavit under paragraph (1) of this
118 subsection, then the person shall be subject to the requirements of subsection (g) of this
119 Code section.

120 ~~(e) Beginning December 31, 2012, and annually thereafter, any county or municipal~~
121 ~~corporation issuing or renewing a business license, occupational tax certificate, or other~~
122 ~~document required to operate a business shall provide to the Department of Audits and~~
123 ~~Accounts a report demonstrating that such county or municipality is acting in compliance~~
124 ~~with the provisions of this Code section. This annual report shall identify each license or~~
125 ~~certificate issued by the agency in the preceding 12 months and include the name of the~~
126 ~~person and business issued a license or other document and his or her federally assigned~~
127 ~~employment eligibility verification system user number as provided in the affidavit~~
128 ~~submitted at the time of application. Counties and municipal corporations subject to the~~
129 ~~requirements of this Code section shall provide an annual report to the Department of~~
130 ~~Audits and Accounts pursuant to Code Section 50-36-4 as proof of compliance with this~~
131 ~~Code section. Subject to funding, the Department of Audits and Accounts shall annually~~
132 ~~conduct an audit of no fewer than 20 percent of such reporting agencies.~~

(f) In order to assist private businesses and counties and municipal corporations in complying with the provisions of this Code section, the Attorney General shall provide a standardized form affidavit which ~~may~~ shall be used as acceptable evidence demonstrating use of the federal employment eligibility verification system or that the provisions of subsection (b) of this Code section do not apply to the applicant. The form affidavit shall be posted by the Attorney General on the Department of Law's official website no later than January 1, 2012."

SECTION 5.

Code Section 36-80-23 of the Official Code of Georgia Annotated, relating to prohibition on immigration sanctuary policies by local governmental entities, is amended by revising subsection (c) as follows:

"(c) Any local governing body that acts in violation of this Code section shall be subject to the withholding of state funding or state administered federal funding other than funds to provide services specified in subsection ~~(c)~~ (d) of Code Section 50-36-1."

SECTION 6.

Chapter 36 of Title 50 of the Official Code of Georgia Annotated, relating to verification of lawful presence within the United States, is amended by revising Code Section 50-36-1, relating to verification requirements, procedures, and conditions, exceptions, regulations, and criminal and other penalties for violations, as follows:

"50-36-1.

(a) As used in this Code section, the term:

(1) 'Agency head' means a director, commissioner, chairperson, mayor, councilmember, board member, sheriff, or other executive official, whether appointed or elected, responsible for establishing policy for a public employer.

(2) 'Agency or political subdivision' means any department, agency, authority, commission, or government entity of this state or any subdivision of this state.

(3) 'Applicant' means any natural person, 18 years of age or older, who has made application for access to public benefits on behalf of an individual, business, corporation, partnership, or other private entity.

~~(4)(A) 'Public benefit' means a federal benefit as defined in 8 U.S.C. Section 1611, a state, or local benefit as defined in 8 U.S.C. Section 1621, a benefit identified as a public benefit by the Attorney General of Georgia, or a public benefit which shall include the following:~~

~~(i)(A)~~ (A) Adult education;

~~(ii)(B)~~ (B) Authorization to conduct a commercial enterprise or business;

~~(iii)(C)~~ Business certificate, license, or registration;
~~(iv)(D)~~ Business loan;
~~(v)(E)~~ Cash allowance;
~~(vi)(F)~~ Disability assistance or insurance;
~~(vii)(G)~~ Down payment assistance;
~~(viii)(H)~~ Energy assistance;
~~(ix)(I)~~ Food stamps;
~~(x)(J)~~ Gaming license;
(K) Grants;
~~(xi)(L)~~ Health benefits;
(M) Homestead exemption;
~~(xii)(N)~~ Housing allowance, grant, guarantee, or loan;
~~(xiii)(O)~~ Loan guarantee;
~~(xiv)(P)~~ Medicaid;
~~(xv)(Q)~~ Occupational license;
~~(xvi)(R)~~ Professional license;
(S) Public and assisted housing;
~~(xvii)(T)~~ Registration of a regulated business;
~~(xviii)(U)~~ Rent assistance or subsidy;
(V) Retirement benefits;
~~(xix)(W)~~ State grant or loan;
~~(xx)(X)~~ State issued driver's license and identification card;
~~(xxi)(Y)~~ Tax certificate required to conduct a commercial business;
(Z) Tax credit;
~~(xxii)(AA)~~ Temporary assistance for needy families (TANF);
~~(xxiii)(BB)~~ Unemployment insurance; and
~~(xxiv)(CC)~~ Welfare to work.

~~(B) Each year before August 1, the Attorney General shall prepare a detailed report indicating any 'public benefit' that may be administered in this state as defined in 8 U.S.C. Sections 1611 and 1621 and whether such benefit is subject to SAVE verification pursuant to this Code section. Such report shall provide the description of the benefit and shall be updated annually and distributed to the members of the General Assembly and be posted to the Attorney General's website.~~

(5) 'SAVE program' means the federal Systematic Alien Verification for Entitlements program operated by the United States Department of Homeland Security or a successor program designated by the United States Department of Homeland Security for the same purpose.

(b) Except as provided in subsection (d) of this Code section or where exempted by federal law, every agency or political subdivision shall verify the lawful presence in the United States under federal immigration law of any applicant for public benefits.

(c) This Code section shall be enforced without regard to race, religion, gender, ethnicity, or national origin.

(d) Verification of lawful presence in the United States under federal immigration law under this Code section shall not be required:

(1) For any purpose for which lawful presence in the United States under federal immigration law is not required by law, ordinance, or regulation;

(2) For assistance for health care items and services that are necessary for the treatment of an emergency medical condition, as defined in 42 U.S.C. Section 1396b(v)(3), of the alien involved and are not related to an organ transplant procedure;

(3) For short-term, noncash, in-kind emergency disaster relief;

(4) For public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease;

(5) For programs, services, or assistance such as soup kitchens, crisis counseling and intervention, and short-term shelter specified by the United States Attorney General, in the United States Attorney General's sole and unreviewable discretion after consultation with appropriate federal agencies and departments, which:

(A) Deliver in-kind services at the community level, including through public or private nonprofit agencies;

(B) Do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and

(C) Are necessary for the protection of life or safety;

(6) For prenatal care; or

(7) For postsecondary education, whereby the Board of Regents of the University System of Georgia or the State Board of the Technical College System of Georgia shall set forth, or cause to be set forth, policies regarding postsecondary benefits that comply with all federal law including but not limited to public benefits as described in 8 U.S.C. Section 1611, 1621, or 1623.

(e) All policies of agencies or political subdivisions regarding public benefits for postsecondary education shall comply with federal law as provided in 8 U.S.C. Section 1623.

~~(e)~~(f)(1) An agency or political subdivision providing or administering a public benefit shall require every applicant for such benefit to:

(A) Provide at least one secure and verifiable document, as defined in Code Section 50-36-2, or a copy or facsimile of such document. Any document required by this subparagraph may be submitted by or on behalf of the applicant at any time within nine months prior to the date of application so long as the document remains valid through the licensing or approval period or such other period for which the applicant is applying to receive a public benefit; and

(B) Execute a signed and sworn affidavit verifying the applicant's lawful presence in the United States ~~and stating~~ under federal immigration law; provided, however, that if the applicant is under the age of 18 years at the time of the application, he or she shall execute the affidavit required by this subparagraph within 30 days after his or her eighteenth birthday. Such affidavit shall affirm that:

(i) The applicant is a United States citizen or legal permanent resident 18 years of age or older; or

(ii) The applicant is a qualified alien or nonimmigrant under the federal Immigration and Nationality Act, Title 8 U.S.C., 18 years of age or older lawfully present in the United States and ~~providing~~ provide the applicant's alien number issued by the Department of Homeland Security or other federal immigration agency.

(2) The state auditor shall create affidavits for use under this subsection and shall keep a current version of such affidavits on the Department of Audits and Accounts' official website.

(3) Documents ~~and copies of documents~~ required by this ~~Code section~~ subsection may be submitted in person, by mail, or electronically, provided the submission complies with Chapter 12 of Title 10. Copies of documents submitted in person, by mail, or electronically shall satisfy the requirements of this Code section. For purposes of this paragraph, electronic submission shall include a submission via facsimile, Internet, electronic texting, or any other electronically assisted transmitted method approved by the agency or political subdivision.

(4) The requirements of this subsection shall not apply to any applicant applying for or renewing an application for a public benefit within the same agency or political subdivision if the applicant has previously complied with the requirements of this subsection by submission of a sworn affidavit and a secure and verifiable document, as defined in Code Section 50-36-2, establishing that such applicant is a United States citizen.

~~(f)(g)~~ For any applicant who has executed an affidavit that he or she is an alien lawfully present in the United States, eligibility for public benefits shall be made through the ~~Systematic Alien Verification of Entitlement (SAVE) program operated by the United States Department of Homeland Security or a successor program designated by the United~~

~~States Department of Homeland Security~~ SAVE program. Until such eligibility verification is made, the affidavit may be presumed to be proof of lawful presence in the United States under federal immigration law for the purposes of this Code section.

~~(g)~~(h) Any person who knowingly and willfully makes a false, fictitious, or fraudulent statement of representation in an affidavit executed pursuant to this Code section shall be guilty of a violation of Code Section 16-10-20.

~~(h)~~(i) Verification of citizenship through means required by federal law shall satisfy the requirements of this Code section.

~~(i)~~(j) It shall be unlawful for any agency or political subdivision to provide or administer any public benefit in violation of this Code section. ~~On or before January 1 of each year, each agency or political subdivision which administers any public benefit shall provide an annual report to the Department of Community Affairs that identifies each public benefit, as defined in subparagraph (a)(3)(A) of this Code section, administered by the agency or political subdivision and a listing of each public benefit for which SAVE authorization for verification has not been received.~~ Agencies and political subdivisions subject to the requirements of this subsection shall provide an annual report to the Department of Audits and Accounts pursuant to Code Section 50-36-4 as proof of compliance with this subsection. Any agency failing to provide a report as required by this subsection shall not be entitled to any assistance, funds, or grants from the Department of Community Affairs.

~~(j)~~(k) Any and all errors and significant delays by the SAVE program shall be reported to the United States Department of Homeland Security.

~~(k)~~(l) Notwithstanding subsection ~~(g)~~ (h) of this Code section, any applicant for public benefits shall not be guilty of any crime for executing an affidavit attesting to his or her lawful presence in the United States under federal immigration law that contains a false statement if ~~said~~ such affidavit is not required by this Code section.

~~(l)~~(m) In the event a legal action is filed against any agency or political subdivision alleging improper denial of a public benefit arising out of an effort to comply with this Code section, the Attorney General shall be served with a copy of the proceeding and shall be entitled to be heard.

~~(m)~~(n) Compliance with this Code section by an agency or political subdivision shall include taking all reasonable, necessary steps required by a federal agency to receive authorization to utilize the SAVE program or any successor program designated by the United States Department of Homeland Security or other federal agency, including providing copies of statutory authorization for the agency or political subdivision to provide public benefits and other affidavits, letters of memorandum of understanding, or other required documents or information needed to receive authority to utilize the SAVE program or any successor program for each public benefit provided by such agency or

political subdivision. An agency or political subdivision that takes all reasonable, necessary steps and submits all requested documents and information as required in this subsection but either has not been given access to use such programs by such federal agencies or has not completed the process of obtaining access to use such programs shall not be liable for failing to use the SAVE program or any such successor program to verify eligibility for public benefits.

~~(n)~~(o) In the case of noncompliance with the provisions of this Code section by an agency or political subdivision, the appropriations committee of each house of the General Assembly may consider such noncompliance in setting the budget and appropriations.

~~(o)~~(p) No employer, agency, or political subdivision shall be subject to lawsuit or liability arising from any act to comply with the requirements of this chapter; provided, however, that the intentional and knowing failure of any agency head to abide by the provisions of this chapter shall:

(1) Be a violation of the code of ethics for government service established in Code Section 45-10-1 and subject such agency head to the penalties provided for in Code Section 45-10-28, including removal from office and a fine not to exceed \$10,000.00; and

(2) Be a high and aggravated misdemeanor offense where such agency head acts to willfully violate the provisions of this Code section or acts so as to intentionally and deliberately interfere with the implementation of the requirements of this Code section.

The Attorney General shall have the authority to conduct a criminal and civil investigation of an alleged violation of this chapter by an agency or agency head and to bring a prosecution or civil action against an agency or agency head for all cases of violations under this chapter. In the event that an order is entered against an employer, the state shall be awarded attorney's fees and expenses of litigation incurred in bringing such an action and investigating such violation."

SECTION 7.

Said chapter is further amended by revising Code Section 50-36-2, relating to secure and verifiable identification documents, as follows:

"50-36-2.

(a) This Code section shall be known and may be cited as the 'Secure and Verifiable Identity Document Act.'

(b) As used in this Code section, the term:

(1) 'Agency or political subdivision' means any department, agency, authority, commission, or government entity of this state or any subdivision of this state.

(2) 'Public official' means an elected or appointed official or an employee or an agent of an agency or political subdivision.

(3)(A) 'Secure and verifiable document' means a document issued by a state or federal jurisdiction or recognized by the United States government and that is verifiable by federal or state law enforcement, intelligence, or homeland security agencies.

(B) The term 'secure and verifiable document' shall not include any foreign passport unless the passport is submitted with a valid United States Homeland Security Form I-94, I-94A, or I-94W, or other federal document specifying an alien's lawful immigration status, or other proof of lawful presence in the United States under federal immigration law; a birth certificate issued by a foreign country unless accompanied by a passport submitted with appropriate immigration documents including a visa and a valid United States Homeland Security Form I-94, I-94A, I-94W, or I-551 stamp or other federal document specifying an alien's lawful immigration status, or other proof of lawful presence in the United States under federal immigration law; or Secure and verifiable document shall not mean a Matricula Consular de Alta Seguridad, matricula consular card, consular matriculation card, consular identification card, or similar identification card issued by a foreign government regardless of the holder's immigration status. Only those documents approved and posted by the Attorney General pursuant to subsection (f) (g) of this Code section shall be considered secure and verifiable documents.

(c) Unless required by federal law, on or after January 1, 2012, no agency or political subdivision shall accept, rely upon, or utilize an identification document for any official purpose that requires the presentation of identification by such agency or political subdivision or by federal or state law unless it is a secure and verifiable document.

(d) Copies of secure and verifiable documents submitted in person, by mail, or electronically shall satisfy the requirements of this Code section. For purposes of this subsection, electronic submission shall include, but shall not be limited to, submission via facsimile, Internet, or any other electronically assisted transmitted method approved by the agency or political subdivision.

~~(d)~~(e) Any person acting in willful violation of this Code section by knowingly accepting identification documents that are not secure and verifiable documents shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment not to exceed 12 months, a fine not to exceed \$1,000.00, or both.

~~(e)~~(f) This Code section shall not apply to:

- (1) A person reporting a crime;
- (2) An agency official accepting a crime report, conducting a criminal investigation, or assisting a foreign national to obtain a temporary protective order;
- (3) A person providing services to infants, children, or victims of a crime;
- (4) A person providing emergency medical service;

(5) A peace officer in the performance of the officer's official duties and within the scope of his or her employment;

(6) Instances when a federal law mandates acceptance of a document;

(7) A court, court official, or traffic violation bureau for the purpose of enforcing a citation, accusation, or indictment;

(8) Paragraph (2) of subsection (a) of Code Section 40-5-21 or paragraph (2) of subsection (a) of Code Section 40-5-21.1; or

(9) An attorney or his or her employees for the purpose of representing a criminal defendant.

~~(f)~~(g) Not later than August 1, 2011, the Attorney General shall provide and make public on the Department of Law's website a list of acceptable secure and verifiable documents. The list shall be reviewed and updated annually by the Attorney General."

SECTION 8.

Said chapter is further amended by adding a new Code section to read as follows:

"50-36-4.

(a) As used in this Code section, the term:

(1) 'Agency or political subdivision' means any department, agency, authority, commission, or governmental entity of this state or any subdivision of this state.

(2) 'Annual reporting period' means from December 1 of the preceding year through November 30 of the year in which the report is due.

(3) 'Contractor' shall have the same meaning as set forth in Code Section 13-10-90.

(4) 'Department' means the Department of Audits and Accounts.

(5) 'Physical performance of services' shall have the same meaning as set forth in Code Section 13-10-90.

(6) 'Public employer' shall have the same meaning as set forth in Code Section 13-10-90.

(b) Each agency or political subdivision subject to any of the requirements provided in Code Sections 13-10-91, 36-60-6, and 50-36-1 shall submit an annual immigration compliance report to the department by December 31 that includes the information required under subsection (d) of this Code section for the annual reporting period. If an agency or political subdivision is exempt from any, but not all, of the provisions of subsection (d) of this Code section, it shall still be required to submit the annual report but shall indicate in the report which requirements from which it is exempt.

(c) The department shall create an immigration compliance reporting system and shall provide technical support for the submission of such reports. The department shall further provide annual notification of such reports with submission instructions to all agencies and

political subdivisions subject to such requirements. The department shall be authorized to implement policy as is needed to carry out the requirements of this subsection.

(d) The immigration compliance report provided for in subsection (b) of this Code section shall contain the following:

(1) The agency or political subdivision's federal work authorization program verification user number and date of authorization;

(2) The legal name, address, and federal work authorization program user number of every contractor that has entered into a contract for the physical performance of services with a public employer as required under Code Section 13-10-91 during the annual reporting period;

(3) The date of the contract for the physical performance of services between the contractor and public employer as required under Code Section 13-10-91;

(4) A listing of each license or certificate issued by a county or municipal corporation to private employers that are required to utilize the federal work authorization program under the provisions of Code Section 36-60-6 during the annual reporting period, including the name of the person and business issued a license and his or her federally assigned employment eligibility verification system user number as provided in the private employer affidavit submitted at the time of application; and

(5)(A) A listing of each public benefit administered by the agency or political subdivision and a listing of each public benefit for which SAVE program authorization for verification has not been received.

(B) As used in this paragraph, the terms 'public benefit' and 'SAVE program' shall have the same meaning as set forth in Code Section 50-36-1."

SECTION 9.

This Act shall become effective on July 1, 2013.

SECTION 10.

All laws and parts of laws in conflict with this Act are repealed.