

2011 Illegal Immigration Reform Legislation

To date, three major illegal immigration reform bills have been introduced impacting Georgia's local governments: [Senate Bill 27](#), [Senate Bill 40](#), and [House Bill 87](#). While these bills are still being studied by their respective committees, ACCG is actively working with legislators to help ensure that counties are able to comply while not unduly burdening local taxpayers or exposing counties to frivolous lawsuits. The following issues remain a concern to counties:

- 1. Private Right of Action:** House Bill 87 allows any legal Georgia resident over 21 to bring a private right of action against state or local governments to enforce immigration law. While ACCG supports enforcement, our concern is that this would invite frivolous litigation which would be an added cost to taxpayers, set a dangerous precedent that could be applied to other governmental actions and reward the party that brought the action, if they prevailed, with attorneys' fees and court costs. Note that a government cannot recoup its costs if it prevails.
- 2. Penalties:** Each bill has a penalty section for jurisdictions that violate immigration laws. These range from loss of grant funds, to loss of qualified local government status, to removal from office, to jail time of up to one year and fines for department heads (which include county commissioners) of up to \$10,000. While ACCG understands that there will be penalties for noncompliance, the penalty needs to be comparable with the offense and should only apply in cases where counties willfully disregard the law, not in cases of clerical or administrative error. Furthermore, state agency penalties, now lax, should be on par with those doled out to local governments.
- 3. Reporting Requirements:** Counties are currently required to file an annual report with the Department of Community Affairs regarding SAVE benefits. Legislation proposed this session also requires counties to file two additional reports on E-Verify compliance to separate state agencies. To streamline government, ACCG recommends consolidating any and all reporting requirements with one state agency, once a year, and require that agency to create an efficient and easily understandable reporting process.
- 4. Verification Requirements:** House Bill 87 requires counties to ask for "secure and verifiable" documentation in order to ensure that anyone seeking a license, permit or any type of official document from the county is authorized to receive it. To help local governments comply with this mandate, ACCG recommends that a clear list of secure and verifiable documentation be provided by the state (perhaps by the Attorney General's Office) annually.
- 5. Cost of Compliance:** No doubt, all the proposed bills entail new requirements that will increase costs for local governments and taxpayers. So that the public understands the resources entailed, ACCG recommends that a fiscal note be ordered to determine the overall impact on county budgets. This will also help legislators in crafting requirements that are as efficient as possible, while still maintaining their effectiveness.