

STATE OF ALABAMA BUILDING COMMISSION

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Robert Bentley Governor Katherine Lynn Director

May 29, 2012

TO:

ARCHITECTS AND ENGINEERS

FROM:

KATHERINE LYNN, DIRECTOR

ALABAMA BUILDING COMMISSION

SUBJECT:

GUIDANCE ON ACT 2012-491 AMENDING THE ALABAMA

IMMIGRATION LAW

The Alabama Immigration Law (also referred to as "Act 2011-535" and codified in state law as Title 31, Chapter 13 of the <u>Code of Alabama 1975</u>) was amended by Act No. 2012-491 which was signed by Governor Bentley on May 18, 2012. Upon signature, the following requirements went into effect:

- 1. Contractors (including architects and engineers) will no longer be required to provide an affidavit nor will they be required to obtain affidavits from their subcontractors or consultants.
- 2. Contractors (including architects and engineers) will still be required to enroll in the E-Verify program and to provide documentation of enrollment in the E-Verify program with their contracts or agreements.
- 3. All contracts and agreements must now include the following statement:

By signing this contract, the contracting parties affirm, for the duration of the agreement, that they will not violate federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the state of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting therefrom.

The departments that have previously issued guidance on compliance may revise their guidance based on Act No. 2012-491. Architects, engineers and contractors are urged to continue checking the websites for the State Department of Education, the Alabama Community College System and State Comptroller's Office for the latest information.

To aid in compliance, any contract received at the Building Commission after May 18, 2012 that does not include the required contract clause and E-Verify Memorandum of Understanding will be returned.

The websites for each department include their points of contact for questions or you may contact me at (334) 242-4082.

Cc: Mr. Perry Taylor, State School Architect

Ms. Lynne Thrower, General Counsel/Vice Chancellor, Legal and Human Resources

Mr. Thomas White, Jr., State Comptroller