

ASSEMBLY, No. 308

STATE OF NEW JERSEY

213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblyman BRIAN E. RUMPF

District 9 (Atlantic, Burlington and Ocean)

Assemblyman DANIEL M. VAN PELT

District 9 (Atlantic, Burlington and Ocean)

Assemblyman SCOTT RUDDER

District 8 (Burlington)

Co-Sponsored by:

Assemblywoman Addiego

SYNOPSIS

Bars companies which hire illegal aliens from public contracts, grants, loans, or tax incentives for seven years.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 6/12/2009)

1 **AN ACT** imposing certain sanctions for the hiring of illegal aliens
2 and supplementing Title 34 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. As used in this act:

8 “Commissioner” means the Commissioner of Labor and
9 Workforce Development.

10 “Company” means any corporation, proprietorship, partnership,
11 business, trust, joint-stock company, association, firm, limited
12 liability company, or similar organization operated for profit.

13 “Construction contract” means a contract involving construction,
14 or a contract related thereto concerning architecture, engineering, or
15 construction management.

16 “Illegal alien” means a person who does not have the legal right
17 to reside or work in the United States in accordance with federal
18 law.

19 “Public body” means the State, or any county, municipality,
20 school district, authority, or other political subdivision of the State.

21

22 2. Notwithstanding any law, rule, or regulation to the contrary,
23 any company that hires an illegal alien shall be ineligible to enter
24 into a contract with a public body for the purchase of materials,
25 supplies, equipment, or other contractual services for a period of
26 seven years from the year in which the company hires the illegal
27 alien.

28

29 3. Notwithstanding any law, rule, or regulation to the contrary,
30 any company that hires an illegal alien shall be ineligible to enter
31 into a construction contract with a public body for a period of seven
32 years from the year in which the company hires the illegal alien.

33

34 4. Notwithstanding any law, rule, or regulation to the contrary,
35 any company that hires an illegal alien shall be ineligible to receive
36 from a public body any tax exemption, tax reduction, tax abatement,
37 grant, or loan for a period of seven years from the year in which the
38 company hires the illegal alien.

39

40 5. If, after investigation, the commissioner determines that a
41 company has violated a provision of this act, the name of the
42 company shall be placed on a list which shall be made available to
43 every applicable public body, with a notice that the company is
44 ineligible for certain contracts or benefits as provided in sections 2
45 through 4 of this act, for the period of time required under this act.

1 6. A company that violates any provision of this act shall be
2 liable for a penalty of \$10,000, for each illegal alien the company
3 hires, to be collected by the commissioner in a summary proceeding
4 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,
5 c.274 (C.2A:58-10 et seq.).

6
7 7. The provisions of this act shall not apply to any company
8 that exercises due diligence in attempting to verify an illegal alien's
9 immigration status prior to hiring the illegal alien.

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11 8. The commissioner, pursuant to the "Administrative
12 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
13 rules and regulations to effectuate the purposes of this act.

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15 9. This act shall take effect immediately and shall apply to
16 purchases, contracts and agreements entered into on or after the
17 90th day following the effective date of this act.

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20 STATEMENT

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22 This bill provides that any company that hires illegal aliens is,
23 for a period of seven years, ineligible to: 1) enter into a contract
24 with a public body for the construction, architecture, engineering or
25 construction management of a public work or building; 2) enter
26 into a contract with a public body for the furnishing of materials,
27 supplies, equipment, or other contractual services; or 3) receive any
28 tax exemption, tax reduction, tax abatement, grant, or loan from a
29 public body. For the purposes of the bill, "public body" is defined
30 as the State, or any county, municipality, school district, authority,
31 or political subdivision of the State.

32 The bill specifies that, if, after investigation, the Commissioner
33 of Labor and Workforce Development determines that a company
34 has violated the bill's provisions, the name of the company will be
35 placed on a list which will be made available to every applicable
36 public body identifying the company as ineligible for certain
37 contracts or benefits as provided in the bill. A company that
38 violates any provision of the bill shall be liable for a penalty of
39 \$10,000 for each illegal alien the company hired. The provisions of
40 the bill shall not apply to any company that exercises due diligence
41 in attempting to verify an illegal alien's immigration status prior to
42 hiring the illegal alien.