SENATE, No. 157

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Senator CHRISTOPHER J. CONNORS District 9 (Atlantic, Burlington and Ocean)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

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.



S157 CONNORS, OROHO

1	AN ACT imposing certain sanctions for the hiring of illegal aliens
2	and supplementing Title 34 of the Revised Statues.
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4	BE IT ENACTED by the Senate and General Assembly of the State
5	of New Jersey:

1. As used in this act:

"Commissioner" means the Commissioner of Labor and Workforce Development.

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

"Construction contract" means a contract involving construction, or a contract related thereto concerning architecture, engineering, or construction management.

"Illegal alien" means a person who does not have the legal right to reside or work in the United States in accordance with federal law

"Public body" means the State, or any county, municipality, school district, authority, or other political subdivision of the State.

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

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

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

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

S157 CONNORS, OROHO

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

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

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

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

STATEMENT

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

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