

ASSEMBLY, No. 772

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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SYNOPSIS

Requires certification that persons directly or indirectly receiving State monies or privileges are not unauthorized aliens.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** requiring certain certification to verify employment
2 eligibility of individuals and supplementing Title 52 of the
3 Revised Statutes.

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

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8 1. a. The Legislature finds and declares that the privileges and
9 benefits of residing or working in the State of New Jersey are
10 reserved for citizens of the United States and those persons whose
11 presence in the United States is authorized by federal law and that
12 the State government should make an effort to ensure that
13 unauthorized aliens do not receive any privileges and benefits
14 accorded by the State government.

15 b. Notwithstanding any law, rule, or regulation to the contrary,
16 no person shall receive from the State of New Jersey a contract,
17 loan, tax deferral, tax reduction, tax abatement, grant, subsidy, loan
18 guarantee, certification, or license unless that person shall certify
19 that the person's presence in the United States is authorized under
20 federal law, or if the person is an employer, that the person has
21 made a good faith effort to verify all employees' eligibility for
22 employment in the United States in compliance with federal law.

23 The Department of Labor shall prepare and make available to
24 every principal department in the Executive Branch of State
25 government and any division, board, bureau, office, commission or
26 other instrumentality within or created by a principal department
27 and any independent State authority, commission, instrumentality or
28 agency a form that shall state that the signatory as an individual
29 certifies that the signatory's presence in the United States is
30 authorized under federal law and in the case of a signatory who
31 shall receive from the State monies, licensure or any other benefit
32 as an employer, that the signatory certifies that a good faith effort
33 has been made to verify all employees' eligibility for employment
34 in the United States in compliance with federal law. The form shall
35 contain the following statement:

36 "I certify that all the above statements are true, that I am
37 aware that State law provides a penalty for written statements
38 that are knowingly and willfully false and that the State of
39 New Jersey reserves the right to terminate, cancel, rescind or
40 revoke any privilege or benefit granted by the State based
41 upon the above statements should any of them prove
42 knowingly and willfully false."

43 The Department of Labor shall append a notice to the form
44 stating that every principal department, and every division, board,
45 bureau, office, commission or other instrumentality within or
46 created by a principal department, and every independent State
47 authority, commission, instrumentality or agency shall make every
48 effort to incorporate the language of the form into each contract;

1 loan application; tax deferral, reduction, or abatement application;
2 or application for a grant, subsidy, loan guarantee, certification, or
3 license. It is the intent of the Legislature to incorporate the
4 certification requirements of this section into the existing
5 procedures of each agency rather than to establish a separate
6 certification filing system.

7 Notwithstanding any other provisions of this section to the
8 contrary, nothing in this section shall be construed to prohibit any
9 agency from exhausting existing stocks of applications or forms.

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11 2. This act shall take effect immediately.

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14 STATEMENT

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16 This bill provides that no person will receive a contract, loan, tax
17 deferral, tax reduction, tax abatement, grant, subsidy, loan
18 guarantee, certification, or license from the State unless that person
19 has certified that his or her presence in the United States is
20 authorized under federal law; or if the person is an employer
21 receiving monies, licensure or any other benefit from the State, that
22 the employer made a good faith effort to verify an employee's
23 eligibility for employment in compliance with federal law. A
24 penalty would apply only for "knowingly and willfully" false
25 statements.

26 The bill requires the New Jersey Department of Labor to prepare
27 and make available to all State agencies a form which requires
28 signatories, as individuals and as employers, to indicate compliance
29 with federal law with regard to unauthorized aliens. The form will
30 contain the following statement:

31 "I certify that all the above statements are true, that I am
32 aware that State law provides a penalty for written statements
33 that are knowingly and willfully false and that the State of
34 New Jersey reserves the right to terminate, cancel, rescind or
35 revoke any privilege or benefit granted by the State based
36 upon the above statements should any of them prove
37 knowingly and willfully false."

38 The bill states that the intent is to have each State agency
39 incorporate the language of the form into existing documents and
40 procedures rather than establish a separate certification filing
41 system.