

SENATE, No. 207

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator CONNORS

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

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

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

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

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

35 "I certify that all the above statements are true, that I am aware that

1 State law provides a penalty for written false statements and that the  
2 State of New Jersey reserves the right to terminate, cancel, rescind or  
3 revoke any privilege or benefit granted by the State based upon the  
4 above statements should any of them prove false."

5 The Department of Labor shall append a notice to the form stating  
6 that every principal department, and every division, board, bureau,  
7 office, commission or other instrumentality within or created by a  
8 principal department, and every independent State authority,  
9 commission, instrumentality or agency shall make every effort to  
10 incorporate the language of the form into each contract; loan  
11 application; tax deferral, reduction, or abatement application; or  
12 application for a grant, subsidy, loan guarantee, certification, or  
13 license. It is the intent of the Legislature to incorporate the  
14 certification requirements of this act into the existing procedures of  
15 each agency rather than to establish a separate certification filing  
16 system.

17 Notwithstanding any other provisions of this act to the contrary,  
18 nothing in this act shall be construed to prohibit any agency from  
19 exhausting existing stocks of applications or forms.

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21 3. This act shall take effect immediately.

#### 22 STATEMENT

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25 This bill provides that no person shall receive from the State of  
26 New Jersey a contract, loan, tax deferral, tax reduction, tax abatement,  
27 grant, subsidy, loan guarantee, certification, or license unless that  
28 person certifies that his or her presence in the United States is  
29 authorized under federal law, or if the person is an employer receiving  
30 from the State monies, licensure or any other benefit, that he or she  
31 has verified all employees' eligibility for employment in the United  
32 States in compliance with federal law.

33 The bill requires the Department of Labor to prepare and make  
34 available to all State entities a form which shall require signatories, as  
35 individuals and as employers, to indicate compliance with federal law  
36 with regard to unauthorized aliens. The form shall contain the  
37 following statement:

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

43 Although the bill does require the Department of Labor to prepare  
44 forms to indicate compliance with federal law with regard to  
45 unauthorized aliens, there is allowance for the exhaustion of existing  
46 stocks of applications or forms prior to the production of new ones.

1       The bill states that it is the Legislature's intent that each State entity  
2       make every effort to incorporate the language of the form into existing  
3       documents and procedures rather than establish a separate certification  
4       filing system.

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