

2009 ASSEMBLY BILL 53

February 17, 2009 – Introduced by Representatives SCHNEIDER, KESSLER and SUDER, cosponsored by Senators LAZICH and OLSEN. Referred to Committee on Workforce Development.

1 **AN ACT** *to create* 560.30 of the statutes; **relating to:** making companies that
2 employ unauthorized aliens ineligible for certain tax exemptions,
3 governmental contracts, grants, and loans, granting rule-making authority,
4 and providing penalties.

Analysis by the Legislative Reference Bureau

Under this bill, any company that employs unauthorized aliens in violation of federal law is, for a period of seven years, ineligible to: 1) receive any income or franchise tax credit or property tax exemption; 2) enter into a contract with the state or a local governmental unit for the construction, remodeling, or repair of a public work or building, or for the furnishing of supplies, services, equipment, or material of any kind; and 3) receive any grants or loans from a local governmental unit. Under the bill, any company that employs an unauthorized alien is subject to a \$10,000 fine for each unauthorized alien the company employs.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 **SECTION 1.** 560.30 of the statutes is created to read:
6 **560.30 Employing unauthorized aliens. (1) DEFINITIONS.** In this section:

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1 (a) “Company” means any organization or enterprise operated for profit,
2 including a proprietorship, partnership, firm, business trust, joint venture,
3 syndicate, corporation, limited liability company, or association.

4 (b) “Local governmental unit” has the meaning given in s. 66.0131 (1) (a).

5 (c) “Public contract” means a contract for the construction, execution, repair,
6 remodeling, or improvement of a public work or building or for the furnishing of
7 supplies, services, equipment, or material of any kind.

8 **(2) PENALTIES.** (a) Notwithstanding any other law, any company that employs
9 an unauthorized alien in violation of 8 USC 1324a (a) shall be ineligible to do any of
10 the following for a period of 7 years beginning with the year in which a final order
11 is issued against the company under 8 USC 1324a (e) (4), (5), or (6) or a penalty or
12 injunction is issued against the company under 8 USC 1324a (f):

13 1. Receive any tax exemption under ch. 70 or any tax credit, deduction, or
14 exclusion under ch. 71.

15 2. Enter into a public contract with a local governmental unit.

16 3. Receive any grants or loans from a local governmental unit.

17 4. Enter into a contract for the purchase of materials, supplies, equipment, or
18 contractual services with any agency, as defined in s. 16.70 (1e).

19 5. Enter into a contract for engineering or architectural services or for
20 construction work, as defined in s. 16.87 (1) (a), with any agency, as defined in s. 16.70
21 (1e).

22 (b) Any company that employs an unauthorized alien is subject to a \$10,000
23 fine for each unauthorized alien the company employs.

24 **(3) RULES.** The department shall promulgate rules to implement and
25 administer this section.

