

FIRST REGULAR SESSION

HOUSE BILL NO. 97

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WILDBERGER (Sponsor), SCHIEFFER, MEINERS,
MEADOWS, HARRIS AND ROORDA (Co-sponsors).

0348L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 285.025, RSMo, and to enact in lieu thereof one new section relating to the employment of an illegal alien, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 285.025, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 285.025, to read as follows:

285.025. 1. The state of Missouri hereby proclaims that no employer who employs illegal aliens shall be eligible for any state-administered or subsidized tax credit, tax abatement or loan from this state. The director of each agency administering or subsidizing a tax credit, tax abatement or loan pursuant to chapter 32, 100, 135, 253, 447 or 620, RSMo, shall place in such agency's criteria for eligibility for such credit, abatement, exemption or loan a signed statement of affirmation by the applicant that such applicant employs no illegal aliens. Any individual, individual proprietorship, corporation, partnership, firm or association that is found by the director of the agency administering the program to have negligently employed an illegal alien in this state shall be ineligible for any state-administered or subsidized tax credit, tax abatement or loan pursuant to chapter 32, 100, 135, 253, 447 or 620, RSMo, for five years following such determination; provided, however, that the director of the agency administering such credit, abatement, exemption or loan may, in the director's discretion, elect not to apply such administrative action for a first-time occurrence. Any person, corporation, partnership or other legal entity that is found to be ineligible for a state-administered or subsidized tax credit, tax abatement, or loan pursuant to this subsection may make an appeal with the administrative hearing commission pursuant to the provisions of chapter 621, RSMo. "Negligent", for the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 purposes of this subsection means that a person has failed to take the steps necessary to comply
18 with the requirements of 8 U.S.C. 1324a with respect to the examination of an appropriate
19 document or documents to verify whether the individual is an unauthorized alien.

20 2. **(1)** Beginning August 28, 1999, **to August 28, 2009**, any individual, individual
21 proprietorship, corporation, partnership, firm or association that knowingly accepts any
22 state-administered or subsidized tax credit, tax abatement or loan in violation of subsection 1 of
23 this section shall upon conviction be guilty of a class A misdemeanor, and such action may be
24 brought by the attorney general in Cole County circuit court.

25 **(2) Beginning August 28, 2009, any individual, individual proprietorship,**
26 **corporation, partnership, firm or association that knowingly accepts any**
27 **state-administered or subsidized tax credit, tax abatement or loan in violation of subsection**
28 **1 of this section shall upon conviction be guilty of a class A misdemeanor and shall repay**
29 **the state the monetary amount of any state-administered or subsidized tax credit, tax**
30 **abatement, or loan received prior to the conviction. Such action may be brought by the**
31 **attorney general in Cole County circuit court.**

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