

FIRST REGULAR SESSION

HOUSE BILL NO. 206

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MEADOWS (Sponsor), NANCE, CURTMAN, WALTON GRAY,
HARRIS, SMITH (71), ATKINS AND FALLERT (Co-sponsors).

0721L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 285.530, RSMo, and to enact in lieu thereof one new section relating to illegal immigrants, with a penalty provision.

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

Section A. Section 285.530, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 285.530, to read as follows:

285.530. 1. No business entity or employer shall knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform work within the state of Missouri. **In addition to other penalties provided in sections 285.525 to 285.555, any business entity or employer who knowingly violates this subsection shall be subject to a fifty thousand dollar fine.**

2. As a condition for the award of any contract or grant in excess of five thousand dollars by the state or by any political subdivision of the state to a business entity, or for any business entity receiving a state-administered or subsidized tax credit, tax abatement, or loan from the state, the business entity shall, by sworn affidavit and provision of documentation, affirm its enrollment and participation in a federal work authorization program with respect to the employees working in connection with the contracted services. Every such business entity shall also sign an affidavit affirming that it does not knowingly employ any person who is an unauthorized alien in connection with the contracted services. Any entity contracting with the state or any political subdivision of the state shall only be required to provide the affidavits required in this subsection to the state and any political subdivision of the state with which it contracts, on an annual basis. During or immediately after an emergency, the requirements of

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 this subsection that a business entity enroll and participate in a federal work authorization
18 program shall be suspended for fifteen working days. As used in this subsection, "emergency"
19 includes the following natural and manmade disasters: major snow and ice storms, floods,
20 tornadoes, severe weather, earthquakes, hazardous material incidents, nuclear power plant
21 accidents, other radiological hazards, and major mechanical failures of a public utility facility.

22 3. All public employers shall enroll and actively participate in a federal work
23 authorization program.

24 4. An employer may enroll and participate in a federal work authorization program and
25 shall verify the employment eligibility of every employee in the employer's hire whose
26 employment commences after the employer enrolls in a federal work authorization program. The
27 employer shall retain a copy of the dated verification report received from the federal
28 government. Any business entity that participates in such program shall have an affirmative
29 defense that such business entity has not violated subsection 1 of this section.

30 5. A general contractor or subcontractor of any tier shall not be liable under sections
31 285.525 to 285.550 when such general contractor or subcontractor contracts with its direct
32 subcontractor who violates subsection 1 of this section, if the contract binding the contractor and
33 subcontractor affirmatively states that the direct subcontractor is not knowingly in violation of
34 subsection 1 of this section and shall not henceforth be in such violation and the contractor or
35 subcontractor receives a sworn affidavit under the penalty of perjury attesting to the fact that the
36 direct subcontractor's employees are lawfully present in the United States.