

FIRST REGULAR SESSION

# SENATE BILL NO. 449

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KRAUS.

Read 1st time February 17, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1527S.011

## AN ACT

To repeal sections 285.530 and 302.063, RSMo, and to enact in lieu thereof three new sections relating to illegal aliens.

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

Section A. Sections 285.530 and 302.063, RSMo, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 285.530, 285.531,  
3 and 302.063, to read as follows:

285.530. 1. No business entity or employer shall knowingly employ, hire  
2 for employment, [or] continue to employ, **recruit, or refer for a fee, for**  
3 **employment**, an [unauthorized] alien [to perform work within the state of  
4 Missouri] **knowing the alien is an unauthorized alien with respect to**  
5 **such employment, or knowing that the alien's employment**  
6 **authorization is based upon the fact that the alien received deferred**  
7 **action pursuant to the federal executive memorandums of June 15,**  
8 **2012, or November 20, 2014.**

9 2. As a condition for the award of any contract or grant in excess of five  
10 thousand dollars by the state or by any political subdivision of the state to a  
11 business entity, or for any business entity receiving a state-administered or  
12 subsidized tax credit, tax abatement, or loan from the state, the business entity  
13 shall, by sworn affidavit and provision of documentation, affirm its enrollment  
14 and participation in a federal work authorization program with respect to the  
15 employees working in connection with the contracted services. Every such  
16 business entity shall also sign an affidavit affirming that it does not knowingly  
17 employ any person who is an unauthorized alien in connection with the  
18 contracted services. Any entity contracting with the state or any political

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 subdivision of the state shall only be required to provide the affidavits required  
20 in this subsection to the state and any political subdivision of the state with  
21 which it contracts, on an annual basis. During or immediately after an  
22 emergency, the requirements of this subsection that a business entity enroll and  
23 participate in a federal work authorization program shall be suspended for fifteen  
24 working days. As used in this subsection, "emergency" includes the following  
25 natural and manmade disasters: major snow and ice storms, floods, tornadoes,  
26 severe weather, earthquakes, hazardous material incidents, nuclear power plant  
27 accidents, other radiological hazards, and major mechanical failures of a public  
28 utility facility.

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

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

38 5. A general contractor or subcontractor of any tier shall not be liable  
39 under sections 285.525 to 285.550 when such general contractor or subcontractor  
40 contracts with its direct subcontractor who violates subsection 1 of this section,  
41 if the contract binding the contractor and subcontractor affirmatively states that  
42 the direct subcontractor is not knowingly in violation of subsection 1 of this  
43 section and shall not henceforth be in such violation and the contractor or  
44 subcontractor receives a sworn affidavit under the penalty of perjury attesting to  
45 the fact that the direct subcontractor's employees are lawfully present in the  
46 United States.

**285.531. 1. No wage, compensation, whether in money or in kind  
2 or in services, or in remuneration of any kind for the performance of  
3 services paid to an unauthorized alien shall be allowed as a deductible  
4 business expense for any state income or business tax purposes in this  
5 state. This subsection shall apply whether or not the Internal Revenue  
6 Service Form 1099 is issued in conjunction with the wages or  
7 remuneration.**

8 **2. No wage, compensation, whether in money or in kind or in**

9 services, or in remuneration of any kind for the performance of  
10 services paid to an alien who received deferred action pursuant to the  
11 federal executive memorandums of June 15, 2012, or November 20, 2014,  
12 shall be allowed as a deductible business expense for any state income  
13 or business tax purposes in this state. This subsection shall apply  
14 whether or not the Internal Revenue Service Form 1099 is issued in  
15 conjunction with the wages or remuneration.

302.063. 1. The department of revenue shall not issue any driver's license  
2 to an illegal alien nor to any person who cannot prove his or her lawful presence  
3 pursuant to the provisions of this chapter and the regulations promulgated  
4 thereunder. A driver's license issued to an illegal alien in another state shall not  
5 be honored by the state of Missouri and the department of revenue for any  
6 purpose. The state of Missouri hereby declares that granting driver's licenses to  
7 illegal aliens is repugnant to the public policy of Missouri and therefore Missouri  
8 shall not extend full faith and credit to out-of-state driver's licenses issued to  
9 illegal aliens. As used in this section, the term "illegal alien" shall mean an alien  
10 who is not lawfully present in the United States, according to the terms of 8  
11 U.S.C. Section 1101, et seq.

12 2. No driver's license or nondriver's license shall be issued to any  
13 illegal alien who received deferred action pursuant to the federal  
14 executive memorandums of June 15, 2012, or November 20, 2014.

15 3. Any alien who applies for a new driver's license or applies to  
16 renew a driver's license shall, in addition to satisfying the  
17 requirements of section 302.171, be required to provide the following:

18 (1) A valid passport in the applicant's name issued by the  
19 applicant's country of citizenship; and

20 (2) Any document issued by the federal government indicating  
21 the applicant's lawful immigration status.

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