

SENATE BILL NO. 1038

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BECK.

4149S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 285.530, RSMo, and to enact in lieu thereof one new section relating to federal work authorization programs, with penalty provisions.

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Section A. Section 285.530, RSMo, is repealed and one new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

285.530. 1. No business entity or employer shall
2 knowingly employ, hire for employment, or continue to employ
3 an unauthorized alien to perform work within the state of
4 Missouri.

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

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

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

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

Failure of any employer to enroll and actively participate in a federal work authorization program shall result in the following penalties:

(1) For a first offense, the attorney general shall direct the applicable municipal or county governing body to suspend any applicable license, permit, or exemptions of any such employer for thirty days and the employer shall be fined two thousand dollars for each unauthorized alien performing work for the employer;

(2) For a second offense, the attorney general shall direct the applicable municipal or county governing body to suspend any applicable license, permit, or exemptions of any such employer for ninety days and the employer shall be fined two thousand dollars for each unauthorized alien performing work for the employer;

(3) For a third offense, the attorney general shall direct the applicable municipal or county governing body to

50 **suspend any applicable license, permit, or exemptions of any**
51 **such employer for one year.**

52 4. An employer [may enroll and participate in a
53 federal work authorization program and] shall verify the
54 employment eligibility of every employee in the employer's
55 hire whose employment commences after the employer enrolls
56 in a federal work authorization program. The employer shall
57 retain a copy of the dated verification report received from
58 the federal government. Any business entity that
59 participates in such program shall have an affirmative
60 defense that such business entity has not violated
61 subsection 1 of this section.

62 5. A general contractor or subcontractor of any tier
63 shall not be liable under sections 285.525 to 285.550 when
64 such general contractor or subcontractor contracts with its
65 direct subcontractor who violates subsection 1 of this
66 section, if the contract binding the contractor and
67 subcontractor affirmatively states that the direct
68 subcontractor is not knowingly in violation of subsection 1
69 of this section and shall not henceforth be in such
70 violation and the contractor or subcontractor receives a
71 sworn affidavit under the penalty of perjury attesting to
72 the fact that the direct subcontractor's employees are
73 lawfully present in the United States.

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