

SECOND REGULAR SESSION

# HOUSE BILL NO. 1186

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WILDBERGER (Sponsor), SCHAAF, MOORE,  
WALSH AND KUESSNER (Co-sponsors).

Pre-filed December 22, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

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### AN ACT

To repeal sections 285.025 and 290.560, RSMo, and to enact in lieu thereof two new sections relating to publicly-financed projects, with penalty provisions.

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

Section A. Sections 285.025 and 290.560, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 285.025 and 290.560, to read as follows:

285.025. 1. The state of Missouri hereby proclaims that no employer who employs  
2 illegal aliens shall be eligible for any state-administered or subsidized tax credit, tax abatement  
3 or loan from this state, **and that no one shall employ or subcontract with any illegal alien on**  
4 **any publicly-financed project.** The director of each agency administering or subsidizing a tax  
5 credit, tax abatement or loan pursuant to chapter 32, 100, 135, 253, 447 or 620, RSMo, shall  
6 place in such agency's criteria for eligibility for such credit, abatement, exemption or loan a  
7 signed statement of affirmation by the applicant that such applicant employs no illegal aliens.  
8 Any individual, individual proprietorship, corporation, partnership, firm or association that is  
9 found by the director of the agency administering the program to have negligently employed an  
10 illegal alien in this state shall be ineligible for any state- administered or subsidized tax credit,  
11 tax abatement or loan pursuant to chapter 32, 100, 135, 253, 447 or 620, RSMo, for five years  
12 following such determination; provided, however, that the director of the agency administering  
13 such credit, abatement, exemption or loan may, in the director's discretion, elect not to apply  
14 such administrative action for a first-time occurrence. Any person, corporation, partnership or

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.

15 other legal entity that is found to be ineligible for a state-administered or subsidized tax credit,  
16 tax abatement, or loan pursuant to this subsection may make an appeal with the administrative  
17 hearing commission pursuant to the provisions of chapter 621, RSMo. "Negligent", for the  
18 purposes of this subsection means that a person has failed to take the steps necessary to comply  
19 with the requirements of 8 U.S.C. 1324a with respect to the examination of an appropriate  
20 document or documents to verify whether the individual is an unauthorized alien.

21       2. Beginning August 28, 1999, any individual, individual proprietorship, corporation,  
22 partnership, firm or association that knowingly accepts any state-administered or subsidized tax  
23 credit, tax abatement or loan in violation of subsection 1 of this section shall upon conviction  
24 be guilty of a class A misdemeanor, and such action may be brought by the attorney general in  
25 Cole County circuit court. **Beginning August 28, 2006, in addition to all other penalties in**  
26 **this section, violators of this section shall be fined ten dollars per individual illegal alien per**  
27 **day each individual illegal alien was employed or subcontracted with, and the violator shall**  
28 **not be eligible to bid on any publicly-financed project submitted for bids for the ten years**  
29 **immediately following the last violation.**

290.560. 1. Whenever there is a period of excessive unemployment in this state, every  
2 person who is charged with the duty, either by law or contract, of constructing or building any  
3 public works project or improvement for the state or any political subdivision, municipal  
4 corporation or other governmental unit thereof shall employ only Missouri laborers and laborers  
5 from nonrestrictive states on such project or improvement, and every contract let by any such  
6 person shall contain a provision requiring that such labor be used, except that other laborers may  
7 be used when Missouri laborers or laborers from nonrestrictive states are not available, or are  
8 incapable of performing the particular type of work involved, if so certified by the contractor and  
9 approved by the contracting officer.

10       2. **Any person who violates the provisions of subsection 1 of this section shall forfeit**  
11 **as a penalty to the state, county, city, town, district, or other political subdivision on whose**  
12 **behalf the contract is made or awarded ten dollars for each nonqualifying laborer**  
13 **employed, for each calendar day or portion thereof, and the public body awarding the**  
14 **contract shall, when making payments to such person under that contract, withhold and**  
15 **retain all amounts due and owing as a result of such violation.**

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