

FIRST REGULAR SESSION

HOUSE BILL NO. 500

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DAVIS (Sponsor), SCHOELLER, PACE, SANDER, BIVINS, SCHAAF, GATSCHENBERGER, FUNDERBURK, DIXON, KOENIG, FAITH AND ATKINS (Co-sponsors).

1378L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 285.025, RSMo, and to enact in lieu thereof one new section relating to employment of illegal aliens, with penalty provisions.

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Section A. Section 285.025, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 285.025, to read as follows: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. Beginning August 28, 1999, any individual, individual proprietorship, corporation,
21 partnership, firm or association that knowingly accepts any state-administered or subsidized tax
22 credit, tax abatement or loan in violation of subsection 1 of this section shall upon conviction
23 be guilty of a class A misdemeanor, and such action may be brought by the attorney general in
24 Cole County circuit court. **Beginning August 28, 2009, any individual or entity convicted**
25 **under this subsection shall also, within sixty days of the conviction, repay the amount of**
26 **the state-administered or subsidized tax credit, tax abatement, or loan from this state to**
27 **the agency administering the state-administered or subsidized tax credit, tax abatement,**
28 **or loan. Any amount repaid under this section shall be used solely for state-administered**
29 **or subsidized tax credits, tax abatements, or loans by the agency to which the amount is**
30 **repaid. If any individual or entity convicted under this subsection has not repaid the**
31 **amount required under this subsection within the required sixty days, the agency may**
32 **request the attorney general to seek an injunction of the business operations of such**
33 **individual or entity until the amount is repaid.**

34 3. Beginning August 28, 2009, any individual, individual proprietorship,
35 corporation, partnership, firm, association, or other legal entity receiving any state-
36 administered or subsidized tax credit, tax abatement, or loan from the state shall execute
37 a surety bond upon the signing of the contract for work in the amount the individual,
38 individual proprietorship, corporation, partnership, firm, association, or other legal entity
39 will receive from any state-administered or subsidized tax credit, tax abatement, or loan
40 from the state in the event the individual, individual proprietorship, corporation,
41 partnership, firm, association, or other legal entity violates the provisions of this section.

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