

HCS HB 390 -- UNAUTHORIZED ALIENS

SPONSOR: Nolte

COMMITTEE ACTION: Voted "do pass" by the Committee on International Trade and Immigration by a vote of 7 to 1.

This substitute changes the laws regarding unauthorized aliens. In its main provisions, the substitute:

(1) Prohibits the enrollment of unlawfully present aliens in any public institution of higher education. The Department of Higher Education must annually certify to the appropriation committees of the General Assembly prior to the approval of any appropriations that each campus of an institution has not knowingly enrolled any illegal alien (Sections 172.360, 174.130, 175.025, 178.635, 178.780, and 178.785, RSMo);

(2) Prohibits college or university students who are unlawfully present in the United States from receiving certain types of financial aid, including institutional aid and state-administered postsecondary grants and scholarships. Documents which may be used to verify a student's lawful presence in the United States are specified, including the Free Application for Student Aid Institutional Student Information Record; a state-issued driver's license or nondriver's identification card; documentary evidence accepted by the Department of Revenue when processing an application for a driver's license or nondriver's identification card; a United States birth certificate; a United States military identification card; or any document issued by the federal government that confirms lawful presence. All postsecondary institutions of higher education must annually certify to the Department of Higher Education that they have not knowingly awarded financial aid to students who are unlawfully present in the United States (Section 173.1110);

(3) Specifies that postsecondary education public benefits will not be considered public benefits in the provisions that prohibit aliens unlawfully present in the United States from receiving a state or local public benefit. No additional verification is required within the same agency once the lawful presence of an applicant for public benefits has been verified through the Systematic Alien Verification for Entitlements Program. The substitute clarifies that the provisions that prohibit aliens unlawfully present in the United States from receiving a state or local public benefit does not apply to nonprofit organizations duly registered with the Internal Revenue Service (Section 208.009);

(4) Allows, during or immediately after a natural or manmade

disaster, business entities 15 working days to enroll and participate in a federal work authorization program as a condition for the award of certain public contracts (Section 285.530);

(5) Specifies that the requirement that certain businesses must participate in a federal work authorization program will not apply if the federal government discontinues or fails to authorize or implement a program (Section 285.555); and

(6) Clarifies that an employee on a public works project must complete only one 10-hour Occupational Safety and Health Administration (OSHA) construction safety program or similar program approved by the Department of Labor and Industrial Relations (Section 292.675).

The substitute contains an emergency clause.

FISCAL NOTE: No impact on state funds in FY 2010, FY 2011, and FY 2012.

PROPONENTS: Supporters say that there are legal and policy reasons why the bill is needed. Using taxpayer money to subsidize the education of a person who cannot be hired legally after graduation is a problem. Colleges should not enable illegal aliens to remain in the country because that creates liability for the college.

Testifying for the bill were Representative Nolte; Missourians Against Illegal Immigration; Barbara Rupp, University of Missouri; University of Central Missouri; Department of Higher Education; and City Utilities of Springfield.

OPPONENTS: Those who oppose the bill say that they have concerns about how the bill will affect students and others whose legal status may change while they are here. Often, actions of Congress or other federal agencies affect immigration status in a negative and unforeseen way, reducing the legitimacy of that status.

Testifying against the bill were Catholic Charities Archdiocese of St. Louis; and American Civil Liberties Union of Eastern Missouri.