

CCS SS SCS HCS HB 390 -- UNAUTHORIZED ALIENS AND CONSTRUCTION
SAFETY PROGRAMS

This bill changes the laws regarding unauthorized aliens and construction safety programs. In its main provisions, the bill:

(1) Prohibits college or university students who are unlawfully present in the United States from receiving certain types of financial aid, including institutional aid awarded by public postsecondary educational institutions and state-administered postsecondary grants and scholarships awarded by all postsecondary educational institutions. 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 a student who is unlawfully present in the United States (Section 173.1110, RSMo);

(2) Specifies that postsecondary education public benefits, municipal permits, and contracts or agreements between public utility providers and their customers 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 state or local government agency once the lawful presence of an applicant for public benefits has been verified through the Systematic Alien Verification for Entitlements Program. The bill 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 federal Internal Revenue Service (Section 208.009);

(3) Specifies that certain entities which contract with the state or any of its political subdivisions only have to provide the affidavits attesting to participation in a federal work authorization program and nonemployment of unauthorized aliens on an annual basis and 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);

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

(5) Clarifies that an on-site employee of a contractor or subcontractor on a public works project must complete within 60 days of beginning work on the project or must have previously completed a 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 bill contains an emergency clause.