

HCS HB 2489 -- EMPLOYMENT PRACTICES

SPONSOR: Murphy

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Innovation and Technology by a vote of 5 to 2.

The following is a summary of the House Committee Substitute for HB 2489.

This bill modifies provisions relating to employment and creates new requirements relating to the verification of the immigration status of certain persons.

The provisions relating to municipal sanctuary policies under Section 67.307, RSMo do not apply to qualified immigrant workers registered in the Missouri Department of Labor and Industrial Relations (DOLIR) database established by this bill.

Currently, public employers must enroll and actively participate in a Federal work authorization program, this bill adds private employers and business entities. Beginning January 1, 2025, an employer or business entity is required to verify the employment eligibility of every employee who is hired after the employer or business entity enrolls in the program. If the private employer or business entity fails to comply, it must provide an affidavit as specified in the bill. If a general contractor or subcontractor of any tier knows its direct subcontractor has knowingly employed an unauthorized alien, such contractor or subcontractor must report to DOLIR. If the contractor or subcontractor fails to report to DOLIR, it will be subject to the same penalty for the violation as the direct subcontractor (Section 285.530).

Currently, upon a court's finding that a business entity has knowingly violated Subsection 1 of Section 285.530, the court must direct the applicable county or municipal governing body to suspend the entity's business license and other applicable licenses and exemptions for 14 days. The bill raises the length of the suspension to 120 days. A second or subsequent violation is a class D felony, as is a second or subsequent violation by a business entity awarded a State contract or receiving a State-administered tax credit, tax abatement, or loan from the State (Section 285.535).

This bill establishes the "Immigrant Employment Registration and Taxation Protection Act". The bill defines, among other terms, "alien" and "parolee", and provides that a "qualified immigrant worker" is a person who:

- (1) Is a parolee or alien, but not an unauthorized alien, legally authorized under Federal law to accept employment;
- (2) Has obtained a valid work permit or conditional work permit but whose current immigration status is in a suspended quasi-legal status; and
- (3) Is a new hire or employed in the state of Missouri.

The Department is required to maintain a database or registry of qualified immigrant workers, and must provide employers with a mechanism to verify registration of any qualified immigrant worker. Individuals who have certain documentation verifying their legal status are exempt from registering with the Department. A qualified immigrant worker is required to sign an affidavit of understanding detailing the conditions under which the worker may be employed. Further, upon receiving documentation from a qualified immigrant worker, the employer is required to provide the documentation to DOLIR as specified in the bill, and DOLIR must provide written confirmation of the worker's registration. The Attorney General (AG) shall enforce the Act. An enforcement action is initiated through a signed, written complaint to the AG by any State official, business entity, or State resident. The bill details the course of action taken by the AG upon receipt of a valid complaint. The bill authorizes the AG to inform and cooperate with the Department of Revenue for investigation and enforcement of any additional criminal liabilities under Chapter 143. A qualified immigrant worker who fails to provide the employer-requested documentation required to verify work authorization status is guilty of a class D felony. Nothing in the section shall be construed to imply the state of Missouri is an advocate for a legal immigration status relating to a qualified immigrant worker or worker (Section 285.545).

Currently, any State or local agency administering one or more Federal public benefit programs is exempt from the requirements of subsections 1 and 3 of Section 650.475, which prohibit a government entity, or official from restricting a government entity or official from communicating or providing information with respect to the immigration status, lawful or unlawful, of any individual. A qualified immigrant worker registered in the DOLIR database is added to the exemption (Section 650.475).

This bill has a delayed effective date.

This bill is similar to HB 1515 (2024); and HCS HB 188 (2023).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROponents: Supporters say that this bill addresses a current deficiency in Missouri law concerning illegal or unclassified workers. There is currently a large number of unclassified aliens living and working in the United States, as well as Missouri. The first step to addressing this problem is to shine a light on the illegal and often abusive employment of these aliens. It is important to register the employment of these aliens with the State, and take steps to make employers accountable. This bill gives the State the tools necessary to address this problem.

Testifying in person for the bill were Representative Murphy; and Heritage Action For America.

OPponents: Those who oppose the bill say that this is an additional burdensome requirement on small businesses. Further, there are questions as to the feasibility of having unclassified aliens participate in a system of signing up for a State database and the bill lacks due process for those who are denied registration.

Testifying in person against the bill were NFIB (National Federation Of Independent Business); Missouri Chamber of Commerce and Industry; and the American Civil Liberties Union of Missouri.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.