

HB 1741 -- EMPLOYMENT OF ILLEGAL IMMIGRANTS

SPONSOR: Brattin

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Workforce Standards and Development by a vote of 9 to 1. Voted "Do Pass" by the Select Committee on Labor and Industrial Relations by a vote of 6 to 1.

This bill sets out the provisions regarding the prohibition for any public or private employer or business entity to knowingly hire or continue to employ unauthorized aliens. Currently, the provisions of this bill apply to public employers. This bill changes the provisions to apply to public and private employers and business entities.

This bill specifies certain penalties for the first, second, and third violation of the provisions of this bill.

This bill has a delayed effective date of January 1, 2017.

PROPOSERS: Supporters say that e-verify should be required for employment, and there should be a three-strike system if an employer is found to be repeatedly employing illegal immigrants. The employment of illegal immigrants is the primary cause of the destruction of wages, and employees are leaving various industries because they cannot compete with the low wages.

Testifying for the bill was Representative Brattin.

OPPOSERS: Those who oppose the bill say that immigration reform should remain in the purview of the federal government. Furthermore, this type of legislation would bring new business to Missouri unappealing. Opponents also say that e-verify should not be mandatory, because it would be difficult for small businesses to comply with the requirements and that the e-verify system is not foolproof; there are certain individuals who are more likely to be flagged than others, such as women who have changed their last names, or people with foreign names. In addition, employers would be more likely to misclassify employees as independent contractors to avoid having to go through the e-verify process, which means some employees are not given certain benefits to which they would otherwise be entitled. It is a bad idea to remove the requirement that an employer "knowingly" hire an illegal immigrant, because it could happen unintentionally. It would also be difficult for some business owners to have their cases heard in Cole County. Finally, the penalty provision structure is faulty because there is no time line for how long it could take to receive three strikes before the employer loses his license indefinitely.

Testifying against the bill were Missouri Assisted Living Association; St. Louis Area Hotel Association; Missouri Immigrant And Refugee Advocates; Missouri Retailers Association; Missouri Grocers Association; Missouri Chamber Of Commerce and Industry; SEIU State Council - Service Employees International Union; Missouri Society Of Certified Public Accountants; Associated Industries Of Missouri; and ACLU-MO.