

## HOUSE BILL No. 2149

By Committee on Federal and State Affairs

1-29

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9 AN ACT enacting the Kansas immigration accountability act.

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11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. (a) On and after January 1, 2010, all state agencies, de-  
13 partments, boards and commissions, counties or any municipality, as de-  
14 fined in K.S.A. 75-1117, and amendments thereto, who is an employer  
15 shall enroll and actively participate in e-verify for verification of employ-  
16 ment status of all employees whose employment commences after Jan-  
17 uary 1, 2010.

18 (b) On and after January 1, 2010, no state agency, department, board,  
19 commission, county or municipality, as defined in K.S.A. 75-1117, and  
20 amendments thereto, shall award a public works or purchase contract to  
21 a bidder, contractor or employer, nor shall a bidder, contractor or em-  
22 ployer be eligible to bid for or receive a public works contract if such  
23 bidder, contractor or employer does not verify the employment eligibility  
24 of the employees of such bidder, contractor or employer through e-verify.  
25 A bidder, contractor or employer shall be responsible for ensuring that  
26 any subcontractor, which such bidder, contractor or employer contracts  
27 with for a public works or purchase contract, verifies the employment  
28 eligibility of the employees of such subcontractor through e-verify.

29 (c) Nothing in this section shall be construed to require a bidder,  
30 contractor or employer to take any action that the bidder, contractor or  
31 employer believes in good faith would violate federal or state law.

32 (d) As used in this section unless the context otherwise requires:

33 (1) "E-verify" means an electronic system as jointly administered by  
34 the United States department of homeland security and the social security  
35 administration or its successor program, pursuant to 8 U.S.C. 1324a,  
36 which is used to verify the employment authorization of employees.

37 (2) "Employee" means any person who performs employment serv-  
38 ices for an employer pursuant to an employment relationship between  
39 the employee and employer.

40 (3) "Employer" means any individual or type of organization that  
41 transacts business in this state and that employs one or more individuals  
42 who perform employment services in this state.

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1     Sec. 2. This act shall take effect and be in force from and after its  
2     publication in the statute book.