

HOUSE BILL No. 2026

By Committee on Federal and State Affairs

1-18

1 AN ACT enacting the Kansas immigration accountability act.

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

4 Section 1. (a) On and after January 1, 2012, all state agencies,
5 departments, boards and commissions, counties or any municipality who
6 is an employer shall enroll and actively participate in e-verify for
7 verification of employment status of all employees whose employment
8 commences after January 1, 2012.

9 (b) On and after January 1, 2012, no state agency, department,
10 board, commission, county or municipality shall award a public works or
11 purchase contract to a bidder, contractor or employer, nor shall a bidder,
12 contractor or employer be eligible to bid for or receive a public works
13 contract if such bidder, contractor or employer does not verify the
14 employment eligibility of the employees of such bidder, contractor or
15 employer through e-verify. A bidder, contractor or employer shall be
16 responsible for ensuring that any subcontractor, which such bidder,
17 contractor or employer contracts with for a public works or purchase
18 contract, certifies the employment eligibility of the employees of such
19 subcontractor through e-verify.

20 (c) Any bidder, contractor or employer who is found by the secretary
21 to have violated this section shall be prohibited from being awarded,
22 bidding on or otherwise attempting to obtain a public works or purchase
23 contract for a period of two years commencing on the date of the
24 secretary's final determination that such bidder, contractor or employer
25 violated this section.

26 (d) Any person who believes a bidder, contractor or employer has
27 violated any provision of this section, may file a complaint with the
28 secretary. Such complaint shall be in writing and signed by the individual
29 filing the complaint. The secretary shall review and may investigate any
30 such complaints. If, after an investigation, the secretary determines that a
31 violation of this section has occurred, the secretary shall notify the bidder,
32 contractor or employer who has been found to be in violation of this
33 section that such bidder, contractor or employer has been found to be in
34 violation of this section and shall be placed on the list of bidders,
35 contractors and employers prohibited from being awarded public works
36 or purchase contracts. Such bidder, contractor or employer shall be given

1 an opportunity for a hearing in accordance with the Kansas administrative
2 procedures act.

3 (e) The secretary shall create and maintain a list of all bidders,
4 contractors and employers found by the secretary to be in violation of this
5 section. Such bidders, contractors and employers shall remain on such
6 list for the duration of the two-year period set forth in subsection (c). At
7 the expiration of such two-year period, the bidder, contractor or employer
8 shall be removed from the list. The secretary shall make the list readily
9 available to municipalities in this state in such form and manner as
10 prescribed by the secretary.

11 (f) The secretary shall adopt rules and regulations necessary to
12 implement and administer the provisions of this section. Such rules and
13 regulations shall be adopted on or before January 1, 2012.

14 (g) Nothing in this section shall be construed to require a bidder,
15 contractor or employer to take any action that the bidder, contractor or
16 employer believes in good faith would violate federal or state law.

17 (h) As used in this section, unless the context otherwise requires:

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

22 (2) "Employee" means any person who performs employment
23 services for an employer pursuant to an employment relationship between
24 the employee and the employer.

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

28 (4) "Municipality" shall have the same meaning ascribed thereto in
29 K.S.A. 75-1117, and amendments thereto.

30 (5) "Secretary" means the secretary of the department of labor.

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