

HOUSE BILL No. 2603

By Committee on Appropriations

2-2

1 AN ACT establishing the Kansas business workers and community
2 partnership act.

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

5 Section 1. (a) The goals of the legislation include, but are not limited
6 to:

7 (1) Facilitate information sharing between the state and the federal
8 government, the state work force, the business community and local
9 governments to address critical labor shortages in the state of Kansas;

10 (2) reduce costs related to detention, incarceration and deportation of
11 undocumented aliens;

12 (3) increase the safety of Kansas' residents by ensuring that
13 undocumented persons undergo background security screening;

14 (4) provide a lawful work force for Kansas industries seeking to grow
15 the economy; and

16 (5) assist local governments and community organizations seeking to
17 aid immigrant assimilation into Kansas.

18 (b) The department of labor shall develop and administer a program
19 to support noncriminal undocumented aliens who, in lieu of detention or
20 deportation by the federal government, seek authorization from the federal
21 government to work for certain eligible businesses in the state of Kansas
22 and provide assistance to such persons or such persons' dependents
23 through partnership arrangements with eligible community or faith-based
24 organizations. Such undocumented aliens may be partnered with eligible
25 businesses in industries that have been certified by the governor as having
26 significant worker shortages that threaten local economies.

27 (c) The governor shall certify industries as having significant worker
28 shortages that threaten local economies. The state of Kansas shall support
29 an application to the federal department of homeland security for deferred
30 action or other discretionary relief on behalf of an undocumented alien
31 who is eligible to participate in the Kansas program and commits to work
32 with a certified employer in an industry certified for worker shortages.

33 (d) The department of labor shall report annually to the Kansas
34 legislature on the progress and extent of the program.

35 Sec. 2. (a) Any undocumented alien may seek to enroll in the
36 program if such person meets the following conditions:

1 (1) Has completed fingerprinting and biometrics for background
2 checks and has paid the associated fees;

3 (2) has not committed two misdemeanors, excluding traffic offenses,
4 or a felony;

5 (3) has presented proof of presence within Kansas prior to July 1,
6 2007, or proof of relocation to Kansas with an employer that has relocated
7 to Kansas and proof of presence within the United States for over five
8 years;

9 (4) has agreed to employment with a certified business as defined by
10 the act conditioned on securing employment authorization from the federal
11 department of homeland security; and

12 (5) has agreed to work toward English language proficiency.

13 (b) Upon approval of the federal department of homeland security,
14 the participant must obtain evidence of work authorization from such
15 agency, seek a social security card and comply with the program
16 requirements, including, but not limited to, seeking employment with a
17 program participant employer. Upon obtaining an employment
18 authorization document and a social security card, a participant, if
19 otherwise eligible, may apply for a Kansas driver's license or Kansas
20 nondriver's identification card. Eligibility will be for a term consistent with
21 the work authorization granted by the federal department of homeland
22 security and may be renewed as long as the undocumented alien meets the
23 requirements of the program.

24 (c) If the undocumented alien is fired from such person's employment
25 for cause, the undocumented alien shall not be eligible for unemployment
26 benefits. If the undocumented alien is not able to secure other employment
27 with a participating employer within 90 days, the undocumented alien
28 shall become ineligible for the program. The state of Kansas may not
29 support an application for any renewal of deferred action or other
30 discretionary relief or an employment authorization document for any
31 undocumented alien who fails to comply with the terms of the program.

32 Sec. 3. A spouse or minor dependents of an undocumented alien shall
33 be eligible to participate in the program. A spouse or dependent who does
34 not seek employment authorization may apply for a Kansas driver's
35 license or Kansas nondriver's identification card if otherwise eligible.

36 Sec. 4. (a) Any employer that meets the following criteria is eligible
37 to participate:

38 (1) The employer's primary business is involved in an industry that
39 has been certified by the Kansas department of labor as experiencing labor
40 shortages;

41 (2) payment of an annual registration fee as follows:

42 (A) For employers employing one-10 undocumented aliens \$1,000
43 plus \$200 per program participant.

1 (B) For employers employing 11-50 undocumented aliens \$2,500
2 plus \$200 per program participant.

3 (C) For employers employing over 50 undocumented aliens \$5,000
4 plus \$200 per program participant;

5 (3) the employer meets the requirements of the federal fair labor
6 standards act;

7 (4) the employer has completed training and certification by the
8 Kansas department of labor;

9 (5) the employer agrees to make reports as required by the state of
10 Kansas;

11 (6) the employer agrees to pay all federal and state employment
12 taxes; and

13 (7) the employer agrees to provide all benefits to participants as
14 provided to other employees.

15 (b) Employers meeting eligibility requirements shall be certified by
16 the Kansas department of labor and may employ undocumented aliens
17 who are program participants. Employers who fail to maintain the
18 eligibility requirements may be decertified from the program by action of
19 the department of labor. Undocumented aliens who are employed by an
20 employer who has been decertified must seek employment with other
21 certified employers. Employers decertified from the program by the
22 department of labor shall be required to pay a civil penalty of the greater
23 of \$500 per program participant or \$5,000. Employers may voluntarily
24 leave the program at any time with 60 days prior notice to the department
25 of labor and to program participants.

26 (c) Employers meeting the eligibility requirements shall not be
27 criminally prosecuted by the state of Kansas for actions arising out of the
28 past employment of an undocumented alien who is a program participant.

29 Sec. 5. Community and faith-based organizations may become
30 contract providers of the following activities:

31 (1) Education and outreach regarding program participation;

32 (2) assisting undocumented aliens who are program participants in
33 the completion of documentation;

34 (3) teaching of English language programs;

35 (4) assisting such program participants with placement with certified
36 employers; and

37 (5) reporting of program outcomes to the state.

38 Sec. 6. Sections 1 through 6, and amendments thereto, shall be known
39 as the Kansas business workers and community partnership act.

40 Sec. 7. This act shall take effect and be in force from and after
41 January 1, 2013 and its publication in the statute book.

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