HOUSE BILL No. 2194

By Committee on Federal and State Affairs

AN ACT creating the Kansas business workers and community partnership act.

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

Section 1. The provisions of sections 1 through 12, and amendments thereto, shall be known and may be cited as the Kansas business workers and community partnership act.

Sec. 2. As used in sections 1 through 12, and amendments thereto:

(a) "Alien" means any person not a citizen or national of the United States.

(b) "Secretary" means the secretary of labor.

Sec. 3. The legislature hereby declares that the purpose of this act includes, but is not limited to:

(a) Facilitating information sharing between the state and the federal government to address critical labor shortages in the state of Kansas;

(b) Providing a lawful work force for Kansas industries seeking to grow the economy; and

(c) Assisting local governments and community organizations seeking to aid alien assimilation into Kansas.

Sec. 4. (a) (1) The secretary shall develop and administer a program to support aliens who seek deferred action, work authorization or other discretionary relief from the federal government that will allow the alien to remain in the United States and encourage the alien to work in the state of Kansas. Nothing in this act shall be construed as conferring upon the secretary the authority to grant lawful status to any alien.

(b) The secretary shall certify industries as having significant worker shortages that threaten local economies. Such certification shall be based upon data including, but not limited to, local or regional unemployment rates, local or regional industry economic conditions or local or regional general economic conditions.

(c) The secretary shall report annually to the governor and the legislature on the progress and extent of the program.

Sec. 5. (a) Any alien may seek the support of the secretary by providing the secretary with documentation of such alien's application to the federal government for deferred action, work authorization or other discretionary relief.
(b) An alien who is granted deferred action, work authorization or other discretionary relief may apply, if otherwise eligible, for a Kansas driver's license or Kansas identification card.

(c) (1) Aliens granted deferred action, work authorization or other discretionary relief shall be granted or denied Kansas unemployment benefits consistent with federal law governing unemployment benefit eligibility for aliens.

Sec. 6. (a) The secretary may support an application of an alien's spouse to the federal government for deferred action, work authorization or other discretionary relief.

(b) The secretary may support an application of an alien's dependent child, who is less than 21 years of age, to the federal government for deferred action, work authorization or other discretionary relief.

Sec. 7. (a) Any employer is eligible to participate in a program established by the secretary to refer aliens, who have been granted deferred action, work authorization or other discretionary relief by the federal government and who seek employment in Kansas, to employers if:

(1) The employer's primary business is involved in an industry that has been certified by the secretary as experiencing significant labor shortages under section 4, and amendments thereto;

(2) the employer agrees to pay the annual registration fee established by the secretary by rules and regulations;

(3) the employer meets the requirements of the federal fair labor standards act and provides such other employee benefits consistent with state and federal law;

(4) the employer agrees to complete reports as required by the secretary that include the total number of aliens hired by the employer pursuant to the program; and

(5) the employer withholds all federal and state employment taxes as required by law.

(b) Employers who fail to meet the requirements of subsection (a) may be deemed ineligible and disqualified from participation in the program by the secretary.

(c) Upon 60 days prior written notice to the secretary, an employer may exit the program.

Sec. 8. The secretary shall develop and administer a program for the registration and approval of community or faith-based organizations to receive grant funds to provide any of the following activities:

(a) Education and outreach regarding program participation in the programs established pursuant to section 4 or section 7, and amendments thereto;

(b) assistance to aliens in:

(1) The completion of an application to the secretary for support and
assistance under the provisions of sections 1 through 12, and amendments thereto;
(2) the completion of an application to the federal government for deferred action, work authorization or other discretionary relief; or
(3) seeking employment in Kansas;
(c) teaching of English language programs; or
(d) reporting of program outcomes to the governor and the legislature.

Sec. 9. The secretary is hereby authorized to adopt rules and regulations for the implementation and administration of the provisions of sections 1 through 12, and amendments thereto, including, but not limited to:
(a) The establishment of an application for aliens seeking support and assistance of the secretary under section 4, and amendments thereto;
(b) the establishment of documentation necessary for determination of program eligibility for employers under section 7, and amendments thereto, and community and faith-based organizations under section 8, and amendments thereto;
(c) the terms and conditions of program compliance in accordance with the provisions of sections 1 through 12, and amendments thereto;
(d) the annual registration fee required under section 7, and amendments thereto, which shall be an amount that is not less than $1,000 and no more than $5,000, plus $200 per alien referred by the secretary to the employer; and
(e) any other matters necessary for the implementation and administration of the provisions of sections 1 through 12, and amendments thereto.

Sec. 10. The secretary may cooperate or enter into formal agreements with any other agency or state, with any political subdivision of this or any other state, with the federal government or with any other person for the purpose of carrying out the provisions of sections 1 through 12, and amendments thereto.

Sec. 11. (a) There is hereby established in the state treasury the Kansas business workers and community partnership fund, which shall be administered by the secretary. All expenditures from the fund shall be for payment of the establishment, implementation, or administration costs of the programs established pursuant to sections 1 through 12, and amendments thereto, or distribution of grant funds to community or faith-based groups providing activities described in section 8, and amendments thereto.
(b) All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or the secretary's
designee.

c) All moneys received by the secretary from fees pursuant to this act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance the state treasurer shall deposit the entire amount in the state treasury and credit it to the Kansas business workers and community partnership fund.

Sec. 12. If any provision of sections 1 through 12, and amendments thereto, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the validity of the remaining provisions which can be given effect without the invalid provision, and to this end the provisions of sections 1 through 12, and amendments thereto, are declared to be severable.

Sec. 13. This act shall take effect and be in force from and after January 1, 2013, and its publication in the statute book.