AN ACT enacting the rule of law restoration act.

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

Section 1. This act shall be known and may be cited as the rule of law restoration act.

Sec. 2. The state of Kansas finds that:

(a) Illegal immigration causes economic hardship in this state for unemployed United States citizens and unemployed aliens who are lawfully present in the United States; and

(b) illegal immigration depresses wages that are paid to United States citizens and aliens lawfully present in the United States;

(c) illegal immigration imposes a significant fiscal burden upon the taxpayers of this state;

(d) on June 15, 2012, and on November 20, 2014, the secretary of the United States department of homeland security issued executive memoranda that attempt to permit large, specifically-defined categories of aliens not lawfully present in the United States to remain in the United States under a de facto amnesty by granting such aliens "deferred action" and employment authorization;

(e) the federal executive memoranda of June 15, 2012, and November 20, 2014, attempt to exercise legislative power, in violation of the separation of powers described in articles I and II of the United States constitution;

(f) the federal executive memoranda of June 15, 2012, and November 20, 2014, violate the federal law found in 8 U.S.C. § 1225(b)(2)(A), which requires federal immigration officers to detain certain aliens not lawfully present in the United States and to place such aliens into removal proceedings; and

(g) such unconstitutional and unlawful actions taken by the federal executive branch are invalid and have no preemptive effect on the states under the supremacy clause of article VI of the United States constitution.

Sec. 3. For the purposes of this act, the following words shall have the following meanings:

(a) "Alien" means any person who is not a citizen or national of the United States, as described in 8 U.S.C. § 1101 et seq., and amendments thereto.
"Business entity" means any person or group of persons performing or engaging in any activity, enterprise, profession or occupation for gain, benefit, advantage or livelihood, whether for profit or not-for-profit. "Business entity" also shall include, but not be limited to, the following:

1. Self-employed individuals, business entities filing articles of incorporation, partnerships, limited partnerships, limited liability companies, foreign corporations, foreign limited partnerships, foreign limited liability companies authorized to transact business in this state, business trusts and any business entity that registers with the secretary of state; and

2. any business entity that possesses a business license, permit, certificate, approval, registration, charter, or similar form of authorization issued by the state, any business entity that is exempt by law from obtaining such a business license, and any business entity that is operating unlawfully without a business license.

"Employee" means any person directed, allowed, or permitted to perform labor or service of any kind by an employer. The employees of an independent contractor working for a business entity shall not be regarded as the employees of the business entity, for the purposes of this act.

"Employer" means any person, firm, corporation, partnership, joint stock association, agent, manager, representative, foreman or other person having control or custody of any employment, place of employment or of any employee, including any person or entity employing any person for hire within the state of Kansas, including a public employer. This term shall not include the occupant of a household contracting with another person to perform casual domestic labor within the household.

"Employment" means the act of employing or state of being employed, engaged or hired to perform work or service of any kind or character within the state of Kansas.

"Unauthorized alien" means an alien who does not possess employment authorization in the United States, as defined by federal law in 8 U.S.C. § 1101 et seq.

"Knowingly" means a person acts knowingly or with knowledge with respect to either of the following:

1. The person's conduct or to attendant circumstances when the person is aware of the nature of the person's conduct or that those circumstances exist; or

2. a result of the person's conduct when the person is reasonably aware that the person's conduct is likely to cause that result.

"Federal executive memoranda" means the memoranda issued on June 15, 2012, and November 20, 2014. The memorandum issued by
secretary of homeland security Janet Napolitano on June 15, 2012, entitled "exercising prosecutorial discretion with respect to individuals who came to the United States as children," and the memorandum issued by secretary of homeland security Jeh Johnson on November 20, 2014, entitled "exercising prosecutorial discretion with respect to individuals who came to the United States as children and with respect to certain individuals who are the parents of U.S. citizens or permanent residents," and subsequent guidelines or memoranda issued by the department of homeland security or its component agencies for the purpose of implementing the memoranda of June 15, 2012, and November 20, 2014.

Sec. 4. No employer or business entity may knowingly hire or recruit or refer for a fee, for employment, an alien knowing the alien is an unauthorized alien with respect to such employment, or knowing that the alien's employment authorization is based upon the fact that the alien received deferred action pursuant to the federal executive memoranda.

Sec. 5. (a) No wage, compensation, whether in money or in kind or in services, or remuneration of any kind for the performance of services paid to an unauthorized alien shall be allowed as a deductible business expense for any state income or business tax purposes in this state. This subsection shall apply whether or not an internal revenue service form 1099 is issued in conjunction with the wages or remuneration.

(b) No wage, compensation, whether in money or in kind or in services, or remuneration of any kind for the performance of services paid to an alien who received deferred action pursuant to the federal executive memorandum shall be allowed as a deductible business expense for any state income or business tax purposes in this state. This subsection shall apply whether or not an internal revenue service form 1099 is issued in conjunction with the wages or remuneration.

Sec. 6. (a) No driver's license or nondriver identification card shall be issued to any person who is an alien not lawfully present in the United States.

(b) No driver's license or nondriver identification card shall be issued to any person who is an alien who received deferred action pursuant to the federal executive memorandum.

(c) Any alien who applies for a new driver's license or applies to renew a driver's license shall be required to provide the following, in addition to the pertinent documents or information required from United States citizens:

(1) A valid passport in the applicant's name issued by the applicant's country of citizenship; or

(2) any document issued by the federal government of the United States indicating the applicant's lawful immigration status.

Sec. 7. The prohibitions described in this act shall not apply to an
alien who, after receiving deferred action pursuant to the federal executive
memoranda becomes lawfully present in the United States through a
process consistent with federal statute, including, but not limited to,
receiving asylum pursuant to 8 U.S.C. § 1158.

Sec. 8. The provisions of this act are severable. If any part of this act
is declared invalid or unconstitutional, that declaration shall not affect the
part which remains.

Sec. 9. This act shall become effective on and after January 1, 2016
and its publication in the statute book.