

HOUSE BILL No. 2194

By Committee on Federal and State Affairs

1-31

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

3

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

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

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

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

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

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

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

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

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

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

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

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

33 Sec. 5. (a) Any alien may seek the support of the secretary by
34 providing the secretary with documentation of such alien's application to
35 the federal government for deferred action, work authorization or other
36 discretionary relief.

1 (b) An alien who is granted deferred action, work authorization or
2 other discretionary relief may apply, if otherwise eligible, for a Kansas
3 driver's license or Kansas identification card.

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (b) assistance to aliens in:

43 (1) The completion of an application to the secretary for support and

1 assistance under the provisions of sections 1 through 12, and amendments
2 thereto;

3 (2) the completion of an application to the federal government for
4 deferred action, work authorization or other discretionary relief; or

5 (3) seeking employment in Kansas;

6 (c) teaching of English language programs; or

7 (d) reporting of program outcomes to the governor and the
8 legislature.

9 Sec. 9. The secretary is hereby authorized to adopt rules and
10 regulations for the implementation and administration of the provisions of
11 sections 1 through 12, and amendments thereto, including, but not limited
12 to:

13 (a) The establishment of an application for aliens seeking support and
14 assistance of the secretary under section 4, and amendments thereto;

15 (b) the establishment of documentation necessary for determination
16 of program eligibility for employers under section 7, and amendments
17 thereto, and community and faith-based organizations under section 8, and
18 amendments thereto;

19 (c) the terms and conditions of program compliance in accordance
20 with the provisions of sections 1 through 12, and amendments thereto;

21 (d) the annual registration fee required under section 7, and
22 amendments thereto, which shall be an amount that is not less than \$1,000
23 and no more than \$5,000, plus \$200 per alien referred by the secretary to
24 the employer; and

25 (e) any other matters necessary for the implementation and
26 administration of the provisions of sections 1 through 12, and amendments
27 thereto.

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

33 Sec. 11. (a) There is hereby established in the state treasury the
34 Kansas business workers and community partnership fund, which shall be
35 administered by the secretary. All expenditures from the fund shall be for
36 payment of the establishment, implementation, or administration costs of
37 the programs established pursuant to sections 1 through 12, and
38 amendments thereto, or distribution of grant funds to community or faith-
39 based groups providing activities described in section 8, and amendments
40 thereto.

41 (b) All expenditures from the fund shall be made in accordance with
42 appropriation acts upon warrants of the director of accounts and reports
43 issued pursuant to vouchers approved by the secretary or the secretary's

1 designee.

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

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

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