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

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

Section 1. As used in this act:
(a) "Alien" means an alien unlawfully present in the United States, as defined by the immigration laws of the United States, 8 U.S.C. § 1101 et seq.
(b) "Program participant" means an alien who meets the requirements of section 4, and amendments thereto.
(c) "Secretary" means the secretary of labor.

Sec. 2. The goals of this act include, but are not limited to:
(a) Facilitating information sharing between the state and the federal government, the state work force, the business community and local governments to address critical labor shortages in the state of Kansas;
(b) reducing costs related to detention, incarceration and deportation of undocumented aliens;
(c) increasing the safety of Kansas residents by ensuring that undocumented persons undergo background security screening;
(d) providing a lawful work force for Kansas industries seeking to grow the economy; and
(e) assisting local governments and community organizations seeking to aid immigrant assimilation into Kansas.

Sec. 3. (a) The secretary shall develop and administer a program to support noncriminal undocumented aliens who, in lieu of detention or deportation by the federal government, seek authorization from the federal government to work for certain eligible businesses in the state of Kansas and provide assistance to such persons or such persons' dependents through partnership arrangements with eligible community or faith-based organizations.
(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 economic conditions.
(c) Upon a certification that an industry has significant worker
shortages, the secretary may accept applications from employers meeting
the requirements of section 6, and amendments thereto, to participate in a
program for the employment of eligible program participants in such
industry.

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

Sec. 4. (a) Any alien may seek to enroll in the program established
pursuant to this act if the alien:

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

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

(3) has presented: (A) Proof of presence within Kansas prior to July
1, 2007; or (B) proof of relocation to Kansas with an employer that has
relocated to Kansas and proof of presence within the United States for
more than five years;

(4) agrees to employment with a business certified pursuant to this
act, conditioned on securing employment authorization from the federal
department of homeland security; and

(5) agrees to work toward English language proficiency.

(b) A program participant who meets the eligibility requirements of
subsection (a) may apply, if otherwise eligible, for a Kansas driver’s
license or Kansas nondriver’s identification card. Eligibility will be for a
term consistent with the work authorization granted by the federal
department of homeland security and may be renewed subject to the terms
of the work authorization.

(c) (1) If a program participant is terminated from the program
participant's employment for cause, the program participant shall not be
eligible for unemployment benefits. If the program participant is not able
to secure other employment with an eligible employer within 90 days after
termination, the program participant shall become ineligible for the
program. The secretary may not support an application for any renewal of
deferred action or other discretionary relief or an employment
authorization document for any program participant who fails to comply
with the terms of the program.

(2) Program participants who are employed by an employer that has
been disqualified from the program pursuant to section 6, and amendments
thereto, immediately must seek and, as soon as practicable, obtain
employment with another employer eligible to participate in the program
established pursuant to this act.

Sec. 5. The secretary may support an application of a program
participant's alien spouse or a program participant's dependent child under
the age of 21 years to the department of homeland security for deferred
action or other discretionary relief if the applicant spouse or child has met
the requirements of subsections (a)(1), (2) and (5) of section 4, and
amendments thereto.

Sec. 6. (a) Any employer that meets the following criteria is eligible
to participate in the program established pursuant to this act:
(1) The employer’s primary business is involved in an industry that
has been certified by the secretary as experiencing significant labor
shortages;
(2) payment of an annual registration fee as follows:
(A) For employers employing 1 to 10 program participants, $1,000
plus $200 per program participant;
(B) for employers employing 11 to 50 program participants, $2,500
plus $200 per program participant; and
(C) for employers employing more than 50 program participants,
$5,000 plus $200 per program participant;
(3) the employer meets the requirements of the federal fair labor
standards act;
(4) the employer has completed training and certification by the
secretary;
(5) the employer agrees to make and completes reports as required by
the secretary;
(6) the employer complies with all federal and state employment
taxes; and
(7) the employer provides all benefits to participants as provided to
other employees.
(b) (1) The secretary may approve employers meeting eligibility
requirements to employ program participants.
(2) The secretary may disqualify employers who fail to maintain the
eligibility requirements.
(3) Employers disqualified from the program by the secretary shall be
required to pay to the secretary a civil penalty in the amount of $500 per
program participant employee or $5,000, whichever is greater, recoverable
after notice and opportunity for hearing in accordance with the Kansas
administrative procedure act.
(4) Employers may voluntarily leave the program at any time with 60
days' prior notice to the secretary and to program participants.
(c) Employers meeting the eligibility requirements shall not be
criminally prosecuted by the state of Kansas for actions arising out of the
past employment of a person who participates in the program.

Sec. 7. The secretary shall adopt rules and regulations for the
development and administration of a program for the registration and
approval of community or faith-based organizations to receive grant funds
and provide any of the following activities:
(a) Education and outreach regarding program participation;
(b) assisting undocumented aliens who are program participants in
the completion of documentation;
(c) teaching of English language programs; and
(d) reporting of program outcomes to the state.

Sec. 8. The secretary is hereby authorized to promulgate and adopt
rules and regulations for the administration of this act, including, but not
limited to: (a) Establishment of documentation necessary for determination
of program eligibility; (b) tracking of social security or other identification
documentation to assure employer and program participant program
compliance; (c) terms and conditions of program compliance; (d) training,
reporting and compliance requirements; and (e) any procedural or other
matters related to the administration of the program established pursuant to
this act.

Sec. 9. The secretary may cooperate or enter into formal agreements
with any other agency or state, with any local governmental entity of this
state or any other state, with the federal government or with any other
person for the purpose of carrying out the provisions of this act.

Sec. 10. For the purposes of carrying out the provisions of this act,
the secretary or the secretary's agent may enter any premises at any
reasonable time, in order to inspect records or interview employers,
employees or program participants to assure compliance with the
provisions of this act and rules and regulations adopted pursuant to this
act.

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 costs of the program established pursuant to this act and
distribution of grant funds to community or faith-based groups providing
activities described in section 7, 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 or penalties
pursuant to this act shall be deposited in the state treasury in accordance
with the provisions of K.S.A. 75-4215, and amendments thereto, and shall
be credited to the fund.

Sec. 12. Sections 1 through 12, and amendments thereto, shall be
known as the Kansas business workers and community partnership act.

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