

**SENATE BILL No. 181**

By Committee on Federal and State Affairs

2-10

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1 AN ACT concerning immigration; relating to verification of work  
2 authorization.

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

5 Section 1. As used in sections 1 and 2, and amendments thereto:

6 (a) (1) "Business entity" means any person or group of persons  
7 performing or engaging in any activity, enterprise, profession or  
8 occupation for gain, benefit, advantage or livelihood, including, but not  
9 limited to, self-employed individuals, partnerships, corporations,  
10 contractors and subcontractors.

11 (2) "Business entity" shall not include a self-employed individual  
12 with no employees, entities utilizing services of direct sellers or any state  
13 agency, department, board, commission, county or municipality.

14 (b) "Direct seller" means services performed as a direct seller who is  
15 engaged in the trade or business of the delivering or distribution of  
16 newspapers or shopping news, including any services directly related to  
17 such trade or business, or services performed as a direct seller who is  
18 engaged in the trade or business of selling, or soliciting the sale of,  
19 consumer products in the home or otherwise than in, or affiliated with, a  
20 permanent, fixed retail establishment, if 80% or more of the  
21 remuneration, whether or not paid in cash, for the services performed  
22 rather than the number of hours worked is directly related to sales  
23 performed pursuant to a written contract between such direct seller and  
24 the person for whom the services are performed, and such contract  
25 provides that the individual will not be treated as an employee with  
26 respect to such services for federal tax purposes.

27 (c) "Employee" means any person performing work or service of  
28 any kind or character for hire within the state of Kansas.

29 (d) "Employer" means any person or entity employing any person  
30 for hire within the state of Kansas. Where there are two or more putative  
31 employers, any person or entity taking a business tax deduction for the  
32 employee in question shall be considered an employer of that person for  
33 purposes of sections 1 through 5, and amendments thereto.

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

1 (f) "Federal work authorization program" means any of the  
2 electronic verification of work authorization programs operated by the  
3 United States department of homeland security or an equivalent federal  
4 work authorization program operated by the United States department of  
5 homeland security to verify information of newly hired employees under  
6 public law 99-603, the immigration reform and control act of 1986.

7 (g) "Municipality" has the same meaning ascribed thereto in K.S.A.  
8 75-1117, and amendments thereto.

9 (h) "Work" means any job, task, employment, labor, personal  
10 services or any other activity for which compensation is provided,  
11 expected or due, including, but not limited to, all activities conducted by  
12 business entities.

13 Sec. 2. (a) On and after January 1, 2012, all state agencies,  
14 departments, boards and commissions, counties or any municipality who  
15 is an employer shall enroll and actively participate in a federal work  
16 authorization program with respect to all employees whose employment  
17 commences after January 1, 2012.

18 (b) On and after January 1, 2012, no state agency, department,  
19 board, commission, county or municipality shall award a public works or  
20 purchase contract, which is in excess of \$5,000, to a business entity, nor  
21 shall a business entity be eligible to bid for or receive such public works  
22 or purchase contract unless such business entity affirms, by sworn  
23 affidavit and provision of documentation, that it is enrolled in and  
24 actively participating in a federal work authorization program with  
25 respect to all employees whose employment commences after January 1,  
26 2012. A business entity shall be responsible for ensuring that any  
27 subcontractor, which such business entity contracts with for a public  
28 works or purchase contract, certifies the employment eligibility of the  
29 employees of such subcontractor through a federal work authorization  
30 program.

31 (c) Nothing in this section shall be construed to require a  
32 business entity to take any action that the business entity believes in good  
33 faith would violate federal or state law.

34 Sec. 3. This act shall take effect and be in force from and after its  
35 publication in the statute book.  
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