

HOUSE BILL No. 2946

By Representative Merrick

2-14

9 AN ACT concerning contracts by the state or a political subdivision
10 thereof; requiring certain provisions in such a contract relating to per-
11 sons who are authorized workers under federal immigration law.
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. (a) No agency of the state of Kansas or a political subdi-
15 vision thereof shall enter into a contract for the performance of services
16 within the state unless the contract provides that only persons who are
17 citizens of the United States or authorized workers under federal immi-
18 gration law shall be employed to perform the services under the contract,
19 or any subcontract thereunder. For the purposes of this section, "Serv-
20 ices" means any work performed by an independent contractor wherein
21 the service rendered does not consist primarily of acquisition of equip-
22 ment or materials, or the rental of equipment, materials and supplies.

23 (b) Every public contract for the performance of services described
24 in subsection (a) shall include the following provision:

25 "During the performance on this contract, the contractor agrees (i) to
26 post in conspicuous places, readily available to employees and applicants
27 for employment, and (ii) to state in all solicitations or advertisements for
28 persons to be engaged in the performance of services under this contract,
29 a statement notifying such persons that only persons who are citizens of
30 the United States or authorized workers under federal immigration law
31 shall be employed to perform services for compensation under this con-
32 tract within the state of Kansas, and that the contractor may not retaliate
33 or take any adverse action against any employee for reporting, or attempt-
34 ing to report, a violation of this provision to the contracting agency, and
35 (iii) to include the provisions of this clause in every subcontract there-
36 under, so that the provisions will be binding upon each subcontractor."

37 (c) No contractor that holds or has been awarded a public contract
38 for the provision of services described in subsection (a) may retaliate
39 against or take any adverse action against any employee or any subcon-
40 tractor thereunder for reporting, or attempting to report, a violation of
41 this section to the contracting agency.

42 (d) Any person aggrieved by the failure of an agency or by a contrac-
43 tor to such agency to comply with a requirement of this section, may file

1 a written complaint with the agency. The agency shall provide a written
2 response within 60 days of receipt of the complaint.

3 (e) (1) Any person who with reasonable cause believes that any con-
4 tractor or agency has engaged, or is engaged, in any act or practice in
5 violation of the provisions of this section, may institute a proceeding for
6 injunction or mandamus within 60 days after the receipt of the written
7 response to such person's complaint to the contracting agency.

8 (2) In the case of any successful proceeding by an aggrieved party,
9 the contractor or agency enjoined or made subject to a writ of mandamus
10 by the court shall be liable for the costs of the action together with rea-
11 sonable attorneys' fees as determined by the court.

12 (f) This section shall be enforced without regard to race, religion,
13 gender, ethnicity or national origin.

14 Sec. 2. This act shall take effect and be in force from and after its
15 publication in the statute book.