

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 784

Introduced by Vargas, 7; McDonnell, 5; Wayne, 13.

Read first time January 03, 2018

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to the Employee Classification Act; to amend
- 2 sections 48-2907 and 48-2911, Reissue Revised Statutes of Nebraska;
- 3 to prohibit contractors with unpaid fines from contracting with the
- 4 state or a political subdivision; to change provisions relating to a
- 5 required affidavit; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-2907, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 48-2907 (1) In addition to any other fines or penalties provided by
4 law, if the commissioner finds, after notice and hearing, that a
5 contractor has violated the Employee Classification Act, the contractor
6 shall be assessed, by the commissioner, a five-hundred-dollar fine per
7 each misclassified individual for the first offense and a five-thousand-
8 dollar fine per each misclassified individual for each second and
9 subsequent offense.

10 (2) Any contractor who has unpaid fines for a violation of the
11 Employee Classification Act shall be barred from contracting with the
12 state or any political subdivision until such fines are paid.

13 Sec. 2. Section 48-2911, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 48-2911 Any contract between the state or a political subdivision
16 and a contractor shall require that each contractor who performs
17 construction or delivery service pursuant to the contract submit to the
18 state or political subdivision an affidavit attesting that (1) each
19 individual performing services for such contractor is properly classified
20 under the Employee Classification Act, (2) such contractor has completed
21 a federal I-9 immigration form and has such form on file for each
22 employee performing services, (3) such contractor has complied with
23 section 4-114, (4) such contractor has no reasonable basis to believe
24 that any individual performing services for such contractor is an
25 undocumented worker, and (5) as of the time of the contract, such
26 contractor is not barred from contracting with the state or any political
27 subdivision pursuant to section 48-2907 or 48-2912. Such contract shall
28 also require that the contractor follow the provisions of the Employee
29 Classification Act. A violation of the act by a contractor is grounds for
30 rescission of the contract by the state or political subdivision.

31 Sec. 3. Original sections 48-2907 and 48-2911, Reissue Revised

1 Statutes of Nebraska, are repealed.