

AMENDMENTS TO LB953

(Amendments to Standing Committee amendments, AM1779)

Introduced by Vargas, 7.

1 1. Insert the following new sections:

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

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

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

14 Sec. 3. Section 48-2911, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 48-2911 Any contract between the state or a political subdivision
17 and a contractor shall require that each contractor who performs
18 construction or delivery service pursuant to the contract submit to the
19 state or political subdivision an affidavit attesting that (1) each
20 individual performing services for such contractor is properly classified
21 under the Employee Classification Act, (2) such contractor has completed
22 a federal I-9 immigration form and has such form on file for each
23 employee performing services, (3) such contractor has complied with
24 section 4-114, (4) such contractor has no reasonable basis to believe
25 that any individual performing services for such contractor is an
26 undocumented worker, and (5) as of the time of the contract, such

1 contractor is not barred from contracting with the state or any political
2 subdivision pursuant to section 48-2907 or 48-2912. Such contract shall
3 also require that the contractor follow the provisions of the Employee
4 Classification Act. A violation of the act by a contractor is grounds for
5 rescission of the contract by the state or political subdivision.

6 2. Renumber the remaining section and correct the repealer
7 accordingly.