

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 926

Introduced by Business and Labor Committee: Hansen, M., 26, Chairperson;
Chambers, 11; Crawford, 45; Halloran, 33; Lathrop, 12.

Read first time January 10, 2020

Committee: Business and Labor

1 A BILL FOR AN ACT relating to the Employee Classification Act; to amend
2 section 48-2907, Revised Statutes Cumulative Supplement, 2018; to
3 change provisions relating to violations of the act; to provide for
4 a hearing; to harmonize provisions; and to repeal the original
5 section.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-2907, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 48-2907 (1) In addition to any other fines or penalties provided by
4 law, if the commissioner may issue a citation to a contractor when an
5 investigation reveals finds, after notice and hearing, that a contractor
6 has violated the Employee Classification Act, ~~the contractor shall be~~
7 ~~assessed, by the commissioner, a five-hundred-dollar fine~~

8 (2) When a citation is issued, the commissioner shall notify the
9 contractor of the proposed administrative penalty, if any, by certified
10 mail or any other manner of delivery by which the United States Postal
11 Service can verify delivery or by any method of service recognized under
12 Chapter 25, article 5. The administrative penalty shall be not more than
13 five hundred dollars per each misclassified individual for the first
14 offense and not more than five thousand dollars ~~a five-thousand-dollar~~
15 ~~fine~~ per each misclassified individual for each second or ~~and~~ subsequent
16 offense.

17 (3) The contractor has fifteen working days after the date of the
18 citation or penalty to contest such citation or penalty. Notice of
19 contest shall be sent to the commissioner who shall provide a hearing in
20 accordance with the Administrative Procedure Act.

21 (4) ~~(2)~~ Any contractor who has an unpaid citation ~~fin~~es for a
22 violation of the Employee Classification Act shall be barred from
23 contracting with the state or any political subdivision until such
24 citation is ~~fin~~es are paid.

25 Sec. 2. Original section 48-2907, Revised Statutes Cumulative
26 Supplement, 2018, is repealed.