

ASSEMBLY BILL NO. 171—ASSEMBLYMEN KOIVISTO, CLABORN, SMITH, ANDERSON, BOBZIEN, BUCKLEY, CARPENTER, CONKLIN, GANSERT, GOICOECHEA, GRADY, HOGAN, HORNE, KIRKPATRICK, LESLIE, MCCLAIN, PARKS, PARNELL AND WOMACK

FEBRUARY 23, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Provides for the revocation of a state business license for a violation of federal law prohibiting the hiring or employment of unauthorized aliens. (BDR 32-537)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to business licenses; requiring the Department of Taxation to revoke the state business license of a person who is determined to have violated certain provisions of federal law prohibiting the hiring or employment of unauthorized aliens; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law prohibits a person from conducting a business in Nevada unless he
- 2 has a state business license issued by the Department of Taxation. (NRS 360.780)
- 3 The federal Immigration and Nationality Act prohibits a person from hiring or
- 4 employing an alien if the person knows that the alien is not authorized to work
- 5 in the United States. (8 U.S.C. § 1324a) This bill requires the Department to revoke
- 6 the state business license of a person if it determines, after notice and hearing, that
- 7 the person has engaged in the unlawful hiring or employment of an unauthorized
- 8 alien in violation of federal law.



* A B 1 7 1 *

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Department, after notice and hearing in the manner required by NRS 360.798, determines that a person who holds a state business license has engaged in the unlawful hiring or employment of an unauthorized alien in violation of the provisions of 8 U.S.C. § 1324a, as evidenced by a final decision and order of the Attorney General of the United States pursuant to the provisions of 8 U.S.C. § 1324a(e), the Department shall revoke the state business license of the person.

2. A person whose state business license is revoked pursuant to this section is ineligible to hold a state business license:

(a) For the first revocation of his state business license pursuant to this section, for a period of 1 year after the date of the revocation.

(b) For a second or subsequent revocation of his state business license pursuant to this section, for a period of 5 years after the date of the revocation.

3. Upon revoking a state business license pursuant to this section, the Department shall provide written notice of the revocation to the governing body of the local jurisdiction in which the business is being conducted.

4. The Department shall adopt such regulations as it determines necessary to carry out the provisions of this section.

5. As used in this section, "unauthorized alien" has the meaning ascribed to it in 8 U.S.C. § 1324a(h)(3).

Sec. 2. NRS 360.760 is hereby amended to read as follows:

360.760 As used in NRS 360.760 to 360.798, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 360.765 to 360.775, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 360.798 is hereby amended to read as follows:

360.798 *Except as otherwise provided in section 1 of this act:*

1. If a person who holds a state business license fails to comply with a provision of NRS 360.760 to 360.798, inclusive, and section 1 of this act, or a regulation of the Department adopted pursuant thereto, the Department may revoke or suspend the state business license of the person. Before so doing, the Department must hold a hearing after 10 days' written notice to the licensee. The notice must specify the time and place of the hearing and require the licensee to show cause why his license should not be revoked.



- 1 2. If the license is suspended or revoked, the Department shall
2 give written notice of the action to the person who holds the state
3 business license.
- 4 3. The notices required by this section may be served
5 personally or by mail in the manner provided in NRS 360.350 for
6 the service of a notice of the determination of a deficiency.
- 7 4. The Department shall not issue a new license to the former
8 holder of a revoked state business license unless the Department is
9 satisfied that the person will comply with the provisions of this
10 chapter and the regulations of the Department adopted pursuant
11 thereto.

