

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 393

Introduced by Erdman, 47.

Read first time January 12, 2023

Committee:

1 A BILL FOR AN ACT relating to agriculture; to amend sections 48-301,
2 48-302.03, and 48-302.04, Reissue Revised Statutes of Nebraska, and
3 section 81-2,157, Revised Statutes Cumulative Supplement, 2022; to
4 define and redefine terms; to provide reporting requirements
5 relating to planting seed corn; to provide a duty for the Director
6 of Agriculture; to change and provide work conditions and
7 requirements relating to detasseling or roguing; to provide
8 penalties; to harmonize provisions; to repeal the original sections;
9 and to outright repeal sections 81-2,155 and 81-2,156, Revised
10 Statutes Cumulative Supplement, 2022.

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

1 Section 1. Section 48-301, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 48-301 For purposes of sections 48-302 to 48-313:

4 (1) Employment means (a) service for wages or (b) being under a
5 contract of hire, written or oral, express or implied. Employment, other
6 than detasseling or roguing, does not include any employment for which
7 the employer is not liable for payment of the combined tax or payment in
8 lieu of contributions under section 48-648, 48-649 to 48-649.04, or
9 48-660.01; ~~and~~

10 (2) Detasseling means the removal of weeds, off-type and rogue
11 plants, and corn tassels in hand pollinating and in any other engagement
12 in hand labor in the production of seed corn; ~~and -~~

13 (3) Roguing means the removal of inferior or defective plants or
14 seedlings from a crop in an agricultural field by hand labor.

15 Sec. 2. Section 48-302.03, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 48-302.03 (1) A child under the age of twelve shall not be employed
18 in detasseling or roguing.

19 (2) A child who is at least twelve years but less than sixteen years
20 of age may be employed in detasseling or roguing if:

21 (a) The employment is outside of school hours during the month of
22 June, July, or August;

23 (b) The employer of such child obtains the written consent of a
24 parent of the child or a person standing in loco parentis to the child
25 for the child to be so employed;

26 (c) The child is domiciled within seventy-five miles of the location
27 where the labor is to be performed; and

28 (d) The child does not work (i) more than forty-eight hours in any
29 one week, (ii) ~~not~~ more than nine hours in any one day, and (iii) ~~not~~
30 ~~before the hour of 6 a.m. or in the morning, nor after the hour of 8 p.m.~~
31 ~~in the evening~~ if the child is under the age of fourteen years of age, or

1 ~~nor after the hour of 10 p.m. in the evening if the child is between the~~
2 ~~ages of fourteen and sixteen years of age. Transportation time shall not~~
3 ~~be counted under this subdivision nor shall time spent during work breaks~~
4 ~~or waiting time spent during storm events if no work is required during~~
5 ~~those periods.~~

6 (3) A child who is at least sixteen years of age but under nineteen
7 years of age may be employed in detasseling or roguing if such child does
8 not work (a) more than ten hours in any one day, (b) more than sixty
9 hours in any one week, and (c) before 6 a.m. or after 10 p.m.

10 (4) Transportation time, time spent during work breaks, and waiting
11 time spent during storm events shall not be counted for purposes of
12 computing total work hours under subdivision (2)(d) or subsection (3) of
13 this section if no work is required during such time periods.

14 (5) {3} Sections 48-302 and 48-310 do not apply to employment of a
15 child in detasseling or roguing if the requirements of subsection (2) of
16 this section are met.

17 (6) {4} This section does not apply to a parent or a person standing
18 in loco parentis who employs and directly supervises his or her own child
19 or a child in his or her custody in a business owned and operated by such
20 parent or person standing in loco parentis.

21 Sec. 3. Section 48-302.04, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 48-302.04 (1) An employer who employs a child under sixteen years of
24 age in detasseling or roguing shall provide at least two supervisors who
25 are eighteen years of age or older at each location where detasseling or
26 roguing is being performed by a child under sixteen years of age. The
27 supervisors shall be capable of assisting with issues of health, safety,
28 and wages, including bonuses and incentive payments.

29 (2) An employer who employs a child under sixteen years of age in
30 detasseling or roguing shall provide the parents of such child with an
31 information sheet defining the terms of employment, including, but not

1 limited to, the availability of water and sanitary facilities on the job
2 and wage, bonus, and incentive payment information. The information sheet
3 shall set forth the name, address, and telephone number of the Division
4 of Safety and Labor Standards of the Department of Labor for purposes of
5 filing complaints concerning nonpayment of wages.

6 Sec. 4. (1) No person who plants seed corn in this state intended
7 for sale shall require any worker employed in detasseling or roguing to
8 work (a) more than ten hours in any one day, (b) more than sixty hours in
9 any one week, or (c) before 6 a.m. or after 10 p.m.

10 (2) Transportation time, time spent during work breaks, and waiting
11 time spent during storm events shall not be counted for purposes of
12 computing total work hours under this section if no work is required
13 during such time periods.

14 (3) A violation of this section is a Class IV misdemeanor.

15 (4) For purposes of this section, detasseling and roguing have the
16 same meaning as in section 48-301.

17 Sec. 5. For purposes of sections 6 and 7 of this act, detasseling
18 and roguing have the same meaning as in section 48-301.

19 Sec. 6. (1) Any seed company which plants seed corn in this state
20 intended for sale shall file a report by February 1 of each calendar year
21 with the Director of Agriculture reporting the number of acres to be
22 planted such calendar year that will require detasseling or roguing. The
23 report shall be made on a form prescribed by the director.

24 (2) The Director of Agriculture shall prepare a report disclosing
25 the number of acres reported pursuant to subsection (1) of this section
26 and post such report on the Department of Agriculture's website by March
27 1 of each corresponding calendar year.

28 (3) Any person who fails to report as required by subsection (1) of
29 this section shall be guilty of a Class IV misdemeanor.

30 Sec. 7. Section 81-2,157, Revised Statutes Cumulative Supplement,
31 2022, is amended to read:

1 ~~81-2,157~~ (1) It shall be unlawful for any person or such person's
2 agent or representative to sell, offer or expose for sale, or falsely
3 mark or tag, within the State of Nebraska, any seed corn as hybrid unless
4 it is: Any person who violates any of the provisions of sections ~~81-2,155~~
5 and ~~81-2,156~~ shall be guilty of a Class III misdemeanor.

6 (a) Seed of the first generation of a cross involving two, three, or
7 four different inbred lines of corn or their combinations; and

8 (b) The result of a cross produced by cross fertilization performed
9 by a method of proper isolation in time or distance and controlled either
10 by hand, by detasseling at the proper times, or by utilizing male
11 sterility systems.

12 (2) A violation of this section is a Class III misdemeanor.

13 (3) (2) In addition to the criminal penalty provided under
14 subsection (2) (1) of this section, a restraining order or a temporary,
15 permanent, or mandatory injunction may be imposed against any person to
16 restrain the commission or continuance of any act in violation of this
17 section ~~any of the provisions of sections 81-2,155 and 81-2,156~~. The
18 district court of the county where such act is occurring or about to
19 occur shall have jurisdiction to grant such relief upon good cause shown.
20 Relief may be granted notwithstanding the existence of any other remedy
21 at law and shall be granted without bond.

22 (4) (3) Whenever the Director of Agriculture has a reasonable belief
23 that the commission or continuance of any act is in violation of this
24 section ~~sections 81-2,155 and 81-2,156~~, the director shall report such
25 belief to the Attorney General or the county attorney of the county in
26 which such act is occurring or about to occur. Upon satisfactory
27 information provided by the director, the Attorney General or the
28 appropriate county attorney may cause appropriate proceedings pursuant to
29 this section to be initiated without delay.

30 Sec. 8. Original sections 48-301, 48-302.03, and 48-302.04, Reissue
31 Revised Statutes of Nebraska, and section 81-2,157, Revised Statutes

1 Cumulative Supplement, 2022, are repealed.

2 Sec. 9. The following sections are outright repealed: Sections

3 81-2,155 and 81-2,156, Revised Statutes Cumulative Supplement, 2022.