

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 844

Introduced by Erdman, 47.

Read first time January 03, 2024

Committee:

1 A BILL FOR AN ACT relating to the Farm Labor Contractors Act; to amend
2 sections 48-1701, 48-1702, and 48-1714, Reissue Revised Statutes of
3 Nebraska; to define terms; to require certain actions by certain
4 seed corn producers; to provide duties to the Director of
5 Agriculture and the Department of Agriculture; to provide a penalty;
6 to harmonize provisions; and to repeal the original sections.

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

1 Section 1. Section 48-1701, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 48-1701 Sections 48-1701 to 48-1714 and section 3 of this act shall
4 be known and may be cited as the Farm Labor Contractors Act.

5 Sec. 2. Section 48-1702, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 48-1702 For purposes of the Farm Labor Contractors Act, unless the
8 context otherwise requires:

9 (1) Department means the Department of Labor;

10 (2) Detasseling means the act of removing a tassel, which bears the
11 staminate flower of corn, by hand labor to prevent the self-pollination
12 of such corn;

13 (3) ~~(2)~~ Farm labor contractor means any individual, partnership,
14 limited liability company, corporation, or cooperative association, other
15 than an agricultural employer, an agricultural association, or an
16 employee of an agricultural employer or agricultural association, who for
17 any money or other valuable consideration paid or promised to be paid
18 performs any farm labor contracting activity;

19 (4) ~~(3)~~ Farm labor contracting activity means recruiting,
20 soliciting, hiring, employing, furnishing, or transporting any migrant or
21 seasonal agricultural worker;

22 (5) ~~(4)~~ Non-English-speaking worker has the same meaning as non-
23 English-speaking employee in section 48-2208; ~~and~~

24 (6) Roguing means the act of removing unwanted, off-type, inferior,
25 or defective plants from an agricultural field by hand labor; and

26 (7) ~~(5)~~ Worker means a person who is employed or recruited by or who
27 subcontracts with a farm labor contractor.

28 Sec. 3. (1) Beginning January 1, 2025, any seed corn producer in
29 this state that contracts for labor for the roguing or detasseling of
30 seed corn shall:

31 (a) Solicit bids for such labor from an operation with a valid

1 certificate of exemption described in subdivision (7) of section 48-1703;
2 and

3 (b) Complete and submit a signed and notarized form prescribed by
4 the Department of Agriculture, under penalty of perjury, to the Director
5 of Agriculture on or after August 1 but not later than September 1 of
6 each year. Such form shall contain the following information for the crop
7 year for which such form is filed:

8 (i) The total number of acres of seed corn the producer planted in
9 this state;

10 (ii) If any, the name of each operation with a valid certificate of
11 exemption described in subdivision (7) of section 48-1703 with whom the
12 producer contracted for labor for the roguing of seed corn and the total
13 number of acres rogued by each such operation;

14 (iii) If any, the name of each operation not described in
15 subdivision (1)(b)(ii) of this section with whom the producer contracted
16 for labor for the roguing of seed corn and the total number of acres
17 rogued by each such operation;

18 (iv) If any, the name of each operation with a valid certificate of
19 exemption described in subdivision (7) of section 48-1703 with whom the
20 producer contracted for labor for the detasseling of seed corn and the
21 total number of acres detasseled by each such operation; and

22 (v) If any, the name of each operation not described in subdivision
23 (1)(b)(iv) of this section with whom the producer contracted for labor
24 for the detasseling of seed corn and the total number of acres detasseled
25 by each such operation.

26 (2) The Director of Agriculture shall publish a report on the
27 Department of Agriculture's website not later than September 30, 2025,
28 and by each September 30 thereafter. Such report shall include all of the
29 information provided by seed corn producers pursuant to subdivision (1)
30 (b) of this section for each crop year.

31 (3) By April 1, 2025, the Director of Agriculture shall publish a

1 directory on the Department of Agriculture's website, updated by December
2 31 of each year, that contains:

3 (a) The name of each operation with a valid certificate of exemption
4 described in subdivision (7) of section 48-1703 that provides detasseling
5 or roguing services for seed corn;

6 (b) The address of the headquarters for each such operation; and

7 (c) Contact information for each such operation, including a
8 telephone number.

9 (5) The Department of Agriculture may adopt and promulgate rules and
10 regulations to carry out this section.

11 Sec. 4. Section 48-1714, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 48-1714 (1) Any person who violates ~~violating~~ section 48-1711 or
14 48-1712 shall be guilty of a Class II misdemeanor.

15 (2) Any person who (a) intentionally defaces, alters, or changes a
16 farm labor contractor license, (b) uses the license of another, (c)
17 knowingly permits the use of another person's license, or (d) acts as a
18 farm labor contractor without a license shall be guilty of a Class II
19 misdemeanor.

20 (3) Any seed corn producer who violates section 3 of this act shall
21 be guilty of a Class IV misdemeanor.

22 Sec. 5. Original sections 48-1701, 48-1702, and 48-1714, Reissue
23 Revised Statutes of Nebraska, are repealed.