

LEGISLATIVE BILL 844

Approved by the Governor March 18, 2024

Introduced by Erdman, 47; Holdcroft, 36; Lippincott, 34; Linehan, 39; Hughes, 24; Slama, 1.

A BILL FOR AN ACT relating to the Farm Labor Contractors Act; to amend sections 48-1701 and 48-1702, Reissue Revised Statutes of Nebraska; to define terms; to require certain actions by certain seed corn producers; to provide duties to the Director of Agriculture and the Department of Agriculture; to harmonize provisions; and to repeal the original sections. Be it enacted by the people of the State of Nebraska,

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

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

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

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

(1) Certified exempt contractor means a farm labor contractor that holds a valid certificate of exemption described in subdivision (7) of section 48-1703;

(2) ~~(1)~~ Department means the Department of Labor;

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

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

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

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

(7) Nonexempt contractor means a farm labor contractor that does not hold a valid certificate of exemption described in subdivision (7) of section 48-1703;

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

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

Sec. 3. (1) Beginning January 1, 2025, any seed corn producer in this state that intends to utilize one or more farm labor contractors for the roguing or detasseling of seed corn shall:

(a) Complete and submit a form to the Director of Agriculture that the seed corn producer intends to utilize one or more farm labor contractors for detasseling or roguing of seed corn during the current or upcoming growing season; and

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

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

(ii) The name of each certified exempt contractor, if any, with whom the producer contracted for labor for the roguing of seed corn and the total number of acres rogued by each such operation;

(iii) The name of each nonexempt contractor, if any, with whom the producer contracted for labor for the roguing of seed corn and the total number of acres rogued by each such operation;

(iv) The name of each certified exempt contractor, if any, with whom the producer contracted for labor for the detasseling of seed corn and the total number of acres detasseled by each such operation; and

(v) The name of each nonexempt contractor, if any, with whom the producer contracted for labor for the detasseling of seed corn and the total number of acres detasseled by each such operation.

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

(a) The total number of acres of seed corn planted in this state;

(b) The total number of acres of seed corn detasseled by certified exempt

contractors;

(c) The total number of acres of seed corn rogued by certified exempt contractors;

(d) The total number of acres of seed corn detasseled by nonexempt contractors;

(e) The total number of acres of seed corn rogued by nonexempt contractors; and

(f) The total number of acres of seed corn for which seed corn producers did not utilize detasseling or roguing services by any farm labor contractor.

(3)(a) By January 1, 2025, the Director of Agriculture shall publish a directory on the Department of Agriculture's website, updated by December 31 of each year, that contains:

(i) The name of each certified exempt contractor that provides detasseling or roguing services for seed corn;

(ii) The address of the headquarters for each such certified exempt contractor; and

(iii) Contact information for each such certified exempt contractor, including a telephone number if available.

(b) Beginning in 2025, the Director of Agriculture shall send, by registered mail, a copy of the most recently updated directory described in this subsection to the following:

(i) Within ten days after receiving a form described in subdivision (1)(a) of this section, to the seed corn producer that submitted such form; and

(ii) By January 15 of each year, to each seed corn producer that submitted the form described in subdivision (1)(b) of this section during the previous year.

(4) The Director of Agriculture shall prescribe the method by which any such seed corn producer may submit a form under subdivision (1)(a) of this section and receive a copy of the most recently updated directory described in subsection (3) of this section.

(5) Any form submitted by any seed corn producer under this section shall not be a public record subject to disclosure pursuant to sections 84-712 to 84-712.09.

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

Sec. 4. Original sections 48-1701 and 48-1702, Reissue Revised Statutes of Nebraska, are repealed.