

LEGISLATIVE BILL 452

Approved by the Governor February 7, 1992

Introduced by Business and Labor Committee:
Coordsen, 32, Chairperson; Chambers, 11;
Elmer, 38; Hefner, 19; Morrissey, 1;
Schellpeper, 18; Schimek, 27

AN ACT relating to the Farm Labor Contractors Act; to amend section 48-1703, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to persons excluded from the act; and to repeal the original section.

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

Section 1. That section 48-1703, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1703. The following shall be excluded from the Farm Labor Contractors Act:

(1) Any individual who engages in a farm labor contracting activity on behalf of a farm, processing establishment, cannery, gin, packing shed, or nursery, which is owned and operated exclusively by such individual or a member of his or her immediate family, if such activities are performed only for such operation and exclusively by such individual or family member, but without regard to whether such individual has incorporated or otherwise organized for business purposes;

(2) Any common carrier which would be a farm labor contractor solely because it is engaged in transporting any migrant or seasonal agricultural worker. For purposes of this section, a common carrier is one which holds itself out to the general public to engage in transportation of passengers for hire, whether over regular or irregular routes, and which holds a valid certificate or authorization for such purposes from an appropriate local, state, or federal agency;

(3) Any labor organization as defined under applicable state law;

(4) Any nonprofit charitable organization or public or private nonprofit educational institution;

(5) Any custom combine, hay harvesting, sheep shearing, or custom poultry operations;

(6) Employees of exempt employers; and

(7) Any operation which employs individuals

who are all domiciled within fifty miles of the location where the labor is to be performed and which has obtained a local operator's certificate of exemption from the department. Any operator who meets the requirements of this subdivision shall be issued such certificate by the department. The department shall adopt and promulgate rules and regulations necessary to carry out this subdivision.

Sec. 2. That original section 48-1703, Reissue Revised Statutes of Nebraska, 1943, is repealed.