

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 270**

FINAL READING

Introduced by Ebke, 32.

Read first time January 14, 2015

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to labor; to amend sections 48-1706, 48-2107,
- 2 and 48-2710, Reissue Revised Statutes of Nebraska; to create and
- 3 eliminate funds; to harmonize provisions; to provide an operative
- 4 date; to repeal the original sections; to outright repeal sections
- 5 48-1707 and 48-2115, Reissue Revised Statutes of Nebraska; and to
- 6 declare an emergency.
- 7 Be it enacted by the people of the State of Nebraska,

1           Section 1.     (1) The Contractor and Professional Employer  
2 Organization Registration Cash Fund is created. The fund shall be  
3 administered by the Department of Labor and shall consist of fees  
4 collected by the department pursuant to the Farm Labor Contractors Act,  
5 the Contractor Registration Act, and the Professional Employer  
6 Organization Registration Act and such sums as are appropriated to the  
7 fund by the Legislature. The fund shall be used for enforcing and  
8 administering the Farm Labor Contractors Act, the Contractor Registration  
9 Act, the Employee Classification Act, and the Professional Employer  
10 Organization Registration Act. Any money in the fund available for  
11 investment shall be invested by the state investment officer pursuant to  
12 the Nebraska Capital Expansion Act and the Nebraska State Funds  
13 Investment Act.

14           (2) The Farm Labor Contractors Fund, the Contractor Registration  
15 Cash Fund, and the Professional Employer Organization Cash Fund terminate  
16 on the operative date of this act, and the State Treasurer shall transfer  
17 any money in such funds on such date to the Contractor and Professional  
18 Employer Organization Registration Cash Fund.

19           Sec. 2. Section 48-1706, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21           48-1706 Each application shall be accompanied by a fee. The  
22 Commissioner of Labor shall establish the amount of the fee, which shall  
23 not exceed seven hundred fifty dollars, by rule and regulation. The fee  
24 shall be established with due regard for the costs of administering the  
25 Farm Labor Contractors Act. All fees so collected shall be deposited in  
26 the Contractor and Professional Employer Organization Registration Cash  
27 Farm Labor Contractors Fund.

28           Sec. 3. Section 48-2107, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30           48-2107 (1) Each application or renewal under section 48-2105 shall  
31 be signed by the applicant and accompanied by a fee of forty dollars. The

1 commissioner may adopt and promulgate rules and regulations to establish  
2 the criteria for acceptability of filing documents and making payments  
3 electronically. The criteria may include requirements for electronic  
4 signatures. The commissioner may refuse to accept any electronic filings  
5 or payments that do not meet the criteria established. The fee shall not  
6 be required when an amendment to an application is submitted. The  
7 commissioner shall remit the fees collected under this subsection to the  
8 State Treasurer for credit to the Contractor and Professional Employer  
9 Organization Registration Cash ~~Contractor Registration Cash~~ Fund.

10 (2) A contractor shall not be required to pay the fee under  
11 subsection (1) of this section if (a) the contractor is self-employed and  
12 does not pay more than three thousand dollars annually to employ other  
13 persons in the business and the application contains a statement made  
14 under oath or equivalent affirmation setting forth such information or  
15 (b) the contractor only engages in the construction of water wells or  
16 installation of septic systems. At any time that a contractor no longer  
17 qualifies for exemption from the fee, the fee shall be paid to the  
18 department. Any false statement made under subdivision (2)(a) of this  
19 section shall be a violation of section 28-915.01.

20 (3) The commissioner shall charge an additional fee of twenty-five  
21 dollars for the registration of each nonresident contractor and a fee of  
22 twenty-five dollars for the registration of each contract to which a  
23 nonresident contractor is a party if the total contract price or  
24 compensation to be received is more than ten thousand dollars. The  
25 commissioner shall remit the fees collected under this subsection to the  
26 State Treasurer for credit to the General Fund.

27 Sec. 4. Section 48-2710, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 48-2710 (1) The department shall adopt a schedule of fees for  
30 initial registration, annual registration renewal, and limited  
31 registration, not to exceed two thousand five hundred dollars for initial

1 registration, one thousand five hundred dollars for annual registration  
2 renewal, and one thousand dollars for limited registration. Such fees  
3 shall not exceed those reasonably necessary for the administration of the  
4 Professional Employer Organization Registration Act.

5 ~~(2) There is hereby created the Professional Employer Organization~~  
6 ~~Cash Fund to be administered by the department. Fees imposed pursuant to~~  
7 ~~this section shall be remitted to the State Treasurer for credit to the~~  
8 Contractor and Professional Employer Organization Registration Cash Fund  
9 ~~fund. Money in the fund may be used for the administration of the~~  
10 ~~Professional Employer Organization Registration Act. Any money in the~~  
11 ~~fund available for investment shall be invested by the state investment~~  
12 ~~officer pursuant to the Nebraska Capital Expansion Act and the Nebraska~~  
13 ~~State Funds Investment Act.~~

14 Sec. 5. This act becomes operative on July 1, 2016.

15 Sec. 6. Original sections 48-1706, 48-2107, and 48-2710, Reissue  
16 Revised Statutes of Nebraska, are repealed.

17 Sec. 7. The following sections are outright repealed: Sections  
18 48-1707 and 48-2115, Reissue Revised Statutes of Nebraska.

19 Sec. 8. Since an emergency exists, this act takes effect when  
20 passed and approved according to law.