

LEGISLATIVE BILL 270

Approved by the Governor February 24, 2016

Introduced by Ebke, 32.

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

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

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

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

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

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

48-2107 (1) Each application or renewal under section 48-2105 shall be signed by the applicant and accompanied by a fee of forty dollars. The commissioner may adopt and promulgate rules and regulations to establish the criteria for acceptability of filing documents and making payments electronically. The criteria may include requirements for electronic signatures. The commissioner may refuse to accept any electronic filings or payments that do not meet the criteria established. The fee shall not be required when an amendment to an application is submitted. The commissioner shall remit the fees collected under this subsection to the State Treasurer for credit to the Contractor and Professional Employer Organization Registration Cash Fund ~~Contractor Registration Cash Fund~~.

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

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

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

48-2710 (1) The department shall adopt a schedule of fees for initial registration, annual registration renewal, and limited registration, not to exceed two thousand five hundred dollars for initial registration, one thousand five hundred dollars for annual registration renewal, and one thousand dollars for limited registration. Such fees shall not exceed those reasonably necessary for the administration of the Professional Employer Organization Registration Act.

~~(2) There is hereby created the Professional Employer Organization Cash Fund to be administered by the department. Fees imposed pursuant to this section shall be remitted to the State Treasurer for credit to the Contractor and Professional Employer Organization Registration Cash Fund fund. Money in the fund may be used for the administration of the Professional Employer~~

~~Organization Registration Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.~~

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

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

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

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