

LEGISLATIVE BILL 35

Approved by the Governor February 12, 1987

Introduced by Labeledz, 5, Chairperson, Executive Board

AN ACT relating to child labor; to amend sections 48-302.01, 48-303, 48-307, 48-308, 48-311, and 48-313, Reissue Revised Statutes of Nebraska, 1943; to delete references to a repealed section; to harmonize penalty provisions by eliminating duplicative and inconsistent penalties; and to repeal the original sections.

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

Section 1. That section 48-302.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-302.01. ~~The provisions of sections 48-301 and Section 48-302 shall not be construed to apply to the employment of any child solely as a caddy on any golf course or place where golf is played.~~

Sec. 2. That section 48-303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-303. An employment certificate shall be approved only by the superintendent of schools of the school ~~corporation~~ district in which the child resides, or by a person authorized by him or her in writing, or when where there is no superintendent of schools, by a person authorized by the school district officers, except that; ~~PROVIDED~~, no school district officer or other person authorized as ~~aforsaid~~ shall have authority to by this section may approve such certificate, for any child then in, or about to enter, his or her own employment, or the employment of a firm or corporation of which he or she is a member, officer, or employee, or in whose business he or she is interested. The officer or person approving such certificate shall have authority to may administer the oath provided for therein, or in any investigation or examination necessary for the approval thereof. No fee shall be charged for approving any such certificate ~~nor~~ or for administering any oath or rendering any services ~~therein in respect related~~ thereto. The board of directors of each school corporation school board or board of education of each school district shall

establish and maintain proper records where copies of all such certificates and all documents connected therewith shall be filed and preserved, and shall provide the necessary clerical services for carrying out the provisions of sections ~~48-301~~ 48-302 to 48-313. The person who issued the employment certificate shall report to the Department of Labor any complaint concerning the conditions of employment of a child for whom a certificate is in force. Upon receipt of the report the Department of Labor shall make such investigation as it deems advisable to protect an individual child or to promote the youth-work program.

Sec. 3. That section 48-307, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-307. The superintendent of public schools in all cities and towns having a population of more than one thousand according to the last official census, and the presiding officer of all other school boards shall furnish a duplicate copy of all certificates issued under the provisions of sections ~~48-301~~ 48-302 to 48-313 to the Department of Labor. The duplicate certificates in the form set forth in section 48-309 ~~must~~ shall be filed with the Department of Labor at the time of the issuance of the original certificate.

Sec. 4. That section 48-308, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-308. Regular attendance of a child at any public evening school, maintained in any city or village ~~where~~ when instruction is given not less than twenty weeks each year, and three evenings each week, and two hours each evening, shall authorize the issuance of a certificate of employment ~~where~~ when the schooling certificate fails to show that the child has completed the work of the sixth grade, if the schooling certificate and all other certificates are otherwise in due form, and the applicant further produces a certificate from the superintendent or principal of such public evening school, showing the regular attendance of such child at such evening school, and if the child employed under such certificate shall furnish furnishes to his ~~or her~~ employer a weekly certificate showing regular attendance each week while the evening school is in session. Whoever employs a child in violation of the provisions of sections 48-302 to 48-313 shall upon conviction be fined not more than fifty dollars for each offense. A parent, guardian or custodian who permits a child under his control to be employed in violation of

the provisions of said sections shall upon conviction be fined not more than twenty dollars-

Sec. 5. That section 48-311, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-311. Whoever employs a child under sixteen years of age and whoever, having under his or her control a child under such age, causes or permits such child to be employed in violation of sections 48-302 to 48-313, shall be guilty of a Class V misdemeanor. Whoever continues to employ any child in violation of any of said such sections, after being notified by an attendance officer, or by the Department of Labor or by its assistants or employees, shall, for every day thereafter that such employment continues, be guilty of a Class V misdemeanor. The failure of an employer of child labor to produce, upon request of a person authorized to demand the same, any employment certificate or list required by said such sections shall be prima facie evidence of the illegal employment of any child whose employment certificate is not produced or whose name is not listed. Any corporation or employer retaining employment certificates in violation of said such sections shall be guilty of a Class V misdemeanor. Every person authorized or required to sign any certificate or statement prescribed by said such sections, or who knowingly certifies or makes oath to any material false statement therein or who violates any of the provisions of said such sections shall be guilty of a Class V misdemeanor. Every person, firm or corporation, agent or manager, superintendent or foreman of any person, firm or corporation, who shall refuse who refuses admittance to any officer or person authorized to visit or inspect any premises or place of business under the provisions of said such sections, and to produce all certificates and lists he or she may have when demanded, after such person shall have announced his or her name and the office he or she holds and the purpose of his or her visit, or shall otherwise obstruct obstructs such officers persons in the performance of their duties prescribed by said such sections, shall be guilty of a Class ~~III~~ V misdemeanor.

Sec. 6. That section 48-313, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-313. No child under the age of sixteen years shall be employed in any work which by reason of the nature of the work, or place of performance, is dangerous to life or limb, or in which ~~its~~ his or her

health may be injured or ~~its~~ his or her morals may be depraved. Any ~~No~~ parent, guardian, or other person, who, ~~having has~~ under his or her control any child, ~~shall cause or permit causes or permits~~ such child to work or be employed in violation of this section. 7 ~~shall be guilty of a Class III misdemeanor-~~

Sec. 7. That original sections 48-302.01, 48-303, 48-307, 48-308, 48-311, and 48-313, Reissue Revised Statutes of Nebraska, 1943, are repealed.