

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 747

Introduced by Sorrentino, 39.

Read first time January 07, 2026

Committee: Business and Labor

1 A BILL FOR AN ACT relating to labor; to amend sections 48-309, 48-1231,
2 48-1233, 48-1234, and 48-2905, Reissue Revised Statutes of Nebraska,
3 and sections 29-431, 48-302, 48-303, and 48-2107, Revised Statutes
4 Cumulative Supplement, 2024; to change provisions relating to child
5 labor; to change penalty provisions and provide powers to the
6 Commissioner of Labor under the Nebraska Wage Payment and Collection
7 Act; to change provisions relating to fees under the Contractor
8 Registration Act; to provide powers to the Commissioner of Labor and
9 eliminate the hotline and website for reporting suspected violations
10 under the Employee Classification Act; to harmonize provisions; to
11 repeal the original sections; and to outright repeal sections
12 48-307, 48-2906, and 48-2909, Reissue Revised Statutes of Nebraska.
13 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 29-431, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 29-431 As used in sections 28-416, 29-422, 29-424, 29-425, 29-431 to
4 29-434, ~~48-1231,~~ and 53-173, unless the context otherwise requires,
5 infraction means the violation of any law, ordinance, order, rule, or
6 regulation, not including those related to traffic, which is not
7 otherwise declared to be a misdemeanor or a felony. Infraction includes
8 violations of section 60-6,267 and beginning January 1, 2024, section
9 60-6,279.

10 **Sec. 2.** Section 48-302, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 48-302 (1) No child under sixteen years of age shall be employed or
13 permitted or suffered to work in any employment as defined in section
14 48-301 within this state unless the person or corporation employing the
15 child procures and keeps on file, accessible to the attendance officers
16 and to the Department of Labor and its assistants and employees, an
17 employment certificate as prescribed in section 48-304 and keeps one
18 complete list of all such children employed in the building on file in
19 the building in which such children are employed.

20 (2) Upon the termination of the employment of a child or when a
21 child reaches the age of sixteen ~~so registered whose certificate is so~~
22 ~~filed,~~ such certificate shall be retained by the employer for at least
23 twelve months ~~transmitted by the employer to the person authorizing the~~
24 ~~certificate pursuant to section 48-303~~ and shall be accessible to the
25 attendance officers and to the Department of Labor and its assistants and
26 employees upon request ~~turned over to such child upon demand.~~

27 (3) Any attendance officer or the Department of Labor or its
28 assistants and employees may demand that any employer in whose place of
29 business a child apparently under the age of sixteen years is employed or
30 permitted or suffered to work, and whose employment certificate is not
31 then filed as required by this section, either furnish within ten days

1 satisfactory evidence that such child is in fact over sixteen years of
2 age or cease to employ or permit or suffer such child to work in such
3 place of business. The same evidence of the age of such child may be
4 required from such employer as is required on the issuance of an
5 employment certificate as provided in section 48-304, and the employer
6 furnishing such evidence shall not be required to furnish any further
7 evidence of the age of the child.

8 (4) In case such employer fails to produce and deliver to the
9 attendance officer or the Commissioner of Labor within ten days after
10 demand such evidence of the age of any child as may be required under the
11 provisions of section 48-304 and continues to employ such child or permit
12 or suffer such child to work in such place of business, proof of the
13 giving of such notice and of such failure to produce and file such
14 evidence shall be prima facie evidence in any prosecution brought for a
15 violation of this section that such child is under sixteen years of age
16 and is unlawfully employed.

17 **Sec. 3.** Section 48-303, Revised Statutes Cumulative Supplement,
18 2024, is amended to read:

19 48-303 Except as otherwise provided in this section, an employment
20 certificate shall be approved only by the principal of the school the
21 child attends or by a person authorized by him or her in writing or, when
22 there is no principal, by a person authorized by the chief administrative
23 officer of the school or the superintendent of the school district in
24 which the child resides, except that no person authorized by this section
25 may approve such certificate for any child then in or about to enter his
26 or her own employment or the employment of a firm or corporation of which
27 he or she is a member, officer, or employee or in whose business he or
28 she is interested. If a child who resides outside of Nebraska ~~in an~~
29 ~~adjoining~~ state seeks to work in Nebraska, the Department of Labor may
30 approve the employment certificate. The officer or person approving such
31 certificate may administer the oath provided for therein or in any

1 investigation or examination necessary for the approval thereof. No fee
2 shall be charged for approving any such certificate or for administering
3 any oath or rendering any services related thereto. The school approving
4 the employment certificate, or the department if the department has
5 approved the employment certificate, shall establish and maintain proper
6 records where copies of all such certificates and all documents connected
7 therewith shall be filed and preserved and shall provide the necessary
8 clerical services for carrying out sections 48-302 to 48-313. The person
9 who issued the employment certificate shall report to the department any
10 complaint concerning the conditions of employment of a child for whom a
11 certificate is in force. Upon receipt of the report, the department shall
12 make such investigation as it deems advisable to protect an individual
13 child or to promote the youth-work program.

14 **Sec. 4.** Section 48-309, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 48-309 The age and schooling certificate provided for herein shall
17 be made out upon blank forms prescribed and furnished ~~in triplicate~~ by
18 the Department of Labor.

19 **Sec. 5.** Section 48-1231, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 48-1231 (1) An employee having a claim for wages which are not paid
22 within thirty days of the regular payday designated or agreed upon may
23 institute suit for such unpaid wages in the proper court. If an employee
24 establishes a claim and secures judgment on the claim, such employee
25 shall be entitled to recover the full amount of the judgment and all
26 costs of such suit, including reasonable attorney's fees. If the cause is
27 taken to an appellate court and the employee recovers a judgment, the
28 appellate court shall award reasonable attorney's fees to the employee.
29 If the employee fails to recover a judgment in excess of the amount that
30 may have been tendered within thirty days of the regular payday by an
31 employer, such employee shall not recover the attorney's fees provided by

1 this subsection. If the court finds that no reasonable dispute existed as
2 to the fact that wages were owed or as to the amount of such wages, the
3 court may order the employee to pay the employer's attorney's fees and
4 costs of the action as assessed by the court.

5 (2) If an employee works for an employer that is not subject to the
6 Nebraska Fair Employment Practice Act and such employee is aggrieved by a
7 violation of section 48-1235, the employee may bring a suit against such
8 employer in the proper court to recover the damages sustained by reason
9 of such violation. If an employee prevails in a suit brought pursuant to
10 this subsection, such employee shall be entitled to recover the full
11 amount of the judgment and all costs of such suit, including reasonable
12 attorney's fees. If the cause is taken to an appellate court and the
13 employee recovers a judgment, the appellate court shall award reasonable
14 attorney's fees to the employee.

15 ~~(3) An employer who fails to furnish a wage statement under~~
16 ~~subsection (2) of section 48-1230 shall be guilty of an infraction as~~
17 ~~defined in section 29-431 and shall be subject to a fine pursuant to~~
18 ~~section 29-436.~~

19 ~~(3)~~ (4) If an employee institutes suit against an employer under
20 subsection (1) or (2) of this section, any citation that is issued
21 against such employer under section 48-1234 and that relates directly to
22 the facts in dispute shall be admitted into evidence unless specifically
23 excluded by the court. If a citation has been contested as described in
24 subsection (3) of section 48-1234, it shall not be admitted into evidence
25 under this subsection until after such contest has been resolved.

26 **Sec. 6.** Section 48-1233, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 48-1233 (1) The Commissioner of Labor shall have the authority to
29 subpoena records and witnesses related to the enforcement of the Nebraska
30 Wage Payment and Collection Act. The commissioner or his or her agent may
31 inspect all related records and gather testimony on any matter relative

1 to the enforcement of the act when the information sought is relevant to
2 a lawful investigative purpose and is reasonable in scope.

3 (2) In case of contumacy by or refusal to obey a subpoena issued to
4 any person, any court of competent jurisdiction, upon application by the
5 commissioner, may issue to that person an order requiring such person to
6 appear before the commissioner or the officer designated by the
7 commissioner to produce documentary evidence if so ordered or to give
8 evidence touching on the matter under investigation or in question. Any
9 failure to obey the order of the court may be punished by the court as a
10 contempt of the court.

11 **Sec. 7.** Section 48-1234, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 48-1234 (1) The Commissioner of Labor shall issue a citation to an
14 employer when an investigation reveals that the employer may have
15 violated the Nebraska Wage Payment and Collection Act ~~, other than a~~
16 ~~violation of subsection (2) of section 48-1230.~~

17 (2) When a citation is issued, the commissioner shall notify the
18 employer of the proposed administrative penalty, if any, by certified
19 mail or any other manner of delivery by which the United States Postal
20 Service can verify delivery or by any method of service recognized under
21 Chapter 25, article 5. The administrative penalty shall be not more than
22 five hundred dollars in the case of a first violation and not more than
23 five thousand dollars in the case of a second or subsequent violation.

24 (3) The employer has fifteen working days after the date of the
25 citation or penalty to contest such citation or penalty. Notice of
26 contest shall be sent to the commissioner who shall provide a hearing in
27 accordance with the Administrative Procedure Act.

28 (4) Any employer who has an unpaid citation for a violation of the
29 Nebraska Wage Payment and Collection Act shall be barred from contracting
30 with the state or any political subdivision until such citation is paid.
31 If a citation has been contested as described in subsection (3) of this

1 section, it shall not be considered an unpaid citation under this
2 subsection until after such contest has been resolved.

3 (5) Citations issued under this section and the names of employers
4 who have been issued a citation shall be made available to the public
5 upon request, except that this subsection shall not apply to any
6 citations that are being contested as described in subsection (3) of this
7 section.

8 **Sec. 8.** Section 48-2107, Revised Statutes Cumulative Supplement,
9 2024, is amended to read:

10 48-2107 ~~(1)~~ Each application or renewal under section 48-2105 shall
11 be signed by the applicant and accompanied by a fee not to exceed forty
12 dollars. The commissioner may adopt and promulgate rules and regulations
13 to establish the criteria for acceptability of filing documents and
14 making payments electronically. The criteria may include requirements for
15 electronic signatures. The commissioner may refuse to accept any
16 electronic filings or payments that do not meet the criteria established.
17 The fee shall not be required when an amendment to an application is
18 submitted. The commissioner shall remit the fees collected under this
19 subsection to the State Treasurer for credit to the Contractor and
20 Professional Employer Organization Registration Cash Fund.

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

31 **Sec. 9.** Section 48-2905, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 48-2905 (1) The commissioner may make such investigations as he or
3 she finds necessary or appropriate to determine whether there is
4 compliance with the Employee Classification Act. Investigations shall
5 take place at the times and places as the commissioner directs. For
6 purposes of any investigation under this section, the commissioner or any
7 person designated by him or her may interview persons at the worksite,
8 take photographs, and utilize other reasonable investigatory techniques.
9 The conduct of the investigation shall be such as to preclude
10 unreasonable disruption of the operations of the worksite. Investigations
11 may be conducted, without prior notice, by correspondence, telephone
12 conversations, or review of materials submitted to the department.

13 (2) The commissioner or any officer designated by him or her shall
14 have the power to administer oaths and affirmations, issue subpoenas,
15 compel the attendance of witnesses, take evidence, and require the
16 production of any books, papers, correspondence, memoranda, agreements,
17 or other documents or records which the commissioner deems relevant or
18 material to the inquiry.

19 (3) In case of contumacy by or refusal to obey a subpoena issued to
20 any person, any court of competent jurisdiction, upon application by the
21 commissioner, may issue to that person an order requiring such person to
22 appear before the commissioner or the officer designated by the
23 commissioner to produce documentary evidence if so ordered or to give
24 evidence touching on the matter under investigation or in question. Any
25 failure to obey the order of the court may be punished by the court as a
26 contempt of the court.

27 ~~(4) The department shall establish and operate a hotline and website~~
28 ~~for individuals to report suspected violations of the Employee~~
29 ~~Classification Act. The hotline and website may be operated in~~
30 ~~conjunction with the requirements of the Contractor Registration Act. At~~
31 ~~a minimum, the department shall require the reporting individual to~~

1 ~~provide contact information and a description of the suspected violation~~
2 ~~including the name of the business and job site location.~~ Except to the
3 extent needed in any administrative hearing, civil action, or criminal
4 proceeding brought to enforce the Employment Security Law, Nebraska
5 Revenue Act of 1967, or Nebraska Workers' Compensation Act, information
6 obtained by the department under this section or obtained from any
7 individual pursuant to the administration of the Employee Classification
8 Act shall be held confidential.

9 **Sec. 10.** Original sections 48-309, 48-1231, 48-1233, 48-1234, and
10 48-2905, Reissue Revised Statutes of Nebraska, and sections 29-431,
11 48-302, 48-303, and 48-2107, Revised Statutes Cumulative Supplement,
12 2024, are repealed.

13 **Sec. 11.** The following sections are outright repealed: Sections
14 48-307, 48-2906, and 48-2909, Reissue Revised Statutes of Nebraska.