

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 879

Introduced by Guereca, 7.

Read first time January 08, 2026

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to labor; to adopt the Guest Worker Permit
- 2 Act.
- 3 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Sections 1 to 16 of this act shall be known and may be
2 cited as the Guest Worker Permit Act.

3 **Sec. 2.** For purposes of the Guest Worker Permit Act:

4 (1) Basic health insurance plan means a health plan that is
5 actuarially equivalent to a federally qualified high deductible health
6 plan;

7 (2) Conviction includes a plea or verdict of guilty or a conviction
8 following a plea of nolo contendere. A conviction shall not be considered
9 if it has been pardoned, expunged, or set aside;

10 (3) Department means the Department of Labor;

11 (4) Employer means a person for whom an undocumented individual has
12 agreed to perform services under a contract for hire;

13 (5) Family member means:

14 (a) A spouse;

15 (b) A child, parent, grandparent, sibling, grandchild, nephew, or
16 niece; or

17 (c) A spouse of any individual described in subdivision (5)(b) of
18 this section;

19 (6) Guest worker permit means a permit issued under section 5 of
20 this act;

21 (7) Immediate family member means:

22 (a) A spouse; or

23 (b) A child if the child is under twenty-one years of age and
24 unmarried;

25 (8) Implementation date means the date provided for in subsection
26 (3) of section 3 of this act;

27 (9) Permit means the guest worker permit or the immediate family
28 permit provided for in section 6 of this act;

29 (10) Relevant contact information means:

30 (a) An individual's name, residential address, and personal
31 telephone number and email address;

1 (b) The name of the individual's employer, the name and telephone
2 number of the employer's contact person, and the employer's address;

3 (c) The names of an individual's immediate family members;

4 (d) The names of other family members residing with the individual;

5 and

6 (e) Any other information required by the department's rules and
7 regulations;

8 (11) Serious bodily injury has the same meaning as in section
9 28-109;

10 (12) Serious offense means:

11 (a) A felony violation of any of the following: Section 26-103,
12 28-303, 28-304, 28-305, 28-306, 28-308, 28-309, 28-310.01, 28-311,
13 28-311.01, 28-311.03, 28-311.08, 28-313, 28-314, 28-316.01, 28-319,
14 28-319.01, 28-320, 28-320.01, 28-320.02, 28-322.02, 28-322.03, 28-322.04,
15 28-322.05, 28-323, 28-324, 28-386, 28-391, 28-392, 28-393, 28-394,
16 28-397, 28-398, 28-502, 28-503, 28-507, 28-627.03, 28-703, 28-707,
17 28-831, 28-833, 28-904, 28-905, 28-912, 28-929, 28-930, 28-931,
18 28-931.01, 28-932, 28-933, 28-934, 28-1005, 28-1009, 28-1105.01, 28-1205,
19 28-1212.02, 28-1212.04, 28-1221, 28-1222, 28-1223, 28-1224, 28-1351,
20 28-1463.03, 28-1463.05, 28-1803, 28-1804, or 28-1805;

21 (b) An offense which is a Class IIIA felony or higher and which
22 includes, as an element of the offense:

23 (i) Sexual contact or sexual penetration; or

24 (ii) The threat to inflict serious bodily injury upon or cause the
25 death of another person, the infliction of serious bodily injury upon
26 another person, or causing the death of another person;

27 (c) An offense that consists of attempt, conspiracy, being an
28 accessory to, or aiding and abetting a felony with any of the offenses
29 described in subdivision (12)(a) or (b) of this section as the underlying
30 offense; or

31 (d) A felony offense under federal law or the laws of another

1 jurisdiction in the United States that is substantially equivalent to an
2 offense described in subdivision (12)(a), (b), or (c) of this section;

3 (13) Sexual contact and sexual penetration have the same meanings as
4 in section 28-318; and

5 (14) Undocumented individual means an individual who:

6 (a) Lives or works in this state; and

7 (b) Is not in compliance with the federal Immigration and
8 Nationality Act, 8 U.S.C. Sec. 1101 et seq., with regard to presence in
9 the United States.

10 Sec. 3. (1) The department, under the direction of the Governor,
11 shall seek any federal waivers, exemptions, or authorizations necessary
12 to implement the Guest Worker Permit Act.

13 (2) The Governor shall actively participate in the department's
14 efforts to obtain any such federal waivers, exemptions, or
15 authorizations.

16 (3) The department shall implement the act beginning upon the sooner
17 of:

18 (a) One hundred twenty days after the day on which the Governor
19 finds that the state has received any necessary federal waivers,
20 exemptions, or authorizations; or

21 (b) July 1, 2028.

22 Sec. 4. (1) This section applies beginning on the implementation
23 date.

24 (2) An undocumented individual shall obtain a permit:

25 (a) Before providing services to a person in this state under a
26 contract for hire; or

27 (b) No later than thirty days after the day on which the
28 undocumented individual enters into a contract for hire as provided in
29 subsection (3) of this section.

30 (3)(a) The department shall provide a procedure under which a person
31 may hire an undocumented individual who does not hold a permit pending

1 the undocumented individual obtaining a permit within thirty days after
2 the day on which the undocumented individual is hired to provide
3 services.

4 (b) An undocumented individual shall not provide services under a
5 contract for hire to a person for more than thirty days during a two-year
6 calendar period without obtaining a permit.

7 (4) Subject to subsection (5) of this section, a permit is
8 considered an identification document and may be used as identification
9 or proof of the permitholder's age for any state or local government
10 purpose.

11 (5) An undocumented individual shall not use a permit:

12 (a) To establish entitlement to a federal, state, or local benefit;
13 or

14 (b) To obtain work or provide services in a state other than
15 Nebraska.

16 (6) A permitholder is not eligible for benefits under the Employment
17 Security Law.

18 Sec. 5. (1) To be eligible to obtain or maintain a guest worker
19 permit, an undocumented individual shall:

20 (a) Be eighteen years of age or, if younger, have the written
21 permission of a parent or guardian;

22 (b) Reside in Nebraska;

23 (c) Have worked or lived in Nebraska before July 1, 2028;

24 (d) Not have been convicted of a serious offense.

25 (2) Beginning on the implementation date, an undocumented individual
26 may apply to the department for initial issuance or renewal of a guest
27 worker permit by submitting an application to the department in the form
28 and manner prescribed by the department. The application shall contain:

29 (a) The individual's relevant contact information;

30 (b) A statement that the individual satisfies the requirements of
31 subsection (1) of this section and any supporting documentation required

1 by the department's rules and regulations;

2 (c) Documentation of a contract for hire under which the individual
3 has provided services as provided in subdivision (2)(b) of section 4 of
4 this act or under which the individual will begin providing services no
5 later than thirty days after receipt of the permit;

6 (d) Documentation satisfactory to the department that the individual
7 would not be inadmissible on public health grounds under 8 U.S.C. 1182;

8 (e) Documentation that the individual is covered by a basic health
9 insurance plan or evidence satisfactory to the department that the
10 individual has no medical debt that is past due and agrees to have no
11 medical debt that is past due during the term of the permit;

12 (f) Proof that the individual holds an authorization to operate a
13 motor vehicle in this state in accordance with state and federal law or
14 evidence satisfactory to the department that the individual will not
15 operate a motor vehicle in this state;

16 (g) An oath, affirmation, or statement to the effect that the
17 representations in the application are true as far as the individual
18 knows or should know; and

19 (h) Any other information as prescribed by the rules and regulations
20 of the department.

21 (3) An applicant for initial issuance or renewal of a guest worker
22 permit shall also submit two legible sets of fingerprints to be furnished
23 to the Federal Bureau of Investigation through the Nebraska State Patrol
24 for a national criminal history record information check and the fee for
25 such record check payable to the patrol. The applicant shall authorize
26 release of the national criminal history record information check to the
27 department.

28 (4) An application for issuance or renewal of a guest worker permit
29 shall be accompanied by a fee in an amount determined by the department,
30 not to exceed fifty dollars.

31 (5)(a) For an application for initial issuance of a guest worker

1 permit, an applicant shall also agree to pay the department a fee in an
2 amount of:

3 (i) One thousand dollars if the applicant entered into the United
4 States legally, but at the time of paying the fee is not in compliance
5 with the Immigration and Nationality Act, 8 U.S.C. 1101 et seq., with
6 regard to presence in the United States; or

7 (ii) Two thousand five hundred dollars if the applicant entered into
8 the United States illegally.

9 (b) The department shall by rule and regulation provide options for
10 payment of the fee required in this subsection by installments. The
11 department shall not charge interest or a fee for electing to pay by
12 installments.

13 (c) The department may issue a guest worker permit if the applicant
14 has agreed to pay the fee provided for in this subsection. If the
15 applicant defaults on payments of such installments, the guest worker
16 permit shall be revoked.

17 (6) An application for renewal of a guest worker permit shall
18 include documentation that the applicant is making efforts to comply with
19 section 10 of this act.

20 (7)(a) If a federal waiver, exemption, or authorization under
21 section 3 of this act so provides, the department shall also require an
22 applicant for initial issuance of a guest worker permit to:

23 (i) Post a bond with the department in the amount of ten thousand
24 dollars against which the department may bring an action for a violation
25 of the Guest Worker Permit Act; or

26 (ii) Provide written certification by the applicant's country of
27 origin of a guarantee of compliance with the act in accordance with rules
28 and regulations of the department. If a significant percentage of guest
29 workers who submit a guarantee under this subdivision from a specific
30 country cannot be located during or after the term of a guest worker
31 permit, the department shall not accept a guarantee of compliance from

1 such country.

2 (b) The department shall adopt and promulgate rules and regulations
3 to carry out this subsection.

4 Sec. 6. (1) To be eligible to obtain or maintain an immediate
5 family permit, an undocumented individual shall:

6 (a) Reside in Nebraska; and

7 (b) Be an immediate family member of a guest worker permitholder.

8 (2) Beginning on the implementation date, an undocumented individual
9 may apply to the department for initial issuance or renewal of an
10 immediate family permit by submitting an application to the department in
11 the form and manner prescribed by the department. The application shall
12 contain:

13 (a) The individual's relevant contact information;

14 (b) A statement that the individual satisfies the requirements of
15 subsection (1) of this section and any supporting documentation required
16 by the department's rules and regulations;

17 (c) An oath, affirmation, or statement to the effect that the
18 representations in the application are true as far as the individual
19 knows or should know; and

20 (d) Any other information as prescribed by the rules and regulations
21 of the department.

22 (3) An application for issuance or renewal of an immediate family
23 permit shall be accompanied by a fee in an amount determined by the
24 department, not to exceed twenty dollars.

25 (4)(a) For an application for initial issuance of an immediate
26 family permit, an applicant shall also agree to pay the department a fee
27 in an amount of:

28 (i) One thousand dollars if the applicant entered into the United
29 States legally, but at the time of paying the fee is not in compliance
30 with the Immigration and Nationality Act, 8 U.S.C. 1101 et seq., with
31 regard to presence in the United States; or

1 (ii) Two thousand five hundred dollars if the applicant entered into
2 the United States illegally.

3 (b) The department shall by rule and regulation provide options for
4 payment of the fee required in this subsection by installments. The
5 department shall not charge interest or a fee for electing to pay by
6 installments.

7 (c) The department may issue an immediate family permit if the
8 applicant has agreed to pay the fee provided for in this subsection. If
9 the applicant defaults on payments of such installments, the permit shall
10 be revoked.

11 (5) An application for renewal of an immediate family permit shall
12 include documentation that the applicant is making efforts to comply with
13 section 10 of this act.

14 **Sec. 7.** (1) Within thirty days after receipt of an application
15 under section 5 or 6 of this act, the department shall either issue or
16 renew a permit or give written notice of denial.

17 (2) An application shall only be denied if:

18 (a) The application fails to include the information and materials
19 required by section 5 or 6 of this act or does not meet the requirements
20 of such sections; or

21 (b) The applicant knowingly makes a false statement of material fact
22 in the application.

23 (3) If the application is denied, the notice of denial shall state
24 the reason issuance or renewal was denied.

25 (4) A denial under this section may be appealed. The appeal shall be
26 in accordance with the Administrative Procedure Act.

27 **Sec. 8.** (1) A permit shall be valid for two years from the date of
28 issuance.

29 (2) The department shall provide for the design of a permit card.
30 The permit card shall:

31 (a) Be of impervious material that is resistant to wear or damage;

1 (b) Contain design features that minimize the risk that the permit
2 may be forged, falsified, or counterfeited;
3 (c) Contain a photograph of the permitholder; and
4 (d) Prominently state the expiration date of the permit and the type
5 of permit.

6 **Sec. 9.** (1) A permitholder shall continue to meet the eligibility
7 criteria under section 5 or 6 of this act.

8 (2) A permitholder shall regularly update his or her relevant
9 contact information when it changes or as prescribed by the department.

10 (3) The department shall revoke a permit if:

11 (a) The permitholder is convicted of a serious offense;

12 (b) For a guest worker permit, the permitholder does not provide
13 services under a contract for hire for more than one year; or

14 (c) For an immediate family permit, the revocation or expiration of
15 the guest worker permit under which the immediate family member's permit
16 was issued.

17 **Sec. 10.** A permitholder shall make a good faith effort to become
18 proficient in the English language at or above the equivalent to an
19 intermediate level on a language proficiency assessment test used by the
20 State Board of Education for purposes of secondary school students.

21 **Sec. 11.** (1)(a) If a permitholder is not issued a social security
22 number, the Department of Revenue shall provide a means for a person who
23 receives services from a permitholder to withhold an income tax
24 equivalent from compensation paid to the permitholder.

25 (b) For purposes of this subsection, income tax equivalent means an
26 amount to be determined by the Department of Revenue, by rule and
27 regulation, that as closely as possible equals the income taxes that
28 would be imposed by state law if a permitholder were an employee with a
29 social security number.

30 (c) The Department of Revenue shall, to the extent feasible, work
31 with federal agencies to ensure that the withholding provided for in this

1 subsection is compatible with federal law and procedures.

2 (2)(a) The Department of Revenue shall impose a fee on a person who
3 hires a permitholder as an employee in accordance with this subsection.

4 (b) The fee provided for in this subsection shall apply if, as of
5 the implementation date, the federal government does not collect or
6 provide for the withholding of federal employment taxes from undocumented
7 individuals. The Department of Revenue shall cease collection of the fee
8 ending the last day of the calendar quarter in which the federal
9 government begins to collect or provide for the withholding of federal
10 employment taxes from undocumented individuals.

11 (c) The Department of Revenue shall set the fee equal to the amount
12 that, as closely as possible, equals the federal employment taxes that
13 would be imposed by federal law if the permitholder were hired as an
14 employee with a Social Security number.

15 (d) The Department of Revenue shall by rule and regulation determine
16 the methods of assessing and collecting such fee.

17 **Sec. 12.** (1) The department shall by rule and regulation develop a
18 verification procedure that allows an employer to verify that a permit is
19 valid. Such procedure shall:

20 (a) Be substantially similar to the employer requirements to verify
21 federal employment status under the federal E-Verify program; and

22 (b) Provide that an undocumented individual may appeal a
23 determination that a permit is invalid.

24 (2) The department shall not be liable in a civil action for damages
25 relating to:

26 (a) The design, implementation, or operation of a verification
27 procedure under this section;

28 (b) The collection and disclosure of information as part of such
29 verification procedure; or

30 (c) The determination that a permit is invalid.

31 (3) For purposes of this section, E-Verify means the electronic

1 verification of the work authorization program of the Illegal Immigration
2 Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. 1324a, or an
3 equivalent federal program designated by the United States Department of
4 Homeland Security or other federal agency authorized to verify the work
5 eligibility status of a newly hired employee pursuant to the Immigration
6 Reform and Control Act of 1986.

7 **Sec. 13.** (1) The department shall maintain the confidentiality of
8 information obtained from an undocumented individual under the Guest
9 Worker Permit Act. Such information shall not be a public record under
10 sections 84-712 to 84-712.09.

11 (2) The department may disclose such information:

12 (a) To the Auditor of Public Accounts for purposes of conducting an
13 audit;

14 (b) To the Department of Revenue for purposes of carrying out
15 section 11 of this act;

16 (c) To a federal agency pursuant to a waiver, exemption, or
17 authorization described in section 3 of this act; and

18 (d) As otherwise necessary to carry out the act.

19 **Sec. 14.** (1) A person shall not:

20 (a) Furnish false or forged information or documentation in support
21 of an application under the Guest Worker Permit Act;

22 (b) Alter the information on a permit;

23 (c) If the person is a guest worker permitholder, be reported absent
24 from work for ten consecutive days without the approval of his or her
25 employer;

26 (d) Allow an individual to use a permit if the individual is not
27 entitled to use the permit;

28 (e) Display or represent that a permit is issued to an individual,
29 if the permit is not issued to the individual;

30 (f) Display a revoked permit as a valid permit;

31 (g) Knowingly or with reckless disregard acquire, use, display, or

1 transfer an item that purports to be a valid permit, but that is not a
2 valid permit; or

3 (h) Otherwise violate the Guest Worker Permit Act.

4 (2) For a violation of this section, the department may:

5 (a) Suspend, limit, or revoke and repossess a permit; and

6 (b) Impose a civil penalty not to exceed seven hundred fifty dollars
7 for each violation, except that a civil penalty shall not be imposed for
8 a violation of subdivision (1)(c) of this section.

9 (3) A person shall be guilty of a Class II misdemeanor if the
10 person:

11 (a) Furnishes false or forged information or documentation in
12 support of an application under the Guest Worker Permit Act; or

13 (b) Alters the information on a permit.

14 **Sec. 15.** (1) If the department determines that an undocumented
15 individual's permit has been revoked or that an undocumented individual's
16 permit has expired but the individual continues to reside in this state,
17 the department shall notify the Attorney General and United States
18 Immigration and Customs Enforcement of such fact as well as the last
19 known address of the individual.

20 (2) If a revocation is being appealed, the notice under this section
21 shall not be sent unless the appeal has been resolved against the
22 individual.

23 **Sec. 16.** (1) The department may adopt and promulgate rules and
24 regulations as necessary to carry out the Guest Worker Permit Act.

25 (2) In implementing the act, the department shall cooperate with
26 other state agencies to minimize any duplication in databases or services
27 required under the act.

28 (3) The department shall remit any fees collected under the act to
29 the State Treasurer for credit to the General Fund.