

AMENDMENTS TO LB 403

Introduced by Judiciary.

1 1. Strike the original sections and insert the following
2 sections:

3 Section 1. (1) Notwithstanding any other provisions of
4 law, unless exempted from verification under section 3 of this
5 act or pursuant to federal law, no state agency or political
6 subdivision of the State of Nebraska shall provide public benefits
7 to a person not lawfully present in the United States.

8 (2) Except as provided in section 3 of this act or if
9 exempted by federal law, every agency or political subdivision of
10 the State of Nebraska shall verify the lawful presence in the
11 United States of any person who has applied for public benefits
12 administered by an agency or a political subdivision of the State
13 of Nebraska. This section shall be enforced without regard to race,
14 religion, gender, ethnicity, or national origin.

15 Sec. 2. For purposes of sections 1 to 6 of this act,
16 public benefits means any grant, contract, loan, professional
17 license, commercial license, retirement benefit, welfare benefit,
18 health benefit, disability benefit, public or assisted housing
19 benefit, postsecondary education benefit, food assistance benefit,
20 or unemployment benefit or any other similar benefit provided by or
21 for which payments or assistance are provided to an individual, a
22 household, or a family eligibility unit by an agency of the United
23 States, the State of Nebraska, or a political subdivision of the

1 State of Nebraska.

2 Sec. 3. Verification of lawful presence in the United
3 States pursuant to section 1 of this act is not required for:

4 (1) Any purpose for which lawful presence in the United
5 States is not restricted by law, ordinance, or regulation;

6 (2) Assistance for health care services and products,
7 not related to an organ transplant procedure, that are necessary
8 for the treatment of an emergency medical condition, including
9 emergency labor and delivery, manifesting itself by acute symptoms
10 of sufficient severity, including severe pain, such that the
11 absence of immediate medical attention could reasonably be expected
12 to result in (a) placing the patient's health in serious jeopardy,
13 (b) serious impairment to bodily functions, or (c) serious
14 dysfunction of any bodily organ or part;

15 (3) Short-term, noncash, in-kind emergency disaster
16 relief;

17 (4) Public health assistance for immunizations with
18 respect to diseases and for testing and treatment of symptoms
19 of communicable diseases, whether or not such symptoms are caused
20 by a communicable disease; or

21 (5) Programs, services, or assistance necessary for the
22 protection of life or safety, such as soup kitchens, crisis
23 counseling and intervention, and short-term shelter, which (a)
24 deliver in-kind services at the community level, including those
25 which deliver such services through public or private, nonprofit
26 agencies and (b) do not condition the provision of assistance, the
27 amount of assistance provided, or the cost of assistance provided

1 on the income or resources of the recipient.

2 Sec. 4. Verification of lawful presence in the United
3 States pursuant to section 1 of this act requires that the
4 applicant for public benefits execute a document, on a form
5 prescribed by the Department of Administrative Services attesting
6 that:

7 (1) He or she is a United States citizen; or

8 (2) He or she is a qualified alien under the federal
9 Immigration and Nationality Act, 8 U.S.C. 1101 et seq., as such act
10 existed on January 1, 2009, and is lawfully present in the United
11 States.

12 A state agency or political subdivision of the State
13 of Nebraska may adopt and promulgate rules and regulations or
14 procedures for the electronic filing and execution of the document
15 required under this section if such document is substantially
16 similar to the document form prescribed by the Department of
17 Administrative Services.

18 Sec. 5. For any applicant who has executed a document
19 described in subdivision (2) of section 4 of this act, eligibility
20 for public benefits shall be verified through the Systematic Alien
21 Verification for Entitlements Program operated by the United States
22 Department of Homeland Security or an equivalent program designated
23 by the United States Department of Homeland Security. Until such
24 verification of eligibility is made, such document may be presumed
25 to be proof of lawful presence for purposes of sections 1 to 6 of
26 this act unless such verification is required before providing the
27 public benefit under another provision of state or federal law.

1 Sec. 6. Each state agency which administers any program
2 of public benefits shall provide an annual report not later than
3 January 31 for the prior year to the Governor and the Clerk of the
4 Legislature with respect to compliance with sections 1 to 6 of this
5 act. The report shall include, but not be limited to, the total
6 number of applicants for benefits and the number of applicants
7 rejected pursuant to such sections.

8 Sec. 7. (1) For purposes of this section:

9 (a) Public employer means any agency or political
10 subdivision of the State of Nebraska;

11 (b) Federal immigration verification system means the
12 electronic verification of the work authorization program of
13 the Illegal Immigration Reform and Immigration Responsibility
14 Act of 1996, 8 U.S.C. 1324a, known as the E-Verify Program,
15 or an equivalent federal program designated by the United States
16 Department of Homeland Security or other federal agency authorized
17 to verify the work eligibility status of a newly hired employee
18 pursuant to the Immigration Reform and Control Act of 1986; and

19 (c) Public contractor means any contractor and his or
20 her subcontractors who are a party to a contract with a public
21 employer.

22 (2) Every public employer and public contractor shall
23 register with and use a federal immigration verification system
24 to determine the work eligibility status of new employees. Every
25 contract between a public employer and public contractor shall
26 contain a provision requiring the public contractor to use a
27 federal immigration verification system to determine the work

1 eligibility status of new employees.

2 (3) For two years after the operative date of this
3 act, the Department of Labor shall make available to all
4 private employers information regarding the federal immigration
5 verification system and encouraging the use of the federal
6 immigration verification system. The department shall report to the
7 Legislature no later than December 1, 2011, on the use of a federal
8 immigration verification system by Nebraska employers.

9 Sec. 8. Section 77-27,187, Revised Statutes Cumulative
10 Supplement, 2008, is amended to read:

11 77-27,187 Sections 77-27,187 to 77-27,195 and section 9
12 of this act shall be known and may be cited as the Nebraska
13 Advantage Rural Development Act.

14 Sec. 9. (1) The Tax Commissioner shall not approve
15 or grant to any person any tax incentive under the Nebraska
16 Advantage Rural Development Act unless the taxpayer provides
17 evidence satisfactory to the Tax Commissioner that the taxpayer
18 electronically verified the work eligibility status of all newly
19 hired employees employed in Nebraska.

20 (2) For purposes of calculating any tax incentive
21 available under the act, the Tax Commissioner shall exclude hours
22 worked and compensation paid to an employee that is not eligible to
23 work in Nebraska as verified under subsection (1) of this section.

24 (3) This section does not apply to any application filed
25 under the act prior to the operative date of this act.

26 Sec. 10. Section 77-5701, Revised Statutes Cumulative
27 Supplement, 2008, is amended to read:

1 77-5701 Sections 77-5701 to 77-5735 and section 11 of
2 this act shall be known and may be cited as the Nebraska Advantage
3 Act.

4 Sec. 11. (1) The Tax Commissioner shall not approve or
5 grant to any person any tax incentive under the Nebraska Advantage
6 Act unless the taxpayer provides evidence satisfactory to the
7 Tax Commissioner that the taxpayer electronically verified the
8 work eligibility status of all newly hired employees employed in
9 Nebraska.

10 (2) For purposes of calculating any tax incentive under
11 the act, the Tax Commissioner shall exclude hours worked and
12 compensation paid to an employee that is not eligible to work in
13 Nebraska as verified under subsection (1) of this section.

14 (3) This section does not apply to any application filed
15 under the Nebraska Advantage Act prior to the operative date of
16 this act.

17 Sec. 12. Section 77-5801, Revised Statutes Cumulative
18 Supplement, 2008, is amended to read:

19 77-5801 Sections 77-5801 to 77-5807 and section 13 of
20 this act shall be known and may be cited as the Nebraska Advantage
21 Research and Development Act.

22 Sec. 13. The Tax Commissioner shall not approve or
23 grant to any person any tax incentive under the Nebraska
24 Advantage Research and Development Act unless the taxpayer provides
25 evidence satisfactory to the Tax Commissioner that the taxpayer
26 electronically verified the work eligibility status of all newly
27 hired employees employed in Nebraska. This section does not apply

1 to any credit claimed in a tax year beginning or deemed to begin
2 before January 1, 2009, under the Internal Revenue Code of 1986,
3 as amended.

4 Sec. 14. Section 77-5901, Revised Statutes Cumulative
5 Supplement, 2008, is amended to read:

6 77-5901 Sections 77-5901 to 77-5907 and section 15 of
7 this act shall be known and may be cited as the Nebraska Advantage
8 Microenterprise Tax Credit Act.

9 Sec. 15. (1) The Tax Commissioner shall not approve
10 or grant to any person any tax incentive under the Nebraska
11 Advantage Microenterprise Tax Credit Act unless the taxpayer
12 provides evidence satisfactory to the Tax Commissioner that the
13 taxpayer electronically verified the work eligibility status of all
14 newly hired employees employed in Nebraska.

15 (2) For purposes of calculating any tax incentive
16 available under the act, the Tax Commissioner shall exclude the
17 hours worked and compensation paid to an employee that is not
18 eligible to work in Nebraska as verified under subsection (1) of
19 this section.

20 (3) This section does not apply to any application filed
21 under the act prior to the operative date of this act.

22 Sec. 16. This act becomes operative on October 1, 2009.

23 Sec. 17. Original sections 77-27,187, 77-5701, 77-5801,
24 and 77-5901, Revised Statutes Cumulative Supplement, 2008, are
25 repealed.