

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT (CORRECTED)
LB403

Hearing Date: Wednesday February 18, 2009
Committee On: Judiciary
Introducer: Karpisek
One Liner: Require verification of lawful presence in the United States to receive public benefits as prescribed

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Ashford, Christensen, Coash, Lathrop, Lautenbaugh, McGill, Rogert
Nay:	1	Senator Council
Absent:		
Present Not Voting:		

Proponents:

Sen. Russ Karpisek
Doug Kagan
Catherine Lang
Joann Schaefer
Robert Hartwig
Craig Halverson
Richard Miller
Dennis Murphy
Jan Ream
Terri Streeter
Jerome Warner
Donald Schleiger
Dimitrij Krynsky

Representing:

Introducer
NE Taxpayers for Freedom
Department of Labor
DHHS
City of Fremont
Lydia Halverson
self
NE Minuteman Civil Defense Corps
American Citizens Group
self
America Citizens Group
self
self

Opponents:

Rev. Dr. Chuck Bentjen
DiAnna Schimek
Jose Mendoza
Severino Franco
Joseph Ramirez
Becky Gould
Marta Sonia Londono Mejia
Robert Dorton
Ben Salazar
Angel Freytez
Luis Lucar

Representing:

ELCA
n/a
Our Lady of Guadalupe Church
Los Politicos
businessman/taxpayer
Nebraska Appleseed
MLCDC
Lutheran Immigration Services
Nuestro Mundo Newspaper
Mexican American Commission
Schuyler community

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 403 prohibits state agencies and political subdivisions from providing federal, state or local public benefits to individuals not lawfully present in the United States. The prohibition does not apply to benefits exempted under federal law, emergency medical benefits, short-term emergency disaster relief, public health assistance for prevention and treatment of communicable diseases, and programs, services, or assistance necessary for the protection of life and safety.

Under the proposal, state agencies and political subdivisions must verify the lawful status of all applicants for public benefits. The verification process requires each applicant to execute an affidavit stating their status as a citizen or alien.

If the affidavit indicates alien status, that person's legal status must be verified through the United States Department of Homeland Security's Systematic Alien Verification for Entitlements program.

LB 403 requires all state agencies that administer federal, state or local public benefits to file a report regarding their compliance with the provisions of this proposal.

Explanation of amendments:

Committee Amendment

AM 413 replaces the original LB 403, but includes the provisions of LB 403 and incorporates amended provisions of LB 34 and LB 335. LB 335 was introduced by Senator Friend and advanced from the Revenue Committee by a unanimous vote.

Sections 1 through 6 of AM 413 include the provisions of LB 403 with a change to the affidavit required under section 4. Under the amendment, the affidavit would be a document to allow for electronic filing. An affidavit must be notarized, which cannot be done electronically.

Section 7 of AM 413 includes the intent of LB 34 to require employers in the state to verify the employment eligibility of new employees through E-Verify. Under the amendment, all public employers and public contractors must verify the employment eligibility of all new employees through a federal immigration verification system. Under current federal law, the system is E-Verify. However, the definition of federal immigration verification system included in this amendment allows for the possibility of an alternate federal program that could be created in the future. Additionally, any contract between a public contractor and a public employer must include a provision requiring the contractor to verify the employment eligibility of all new employees. Finally, the amendment requires the Department of Labor to make available to all private employers information about E-Verify and to encourage them to use E-Verify. After two years, the Department of Labor must report back to the Legislature about the use of E-Verify in Nebraska.

Sections 8 through 15 include provisions of LB 335 with amendments that make the duty to verify work eligibility status apply only to new employees. Under these provisions of the amendment, a new duty to electronically verify the work eligibility status of all new employees is placed on employers that apply for tax incentive under the Nebraska Advantage Act, the Nebraska Advantage Rural Development Act, the Nebraska Advantage Research and Development Act, or the Nebraska Advantage Microenterprise Tax Credit Act. Furthermore, for purposes of calculating any tax incentive, the Tax Commissioner shall exclude hours worked and compensation paid to an employee that is not eligible to work in Nebraska. The bill would not apply to any application filed under the act prior to the operative date of the act.

The operative date of the act is October 1, 2009.

Testifiers for LB34:

Proponents: Sen. Brad Ashford, Introducer
Douglas Kagan, NE Taxpayers for Freedom
Robert Hartwig, city of Fremont
Lance Hedquist, City of South Sioux City

Susan Smith, Nebraskans Advisory Group
Craig Halverson, Lydia Halverson
Dimitrij Krynsky, self
Dennis Murphy, NE Minutemen
Jan Ream, American Citizens Group
Terri Streeter, self
Jerome Warner, American Citizens Group
Donald Schleiger, self

Opponents:

Rev. Dr. Chuck Bentjen, ELCA
DiAnna Schimek, self
Jose Mendoza, Our Lady of Guadalupe Church
Joseph Ramirez, businessman/taxpayer
Anita Maddali, MALDEF
Becky Gould, NE Appleseed
Ricardo Castro, NE Hispanic Chamber of Commerce
Marta Sonio Londono Mejia, MLCDC
Alan Potash, Anti-Defamation League
Robert Dorton, Lutheran Immigration Services
Ben Salazar, Nuestro Mundo Newspaper
Angel Freytez, MAC
David Brown, self
Luis Lucar, Schuyler community

Neutral:

Lynn Samsel, private citizen

Brad Ashford, Chairperson