

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 611

Introduced by Kintner, 2; Bloomfield, 17; Ebke, 32; Groene, 42; Hughes,
44; Larson, 40; Scheer, 19; Schilz, 47; Smith, 14;
Watermeier, 1.

Read first time January 21, 2015

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to employment; to amend section 4-114, Reissue
- 2 Revised Statutes of Nebraska; to require private employers to use
- 3 the E-Verify Program; and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 4-114, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 4-114 (1) For purposes of this section:

4 (a) Federal immigration verification system means the electronic
5 verification of the work authorization program of the Illegal Immigration
6 Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. 1324a, known as
7 the E-Verify Program, or an equivalent federal program designated by the
8 United States Department of Homeland Security or other federal agency
9 authorized to verify the work eligibility status of a newly hired
10 employee pursuant to the Immigration Reform and Control Act of 1986;

11 (b) Private employer means any individual, legal representative,
12 partnership, limited liability company, corporation, association,
13 business trust, or other business entity that is not a public employer;

14 (c) Public contractor means any contractor or his or her
15 subcontractor who is awarded a contract by a public employer for the
16 physical performance of services within the State of Nebraska; and

17 (d) Public employer means any agency or political subdivision of
18 the State of Nebraska.

19 (2) Every public employer and public contractor shall register with
20 and use a federal immigration verification system to determine the work
21 eligibility status of new employees physically performing services within
22 the State of Nebraska. Every contract between a public employer and
23 public contractor shall contain a provision requiring the public
24 contractor to use a federal immigration verification system to determine
25 the work eligibility status of new employees physically performing
26 services within the State of Nebraska.

27 (3) Beginning on January 1, 2016, every private employer shall
28 register with and use a federal immigration verification system to
29 determine the work eligibility status of new employees physically
30 performing services within the State of Nebraska. Any private employer
31 that violates this section shall be subject to a civil penalty of not

1 more than two thousand dollars. The Attorney General or the county
2 attorney of the county in which such violation occurs shall, when he or
3 she has knowledge of such violation, institute an action in such county
4 to collect the penalty imposed by this section. Money collected pursuant
5 to such action shall be remitted to the State Treasurer for distribution
6 in accordance with Article VII, section 5, of the Constitution of
7 Nebraska. A contractor shall not be held accountable under this section
8 for the failure of a subcontractor to comply with this section unless the
9 contractor is aware of the subcontractor's failure and knowingly
10 overlooks such failure. For two years after October 1, 2009, the
11 Department of Labor shall make available to all private employers
12 information regarding the federal immigration verification system and
13 encouraging the use of the federal immigration verification system. The
14 department shall report to the Legislature no later than December 1,
15 2011, on the use of a federal immigration verification system by Nebraska
16 employers.

17 (4) This section does not apply to contracts awarded by a public
18 employer prior to October 1, 2009.

19 Sec. 2. Original section 4-114, Reissue Revised Statutes of
20 Nebraska, is repealed.