

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1073

Introduced by Lathrop, 12.

Read first time January 22, 2014

Committee:

A BILL

1 FOR AN ACT relating to labor; to amend section 4-114, Reissue Revised
2 Statutes of Nebraska; to require employers to e-verify
3 the immigration status of new employees; to eliminate
4 obsolete provisions; to provide an operative date; and to
5 repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

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

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

4 (a) Employer means all employers subject to the Nebraska
5 Workers' Compensation Act as provided in section 48-106; and

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

14 ~~(b) 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 ~~(c) Public employer means any agency or political~~
18 ~~subdivision of the State of Nebraska.~~

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

1 determine the work eligibility status of new employees physically
2 performing services within the State of Nebraska.

3 ~~(3) For two years after October 1, 2009, the The~~
4 Department of Labor shall make available to all ~~private~~ employers
5 information regarding the use of the federal immigration verification
6 ~~system. and encouraging the use of the federal immigration~~
7 ~~verification system. The department shall report to the Legislature~~
8 ~~no later than December 1, 2011, on the use of a federal immigration~~
9 ~~verification system by Nebraska employers.~~

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

12 (4) An employer who violates this section is guilty of a
13 Class III misdemeanor.

14 Sec. 2. This act becomes operative on January 1, 2015.

15 Sec. 3. Original section 4-114, Reissue Revised Statutes
16 of Nebraska, is repealed.