

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 618

Introduced by McDonnell, 5.

Read first time January 17, 2023

Committee:

- 1 A BILL FOR AN ACT relating to labor; to amend sections 4-109 and
- 2 48-628.04, Reissue Revised Statutes of Nebraska; to redefine public
- 3 benefits as prescribed; to change provisions of the Employment
- 4 Security Law relating to the disqualification of certain aliens; and
- 5 to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 4-109, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 4-109 For purposes of sections 4-108 to 4-113: ~~τ~~

4 (1) Public ~~public~~ benefits means any grant, contract, loan,
5 professional license, commercial license, welfare benefit, health payment
6 or financial assistance benefit, disability benefit, public or assisted
7 housing benefit, postsecondary education benefit involving direct payment
8 of financial assistance, food assistance benefit, or ~~unemployment benefit~~
9 ~~or~~ any other similar benefit provided by or for which payments or
10 assistance are provided to an individual, a household, or a family
11 eligibility unit by an agency of the United States, the State of
12 Nebraska, or a political subdivision of the State of Nebraska; and ~~τ~~

13 (2) Public benefits does not include unemployment benefits provided
14 pursuant to the Employment Security Law.

15 Sec. 2. Section 48-628.04, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 48-628.04 (1) An individual shall be disqualified for unemployment
18 benefits for any week if the services upon which such benefits are based
19 are performed by an alien, ~~τ~~ ~~This section shall apply unless such alien:~~

20 (a) Is an individual who was lawfully admitted for permanent
21 residence at the time such services were performed;

22 (b) Was lawfully present for purposes of performing such services,
23 including, pursuant to 8 U.S.C. 1621(d), all such aliens authorized to
24 work as provided by 8 C.F.R. 274a.12, as such regulation existed on
25 January 1, 2023; or

26 (c) Was permanently residing in the United States under color of law
27 at the time such services were performed, including an alien who was
28 lawfully present in the United States as a result of the application of
29 section 212(d)(5) of the Immigration and Nationality Act, 8 U.S.C.
30 1182(d)(5).

31 (2) Any data or information required of individuals applying for

1 benefits to determine whether benefits are not payable to them because of
2 their alien status shall be uniformly required from all applicants for
3 benefits. In the case of an individual whose application for benefits
4 would otherwise be approved, no determination that benefits to such
5 individual are not payable because of his or her alien status shall be
6 made except upon a preponderance of the evidence.

7 (3) Any individual who qualifies for benefits under subsection (1)
8 of this section shall have his or her employment authorization document
9 verified through the Systematic Alien Verification for Entitlements
10 Program operated by the United States Department of Homeland Security or
11 an equivalent program designated by the United States Department of
12 Homeland Security.

13 Sec. 3. Original sections 4-109 and 48-628.04, Reissue Revised
14 Statutes of Nebraska, are repealed.