

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 298

Introduced by McDonnell, 5.

Read first time January 12, 2021

Committee: Business and Labor

1 A BILL FOR AN ACT relating to labor; to amend section 4-109, Reissue
2 Revised Statutes of Nebraska, and section 48-628.04, Revised
3 Statutes Cumulative Supplement, 2020; to redefine public benefits as
4 prescribed; to change provisions of the Employment Security Law
5 relating to the disqualification of certain aliens; and to repeal
6 the original sections.

7 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:

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 -

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

15 Sec. 2. Section 48-628.04, Revised Statutes Cumulative Supplement,
16 2020, is 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 who is ineligible for unemployment benefits. An
20 alien shall be deemed to be ineligible for unemployment benefits unless
21 he or she is able to demonstrate work authorization in accordance with
22 subsection (2) of this section and he or she: - This section shall apply
23 unless such alien:

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

26 (b) Was lawfully present for purposes of performing such services,
27 including an alien who was authorized to work as provided in 8 C.F.R.
28 274a.12, as such regulation existed on January 1, 2021; or

29 (c) Was permanently residing in the United States under color of law
30 at the time such services were performed, including an alien who was
31 lawfully present in the United States as a result of the application of

1 section 212(d)(5) of the Immigration and Nationality Act, 8 U.S.C.
2 1182(d)(5).

3 (2)(a) An alien may demonstrate work authorization by submitting
4 documentation issued by the federal government which shows such work
5 authorization. The documentation shall be submitted at the time of
6 applying for unemployment benefits.

7 (b) If the documentation submitted does not satisfactorily
8 demonstrate work authorization, the Department of Labor shall, no later
9 than sixty business days after receiving the application, inform the
10 individual of the reason for the insufficiency and that the individual
11 may submit additional information to address the insufficiency.

12 ~~(c) For (2) Any data or information required of individuals applying~~
13 ~~for benefits to determine whether benefits are not payable to them~~
14 ~~because of their alien status shall be uniformly required from all~~
15 ~~applicants for benefits. In the case of an individual whose application~~
16 ~~for benefits would otherwise be approved, no determination that an~~
17 ~~individual does not have work authorization benefits to such individual~~
18 ~~are not payable because of his or her alien status shall be made except~~
19 ~~upon a preponderance of the evidence.~~

20 (d) Documentation and incidental data related to immigration status
21 submitted to the Department of Labor in an application for unemployment
22 benefits shall only be used for determinations of eligibility for such
23 benefits.

24 Sec. 3. Original section 4-109, Reissue Revised Statutes of
25 Nebraska, and section 48-628.04, Revised Statutes Cumulative Supplement,
26 2020, are repealed.