

ONE HUNDRED NINTH LEGISLATURE - FIRST SESSION - 2025
COMMITTEE STATEMENT
LB299

Hearing Date: Monday February 10, 2025
Committee On: Business and Labor
Introducer: Ibach
One Liner: Allow eligible aliens and dependents to receive public benefits relating to employment

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

Vote Results:

Aye:	6	Senators Kauth, Hansen, Ibach, McKeon, Raybould, Sorrentino
Nay:		
Absent:		
Present Not Voting:	1	Senator McKinney

Testimony:

Proponents:

Senator Teresa Ibach
Matt Williams

Itzel Lopez
Zayra Navarrete
Mary McKeighan

Hunter Traynor

Kathleen Grant
Maria Arriaga
Natasha Naseem

Nick Grandgenett
Dylan Severino
Tom Venzor

Opponents:

Katie Thurber

Neutral:

* ADA Accommodation Written Testimony

Representing:

Opening Presenter
Flatwater Bank, Nebraska Alliance for Thriving Communities
Self
Self
Mothers and Others: Justice and Mercy for Immigrants
Nebraska Chamber, Greater Omaha Chamber, Lincoln Chamber of Commerce
Omaha Together One Community (OTOC)
Nebraska Commission on Latino Americans
Center for Immigrant and Refugee Advancement (CIRA)
Nebraska Appleseed
American Civil Liberties Union (ACLU) Nebraska
Nebraska Catholic Conference

Representing:

Nebraska Department of Labor

Representing:

Summary of purpose and/or changes:



LB 265 would amend Neb. Rev. Stat. § 4-109, 4-110, 4-113, 48-628.04, 79-915, 79-9,118, 81-2016, 84-1307, and 84-1504, to allow eligible aliens and their dependents to receive public benefits and participate in retirement and deferred compensation plans.

Currently, eligible aliens and their dependents are not allowed to receive public benefits and eligible aliens are not allowed to participate in retirement and deferred compensation plans offered by the state, political subdivisions, or state agencies. This Bill would allow them to access to be eligible for those benefits and plans along with their fellow employees. An eligible alien is an individual authorized for employment under current federal law or as the law existed when they were hired.

Employees and employers must maintain proper identification documentation that establish they are US citizens or are legally authorized to work in the United States. When requested, each must be able to produce such documentation and present it to either the local retirement board or the Nebraska Public Employees Retirement Systems ("NPERS").

The Systematic Alien Verification for Entitlements Programs is required to verify that eligible aliens are in fact eligible in order for them and their dependents to receive public benefits.

The retirement systems affected by this Bill are those created by the County Employees Retirement Act, the Judges Retirement Act, the School Employees Retirement Act, the Class V School Employees Retirement Fund, the State Patrol Retirement Act, and the State Employees Retirement Act.

Section-by-Section Summary:

Section 1: Amends § 4-109 to list the different kinds of approved identification documents as well as defining eligible alien.

Section 2: Amends § 4-108 to allow eligible aliens employed in Nebraska to receive public benefits from such employment. Public benefits include retirement benefits, deferred compensation, scholarship and financial aid, and benefits under the Employment Security Law. Any benefits that are made available to family members and dependents of employees must be made available to the family members and dependents eligible aliens, without regard to the status of those family members and dependents. Eligible aliens that are employed by state agencies or political subdivisions are authorized to participate in retirement systems. The employer state agency or political subdivision must maintain identification documents from Section 1 for the eligible alien.

Section 3: Amends § 4-110 to renumber the sections.

Section 4: Amends § 4-111 to require that those applying for public benefits as described in Section 2 shall attest that they are an eligible alien.

Section 5: Amends § 4-112 to require that the Systematic Alien Verification for Entitlements Programs shall verify eligibility for public benefits for eligible aliens.

Section 6: Amends § 4-113 to change section references.

Section 7: Amends § 23-2306 to allow eligible aliens to be made part of the membership of the retirement system in the County Employees Retirement Act. The employing county and the employee must maintain identification documents as described in Section 1 and are required to produce the document upon request of NPERS.

Section 8: Amends § 24-703.01 to require that judges cannot participate in the retirement system under the Judges



Retirement Act unless they maintain one approved identification document as described in Section 1. The court or judge is required to produce the document upon request of NPERS.

Section 9: Amends § 48-628.04 to allow eligible aliens to be qualified to receive unemployment benefits.

Section 10: Amends § 79-915 to allow eligible aliens to participate in the retirement system under the School Employees Retirement Act. The employing school district and the employee must maintain identification documents as described in Section 1.

Section 11: Amends § 79-9,118 to allow eligible aliens to participate in the retirement system under the Class V School Employees Retirement Fund. The employing school district and the employee must maintain identification documents as described in Section 1 and are required to produce the document upon request of NPERS.

Section 12: Amends § 81-2016 to require employees to maintain identification documents as described in Section 1 to be eligible for the retirement system under the State Patrol Retirement Act. The employing state agency and employee must maintain identification documents as described in Section 1 and are required to produce the document upon request of NPERS.

Section 13: Amends § 84-1307 to allow eligible aliens to participate in the retirement system under the State Employees Retirement Act. The employing agency and the employee must maintain identification documents as described in Section 1 and are required to produce the document upon request of NPERS.

Section 14: Amends § 84-1504 to allow eligible aliens to participate in deferred compensation plans if they are employed by the state or a political subdivision. The employing state agency or political subdivision and the employee must maintain identification documents as described in Section 1 and are required to produce the document upon request of NPERS.

Section 15: Repeals the original sections being amended.

Explanation of amendments:

AM 464 removes the allowance of eligible aliens to access scholarships and other undefined public benefits. It also removes the eligibility of their family members or dependents to public benefits.

Kathleen Kauth, Chairperson

