

AMENDMENTS TO LB894

(Amendments to the Standing Committee amendments, AM2370)

Introduced by Wayne, 13.

1 1. Insert the following new sections:

2 Section 1. Section 4-108, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 4-108 (1) Notwithstanding any other provisions of law, unless
5 exempted from verification under section 4-110 or pursuant to federal
6 law, no state agency or political subdivision of the State of Nebraska
7 shall provide public benefits to a person not lawfully present in the
8 United States.

9 (2) Except as provided in section 4-110 or if exempted by federal
10 law, every agency or political subdivision of the State of Nebraska shall
11 verify the lawful presence in the United States of any person who has
12 applied for public benefits administered by an agency or a political
13 subdivision of the State of Nebraska. This section shall be enforced
14 without regard to race, religion, gender, ethnicity, or national origin.

15 (3) On and after October 1, 2009, no employee of a state agency or
16 political subdivision of the State of Nebraska shall be authorized to
17 participate in any retirement system, including, but not limited to, the
18 systems provided for in the Class V School Employees Retirement Act, the
19 County Employees Retirement Act, the Judges Retirement Act, the Nebraska
20 State Patrol Retirement Act, the School Employees Retirement Act, and the
21 State Employees Retirement Act, unless the employee (a) is a United
22 States citizen, ~~or~~ (b) is a qualified alien under the federal Immigration
23 and Nationality Act, 8 U.S.C. 1101 et seq., as such act existed on
24 January 1, 2009, and is lawfully present in the United States, or (c) is
25 an eligible immigrant employed as a law enforcement officer, as such
26 terms are defined in section 81-1401.

1 Sec. 2. Section 4-111, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 4-111 (1) Verification of lawful presence in the United States
4 pursuant to section 4-108 requires that the applicant for public benefits
5 attest in a format prescribed by the Department of Administrative
6 Services that:

7 (a) He or she is a United States citizen;~~or~~

8 (b) He or she is a qualified alien under the federal Immigration and
9 Nationality Act, 8 U.S.C. 1101 et seq., as such act existed on January 1,
10 2009, and is lawfully present in the United States; or -

11 (c) For purposes of attendance at a law enforcement training academy
12 under section 81-1410, certification and employment as a law enforcement
13 officer as defined in section 81-1401, or receipt of any public benefits
14 relating to such attendance, certification, or employment, that he or she
15 is an eligible immigrant as defined in section 81-1401.

16 (2) A state agency or political subdivision of the State of Nebraska
17 may adopt and promulgate rules and regulations or procedures for the
18 electronic filing of the attestation required under subsection (1) of
19 this section if such attestation is substantially similar to the format
20 prescribed by the Department of Administrative Services.

21 (3)(a) The Legislature finds that it is in the best interest of the
22 State of Nebraska to make full use of the skills and talents in the state
23 by ensuring that a person who is work-authorized is able to obtain a
24 professional or commercial license and practice his or her profession.

25 (b) For purposes of a professional or commercial license, the
26 Legislature finds that a person not described in subdivision (1)(a) or
27 (1)(b) of this section who submits (i) an unexpired employment
28 authorization document issued by the United States Department of Homeland
29 Security, Form I-766, and (ii) documentation issued by the United States
30 Department of Homeland Security, the United States Citizenship and
31 Immigration Services, or any other federal agency, such as one of the

1 types of Form I-797 used by the United States Citizenship and Immigration
2 Services, demonstrating that such person is described in section 202(c)
3 (2)(B)(i) through (x) of the federal REAL ID Act of 2005, Public Law
4 109-13, has demonstrated lawful presence pursuant to section 4-108 and is
5 eligible to obtain such license. Such license shall be valid only for the
6 period of time during which such person's employment authorization
7 document is valid. Nothing in this subsection shall affect the
8 requirements to obtain a professional or commercial license that are
9 unrelated to the lawful presence requirements demonstrated pursuant to
10 this subsection.

11 (c) Nothing in this subsection shall be construed to grant
12 eligibility for any public benefits other than obtaining a professional
13 or commercial license.

14 (d) Any person who has complied with the requirements of this
15 subsection shall have his or her employment authorization document
16 verified through the Systematic Alien Verification for Entitlements
17 Program operated by the United States Department of Homeland Security or
18 an equivalent program designated by the United States Department of
19 Homeland Security.

20 (e) The Legislature enacts this subsection pursuant to the authority
21 provided in 8 U.S.C. 1621(d), as such section existed on January 1, 2016.

22 Sec. 5. Section 23-2306, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 23-2306 (1) The membership of the retirement system shall be
25 composed of all persons who are or were employed by member counties and
26 who maintain an account balance with the retirement system.

27 (2) The following employees of member counties are authorized to
28 participate in the retirement system: (a) All permanent full-time
29 employees who have attained the age of eighteen years shall begin
30 participation in the retirement system upon employment and full-time
31 elected officials shall begin participation in the retirement system upon

1 taking office, (b) all permanent part-time employees who have attained
2 the age of eighteen years may exercise the option to begin participation
3 in the retirement system within the first thirty days of employment, and
4 (c) all part-time elected officials may exercise the option to begin
5 participation in the retirement system within thirty days after taking
6 office. An employee who exercises the option to begin participation in
7 the retirement system shall remain in the system until termination or
8 retirement, regardless of any change of status as a permanent or
9 temporary employee.

10 (3) On and after July 1, 2010, no employee of a member county shall
11 be authorized to participate in the retirement system provided for in the
12 County Employees Retirement Act unless the employee (a) is a United
13 States citizen, ~~or~~ (b) is a qualified alien under the federal Immigration
14 and Nationality Act, 8 U.S.C. 1101 et seq., as such act existed on
15 January 1, 2009, and is lawfully present in the United States, or (c) is
16 an eligible immigrant employed as a law enforcement officer, as such
17 terms are defined in section 81-1401.

18 (4)(a) The board may determine that a governmental entity currently
19 participating in the retirement system no longer qualifies, in whole or
20 in part, under section 414(d) of the Internal Revenue Code as a
21 participating employer in a governmental plan.

22 (b)(i) To aid governmental entities in their business decisionmaking
23 process, any governmental entity currently participating in the
24 retirement system contemplating a business transaction that may result in
25 such entity no longer qualifying, in whole or in part, under section
26 414(d) of the Internal Revenue Code may notify the board in writing as
27 soon as reasonably practicable, but no later than one hundred eighty days
28 before the transaction is to occur.

29 (ii) The board when timely notified shall, as soon as is reasonably
30 practicable, obtain from its contracted actuary the cost of any actuarial
31 study necessary to determine the potential funding obligation. The board

1 shall notify the entity of such cost.

2 (iii) If such entity pays the board's contracted actuary pursuant to
3 subdivision (4)(c)(vi) of this section for any actuarial study necessary
4 to determine the potential funding obligation, the board shall, as soon
5 as reasonably practicable following its receipt of the actuarial study,
6 (A) determine whether the entity's contemplated business transaction will
7 cause the entity to no longer qualify under section 414(d) of the
8 Internal Revenue Code, (B) determine whether the contemplated business
9 transaction constitutes a plan termination by the entity, (C) determine
10 the potential funding obligation, (D) determine the administrative costs
11 that will be incurred by the board or the Nebraska Public Employees
12 Retirement Systems in connection with the entity's removal from the
13 retirement system, and (E) notify the entity of such determinations.

14 (iv) Failure to timely notify the board pursuant to subdivision (4)
15 (b)(i) of this section may result in the entity being treated as though
16 the board made a decision pursuant to subdivision (4)(a) of this section.

17 (c) If the board makes a determination pursuant to subdivision (4)
18 (a) of this section, or if the entity engages in the contemplated
19 business transaction reviewed under subdivision (4)(b) of this section
20 that results in the entity no longer qualifying under section 414(d) of
21 the Internal Revenue Code:

22 (i) The board shall notify the entity that it no longer qualifies
23 under section 414(d) of the Internal Revenue Code within ten business
24 days after the determination;

25 (ii) The affected plan members shall be immediately considered fully
26 vested;

27 (iii) The affected plan members shall become inactive within ninety
28 days after the board's determination;

29 (iv) The entity shall pay to the County Employees Retirement Fund an
30 amount equal to any funding obligation;

31 (v) The entity shall pay to the County Employees Cash Balance

1 Retirement Expense Fund an amount equal to any administrative costs
2 incurred by the board or the Nebraska Public Employees Retirement Systems
3 in connection with the entity's removal from the retirement system; and

4 (vi) The entity shall pay directly to the board's contracted actuary
5 an amount equal to the cost of any actuarial study necessary to aid the
6 board in determining the amount of such funding obligation, if not
7 previously paid.

8 (d) For purposes of this subsection:

9 (i) Business transaction means a merger; consolidation; sale of
10 assets, equipment, or facilities; termination of a division, department,
11 section, or subgroup of the entity; or any other business transaction
12 that results in termination of some or all of the entity's workforce; and

13 (ii) Funding obligation means the financial liability of the
14 retirement system to provide benefits for the affected plan members
15 incurred by the retirement system due to the entity's business
16 transaction calculated using the methodology and assumptions recommended
17 by the board's contracted actuary and approved by the board. The
18 methodology and assumptions used must be structured in a way that ensures
19 the entity is financially liable for all the costs of the entity's
20 business transaction, and the retirement system is not financially liable
21 for any of the cost of the entity's business transaction.

22 (e) The board may adopt and promulgate rules and regulations to
23 carry out this subsection including, but not limited to, the methods of
24 notifying the board of pending business transactions, the acceptable
25 methods of payment, and the timing of such payment.

26 (5) Within the first one hundred eighty days of employment, a full-
27 time employee may apply to the board for vesting credit for years of
28 participation in another Nebraska governmental plan, as defined by
29 section 414(d) of the Internal Revenue Code. During the years of
30 participation in the other Nebraska governmental plan, the employee must
31 have been a full-time employee, as defined in the Nebraska governmental

1 plan in which the credit was earned. The board may adopt and promulgate
2 rules and regulations governing the assessment and granting of vesting
3 credit.

4 (6) Any employee who qualifies for membership in the retirement
5 system pursuant to this section may not be disqualified from membership
6 in the retirement system solely because such employee also maintains
7 separate employment which qualifies the employee for membership in
8 another public retirement system, nor may membership in this retirement
9 system disqualify such an employee from membership in another public
10 retirement system solely by reason of separate employment which qualifies
11 such employee for membership in this retirement system.

12 (7) A full-time or part-time employee of a city, village, or
13 township who becomes a county employee pursuant to a merger of services
14 shall receive vesting credit for his or her years of participation in a
15 Nebraska governmental plan, as defined by section 414(d) of the Internal
16 Revenue Code, of the city, village, or township.

17 (8) A full-time or part-time employee of a city, village, fire
18 protection district, or township who becomes a municipal county employee
19 shall receive credit for his or her years of employment with the city,
20 village, fire protection district, or township for purposes of the
21 vesting provisions of this section.

22 (9) A full-time or part-time employee of the state who becomes a
23 county employee pursuant to transfer of assessment function to a county
24 shall not be deemed to have experienced a termination of employment and
25 shall receive vesting credit for his or her years of participation in the
26 State Employees Retirement System of the State of Nebraska.

27 (10) Counties shall ensure that employees authorized to participate
28 in the retirement system pursuant to this section shall enroll and make
29 required contributions to the retirement system immediately upon becoming
30 an employee. Information necessary to determine membership in the
31 retirement system shall be provided by the employer.

1 Sec. 8. Section 81-1401, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 81-1401 For purposes of sections 81-1401 to 81-1414.19, unless the
4 context otherwise requires:

5 (1) Class I railroad means a rail carrier classified as Class I
6 pursuant to 49 C.F.R. part 1201 1-1;

7 (2) Commission means the Nebraska Commission on Law Enforcement and
8 Criminal Justice;

9 (3) Council means the Nebraska Police Standards Advisory Council;

10 (4) Director means the director of the Nebraska Law Enforcement
11 Training Center;

12 (5) Eligible immigrant means a person who has been formally granted
13 and maintains Deferred Action for Childhood Arrivals status by the United
14 States Citizen and Immigration Services;

15 (6) ~~(5)~~ Felony means a crime punishable by imprisonment for a term
16 of more than one year or a crime committed outside of Nebraska which
17 would be punishable by imprisonment for a term of more than one year if
18 committed in Nebraska;

19 (7) ~~(6)~~ Handgun means any firearm with a barrel less than sixteen
20 inches in length or any firearm designed to be held and fired by the use
21 of a single hand;

22 (8) ~~(7)~~ Law enforcement agency means the police department or the
23 town marshal in incorporated municipalities, the office of sheriff in
24 unincorporated areas, the Nebraska State Patrol, and Class I railroad
25 police departments;

26 (9)(a) ~~(8)(a)~~ Law enforcement officer means any person who has
27 successfully completed an entry-level law enforcement certification from
28 a training academy and who is responsible for the prevention or detection
29 of crime or the enforcement of the penal, traffic, or highway laws of the
30 state or any political subdivision of the state for more than one hundred
31 hours per year and is authorized by law to make arrests and includes, but

1 is not limited to:

2 (i) A full-time or part-time member of the Nebraska State Patrol;

3 (ii) A county sheriff;

4 (iii) A full-time or part-time employee of a county sheriff's
5 office;

6 (iv) A full-time or part-time employee of a municipal or village
7 police agency;

8 (v) A full-time or part-time Game and Parks Commission conservation
9 officer;

10 (vi) A full-time or part-time deputy state sheriff;

11 (vii) A full-time employee of an organized and paid fire department
12 of any city of the metropolitan class who is an authorized arson
13 investigator and whose duties consist of determining the cause, origin,
14 and circumstances of fires or explosions while on duty in the course of
15 an investigation;

16 (viii) A member of a law enforcement reserve force appointed in
17 accordance with section 81-1438; or

18 (ix) A full-time Class I railroad police officer;

19 (b) Law enforcement officer includes a noncertified conditional
20 officer;

21 (c) Law enforcement officer does not include employees of the
22 Department of Correctional Services, probation officers under the
23 Nebraska Probation System, parole officers appointed by the Director of
24 Supervision and Services of the Division of Parole Supervision, or
25 employees of the Department of Revenue under section 77-366; and

26 (d) Except for a noncertified conditional officer, a law enforcement
27 officer shall possess a valid law enforcement officer certificate or
28 diploma, as established by the council, in order to be vested with the
29 authority of this section;

30 (10) ~~(9)~~ Misdemeanor crime of domestic violence has the same meaning
31 as in section 28-1206;

1 (11) ~~(10)~~ Noncertified conditional officer means a person appointed
2 pursuant to subsection (6) of section 81-1414;

3 (12) ~~(11)~~ Serious misconduct means improper or illegal actions taken
4 by a law enforcement officer that have a rational connection with the
5 person's fitness or capacity to serve as a law enforcement officer and
6 includes, but is not limited to:

7 (a) Conviction of a felony or misdemeanor crime of domestic
8 violence;

9 (b) Fabrication of evidence;

10 (c) Repeated substantiated allegations of the use of excessive
11 force;

12 (d) Acceptance of a bribe;

13 (e) Commission of fraud or perjury; or

14 (f) Sexual assault;

15 (13) ~~(12)~~ Training academy means:

16 (a) The training center; or

17 (b) Another council-approved law enforcement training facility
18 which:

19 (i) Offers certification training that meets or exceeds the
20 certification training curriculum of the training center; and

21 (ii) Is operated and maintained by a law enforcement agency or by
22 multiple law enforcement agencies pursuant to the Interlocal Cooperation
23 Act.

24 (14) ~~(13)~~ Training center means the Nebraska Law Enforcement
25 Training Center; and

26 (15) ~~(14)~~ Training school means a public or private institution of
27 higher education, including the University of Nebraska, the Nebraska
28 state colleges, and the community colleges of this state, that offers
29 training in a council-approved pre-certification course.

30 Sec. 9. Section 81-1410, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 81-1410 (1) The council shall adopt and promulgate rules and
2 regulations governing the minimum admission requirements for all training
3 academies. Until the rules and regulations become effective, the
4 admission requirements existing on July 13, 2000, pertaining to the
5 training center shall be applicable to all training academies, except the
6 Nebraska State Patrol. The rules and regulations shall establish
7 admission criteria which shall include, but not be limited to, (a)
8 physical, mental, and emotional fitness and (b) disclosure of any
9 criminal history. The council may also adopt a priority system for
10 admission to the training center and the other training academies
11 conducting certification training for officers not employed by that
12 training academy's agency.

13 (2) The council may admit an applicant to any training academy for
14 entry-level law enforcement certification when the applicant meets the
15 following minimum criteria:

16 (a) The applicant (i) is or will be a citizen of the United States
17 prior to the completion of certification or (ii) is an eligible
18 immigrant;

19 (b) The applicant will reach the age of twenty-one years prior to
20 the completion of the training;

21 (c) The applicant has been fingerprinted and a search has been made
22 of local, state, and national fingerprint files for disclosure of any
23 criminal record and the results furnished to the training center;

24 (d) The applicant has a valid motor vehicle operator's or
25 chauffeur's license;

26 (e) The applicant has vision correctable to 20/30 and has no
27 evidence of an irreversible disease which will affect the person's sight;

28 (f) The applicant has been pardoned or has never been convicted by
29 any state or the United States of a crime punishable by imprisonment in a
30 penitentiary for a term of one year or more or by any foreign government
31 of a crime which would be punishable by imprisonment for a term of one

1 year or more if committed in Nebraska or has had a conviction for such an
2 offense overturned or reversed by a court of competent jurisdiction;

3 (g) The applicant possesses good character as determined by a
4 thorough background investigation;

5 (h) The applicant (i)(A) is a high school graduate or (B) possesses
6 a general educational development certificate and (ii) is able to read,
7 write, and understand the English language at the eleventh grade level;

8 (i) The applicant has not been convicted of driving while
9 intoxicated in the two years immediately preceding admission; and

10 (j) The applicant has been examined by a licensed physician one year
11 or less prior to admission and has been certified by the physician to
12 have met the physical requirements, as determined by the council,
13 necessary to fulfill the responsibilities of a law enforcement officer
14 and successfully complete the requirements for training.

15 (3) In all cases in which it is necessary to acquire documents or
16 other information to determine whether or not an applicant meets any of
17 the requirements of subsection (2) of this section, such copies or other
18 information shall be supplied by the applicant at his or her own expense.

19 Sec. 10. Section 81-2016, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 81-2016 (1) Every member of the Nebraska State Patrol who was
22 employed by the State of Nebraska as such, on September 7, 1947, and
23 every person employed as a member of such patrol thereafter, shall be a
24 member of the system, except for those members of the Nebraska State
25 Patrol who elected pursuant to section 60-1304 to remain members of the
26 State Employees Retirement System of the State of Nebraska. On and after
27 July 1, 2010, no employee shall be authorized to participate in the
28 retirement system provided for in the Nebraska State Patrol Retirement
29 Act unless the employee (a) is a United States citizen, ~~or~~ (b) is a
30 qualified alien under the federal Immigration and Nationality Act, 8
31 U.S.C. 1101 et seq., as such act existed on January 1, 2009, and is

1 lawfully present in the United States, or (c) is an eligible immigrant
2 employed as a law enforcement officer, as such terms are defined in
3 section 81-1401.

4 (2) Within the first one hundred eighty days of employment, a member
5 may apply to the board for eligibility and vesting credit for years of
6 participation in another Nebraska governmental plan, as defined by
7 section 414(d) of the Internal Revenue Code. During the years of
8 participation in the other Nebraska governmental plan, the employee must
9 have been a full-time employee, as defined in the Nebraska governmental
10 plan in which the credit was earned.

11 (3) Any officer who qualifies for membership pursuant to subsection
12 (1) of this section may not be disqualified from membership in the
13 retirement system solely because such officer also maintains separate
14 employment which qualifies the officer for membership in another public
15 retirement system, nor may membership in this retirement system
16 disqualify such an officer from membership in another public retirement
17 system solely by reason of separate employment which qualifies such
18 officer for membership in this retirement system.

19 (4) Information necessary to determine membership shall be provided
20 by the Nebraska State Patrol.

21 (5) The board may adopt and promulgate rules and regulations
22 governing the assessment and granting of eligibility and vesting credit.

23 Sec. 11. Section 84-1307, Revised Statutes Cumulative Supplement,
24 2022, is amended to read:

25 84-1307 (1) The membership of the retirement system shall be
26 composed of all persons who are or were employed by the State of Nebraska
27 and who maintain an account balance with the retirement system.

28 (2) The following employees of the State of Nebraska are authorized
29 to participate in the retirement system: (a) All permanent full-time
30 employees who have attained the age of eighteen years shall begin
31 participation in the retirement system upon employment; and (b) all

1 permanent part-time employees who have attained the age of eighteen years
2 may exercise the option to begin participation in the retirement system
3 within the first thirty days of employment. An employee who exercises the
4 option to begin participation in the retirement system pursuant to this
5 section shall remain in the retirement system until his or her
6 termination of employment or retirement, regardless of any change of
7 status as a permanent or temporary employee.

8 (3) On and after July 1, 2010, no employee shall be authorized to
9 participate in the retirement system provided for in the State Employees
10 Retirement Act unless the employee (a) is a United States citizen, ~~or~~ (b)
11 is a qualified alien under the federal Immigration and Nationality Act, 8
12 U.S.C. 1101 et seq., as such act existed on January 1, 2009, and is
13 lawfully present in the United States, or (c) is an eligible immigrant
14 employed as a law enforcement officer, as such terms are defined in
15 section 81-1401.

16 (4) For purposes of this section, (a) permanent full-time employees
17 includes employees of the Legislature or Legislative Council who work
18 one-half or more of the regularly scheduled hours during each pay period
19 of the legislative session and (b) permanent part-time employees includes
20 employees of the Legislature or Legislative Council who work less than
21 one-half of the regularly scheduled hours during each pay period of the
22 legislative session.

23 (5)(a) Within the first one hundred eighty days of employment, a
24 full-time employee may apply to the board for vesting credit for years of
25 participation in another Nebraska governmental plan, as defined by
26 section 414(d) of the Internal Revenue Code. During the years of
27 participation in the other Nebraska governmental plan, the employee must
28 have been a full-time employee, as defined in the Nebraska governmental
29 plan in which the credit was earned. The board may adopt and promulgate
30 rules and regulations governing the assessment and granting of vesting
31 credit.

1 (b) If the contributory retirement plan or contract let pursuant to
2 section 48-609, as such section existed prior to January 1, 2018, is
3 terminated, employees of the Department of Labor who are active
4 participants in such contributory retirement plan or contract on the date
5 of termination of such plan or contract shall be granted vesting credit
6 for their years of participation in such plan or contract.

7 (6) Any employee who qualifies for membership in the retirement
8 system pursuant to this section may not be disqualified for membership in
9 the retirement system solely because such employee also maintains
10 separate employment which qualifies the employee for membership in
11 another public retirement system, nor may membership in this retirement
12 system disqualify such an employee from membership in another public
13 employment system solely by reason of separate employment which qualifies
14 such employee for membership in this retirement system.

15 (7) State agencies shall ensure that employees authorized to
16 participate in the retirement system pursuant to this section shall
17 enroll and make required contributions to the retirement system
18 immediately upon becoming an employee. Information necessary to determine
19 membership in the retirement system shall be provided by the employer.

20 Sec. 12. Section 84-1504, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 84-1504 (1) The Public Employees Retirement Board, on behalf of the
23 state, may contract with any individual to defer a portion of such
24 individual's compensation or with the Legislative Council to defer any
25 other amount that the Legislative Council agrees to credit to an
26 individual's account pursuant to section 457 of the Internal Revenue
27 Code.

28 (2) The compensation to be deferred at the election of the
29 individual and any other amount credited on behalf of such individual by
30 the Legislative Council shall not exceed the total compensation to be
31 received by the individual from the employer or exceed the limits

1 established by the Internal Revenue Code for such a plan.

2 (3) The deferred compensation program shall serve in addition to but
3 not be a part of any existing retirement or pension system provided for
4 state or county employees or any other benefit program.

5 (4) Any compensation deferred at the election of the individual
6 under such a deferred compensation plan shall continue to be included as
7 regular compensation for the purpose of computing the retirement,
8 pension, or social security contributions made or benefits earned by any
9 employee.

10 (5) Any sum so deferred shall not be included in the computation of
11 any federal or state taxes withheld on behalf of any such individual.

12 (6) The state, the board, the state investment officer, the agency,
13 or the county shall not be responsible for any investment results entered
14 into by the individual in the deferred compensation agreement.

15 (7) Nothing in this section shall in any way limit, restrict, alter,
16 amend, invalidate, or nullify any deferred compensation plan previously
17 instituted by any instrumentality or agency of the State of Nebraska, and
18 any such plan is hereby authorized and approved.

19 (8) On and after July 1, 2010, no employee of the state or any
20 political subdivision of the state shall be authorized to participate in
21 a deferred compensation plan unless the employee (a) is a United States
22 citizen, ~~or~~ (b) is a qualified alien under the federal Immigration and
23 Nationality Act, 8 U.S.C. 1101 et seq., as such act existed on January 1,
24 2009, and is lawfully present in the United States, or (c) is an eligible
25 immigrant employed as a law enforcement officer, as such terms are
26 defined in section 81-1401.

27 (9) For purposes of this section, individual means (a) any state
28 employee, whether employed on a permanent or temporary basis, full-time
29 or part-time, (b) a person under contract providing services to the state
30 who is not employed by the University of Nebraska or any of the state
31 colleges or community colleges and who has entered into a contract with

1 the state to have compensation deferred prior to August 28, 1999, and (c)
2 any county employee designated as a permanent part-time or full-time
3 employee or elected official whose employer does not offer a deferred
4 compensation plan and who has entered into an agreement pursuant to
5 section 48-1401.

6 2. Renumber the remaining sections and correct the repealer
7 accordingly.