

AMENDMENTS TO LB947

Introduced by Judiciary.

1 1. Strike the original sections and insert the following new
2 sections:

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

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

9 (a ~~1~~) He or she is a United States citizen; or

10 (b ~~2~~) He or she is a qualified alien under the federal Immigration
11 and Nationality Act, 8 U.S.C. 1101 et seq., as such act existed on
12 January 1, 2009, and is lawfully present in the United States.

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

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

22 (b) For purposes of a professional or commercial license, the
23 Legislature finds that a person not described in subdivision (1)(a) or
24 (1)(b) of this section who submits (i) an unexpired employment
25 authorization document issued by the United States Department of Homeland
26 Security, Form I-766 or Form I-688B, and (ii) documentation issued by the
27 United States Department of Homeland Security, the United States

1 Citizenship and Immigration Services, or any other federal agency, such
2 as one of the types of Form I-797 used by the United States Citizenship
3 and Immigration Services, demonstrating that such person is described in
4 section 202(c)(2)(B)(i) through (ix) of the federal REAL ID Act of 2005,
5 Public Law 109-13, has demonstrated lawful presence pursuant to section
6 4-108 and is eligible to obtain such license. Nothing in this subsection
7 shall affect the requirements to obtain a professional or commercial
8 license that are unrelated to the lawful presence requirements
9 demonstrated pursuant to this subsection.

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

12 Sec. 2. Section 4-112, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 4-112 For any applicant who has executed a document described in
15 subdivision (1)(b) ~~(2)~~ of section 4-111 or who has otherwise complied
16 with the requirements of subsection (3) of section 4-111, eligibility for
17 public benefits shall be verified through the Systematic Alien
18 Verification for Entitlements Program operated by the United States
19 Department of Homeland Security or an equivalent program designated by
20 the United States Department of Homeland Security. Until such
21 verification of eligibility is made, such attestation under subdivision
22 (1)(b) of section 4-111 may be presumed to be proof of lawful presence
23 for purposes of sections 4-108 to 4-113 unless such verification is
24 required before providing the public benefit under another provision of
25 state or federal law.

26 Sec. 3. Section 38-129, Revised Statutes Cumulative Supplement,
27 2014, is amended to read:

28 38-129 (1) No individual shall be issued a credential under the
29 Uniform Credentialing Act until he or she has furnished satisfactory
30 evidence to the department that he or she is of good character and has
31 attained the age of nineteen years except as otherwise specifically

1 provided by statute, rule, or regulation.

2 (2) A credential may only be issued to (a) a citizen of the United
3 States, (b) an alien lawfully admitted into the United States who is
4 eligible for a credential under the Uniform Credentialing Act, (c) ~~or~~ a
5 nonimmigrant lawfully present in the United States who is eligible for a
6 credential under the Uniform Credentialing Act, or (d) a person who
7 submits (i) an unexpired employment authorization document issued by the
8 United States Department of Homeland Security, Form I-766 or Form I-688B,
9 and (ii) documentation issued by the United States Department of Homeland
10 Security, the United States Citizenship and Immigration Services, or any
11 other federal agency, such as one of the types of Form I-797 used by the
12 United States Citizenship and Immigration Services, demonstrating that
13 such person is described in section 202(c)(2)(B)(i) through (ix) of the
14 federal REAL ID Act of 2005, Public Law 109-13.

15 Sec. 4. Original sections 4-111 and 4-112, Reissue Revised Statutes
16 of Nebraska, and section 38-129, Revised Statutes Cumulative Supplement,
17 2014, are repealed.

18 Sec. 5. Since an emergency exists, this act takes effect when passed
19 and approved according to law.