

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 947

Introduced by Mello, 5; Campbell, 25; Gloor, 35; Howard, 9; Krist, 10;
McCollister, 20; Morfeld, 46; Pansing Brooks, 28;
Schumacher, 22; Stinner, 48; Williams, 36.

Read first time January 13, 2016

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to aliens; to amend sections 4-111 and 4-112,
- 2 Reissue Revised Statutes of Nebraska; to state intent relating to
- 3 professional or commercial licenses; to harmonize provisions; and to
- 4 repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. 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 1) He or she is a United States citizen; or

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

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

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

20 (4) For purposes of a professional or commercial license, the
21 Legislature finds that a person not described in subdivision (1)(a) or
22 (1)(b) of this section who submits (a) an unexpired employment
23 authorization document issued by the United States Department of Homeland
24 Security, Form I-766 or Form I-688B, and (b) documentation issued by the
25 United States Department of Homeland Security, the United States
26 Citizenship and Immigration Services, or any other federal agency, such
27 as one of the types of Form I-797 used by the United States Citizenship
28 and Immigration Services, demonstrating that such person is described in
29 section 202(c)(2)(B)(i) through (ix) of the federal REAL ID Act of 2005,
30 Public Law 109-13, has demonstrated lawful presence pursuant to section
31 4-108 and is eligible to obtain such license.

1 (5) The Legislature enacts subsections (3) and (4) of this section
2 pursuant to the authority provided in 8 U.S.C. 1621(d), as such section
3 existed on January 1, 2016.

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

6 4-112 For any applicant who has executed a document described in
7 subdivision (1)(b) ~~(2)~~ of section 4-111 or who has otherwise complied
8 with the requirements of subsection (4) of section 4-111, eligibility for
9 public benefits shall be verified through the Systematic Alien
10 Verification for Entitlements Program operated by the United States
11 Department of Homeland Security or an equivalent program designated by
12 the United States Department of Homeland Security. Until such
13 verification of eligibility is made, such attestation may be presumed to
14 be proof of lawful presence for purposes of sections 4-108 to 4-113
15 unless such verification is required before providing the public benefit
16 under another provision of state or federal law.

17 Sec. 3. Original sections 4-111 and 4-112, Reissue Revised Statutes
18 of Nebraska, are repealed.