

ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021
COMMITTEE STATEMENT
LB298

Hearing Date: Monday January 25, 2021
Committee On: Business and Labor
Introducer: McDonnell
One Liner: Change provisions of the Employment Security Law relating to the disqualification of certain aliens

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

Vote Results:
Aye: 5 Senators Blood, Halloran, Hansen, M., Hunt, Lathrop
Nay:
Absent:
Present Not Voting: 2 Senators Gragert, Hansen, B.

Oral Testimony:

Proponents: Senator Mike McDonnell Alexis Steele Rose Godinez Lauren Garcia	Representing: Introducer Immigrant Legal Center ACLU of NE NE Catholic Conferences
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Opponents: John Albin	Representing: NE Department of Labor
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Neutral:	Representing:
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Submitted Written Testimony:

Proponents: Kristen Hassebrook Susan L. Martin Michelle Devitt McCartney Martin Camdyn Kavan	Representing: NE Chamber NE State AFL-CIO Heartland Worker's Center Lutheran Family Services of NE, Catalyst Public Affairs OpenSky Policy Institute
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Opponents:	Representing:
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Neutral:	Representing:
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Summary of purpose and/or changes:

LB298 will exclude unemployment benefits as Public Goods under Chapter 4 of the Neb Rev Stat and Nebraska Employment Security Law. Further under the Employment Security Law an Alien would be eligible for unemployment if they

can demonstrate work authorization. Authorization may be demonstrated by federal documentation and shall be submitted at the time of application. Any work authorization submitted is to be used only for the purpose of determining eligibility for unemployment benefits.

Explanation of amendments:

The intent of the amendment is to correct the conformity issue with the original bill. Federal law requires the use of the Systematic Alien Verification for Entitlements Program (SAVE), which is added to LB298 in Section 2 (3) of AM251. Further AM251 gets rid of redundant language for proof of work authorization.

Sec. 2: 1 (b) Was lawfully present for purposes of performing such services, including, pursuant to 8 U.S.C. 1621(d) all such aliens authorized to work as provided in 8 C.F.R. 28 274a.12, as such regulation existed on January 1, 2021

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

(b) Removes: If the documentation submitted does not satisfactorily demonstrate work authorization, the Department of Labor shall, no later 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.

Adds: 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 upon a preponderance of the evidence.

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

(3) Adds: Any individual who qualifies for benefits under subsection (1) of this section shall have his or her employment authorization document verified through the Systematic Alien Verification for Entitlements Program operated by the United State's Department of Homeland Security or an equivalent program designated by the United State Department of Homeland Security.

Ben Hansen, Chairperson