

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 977

Introduced by Blood, 3.

Read first time January 05, 2024

Committee: Judiciary

1 A BILL FOR AN ACT relating to discrimination; to amend sections 18-1724,
2 20-113, 20-132, 20-134, 20-139, 20-317, 20-318, 20-320, 20-321,
3 20-322, 20-325, 23-2525, 23-2531, 23-2541, 29-401, 45-1056, 48-215,
4 48-628.13, 48-1101, 48-1104, 48-1105, 48-1106, 48-1107, 48-1108,
5 48-1111, 48-1113, 48-1115, 48-1117, 48-1119, 48-1122, 48-1124,
6 48-1125, 49-801, 51-211, 58-216, 58-808, 58-809, 58-810, 68-1605,
7 75-325, and 76-1495, Reissue Revised Statutes of Nebraska, and
8 sections 25-1645, 32-221, 32-230, 39-210, and 81-885.24, Revised
9 Statutes Cumulative Supplement, 2022; to prohibit discrimination
10 based upon military or veteran status as prescribed; to transfer
11 provisions; to define terms; to harmonize provisions; and to repeal
12 the original sections.
13 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 18-1724, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 18-1724 Notwithstanding any other provision of law, all cities and
4 villages in this state shall have the power by ordinance to define,
5 regulate, suppress, and prevent discrimination on the basis of race,
6 color, creed, religion, ancestry, sex, marital status, national origin,
7 familial status as defined in section 20-311, disability as defined in
8 section 20-308.01, ~~or age, or military or veteran status~~ in employment,
9 public accommodation, and housing and may provide for the enforcement of
10 such ordinances by providing appropriate penalties for the violation
11 thereof. It shall not be an unlawful employment practice to refuse
12 employment based on a policy of not employing both spouses if such policy
13 is equally applied to both sexes.

14 Sec. 2. Section 20-113, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 20-113 (1) Any incorporated city may enact ordinances and any
17 county may adopt resolutions which are substantially equivalent to the
18 Age Discrimination in Employment Act, the Nebraska Fair Employment
19 Practice Act, the Nebraska Fair Housing Act, and sections 20-126 to
20 20-143 and 48-1219 to 48-1227 or which are more comprehensive than such
21 acts and sections in the protection of civil rights. No such ordinance or
22 resolution shall place a duty or liability on any person, other than an
23 employer, employment agency, or labor organization, for acts similar to
24 those prohibited by section 48-1115. Such ordinance or resolution may
25 include authority for a local agency to seek an award of damages or other
26 equitable relief on behalf of the complainant by the filing of a petition
27 in the district court in the county with appropriate jurisdiction. The
28 local agency shall have within its authority jurisdiction substantially
29 equivalent to or more comprehensive than the Equal Opportunity Commission
30 or other enforcement agencies provided under such acts and sections and
31 shall have authority to order backpay and other equitable relief or to

1 enforce such orders or relief in the district court with appropriate
2 jurisdiction. Certified copies of such ordinances or resolutions shall be
3 transmitted to the commission. When the commission determines that any
4 such city or county has enacted an ordinance or adopted a resolution that
5 is substantially equivalent to such acts and sections or is more
6 comprehensive than such acts and sections in the protection of civil
7 rights and has established a local agency to administer such ordinance or
8 resolution, the commission may thereafter refer all complaints arising in
9 such city or county to the appropriate local agency. All complaints
10 arising within a city shall be referred to the appropriate agency in such
11 city when both the city and the county in which the city is located have
12 established agencies pursuant to this section. When the commission refers
13 a complaint to a local agency, it shall take no further action on such
14 complaint if the local agency proceeds promptly to handle such complaint
15 pursuant to the local ordinance or resolution. If the commission
16 determines that a local agency is not handling a complaint with
17 reasonable promptness or that the protection of the rights of the parties
18 or the interests of justice require such action, the commission may
19 regain jurisdiction of the complaint and proceed to handle it in the same
20 manner as other complaints which are not referred to local agencies. In
21 cases of conflict between this section and section 20-332, for complaints
22 subject to the Nebraska Fair Housing Act, section 20-332 shall control.

23 (2)(a) Any club which has been issued a license by the Nebraska
24 Liquor Control Commission to sell, serve, or dispense alcoholic liquor
25 shall have that license revoked if the club discriminates because of
26 race, color, religion, sex, familial status as defined in section 20-311,
27 disability as defined in section 20-308.01, ~~or~~ national origin, or
28 military or veteran status in the sale, serving, or dispensing of
29 alcoholic liquor to any person who is a guest of a member of such club.

30 (b) The procedure for revocation shall be as prescribed in sections
31 53-134.04, 53-1,115, and 53-1,116.

1 (c) This subsection does not prohibit a club from, on an otherwise
2 nondiscriminatory basis, limiting admission or service to veterans or
3 servicemembers or their family members or providing discounts or other
4 benefits to veterans or servicemembers or their family members.

5 Sec. 3. Section 20-132, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 20-132 All persons within this state shall be entitled to a full and
8 equal enjoyment of any place of public accommodation, as defined in
9 sections 20-132 to 20-143, without discrimination or segregation on the
10 grounds of race, color, sex, religion, national origin, disability, ~~or~~
11 ancestry, or military or veteran status.

12 Sec. 4. Section 20-134, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 20-134 (1) Any person who directly or indirectly refuses, withholds
15 from, denies, or attempts to refuse, withhold, or deny, to any other
16 person any of the accommodations, advantages, facilities, services, or
17 privileges, or who segregates any person in a place of public
18 accommodation on the basis of race, creed, color, sex, religion, national
19 origin, disability, ~~or~~ ancestry, or military or veteran status, shall be
20 guilty of discriminatory practice and shall be subject to the penalties
21 of sections 20-132 to 20-143.

22 (2) It is not a discriminatory practice under sections 20-132 to
23 20-143 for a person or a place of public accommodation to, on an
24 otherwise nondiscriminatory basis, limit admission or service to veterans
25 or servicemembers or their family members or provide discounts or other
26 benefits to veterans or servicemembers or their family members.

27 Sec. 5. Section 20-139, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 20-139 The Nebraska Fair Housing Act and sections 20-123, 20-124,
30 and 20-132 to 20-143 shall be administered by the Equal Opportunity
31 Commission, except that the State Fire Marshal shall administer the act

1 and sections as they relate to accessibility standards and specifications
2 set forth in sections 81-5,147 and 81-5,148. The county attorneys are
3 granted the authority to enforce such act and sections 20-123, 20-124,
4 and 20-132 to 20-143 and shall possess the same powers and duties with
5 respect thereto as the commission. If a complaint is filed with the
6 county attorney, the commission shall be notified. Powers granted to and
7 duties imposed upon the commission pursuant to such act and sections
8 shall be in addition to the provisions of the Nebraska Fair Employment
9 Practice Act and shall not be construed to amend or restrict those
10 provisions. In carrying out the Nebraska Fair Housing Act and sections
11 20-123, 20-124, and 20-132 to 20-143, the commission shall have the power
12 to:

13 (1) Seek to eliminate and prevent discrimination in places of public
14 accommodation because of race, color, sex, religion, national origin,
15 familial status as defined in section 20-311, disability as defined in
16 section 20-308.01, ~~or ancestry, or military or veteran status;~~

17 (2) Effectuate the purposes of sections 20-132 to 20-143 by
18 conference, conciliation, and persuasion so that persons may be
19 guaranteed their civil rights and goodwill may be fostered;

20 (3) Formulate policies to effectuate the purposes of sections 20-132
21 to 20-143 and make recommendations to agencies and officers of the state
22 or local subdivisions of government in aid of such policies and purposes;

23 (4) Adopt and promulgate rules and regulations to carry out the
24 powers granted by the Nebraska Fair Housing Act and sections 20-123,
25 20-124, and 20-132 to 20-143, subject to the provisions of the
26 Administrative Procedure Act. The commission shall, not later than one
27 hundred eighty days after September 6, 1991, issue draft rules and
28 regulations to implement subsection (3) of section 20-336, which
29 regulations may incorporate regulations of the Department of Housing and
30 Urban Development as applicable;

31 (5) Designate one or more members of the commission or a member of

1 the commission staff to conduct investigations of any complaint alleging
2 discrimination because of race, color, sex, religion, national origin,
3 familial status, disability, ~~or~~ ancestry, or military or veteran status,
4 attempt to resolve such complaint by conference, conciliation, and
5 persuasion, and conduct such conciliation meetings and conferences as are
6 deemed necessary to resolve a particular complaint, which meetings shall
7 be held in the county in which the complaint arose;

8 (6) Determine that probable cause exists for crediting the
9 allegations of a complaint;

10 (7) Determine that a complaint cannot be resolved by conference,
11 conciliation, or persuasion, such determination to be made only at a
12 meeting where a quorum is present;

13 (8) Dismiss a complaint when it is determined there is not probable
14 cause to credit the allegations;

15 (9) Hold hearings, subpoena witnesses and compel their attendance,
16 administer oaths, take the testimony of any person under oath, and in
17 connection therewith require for examination any books or papers relating
18 to any matter under investigation or in question before the commission;
19 and

20 (10) Issue publications and the results of studies and research
21 which will tend to promote goodwill and minimize or eliminate
22 discrimination because of race, color, sex, religion, national origin,
23 familial status, disability, ~~or~~ ancestry, or military or veteran status.

24 Sec. 6. Section 20-317, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 20-317 Restrictive covenant shall mean any specification limiting
27 the transfer, rental, or lease of any housing because of race, creed,
28 religion, color, national origin, sex, disability, familial status, ~~or~~
29 ancestry, or military or veteran status.

30 Sec. 7. Section 20-318, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 20-318 Except as exempted by section 20-322, it shall be unlawful
2 to:

3 (1) Refuse to sell or rent after the making of a bona fide offer,
4 refuse to negotiate for the sale or rental of or otherwise make
5 unavailable or deny, refuse to show, or refuse to receive and transmit an
6 offer for a dwelling to any person because of race, color, religion,
7 national origin, disability, familial status, ~~or~~ sex, or military or
8 veteran status;

9 (2) Discriminate against any person in the terms, conditions, or
10 privileges of sale or rental of a dwelling or in the provision of
11 services or facilities in connection therewith because of race, color,
12 religion, national origin, disability, familial status, ~~or~~ sex, or
13 military or veteran status;

14 (3) Make, print, publish, or cause to be made, printed, or published
15 any notice, statement, or advertisement with respect to the sale or
16 rental of a dwelling that indicates any preference, limitation, or
17 discrimination based on race, color, religion, national origin,
18 disability, familial status, ~~or~~ sex, or military or veteran status or an
19 intention to make any such preference, limitation, or discrimination;

20 (4) Represent to any person because of race, color, religion,
21 national origin, disability, familial status, ~~or~~ sex, or military or
22 veteran status that any dwelling is not available for inspection, sale,
23 or rental when such dwelling is in fact so available;

24 (5) Cause to be made any written or oral inquiry or record
25 concerning the race, color, religion, national origin, disability,
26 familial status, ~~or~~ sex, or military or veteran status of a person
27 seeking to purchase, rent, or lease any housing;

28 (6) Include in any transfer, sale, rental, or lease of housing any
29 restrictive covenants or honor or exercise or attempt to honor or
30 exercise any restrictive covenant pertaining to housing;

31 (7) Discharge or demote an employee or agent or discriminate in the

1 compensation of such employee or agent because of such employee's or
2 agent's compliance with the Nebraska Fair Housing Act; and

3 (8) Induce or attempt to induce, for profit, any person to sell or
4 rent any dwelling by representations regarding the entry or prospective
5 entry into the neighborhood of a person or persons of a particular race,
6 color, religion, national origin, disability, familial status, ~~or~~ sex, or
7 military or veteran status.

8 Sec. 8. Section 20-320, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 20-320 (1) Except as exempted by section 20-322, it ~~It~~ shall be
11 unlawful for any person or other entity whose business includes engaging
12 in transactions related to residential real estate to discriminate
13 against any person in making available such a transaction or in the terms
14 or conditions of such a transaction because of race, color, religion,
15 sex, disability, familial status, ~~or~~ national origin, or military or
16 veteran status.

17 (2) For purposes of this section, transaction related to residential
18 real estate shall mean any of the following:

19 (a) The making or purchasing of loans or providing other financial
20 assistance:

21 (i) For purchasing, constructing, improving, repairing, or
22 maintaining a dwelling; or

23 (ii) Secured by residential real estate; or

24 (b) The selling, brokering, or appraising of residential real
25 property.

26 (3) Nothing in this section shall prohibit a person engaged in the
27 business of furnishing appraisals of real property from taking into
28 consideration factors other than race, color, religion, national origin,
29 sex, disability, ~~or~~ familial status, or military or veteran status.

30 Sec. 9. Section 20-321, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 20-321 It shall be unlawful to deny any person access to or
2 membership or participation in any multiple listing service, real estate
3 brokers organization, or other service, organization, or facility
4 relating to the business of selling or renting dwellings or to
5 discriminate against any person in the terms or conditions of such
6 access, membership, or participation on account of race, color, religion,
7 national origin, disability, familial status, ~~or sex,~~ or military or
8 veteran status.

9 Sec. 10. Section 20-322, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 20-322 (1) Nothing in the Nebraska Fair Housing Act shall prohibit a
12 religious organization, association, or society or any nonprofit
13 institution or organization operated, supervised, or controlled by or in
14 conjunction with a religious organization, association, or society from
15 limiting the sale, rental, or occupancy of a dwelling which it owns or
16 operates for other than commercial purposes to persons of the same
17 religion or from giving preferences to such persons unless membership in
18 such religion is restricted on account of race, color, national origin,
19 disability, familial status, ~~or sex,~~ or military or veteran status.

20 (2) Nothing in the act shall prohibit a private club not in fact
21 open to the public, which as an incident to its primary purpose or
22 purposes provides lodgings which it owns or operates for other than
23 commercial purposes, from limiting the rental or occupancy of such
24 lodging to its members or from giving preference to its members.

25 (3) Nothing in the act shall prohibit or limit the right of any
26 person or his or her authorized representative to refuse to rent a room
27 or rooms in his or her own home for any reason or for no reason or to
28 change tenants in his or her own home as often as desired, except that
29 this exception shall not apply to any person who makes available for
30 rental or occupancy more than four sleeping rooms to a person or family
31 within his or her own home.

1 (4)(a) Nothing in the act shall limit the applicability of any
2 reasonable local restrictions regarding the maximum number of occupants
3 permitted to occupy a dwelling, and nothing in the act regarding familial
4 status shall apply with respect to housing for older persons.

5 (b) For purposes of this subsection, housing for older persons shall
6 mean housing:

7 (i) Provided under any state program that the commission determines
8 is specifically designed and operated to assist elderly persons as
9 defined in the program;

10 (ii) Intended for and solely occupied by persons sixty-two years of
11 age or older; or

12 (iii) Intended and operated for occupancy by at least one person
13 fifty-five years of age or older per unit. In determining whether housing
14 qualifies as housing for older persons under this subdivision, the
15 commission shall develop regulations which require at least the following
16 factors:

17 (A) The existence of significant facilities and services
18 specifically designed to meet the physical or social needs of older
19 persons or, if the provision of such facilities and services is not
20 practicable, that such housing is necessary to provide important housing
21 opportunities for older persons;

22 (B) That at least eighty percent of the units are occupied by at
23 least one person fifty-five years of age or older per unit; and

24 (C) The publication of and adherence to policies and procedures
25 which demonstrate an intent by the owner or manager to provide housing
26 for persons fifty-five years of age or older.

27 (c) Housing shall not fail to meet the requirements for housing for
28 older persons by reason of:

29 (i) Persons residing in the housing as of September 6, 1991, who do
30 not meet the age requirements of subdivision (b)(ii) or (iii) of this
31 subsection if succeeding occupants of the housing meet the age

1 requirements; or

2 (ii) Unoccupied units if the units are reserved for occupancy by
3 persons who meet the age requirements.

4 (5) Nothing in the act shall prohibit conduct against a person
5 because such person has been convicted by any court of competent
6 jurisdiction of the illegal manufacture or distribution of a controlled
7 substance as defined in section 28-401.

8 (6) Nothing in the act shall prohibit otherwise nondiscriminatory
9 conduct intended to benefit veterans or servicemembers or their family
10 members, such as providing housing limited to veterans or servicemembers
11 or their family members, providing favorable conditions of loans, leases,
12 mortgages, or contracts, or otherwise offering benefits that are limited
13 to veterans or servicemembers or their family members.

14 Sec. 11. Section 20-325, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 20-325 The commission shall:

17 (1) Make studies with respect to the nature and extent of
18 discriminatory housing practices in representative urban, suburban, and
19 rural communities throughout the state;

20 (2) Publish and disseminate reports, recommendations, and
21 information derived from such studies, including an annual report to the
22 Legislature to be submitted electronically:

23 (a) Specifying the nature and extent of progress made statewide in
24 eliminating discriminatory housing practices and furthering the purposes
25 of the Nebraska Fair Housing Act, obstacles remaining to achieving equal
26 housing opportunity, and recommendations for further legislative or
27 executive action; and

28 (b) Containing tabulations of the number of instances and the
29 reasons therefor in the preceding year in which:

30 (i) Investigations have not been completed as required by
31 subdivision (1)(b) of section 20-326;

1 (ii) Determinations have not been made within the time specified in
2 section 20-333; and

3 (iii) Hearings have not been commenced or findings and conclusions
4 have not been made as required by section 20-337;

5 (3) Cooperate with and render technical assistance to state, local,
6 and other public or private agencies, organizations, and institutions
7 which are formulating or carrying on programs to prevent or eliminate
8 discriminatory housing practices;

9 (4) Electronically submit an annual report to the Legislature and
10 make available to the public data on the age, race, color, religion,
11 national origin, disability, familial status, ~~and sex,~~ and military or
12 veteran status of persons and households who are applicants for,
13 participants in, or beneficiaries or potential beneficiaries of programs
14 administered by the commission. In order to develop the data to be
15 included and made available to the public under this subdivision, the
16 commission shall, without regard to any other provision of law, collect
17 such information relating to those characteristics as the commission
18 determines to be necessary or appropriate;

19 (5) Adopt and promulgate rules and regulations, subject to the
20 approval of the members of the commission, regarding the investigative
21 and conciliation process that provide for testing standards, fundamental
22 due process, and notice to the parties of their rights and
23 responsibilities; and

24 (6) Have authority to enter into agreements with the United States
25 Department of Housing and Urban Development in cooperative agreements
26 under the Fair Housing Assistance Program. The commission shall further
27 have the authority to enter into agreements with testing organizations to
28 assist in investigative activities. The commission shall not enter into
29 any agreements under which compensation to the testing organization is
30 partially or wholly based on the number of conciliations, settlements,
31 and reasonable cause determinations.

1 Sec. 12. Section 23-2525, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 23-2525 The county personnel officer shall, with the assistance of
4 two advisory groups, one of classified employees and one of department
5 heads, prepare and submit to the personnel policy board proposed
6 personnel rules and regulations for the classified service. He or she
7 shall give reasonable notice thereof to the heads of all agencies,
8 departments, county employee associations, and institutions affected
9 thereby, and they shall be given an opportunity, upon request, to appear
10 before the board and present their views thereon. The personnel policy
11 board shall submit the rules and regulations for adoption or amendment
12 and adoption by resolution of the board of county commissioners.
13 Amendments thereto shall be made in the same manner. The rules and
14 regulations shall provide:

15 (1) For a single integrated classification plan covering all
16 positions in the county service except those expressly exempt from the
17 County Civil Service Act, which shall group all positions into defined
18 classes containing a descriptive class title and a code identifying each
19 class, and which shall be based on similarity of duties performed and
20 responsibilities assumed, so that the same qualifications may reasonably
21 be required and the same schedule of pay may be equitably applied to all
22 positions in the same class. After the classification plan has been
23 approved by the personnel policy board, the county personnel officer
24 shall be responsible for the administration and maintenance of the plan
25 and for the allocation of each classified position. Any employee affected
26 by the allocation of a position to a class shall, upon request, be given
27 a reasonable opportunity to be heard thereon by the personnel policy
28 board who shall issue an advisory opinion to the personnel officer;

29 (2) For a compensation plan for all employees in the classified
30 service, comprising salary schedules, hours of work, premium payments,
31 special allowances, and fringe benefits, considering the amount of money

1 available, the prevailing rates of pay in government and private
2 employment, the cost of living, the level of each class of position in
3 the classification plan, and other relevant factors. Initial,
4 intervening, and maximum rates of pay for each class shall be established
5 to provide for steps in salary advancement without change of duty in
6 recognition of demonstrated quality and length of service. The
7 compensation plan and amendments thereto shall be adopted in the manner
8 prescribed for rules and regulations and shall in no way limit the
9 authority of the board of county commissioners relative to appropriations
10 for salary and wage expenditures;

11 (3) For open competitive examinations to test the relative fitness
12 of applicants for the respective positions. Competitive examination shall
13 not be required for transferred employees transferring from positions in
14 the state or a political subdivision to positions in the county pursuant
15 to a merger of services or transferred employees transferring from
16 positions in the state or a political subdivision to positions in the
17 county due to the assumption of functions of the state or a political
18 subdivision by the county. The rules and regulations shall provide for
19 the public announcement of the holding of examinations and shall
20 authorize the personnel officer to prescribe examination procedures and
21 to place the names of successful candidates on eligible lists in
22 accordance with their respective ratings. Examinations may be assembled
23 or unassembled and may include various job-related examining techniques,
24 such as rating training and experience, written tests, oral interviews,
25 recognition of professional licensing, performance tests, investigations,
26 and any other measures of ability to perform the duties of the position.
27 Examinations shall be scored objectively and employment registers shall
28 be established in the order of final score. Certification of eligibility
29 for appointment to vacancies shall be in accordance with a formula which
30 limits selection by the hiring department from among the highest ranking
31 available and eligible candidates, but which also permits selective

1 certification under appropriate conditions as prescribed in the rules and
2 regulations;

3 (4) For promotions which shall give appropriate consideration to
4 examinations and to record of performance, seniority, and conduct.
5 Vacancies shall be filled by promotion whenever practicable and in the
6 best interest of the service, and preference may be given to employees
7 within the department in which the vacancy occurs;

8 (5) For the rejection of candidates who fail to comply with
9 reasonable requirements of the personnel officer in regard to such
10 factors as physical conditions, training, and experience or who have been
11 guilty of infamous or disgraceful conduct, who are addicted to alcohol or
12 narcotics, or who have attempted any deception or fraud in connection
13 with an examination;

14 (6) ~~For prohibiting~~ ~~Prohibiting~~ disqualification of any person from
15 taking an examination, from promotion or from holding a position because
16 of race; ~~τ~~ sex, unless it constitutes a bona fide occupational
17 qualification; ~~τ~~ ~~or~~ national origin; ~~τ~~ physical disabilities; ~~τ~~ age; ~~τ~~
18 political or religious opinions or affiliations; subject to section 37 of
19 this act, military or veteran status; ~~τ~~ or other factors which have no
20 bearing upon the individual's fitness to hold the position;

21 (7) For a period of probation not to exceed one year before
22 appointment or promotion may be made complete, and during which period a
23 probationer may be separated from his or her position without the right
24 of appeal or hearing except as provided in section 23-2531. After a
25 probationer has been separated, he or she may again be placed on the
26 eligible list at the discretion of the personnel officer. The rules shall
27 provide that a probationer shall be dropped from the payroll at the
28 expiration of his or her probationary period if, within ten days prior
29 thereto, the appointing authority has notified the personnel officer in
30 writing that the services of the employee have been unsatisfactory;

31 (8) When an employee has been promoted but fails to satisfactorily

1 perform the duties of the new position during the probationary period, he
2 or she shall be returned to a position comparable to that held
3 immediately prior to promotion at the current salary of such position;

4 (9) For temporary or seasonal appointments of limited terms of not
5 to exceed one year;

6 (10) For part-time appointment where the employee accrues benefits
7 of full-time employment on a basis proportional to the time worked;

8 (11) For emergency employment for not more than thirty days with or
9 without examination, with the consent of the county personnel officer and
10 department head;

11 (12) For provisional employment without competitive examination when
12 there is no appropriate eligible list available. No such provisional
13 employment shall continue longer than six months, nor shall successive
14 provisional appointments be allowed;

15 (13) For transfer from a position in one department to a similar
16 position in another department involving similar qualifications, duties,
17 responsibilities, and salary ranges;

18 (14) For the transfer of employees of the state or a political
19 subdivision to the county pursuant to a merger of services or due to the
20 assumption of functions of the state or a political subdivision by the
21 county;

22 (15) For layoff by reason of lack of funds or work or abolition of
23 the position, or material change in duties or organization, for the
24 layoff of nontenured employees first, and for reemployment of permanent
25 employees so laid off, giving consideration in both layoff and
26 reemployment to performance record and seniority in service;

27 (16) For establishment of a plan for resolving employee grievances
28 and complaints;

29 (17) For hours of work, holidays, and attendance regulations in the
30 various classes of positions in the classified service, and for annual,
31 sick, and special leaves of absence, with or without pay, or at reduced

1 pay;

2 (18) For the development of employee morale, safety, and training
3 programs;

4 (19) For a procedure whereby an appointing authority may suspend,
5 reduce, demote, or dismiss an employee for misconduct, inefficiency,
6 incompetence, insubordination, malfeasance, or other unfitness to render
7 effective service and for the investigation and public hearing of appeals
8 of such suspended, reduced, demoted, or dismissed employee;

9 (20) For granting of leave without pay to a permanent employee to
10 accept a position in the unclassified service, and for his or her return
11 to a position comparable to that formerly held in the classified service
12 at the conclusion of such service;

13 (21) For regulation covering political activity of employees in the
14 classified service; and

15 (22) For other regulations not inconsistent with the County Civil
16 Service Act and which may be necessary for its effective implementation.

17 Sec. 13. Section 23-2531, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 23-2531 (1) Discrimination against any person in recruitment,
20 examination, appointment, training, promotion, retention, discipline, or
21 any other aspect of personnel administration because of political or
22 religious opinions or affiliations or because of race, national origin,
23 or other nonmerit factors shall be prohibited. Discrimination on the
24 basis of age or sex or physical disability shall be prohibited unless
25 specific age, sex, or physical requirements constitute a bona fide
26 occupational qualification necessary to proper and efficient
27 administration. Subject to section 37 of this act, discrimination on the
28 basis of military or veteran status shall be prohibited. The rules and
29 regulations shall provide for appeals in cases of alleged discrimination
30 to the personnel policy board whose determination shall be binding upon a
31 finding of discrimination.

1 (2) No person shall make any false statement, certificate, mark,
2 rating, or report with regard to any test, certification, or appointment
3 made under the County Civil Service Act or in any manner commit or
4 attempt to commit any fraud preventing the impartial execution of the act
5 and the rules and regulations promulgated pursuant to the act.

6 (3) No person shall, directly or indirectly, give, render, pay,
7 offer, solicit, or accept any money, service, or other valuable
8 consideration for or on account of any appointment, proposed appointment,
9 promotion, or proposed promotion to, or any advantage in, a position in
10 the classified service.

11 (4) No employee of the personnel office, examiner, or other person
12 shall defeat, deceive, or obstruct any person in his or her right to
13 examination, eligibility, certification, or appointment under the act, or
14 furnish to any person any special or secret information for the purpose
15 of affecting the rights or prospects of any persons with respect to
16 employment in the classified service.

17 Sec. 14. Section 23-2541, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 23-2541 The personnel policy board, if created, shall, with the
20 assistance of two advisory groups, one of classified employees and one of
21 department heads, adopt proposed personnel rules and regulations for the
22 classified service and provide reasonable notice of proposed rules and
23 regulations to the heads of all agencies, departments, county employee
24 associations, and institutions affected thereby. Any person affected by
25 such rules and regulations shall be given an opportunity, upon request,
26 to appear before the personnel policy board and present his or her views
27 on the rules and regulations. The personnel policy board shall submit
28 proposed rules and regulations or amendments for adoption by the county
29 board. The county board may consider and adopt only personnel rules and
30 regulations or amendments proposed by the personnel policy board and may
31 not repeal or revoke a rule or regulation except upon the recommendation

1 of the personnel policy board.

2 The rules and regulations or amendments may provide:

3 (1) For a single integrated classification plan covering all
4 positions in the county service except those expressly exempt from
5 sections 23-2534 to 23-2544, which shall (a) group all positions into
6 defined classes containing a descriptive class title and a code
7 identifying each class and (b) be based on similarity of duties performed
8 and responsibilities assumed, so that the same qualifications may
9 reasonably be required and the same schedule of pay may be equitably
10 applied to all positions in the same class. After the classification plan
11 has been approved by the personnel policy board, the county personnel
12 officer shall be responsible for the administration and maintenance of
13 the plan and for the allocation of each classified position. Any employee
14 affected by the allocation of a position to a class shall, upon request,
15 be given a reasonable opportunity to be heard on such allocation by the
16 personnel policy board which shall issue an advisory opinion to the
17 county personnel officer;

18 (2) For a compensation plan for all employees in the classified
19 service, comprising salary schedules, attendance regulations, premium
20 payments, special allowances, and fringe benefits, considering the amount
21 of money available, the prevailing rates of pay in government and private
22 employment, the cost of living, the level of each class of position in
23 the classification plan, and other relevant factors. The compensation
24 plan and amendments to such plan shall be adopted in the manner
25 prescribed for rules and regulations and shall in no way limit the
26 authority of the county board relative to appropriations for salary and
27 wage expenditures;

28 (3) For open competitive examinations to test the relative fitness
29 of applicants for the respective positions. The rules and regulations
30 shall provide for the public announcement of the holding of examinations
31 and shall authorize the county personnel officer to prescribe examination

1 procedures and to place the names of successful candidates on eligible
2 lists in accordance with their respective ratings. Examinations may be
3 assembled or unassembled and may include various job-related examining
4 techniques, such as rating training and experience, written tests, oral
5 interviews, recognition of professional licensing, performance tests,
6 investigations, and any other measures of ability to perform the duties
7 of the position. Examinations shall be scored objectively and employment
8 registers shall be established in the order of final score. Certification
9 of eligibility for appointment to vacancies shall be in accordance with a
10 formula which limits selection by the hiring department from among the
11 highest ranking available and eligible candidates, but which also permits
12 selective certification under appropriate conditions as prescribed in the
13 rules and regulations;

14 (4) For promotions which shall give appropriate consideration to
15 examinations and to record of performance, seniority, and conduct.
16 Vacancies shall be filled by promotion whenever practicable and in the
17 best interest of the service and preference may be given to employees
18 within the department in which the vacancy occurs;

19 (5) For the rejection of candidates who fail to comply with
20 reasonable requirements of the county personnel officer in regard to such
21 factors as physical conditions, training, and experience, who have been
22 guilty of infamous or disgraceful conduct, who are currently abusing
23 alcohol or narcotics, or who have attempted any deception or fraud in
24 connection with an examination;

25 (6) For prohibiting disqualification of any person from ~~(a)~~ taking
26 an examination, ~~(b)~~ promotion, or ~~(c)~~ holding a position, solely because
27 of:

28 (a) Race ~~race~~, sex, national origin, physical disabilities, age,
29 political or religious opinions or affiliations; ~~τ~~

30 (b) Military or veteran status, subject to section 37 of this act;

31 or

1 (c) Other ~~other~~ factors which have no bearing upon the individual's
2 fitness to hold the position;

3 (7) For a period of probation, not to exceed one year, before
4 appointment or promotion may be made complete and during which period a
5 probationer may be separated from his or her position without the right
6 of appeal or hearing. After a probationer has been separated, he or she
7 may again be placed on the eligible list at the discretion of the county
8 personnel officer. The rules and regulations shall provide that a
9 probationer shall be dropped from the payroll at the expiration of his or
10 her probationary period if, within ten days prior thereto, the appointing
11 authority has notified the county personnel officer in writing that the
12 services of the employee have been unsatisfactory;

13 (8) For temporary or seasonal appointments of limited terms of not
14 to exceed one year;

15 (9) For part-time appointment in which the employee accrues benefits
16 of full-time employment on a basis proportional to the time worked;

17 (10) For emergency employment for not more than thirty days with or
18 without examination with the consent of the county personnel officer and
19 department head;

20 (11) For provisional employment without competitive examination when
21 there is no appropriate eligible list available. Provisional employment
22 shall not continue longer than six months and successive provisional
23 appointments shall not be allowed;

24 (12) For transfer from a position in one department to a similar
25 position in another department involving similar qualifications, duties,
26 responsibilities, and salary ranges;

27 (13) For layoff by reason of lack of funds or work, abolition of the
28 position, or material change in duties or organization, for the layoff of
29 nontenured employees first, and for reemployment of permanent employees
30 so laid off, giving consideration in both layoff and reemployment to
31 performance record and seniority in service;

1 (14) For establishment of a plan for resolving employee grievances
2 and complaints;

3 (15) For holidays, for attendance regulations in the various classes
4 of positions in the classified service, and for annual, sick, and special
5 leaves of absence, with or without pay or at reduced pay;

6 (16) For the development of employee morale, safety, and training
7 programs;

8 (17) For a procedure whereby an appointing authority may suspend,
9 reduce, demote, or dismiss an employee for misconduct, inefficiency,
10 incompetence, insubordination, malfeasance, or other unfitness to render
11 effective service and for the investigation and public hearing of appeals
12 of such suspended, reduced, demoted, or dismissed employee;

13 (18) For granting of leave without pay to a permanent employee to
14 accept a position in the unclassified service and for his or her return
15 to a position comparable to that formerly held in the classified service
16 at the conclusion of such service;

17 (19) For regulation covering political activity of employees in the
18 classified service; and

19 (20) For other rules and regulations not inconsistent with sections
20 23-2534 to 23-2544 and the implementation of personnel policy in the
21 county.

22 Sec. 15. Section 25-1645, Revised Statutes Cumulative Supplement,
23 2022, is amended to read:

24 25-1645 The Legislature hereby declares that it is the intent and
25 purpose of the Jury Selection Act to create a jury system which will
26 ensure that:

27 (1) All persons selected for jury service are selected at random
28 from a fair cross section of the population of the area served by the
29 court;

30 (2) All qualified citizens have the opportunity to be considered for
31 jury service;

1 (3) All qualified citizens fulfill their obligation to serve as
2 jurors when summoned for that purpose; and

3 (4) No citizen is excluded from jury service in this state as a
4 result of discrimination based upon race, color, religion, sex, national
5 origin, ~~or economic status,~~ or military or veteran status.

6 Sec. 16. Section 29-401, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 29-401 Every sheriff, deputy sheriff, marshal, deputy marshal,
9 security guard, police officer, or peace officer as defined in
10 ~~subdivision (15) of section 49-801~~ shall arrest and detain any person
11 found violating any law of this state or any legal ordinance of any city
12 or incorporated village until a legal warrant can be obtained, except
13 that (1) any such law enforcement officer taking a juvenile under the age
14 of eighteen years into his or her custody for any violation herein
15 defined shall proceed as set forth in sections 43-248, 43-248.01, 43-250,
16 43-251, 43-251.01, and 43-253 and (2) the court in which the juvenile is
17 to appear shall not accept a plea from the juvenile until finding that
18 the parents of the juvenile have been notified or that reasonable efforts
19 to notify such parents have been made as provided in section 43-250.

20 Sec. 17. Section 32-221, Revised Statutes Cumulative Supplement,
21 2022, is amended to read:

22 32-221 (1) The election commissioner shall appoint precinct and
23 district inspectors, judges of election, and clerks of election to assist
24 the election commissioner in conducting elections on election day. In
25 counties with a population of less than four hundred thousand inhabitants
26 as determined by the most recent federal decennial census, judges and
27 clerks of election and inspectors shall be appointed at least thirty days
28 prior to the statewide primary election, shall hold office for terms of
29 two years or until their successors are appointed and qualified for the
30 next statewide primary election, and shall serve at all elections in the
31 county during their terms of office. In counties with a population of

1 four hundred thousand or more inhabitants as determined by the most
2 recent federal decennial census, judges and clerks of election shall be
3 appointed at least thirty days prior to the first election for which
4 appointments are necessary and shall serve for at least four elections.

5 (2) Judges and clerks of election may be selected at random from a
6 cross section of the population of the county. All qualified citizens
7 shall have the opportunity to be considered for service. All qualified
8 citizens shall fulfill their obligation to serve as judges or clerks of
9 election as prescribed by the election commissioner. No citizen shall be
10 excluded from service as a result of discrimination based upon race,
11 color, religion, sex, national origin, ~~or~~ economic status, or military or
12 veteran status. No citizen shall be excluded from service unless excused
13 by reason of ill health or other good and sufficient reason.

14 (3) All persons appointed shall be of good repute and character, be
15 able to read and write the English language, and except as otherwise
16 provided in subsections (4), (5), and (6) of section 32-223, be
17 registered voters in the county. No candidate at an election shall be
18 appointed as a judge or clerk of election or inspector for such election
19 other than a candidate for delegate to a county, state, or national
20 political party convention.

21 (4) If a vacancy occurs in the office of judge or clerk of election
22 or inspector, the election commissioner shall fill such vacancy in
23 accordance with section 32-223. If any judge or clerk of election or
24 inspector fails to appear at the hour appointed for the opening of the
25 polls, the remaining officers shall notify the election commissioner,
26 select a registered voter to serve in place of the absent officer if so
27 directed by the election commissioner, and proceed to conduct the
28 election. If the election commissioner finds that a judge or clerk of
29 election or inspector does not possess all the qualifications prescribed
30 in this section or if any judge or clerk of election or inspector is
31 guilty of neglecting the duties of the office or of any official

1 misconduct, the election commissioner shall remove the person and fill
2 the vacancy.

3 Sec. 18. Section 32-230, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 32-230 (1) As provided in subsection (4) of this section, the
6 precinct committeeman and committeewoman of each political party shall
7 appoint a receiving board consisting of three judges of election and two
8 clerks of election. The chairperson of the county central committee of
9 each political party shall send the names of the appointments to the
10 county clerk no later than February 1 prior to the primary election.

11 (2) If no names are submitted by the chairperson, the county clerk
12 shall appoint judges or clerks of election from the appropriate political
13 party. Judges and clerks of election may be selected at random from a
14 cross section of the population of the county. All qualified citizens
15 shall have the opportunity to be considered for service. All qualified
16 citizens shall fulfill their obligation to serve as judges or clerks of
17 election as prescribed by the county clerk. No citizen shall be excluded
18 from service as a result of discrimination based upon race, color,
19 religion, sex, national origin, ~~or~~ economic status, or military or
20 veteran status. No citizen shall be excluded from service unless excused
21 by reason of ill health or other good and sufficient reason.

22 (3) The county clerk may allow persons serving on a receiving board
23 to serve for part of the time the polls are open and appoint other
24 persons to serve on the same receiving board for the remainder of the
25 time the polls are open.

26 (4) In each precinct at any one time, one judge and one clerk of
27 election shall be appointed from the political party casting the highest
28 number of votes in the county for Governor or for President of the United
29 States in the immediately preceding general election, one judge and one
30 clerk shall be appointed from the political party casting the next
31 highest number of votes in the county for Governor or for President of

1 the United States in the immediately preceding general election, and one
2 judge shall be appointed from the political party casting the third
3 highest number of votes in the county for Governor or for President of
4 the United States in the immediately preceding general election. If the
5 political party casting the third highest number of votes cast less than
6 ten percent of the total vote cast in the county at the immediately
7 preceding general election, the political party casting the highest
8 number of votes at the immediately preceding general election shall be
9 entitled to two judges and one clerk.

10 (5) The county clerk may appoint registered voters to serve in case
11 of a vacancy among any of the judges or clerks of election or in addition
12 to the judges and clerks in any precinct when necessary to meet any
13 situation that requires additional judges and clerks. Such appointees may
14 include registered voters unaffiliated with any political party. Such
15 appointees shall serve at subsequent or special elections as determined
16 by the county clerk.

17 (6) The county clerk may appoint an elector residing outside the
18 county as a precinct inspector, district inspector, judge of election, or
19 clerk of election if the elector resides in a county which conducts all
20 elections by mail pursuant to section 32-960.

21 (7) If authorized by the Secretary of State and registered voters of
22 the county are unavailable, the county clerk may appoint an elector
23 residing outside the county as a precinct inspector, district inspector,
24 judge of election, or clerk of election.

25 (8) The county clerk may appoint a person who is at least sixteen
26 years old but is not eligible to register to vote as a clerk of election.
27 Such clerk of election shall meet the requirements of subsection (1) of
28 section 32-231, except that such clerk shall not be required to be a
29 registered voter. No more than one clerk of election appointed under this
30 subsection shall serve at any precinct. A clerk of election appointed
31 under this subsection shall be considered a registered voter who is not

1 affiliated with a political party for purposes of this section.

2 Sec. 19. Section 39-210, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:

4 39-210 To qualify to appear on a tourist-oriented directional sign
5 panel, an activity shall be licensed and approved by the state and local
6 agencies if required by law and be open to the public at least eight
7 hours per day, five days per week, including Saturdays or Sundays, during
8 the normal season of the activity, except that if the activity is a
9 winery, the winery shall be open at least twenty hours per week. The
10 activity, before qualifying to appear on a sign panel, shall provide to
11 the Department of Transportation assurance of its conformity with all
12 applicable laws relating to discrimination based on race, creed, color,
13 sex, national origin, ancestry, political affiliation, ~~or~~ religion, or
14 military or veteran status. If the activity violates any of such laws, it
15 shall lose its eligibility to appear on a tourist-oriented directional
16 sign panel. In addition, the qualifying activity shall be required to
17 remove any advertising device which was unlawfully erected or which is in
18 violation of section 39-202, 39-203, 39-204, 39-205, 39-206, 39-215,
19 39-216, or 39-220, any rule or regulation of the department, or any
20 federal rule or regulation relating to tourist-oriented directional sign
21 panels. The tourist-oriented directional sign panels shall conform to the
22 requirements of the Federal Beautification Act and the Manual on Uniform
23 Traffic Control Devices as adopted pursuant to section 60-6,118.

24 Sec. 20. Section 45-1056, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 45-1056 A licensee shall not refuse to enter into a loan or impose
27 finance charges or other terms or conditions of credit more onerous than
28 those regularly extended by that licensee to borrowers of similar
29 economic backgrounds because of the age, color, creed, national origin,
30 political affiliation, race, religion, sex, marital status, ~~or~~
31 disability, or military or veteran status of the borrower or because the

1 borrower receives public assistance, social security benefits, pension
2 benefits, or the like.

3 Sec. 21. Section 48-215, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 48-215 It shall be unlawful for any person, firm, or corporation,
6 engaged to any extent whatsoever in the State of Nebraska in the
7 production, manufacture, or distribution of military or naval material,
8 equipment, or supplies for the State of Nebraska or the government of the
9 United States, to refuse to employ any person in any capacity, if such
10 ~~said~~ person is a citizen and is qualified, on account of the race, color,
11 creed, religion, ~~or~~ national origin, or military or veteran status of
12 such ~~said~~ person.

13 Sec. 22. Section 48-628.13, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 48-628.13 Good cause for voluntarily leaving employment shall
16 include, but not be limited to, the following reasons:

17 (1) An individual has made all reasonable efforts to preserve the
18 employment but voluntarily leaves his or her work for the necessary
19 purpose of escaping abuse at the place of employment or abuse as defined
20 in section 42-903 between household members;

21 (2) An individual left his or her employment voluntarily due to a
22 bona fide non-work-connected illness or injury that prevented him or her
23 from continuing the employment or from continuing the employment without
24 undue risk of harm to the individual;

25 (3) An individual left his or her employment to accompany his or her
26 spouse to the spouse's employment in a different city or new military
27 duty station;

28 (4) An individual left his or her employment because his or her
29 employer required the employee to relocate;

30 (5)(a) An individual is a construction worker and left his or her
31 employment voluntarily for the purpose of accepting previously secured

1 insured work in the construction industry if the commissioner finds that:

2 (i)(A) The quit occurred within thirty days immediately prior to the
3 established termination date of the job which the individual voluntarily
4 leaves, (B) the specific starting date of the new job is prior to the
5 established termination date of the job which the worker quits, (C) the
6 new job offered employment for a longer period of time than remained
7 available on the job which the construction worker voluntarily quit, and
8 (D) the worker had worked at least twenty days or more at the new job
9 after the established termination date of the previous job unless the new
10 job was terminated by a contract cancellation; or

11 (ii)(A) The construction worksite of the job which the worker quit
12 was more than fifty miles from his or her place of residence, (B) the new
13 construction job was fifty or more miles closer to his or her residence
14 than the job which he or she quit, and (C) the worker actually worked
15 twenty days or more at the new job unless the new job was terminated by a
16 contract cancellation.

17 (b) The provisions of this subdivision (5) shall not apply if the
18 individual is separated from the new job under conditions resulting in a
19 disqualification from benefits under section 48-628.10 or 48-628.12;

20 (6) An individual accepted a voluntary layoff to avoid bumping
21 another worker;

22 (7) An individual left his or her employment as a result of being
23 directed to perform an illegal act;

24 (8) An individual left his or her employment because of unlawful
25 discrimination or workplace harassment on the basis of race, sex, ~~or~~ age,
26 or military or veteran status;

27 (9) An individual left his or her employment because of unsafe
28 working conditions;

29 (10) An individual left his or her employment to attend school;

30 (11) An individual has made all reasonable efforts to preserve
31 employment but voluntarily leaves employment for the purpose of caring

1 for a family member with a serious health condition. For purposes of this
2 subdivision:

3 (a) Family member means:

4 (i) A biological, adopted, or foster child, a stepchild, or a legal
5 ward of the individual or the individual's spouse or a person to whom the
6 individual or the individual's spouse stood in loco parentis when such
7 person was a minor child, regardless of the age or dependency status of
8 such child, stepchild, legal ward, or person;

9 (ii) A biological, adoptive, or foster parent, a stepparent, or a
10 legal guardian of the individual or the individual's spouse or a person
11 who stood in loco parentis to the individual or the individual's spouse
12 when the individual or the individual's spouse was a minor child;

13 (iii) The individual's spouse; or

14 (iv) A grandparent, grandchild, or sibling, whether of a biological,
15 foster, adoptive, or step relationship, of the individual or the
16 individual's spouse; and

17 (b) Serious health condition has the same meaning as in 29 U.S.C.
18 2611, as such section existed on January 1, 2021; or

19 (12) Equity and good conscience demand a finding of good cause.

20 Sec. 23. Section 48-1125, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 ~~48-1125~~ Sections 48-1102 ~~48-1101~~ to 48-1126 and sections 23, 24, and
23 37 of this act ~~48-1125~~ shall be known and may be cited as the Nebraska
24 Fair Employment Practice Act.

25 Sec. 24. Section 48-1101, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 ~~48-1101~~ (1) It is the policy of this state to foster the employment
28 of all employable persons in the state on the basis of merit regardless
29 of their race, color, religion, sex, disability, ~~or~~ national origin, or
30 military or veteran status and to safeguard their right to obtain and
31 hold employment without discrimination because of their race, color,

1 religion, sex, disability, ~~or~~ national origin, or military or veteran
2 status. Denying equal opportunity for employment because of race, color,
3 religion, sex, disability, ~~or~~ national origin, or military or veteran
4 status is contrary to the principles of freedom and is a burden on the
5 objectives of the public policy of this state.

6 (2) Except for the veterans preference provided for in sections
7 48-225 to 48-231, the The policy of this state does not require any
8 person to employ an applicant for employment because of his or her race,
9 color, religion, sex, disability, ~~or~~ national origin, or military or
10 veteran status, and the policy of this state does not require any
11 employer, employment agency, labor organization, or joint labor-
12 management committee to grant preferential treatment to any individual or
13 to any group because of race, color, religion, sex, disability, ~~or~~
14 national origin, or military or veteran status.

15 (3) It is the public policy of this state that all people in
16 Nebraska, both with and without disabilities, shall have the right and
17 opportunity to enjoy the benefits of living, working, and recreating
18 within this state. It is the intent of the Legislature that state and
19 local governments, Nebraska businesses, Nebraska labor organizations, and
20 Nebraskans with disabilities understand their rights and responsibilities
21 under the law regarding employment discrimination and the prevention of
22 discrimination on the basis of disability.

23 Sec. 25. Section 48-1104, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 48-1104 It shall be an unlawful employment practice for an employer:

26 (1) To fail or refuse to hire, to discharge, or to harass any
27 individual, or otherwise to discriminate against any individual with
28 respect to compensation, terms, conditions, or privileges of employment,
29 because of such individual's race, color, religion, sex, disability,
30 marital status, ~~or~~ national origin, or military or veteran status; or

31 (2) To limit, advertise, solicit, segregate, or classify employees

1 in any way which would deprive or tend to deprive any individual of
2 employment opportunities or otherwise adversely affect such individual's
3 status as an employee, because of such individual's race, color,
4 religion, sex, disability, marital status, ~~or~~ national origin, or
5 military or veteran status.

6 Sec. 26. Section 48-1105, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 48-1105 It shall be an unlawful employment practice for an
9 employment agency to:

10 (1) Fail ~~fail~~ or refuse to refer for employment, or otherwise to
11 discriminate against, any individual because of race, color, religion,
12 sex, disability, marital status, ~~or~~ national origin, or military or
13 veteran status; ~~or~~

14 (2) Classify ~~to classify~~ or refer for employment any individual on
15 the basis of race, color, religion, sex, disability, marital status, ~~or~~
16 national origin, or military or veteran status.

17 Sec. 27. Section 48-1106, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 48-1106 It shall be an unlawful employment practice for a labor
20 organization:

21 (1) To exclude or to expel from its membership, or otherwise to
22 discriminate against, any individual because of race, color, religion,
23 sex, disability, marital status, ~~or~~ national origin, or military or
24 veteran status;

25 (2) To limit, segregate, or classify its membership, or to classify
26 or fail or refuse to refer for employment any individual, in any way
27 which would deprive or tend to deprive any individual of employment
28 opportunities, or would limit such employment opportunities or otherwise
29 adversely affect such individual's status as an employee or as an
30 applicant for employment, because of such individual's race, color,
31 religion, sex, disability, marital status, ~~or~~ national origin, or

1 military or veteran status; or

2 (3) To cause or attempt to cause an employer to discriminate against
3 an individual in violation of this section.

4 Sec. 28. Section 48-1107, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 48-1107 It shall be an unlawful employment practice for any
7 employer, labor organization, or joint labor-management committee
8 controlling apprenticeship or other training or retraining, including on-
9 the-job training programs to discriminate against any individual because
10 of race, color, religion, sex, disability, marital status, ~~or~~ national
11 origin, or military or veteran status, in admission to, or employment in,
12 any program established to provide apprenticeship or other training.

13 Sec. 29. Section 48-1108, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 48-1108 Notwithstanding any other provision of the Nebraska Fair
16 Employment Practice Act:

17 (1) It shall not be an unlawful employment practice for an employer
18 to hire and employ employees, for an employment agency to classify or
19 refer for employment any individual, for a labor organization to classify
20 its membership or to classify or refer for employment any individual, or
21 for an employer, labor organization, or joint labor-management committee
22 controlling apprenticeship or other training or retraining programs to
23 admit or employ any individual in any such program on the basis of
24 religion, sex, disability, marital status, ~~or~~ national origin, or
25 military or veteran status, in those certain instances when religion,
26 sex, disability, marital status, ~~or~~ national origin, or military or
27 veteran status is a bona fide occupational qualification reasonably
28 necessary to the normal operation of that particular business or
29 enterprise;

30 (2) It shall not be an unlawful employment practice for a school,
31 college, university, or other educational institution or institution of

1 learning to hire and employ employees of a particular religion if such
2 school, college, university, or other educational institution or
3 institution of learning is, in whole or in substantial part, owned,
4 supported, controlled, or managed by a particular religion or by a
5 particular religious corporation, association, or society or if the
6 curriculum of such school, college, university, or other educational
7 institution of learning is directed toward the propagation of a
8 particular religion;

9 (3) It shall not be an unlawful employment practice for an employer
10 to enact any bona fide health and safety standard that regulates
11 characteristics associated with race if the employer demonstrates that:

12 (a) Without the implementation of such standard, it is reasonably
13 certain that the health and safety of the applicant, employee, or other
14 materially connected person will be impaired;

15 (b) The standard is adopted for nondiscriminatory reasons;

16 (c) The standard is applied equally; and

17 (d) The employer has engaged in good faith efforts to reasonably
18 accommodate the applicant or employee; and

19 (4) It shall not be an unlawful employment practice for the Nebraska
20 State Patrol, a county sheriff, a city or village police department, or
21 any other law enforcement agency in this state or the Nebraska National
22 Guard to impose its own dress and grooming standards.

23 Sec. 30. Section 48-1111, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 48-1111 (1) Except as otherwise provided in the Nebraska Fair
26 Employment Practice Act, it shall not be an unlawful employment practice
27 for an employer to apply different standards of compensation, or
28 different terms, conditions, or privileges of employment pursuant to a
29 bona fide seniority or merit system or a system which measures earnings
30 by quantity or quality of production or to employees who work in
31 different locations, if such differences are not the result of an

1 intention to discriminate because of race, color, religion, sex,
2 disability, marital status, ~~or~~ national origin, or military or veteran
3 status, nor shall it be an unlawful employment practice for an employer
4 to give and to act upon the results of any professionally developed
5 ability test if such test, its administration, or action upon the results
6 is not designed, intended, or used to discriminate because of race,
7 color, religion, sex, disability, marital status, ~~or~~ national origin, or
8 military or veteran status.

9 It shall not be an unlawful employment practice for a covered entity
10 to deny privileges of employment to an individual with a disability when
11 the qualification standards, tests, or selection criteria that screen out
12 or tend to screen out or otherwise deny a job or benefit to an individual
13 with a disability:

14 (a) Have been shown to be job-related and consistent with business
15 necessity and such performance cannot be accomplished by reasonable
16 accommodation, as required by the Nebraska Fair Employment Practice Act
17 and the federal Americans with Disabilities Act of 1990; or

18 (b) Include a requirement that an individual shall not pose a direct
19 threat, involving a significant risk to the health or safety of other
20 individuals in the workplace, that cannot be eliminated by reasonable
21 accommodation.

22 It shall not be an unlawful employment practice to refuse employment
23 based on a policy of not employing both husband and wife if such policy
24 is equally applied to both sexes.

25 (2) Except as otherwise provided in the Nebraska Fair Employment
26 Practice Act, women affected by pregnancy, childbirth, or related medical
27 conditions shall be treated the same for all employment-related purposes,
28 including receipt of employee benefits, as other persons not so affected
29 but similar in their ability or inability to work, and nothing in this
30 section shall be interpreted to provide otherwise.

31 This section shall not require an employer to provide employee

1 benefits for abortion except when medical complications have arisen from
2 an abortion.

3 Nothing in this section shall preclude an employer from providing
4 employee benefits for abortion under fringe benefit programs or otherwise
5 affect bargaining agreements in regard to abortion.

6 Sec. 31. Section 48-1113, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 48-1113 Nothing in the Nebraska Fair Employment Practice Act shall
9 be interpreted to require any employer, employment agency, labor
10 organization, or joint labor-management committee subject to the act to
11 grant preferential treatment to any individual or to any group because of
12 the race, color, religion, sex, disability, marital status, ~~or~~ national
13 origin, or military or veteran status of such individual or group on
14 account of an imbalance which may exist with respect to the total number
15 or percentage of persons of any race, color, religion, sex, disability,
16 marital status, ~~or~~ national origin, or military or veteran status
17 employed by any employer, referred or classified for employment by any
18 employment agency or labor organization, admitted to membership or
19 classified by any labor organization, or admitted to, or employed in, any
20 apprenticeship or other training program, in comparison with the total
21 number or percentage of persons of such race, color, religion, sex,
22 disability, marital status, ~~or~~ national origin, or military or veteran
23 status in any community, section, or other area, or in the available work
24 force in any community, section, or other area.

25 Sec. 32. Section 48-1115, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 48-1115 Except as provided in section 37 of this act and except for
28 the veterans preference provided for in sections 48-225 to 48-231 or
29 section 48-238, it ~~It~~ shall be an unlawful employment practice for an
30 employer, labor organization, or employment agency to print or publish or
31 cause to be printed or published any notice or advertisement relating to

1 employment by such an employer or membership in or any classification or
2 referral for employment by such a labor organization, or relating to any
3 classification or referral for employment by such an employment agency,
4 indicating any preference, limitation, specification, or discrimination
5 based on race, color, religion, sex, disability, marital status, ~~or~~
6 national origin, or military or veteran status, except that such a notice
7 or advertisement may indicate a preference, limitation, specification or
8 discrimination based on religion, sex, disability, marital status, ~~or~~
9 national origin, or military or veteran status when religion, sex,
10 disability, marital status, ~~or~~ national origin, or military or veteran
11 status is a bona fide occupational qualification for employment.

12 Sec. 33. Section 48-1117, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 48-1117 The commission shall have the following powers and duties:

15 (1) To receive, investigate, and pass upon charges of unlawful
16 employment practices anywhere in the state;

17 (2) To hold hearings, subpoena witnesses, compel their attendance,
18 administer oaths, and take the testimony of any person under oath and, in
19 connection therewith, to require the production for examination of any
20 books and papers relevant to any allegation of unlawful employment
21 practice pending before the commission. The commission may make rules as
22 to the issuance of subpoenas, subject to the approval by a constitutional
23 majority of the elected members of the Legislature;

24 (3) To cooperate with the federal government and with local agencies
25 to effectuate the purposes of the Nebraska Fair Employment Practice Act,
26 including the sharing of information possessed by the commission on a
27 case that has also been filed with the federal government or local
28 agencies if both the employer and complainant have been notified of the
29 filing;

30 (4) To attempt to eliminate unfair employment practices by means of
31 conference, mediation, conciliation, arbitration, and persuasion;

1 (5) To require that every employer, employment agency, and labor
2 organization subject to the act shall (a) make and keep such records
3 relevant to the determinations of whether unlawful employment practices
4 have been or are being committed, (b) preserve such records for such
5 periods, and (c) make such reports therefrom, as the commission shall
6 prescribe by regulation or order, after public hearing, as reasonable,
7 necessary, or appropriate for the enforcement of the act or the
8 regulations or orders thereunder. The commission shall, by regulation,
9 require each employer, labor organization, and joint labor-management
10 committee subject to the act which controls an apprenticeship or other
11 training program to maintain such records as are reasonably necessary to
12 carry out the purposes of the act, including, but not limited to, a list
13 of applicants who wish to participate in such program, including the
14 chronological order in which such applications were received, and to
15 furnish to the commission, upon request, a detailed description of the
16 manner in which persons are selected to participate in the apprenticeship
17 or other training program. Any employer, employment agency, labor
18 organization, or joint labor-management committee which believes that the
19 application to it of any regulation or order issued under this section
20 would result in undue hardship may either apply to the commission for an
21 exemption from the application of such regulation or order or bring a
22 civil action in the district court for the district where such records
23 are kept. If the commission or the court, as the case may be, finds that
24 the application of the regulation or order to the employer, employment
25 agency, or labor organization in question would impose an undue hardship,
26 the commission or the court, as the case may be, may grant appropriate
27 relief;

28 (6) To report, not less than once every two years, to the Clerk of
29 the Legislature and the Governor, on the hearings it has conducted and
30 the decisions it has rendered, the other work performed by it to carry
31 out the purposes of the act, and to make recommendations for such further

1 legislation concerning abuses and discrimination because of race, color,
2 religion, sex, disability, marital status, ~~or~~ national origin, or
3 military or veteran status, as may be desirable. The report shall also
4 include the number of complaints filed under the act alleging a violation
5 of subdivision (2) of section 48-1107.01 and the resolution of such
6 complaints. The report submitted to the Clerk of the Legislature shall be
7 submitted electronically. Each member of the Legislature shall receive an
8 electronic copy of the report required by this subdivision by making a
9 request for it to the chairperson of the commission; and

10 (7) To adopt and promulgate rules and regulations necessary to carry
11 out the duties prescribed in the act.

12 Sec. 34. Section 48-1119, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 48-1119 (1) In case of failure to eliminate any unlawful employment
15 practice by informal methods of conference, conciliation, persuasion,
16 mediation, or arbitration, the commission may order a public hearing. If
17 such hearing is ordered, the commission shall cause to be issued and
18 served a written notice, together with a copy of the complaint, requiring
19 the person, employer, labor organization, or employment agency named in
20 the complaint, hereinafter referred to as respondent, to answer such
21 charges at a hearing before the commission at a time and place which
22 shall be specified in such notice. Such hearing shall be within the
23 county where the alleged unlawful employment practice occurred. The
24 complainant shall be a party to the proceeding, and in the discretion of
25 the commission any other person whose testimony has a bearing on the
26 matter may be allowed to intervene therein. Both the complainant and the
27 respondent, in addition to the commission, may introduce witnesses at the
28 hearing. The respondent may file a verified answer to the allegations of
29 the complaint and may appear at such hearing in person and with or
30 without counsel. Testimony or other evidence may be introduced by either
31 party. All evidence shall be under oath and a record thereof shall be

1 made and preserved. Such proceedings shall, so far as practicable, be
2 conducted in accordance with the rules of evidence applicable in the
3 district courts of the State of Nebraska, and shall be of public record.

4 (2) No person shall be excused from testifying or from producing any
5 book, document, paper, or account in any investigation, or inquiry by, or
6 hearing before the commission when ordered to do so, upon the ground that
7 the testimony or evidence, book, document, paper, or account required of
8 such person may tend to incriminate such person in or subject such person
9 to penalty or forfeiture; but no person shall be prosecuted, punished, or
10 subjected to any forfeiture or penalty for or on account of any act,
11 transaction, matter, or thing concerning which such person shall have
12 been compelled under oath to testify or produce documentary evidence,
13 except that no person so testifying shall be exempt from prosecution or
14 punishment for any perjury committed by such person in his or her
15 testimony. Such immunity shall extend only to a natural person who, in
16 obedience to a subpoena, gives testimony under oath or produces evidence,
17 documentary or otherwise, under oath. Nothing in this subsection shall be
18 construed as precluding any person from claiming any right or privilege
19 available to such person under the Fifth Amendment ~~fifth amendment~~ to the
20 Constitution of the United States.

21 (3) After the conclusion of the hearing, the commission shall,
22 within ten days of the receipt of the transcript or the receipt of the
23 recommendations from the hearing officer, make and file its findings of
24 fact and conclusions of law and make and enter an appropriate order. The
25 hearing officer need not refer to the page and line numbers of the
26 transcript when making his or her recommendation to the commission. Such
27 findings of fact and conclusions of law shall be in sufficient detail to
28 enable a court on appeal to determine the controverted questions
29 presented by the proceedings and whether proper weight was given to the
30 evidence. If the commission determines that the respondent has
31 intentionally engaged in or is intentionally engaging in any unlawful

1 employment practice, it shall issue and cause to be served on such
2 respondent an order requiring such respondent to cease and desist from
3 such unlawful employment practice and order such other affirmative action
4 as may be appropriate which may include, but shall not be limited to,
5 reinstatement or hiring of employees, with or without backpay. Backpay
6 liability shall not accrue from a date more than two years prior to the
7 filing of the charge with the commission. Interim earnings or amounts
8 earnable with reasonable diligence by the person or persons discriminated
9 against shall operate to reduce the backpay otherwise allowable.

10 (4) A complainant who has suffered physical, emotional, or financial
11 harm as a result of a violation of section 48-1104 or 48-1114 may, at any
12 stage of the proceedings prior to dismissal, file an action directly in
13 the district court of the county where such alleged violation occurred.
14 If the complainant files a district court action on the charge, the
15 complainant shall provide written notice of such filing to the
16 commission, and such notification shall immediately terminate all
17 proceedings before the commission. The district court shall file and try
18 such case as any other civil action, and any successful complainant shall
19 be entitled to appropriate relief, including temporary or permanent
20 injunctive relief, general and special damages, reasonable attorney's
21 fees, and costs.

22 (5) No order of the commission shall require the admission or
23 reinstatement of an individual as a member of a labor organization or the
24 hiring, reinstatement, or promotion of an individual as an employee, or
25 the payment to him or her of any backpay, if such individual was refused
26 admission, suspended, or expelled, or was refused employment or
27 advancement or was suspended or discharged for any reason other than
28 discrimination on account of race, color, religion, sex, disability,
29 marital status, ~~or~~ national origin, or military or veteran status or in
30 violation of section 48-1114. If the commission finds that a respondent
31 has not engaged in any unfair employment practice, it shall within thirty

1 days state its findings of fact and conclusions of law. A copy of any
2 order shall be served upon the person against whom it runs or his or her
3 attorney and notice thereof shall be given to the other parties to the
4 proceedings or their attorneys. Such order shall take effect twenty days
5 after service thereof unless otherwise provided and shall continue in
6 force either for a period which may be designated therein or until
7 changed or revoked by the commission.

8 (6) Except as provided in subsection (4) of this section, until a
9 transcript of the record of the proceedings is filed in the district
10 court as provided in section 48-1120, the commission may, at any time
11 upon reasonable notice and in such a manner it shall deem proper, modify
12 or set aside, in whole or in part, any finding or order made by it.

13 Sec. 35. Section 48-1122, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 48-1122 Every contract to which the state or any of its political
16 subdivisions is a party shall contain a provision requiring the
17 contractor and his or her subcontractors not to discriminate against any
18 employee or applicant for employment, to be employed in the performance
19 of such contract, with respect to his or her hire, tenure, terms,
20 conditions, or privileges of employment, because of his or her race,
21 color, religion, sex, disability, ~~or~~ national origin, or military or
22 veteran status.

23 Sec. 36. Section 48-1124, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 48-1124 Nothing contained in the Nebraska Fair Employment Practice
26 Act shall be deemed to repeal any of the provisions of the civil rights
27 law, any other law of this state, or any municipal ordinance relating to
28 discrimination because of race, creed, color, religion, sex, disability,
29 ~~or~~ national origin, or military or veteran status.

30 Sec. 37. The inclusion of military or veteran status as a protected
31 class in the Nebraska Fair Employment Practice Act and sections 23-2525,

1 23-2531, and 23-2541:

2 (1) Is not intended to duplicate or mirror the protections offered
3 by the federal Uniformed Services Employment and Reemployment Rights Act
4 of 1994, 38 U.S.C. 4301 et seq.;

5 (2) Does not require an employer or other covered entity to treat a
6 servicemember who is absent from work differently than an individual who
7 is not a servicemember;

8 (3) Does not prohibit the granting of special benefits to veterans
9 or servicemembers on an otherwise nondiscriminatory basis; and

10 (4) Does not prohibit veterans' preference programs.

11 Sec. 38. Section 49-801, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 49-801 Unless the context is shown to intend otherwise, words and
14 phrases in the statutes of Nebraska hereafter enacted are used in the
15 following sense:

16 (1) Acquire when used in connection with a grant of power or
17 property right to any person shall include the purchase, grant, gift,
18 devise, bequest, and obtaining by eminent domain;

19 (2) Action shall include any proceeding in any court of this state;

20 (3) Attorney shall mean attorney at law;

21 (4) Company shall include any corporation, partnership, limited
22 liability company, joint-stock company, joint venture, or association;

23 (5) Domestic when applied to corporations shall mean all those
24 created by authority of this state;

25 (6) Federal shall refer to the United States;

26 (7) Foreign when applied to corporations shall include all those
27 created by authority other than that of this state;

28 (8) Grantee shall include every person to whom any estate or
29 interest passes in or by any conveyance;

30 (9) Grantor shall include every person from or by whom any estate or
31 interest passes in or by any conveyance;

1 (10) Inhabitant shall be construed to mean a resident in the
2 particular locality in reference to which that word is used;

3 (11) Land or real estate shall include lands, tenements, and
4 hereditaments and all rights thereto and interest therein other than a
5 chattel interest;

6 (12) Magistrate shall include judge of the county court and clerk
7 magistrate;

8 (13) Military or veteran status shall mean a person:

9 (a) Is serving active duty service in the armed forces of the United
10 States, including any reserve component or the National Guard; or

11 (b) Has served on such active duty and was discharged or otherwise
12 separated with a characterization of honorable or general (under
13 honorable conditions);

14 (14) (13) Month shall mean calendar month;

15 (15) (14) Oath shall include affirmation in all cases in which an
16 affirmation may be substituted for an oath;

17 (16) (15) Peace officer shall include sheriffs, coroners, jailers,
18 marshals, police officers, state highway patrol officers, members of the
19 National Guard on active service by direction of the Governor during
20 periods of emergency, and all other persons with similar authority to
21 make arrests;

22 (17) (16) Person shall include bodies politic and corporate,
23 societies, communities, the public generally, individuals, partnerships,
24 limited liability companies, joint-stock companies, and associations;

25 (18) (17) Personal estate shall include money, goods, chattels,
26 claims, and evidences of debt;

27 (19) (18) Process shall mean a summons, subpoena, or notice to
28 appear issued out of a court in the course of judicial proceedings;

29 (20) (19) Service animal shall have the same meaning as in 28 C.F.R.
30 36.104, as such regulation existed on January 1, 2008;

31 (21) (20) State when applied to different states of the United

1 States shall be construed to extend to and include the District of
2 Columbia and the several territories organized by Congress;

3 ~~(22)~~ ~~(21)~~ Sworn shall include affirmed in all cases in which an
4 affirmation may be substituted for an oath;

5 ~~(23)~~ ~~(22)~~ The United States shall include territories, outlying
6 possessions, and the District of Columbia;

7 ~~(24)~~ ~~(23)~~ Violate shall include failure to comply with;

8 ~~(25)~~ ~~(24)~~ Writ shall signify an order or citation in writing issued
9 in the name of the state out of a court or by a judicial officer; and

10 ~~(26)~~ ~~(25)~~ Year shall mean calendar year.

11 Sec. 39. Section 51-211, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 51-211 (1) The library board may erect, lease, or occupy an
14 appropriate building for the use of a library, appoint a suitable
15 librarian and assistants, fix the compensation of such appointees, and
16 remove such appointees at the pleasure of the board. The governing body
17 of the county, city, or village in which the library is located shall
18 approve any personnel administrative or compensation policy or procedure
19 before implementation of such policy or procedure by the library board.

20 (2) The library board may establish rules and regulations for the
21 government of such library as may be deemed necessary for its
22 preservation and to maintain its usefulness and efficiency. The library
23 board may fix and impose, by general rules, penalties and forfeitures for
24 trespasses upon or injury to the library grounds, rooms, books, or other
25 property, for failure to return any book, or for violation of any bylaw,
26 rule, or regulation and fix and impose reasonable fees, not to exceed the
27 library's actual cost, for nonbasic services. The board shall have and
28 exercise such power as may be necessary to carry out the spirit and
29 intent of sections 51-201 to 51-219 in establishing and maintaining a
30 public library and reading room.

31 (3) The public library shall make its basic services available

1 without charge to all residents of the political subdivision which
2 supplies its tax support.

3 (4) No service shall be denied to any person because of race, sex,
4 religion, age, color, national origin, ancestry, physical handicap, ~~or~~
5 marital status, or military or veteran status.

6 Sec. 40. Section 58-216, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 58-216 Low-income or moderate-income person shall mean any person
9 irrespective of race, religion, creed, national origin, ~~or~~ sex, or
10 military or veteran status determined by the authority to be eligible for
11 such assistance as is made available by the Nebraska Investment Finance
12 Authority Act on account of insufficient personal or family income,
13 taking into consideration without limiting the generality thereof such
14 factors as:

- 15 (1) The amount of income of such person available for housing needs;
16 (2) Size of family;
17 (3) Cost and condition of housing available;
18 (4) Whether such person is elderly, infirm, or disabled;
19 (5) The ability of such person to compete successfully in the normal
20 private housing market and to pay the amounts at which private enterprise
21 is providing sanitary, safe, and uncrowded housing; and
22 (6) Existing federal guidelines or standards for determining low
23 income and moderate income.

24 Sec. 41. Section 58-808, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 58-808 Private health care institution means any private not-for-
27 profit corporation or institution that (1) is licensed under the Health
28 Care Facility Licensure Act, (2) is described in section 501(c)(3) of the
29 Internal Revenue Code and is exempt from federal income taxation under
30 section 501(a) of the Internal Revenue Code, (3) is located within this
31 state and is not owned or controlled by the state or any political

1 subdivision, agency, instrumentality, district, or municipality thereof,
2 and (4) does not violate any Nebraska or federal law against
3 discrimination on the basis of race, color, creed, national origin,
4 ancestry, age, gender, ~~or~~ handicap, or military or veteran status.

5 Sec. 42. Section 58-809, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 58-809 Private institution of higher education means a not-for-
8 profit educational institution located within this state which is not
9 owned or controlled by the state or any political subdivision, agency,
10 instrumentality, district, or municipality thereof, which is authorized
11 by law to provide a program of education beyond the high school level,
12 and which:

13 (1) Admits as regular students only individuals having a certificate
14 of graduation from a high school or the recognized equivalent of such a
15 certificate;

16 (2) Provides an educational program for which it awards a bachelor's
17 degree; provides an educational program, admission into which is
18 conditioned upon the prior attainment of a bachelor's degree or its
19 equivalent, for which it awards a postgraduate degree; provides a program
20 of not less than two years in length which is acceptable for full credit
21 toward a bachelor's degree; or offers a two-year program in engineering,
22 mathematics, or the physical or biological sciences which is designed to
23 prepare the student to work as a technician and at a semiprofessional
24 level in engineering, research, medicine, or other technological fields
25 which require the understanding and application of basic engineering,
26 scientific, or mathematical principles or knowledge;

27 (3) Is accredited by an accrediting agency or association or, if not
28 so accredited, is an institution whose credits are accepted, on transfer,
29 by not less than three institutions which are so accredited, for credit
30 on the same basis as if transferred from an institution so accredited;
31 and

1 (4) Has a student admissions policy that does not violate any other
2 Nebraska or federal law against discrimination on the basis of race,
3 color, creed, national origin, ancestry, age, gender, ~~or~~ handicap, or
4 military or veteran status.

5 Sec. 43. Section 58-810, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 58-810 Private social services institution means any private not-
8 for-profit corporation or institution that (1) provides health, safety,
9 and welfare assistance, including emergency, social, housing, and related
10 support services, to members of the general public in the state, (2) is
11 described in section 501(c)(3) of the Internal Revenue Code and is exempt
12 from federal income taxation under section 501(a) of the Internal Revenue
13 Code, (3) is located within this state and is not owned or controlled by
14 the state or any political subdivision, agency, instrumentality,
15 district, or municipality thereof, and (4) does not violate any Nebraska
16 or federal law against discrimination on the basis of race, color, creed,
17 national origin, ancestry, age, gender, ~~or~~ handicap, or military or
18 veteran status.

19 Sec. 44. Section 68-1605, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 68-1605 (1) The department shall use the funds in the Homeless
22 Shelter Assistance Trust Fund to finance grants for projects or programs
23 that provide for persons or families with special housing needs.

24 (2) Projects and programs to which funds shall be provided include
25 eligible community, neighborhood-based, housing-assistance organizations,
26 institutions, associations, and societies or corporations that:

27 (a) Are exempt from taxation under section 501(c)(3) of the Internal
28 Revenue Code as defined in section 49-801.01;

29 (b) Do not discriminate on the basis of age, religion, sex, race,
30 color, ~~or~~ national origin, or military or veteran status. This
31 subdivision does not prohibit otherwise nondiscriminatory conduct

1 designed to benefit veterans or servicemembers or their family members,
2 such as providing housing limited to veterans or servicemembers or their
3 family members, or otherwise offering benefits that are limited to
4 veterans or servicemembers or their family members;

5 (c) Provide residential housing for at least eight hours of every
6 twenty-four-hour period; and

7 (d) Operate a drug-free premises.

8 (3) The department shall establish an advisory committee consisting
9 of individuals and groups involved with housing issues, in particular
10 those pertaining to persons or families with special housing needs, to
11 advise and assist the department in establishing criteria, priorities,
12 and guidelines for eligibility requirements, application requirements and
13 dates, public notification, and monitoring and shall assist the
14 department in adopting and promulgating rules and regulations for
15 providing grants from the fund.

16 (4) An application submitted by an organization representing a
17 number of eligible applicants may be considered even though the
18 representing organization may itself not qualify under this section.

19 (5) In making grants pursuant to the Homeless Shelter Assistance
20 Trust Fund Act, the department shall consider, but not be limited to, the
21 following factors:

22 (a) The number of night-lodging units provided by the applicant as
23 measured by the number of persons housed per night;

24 (b) Participation by the applicant in community planning processes
25 and activities aimed at preventing and alleviating homelessness;

26 (c) Other verifiable units of service provided by the applicant; and

27 (d) The geographic distribution of funds.

28 Sec. 45. Section 75-325, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 75-325 (1) Every transportation network company shall:

31 (a) Provide the commission with its email address and customer

1 service telephone number;

2 (b) Display for the passenger either a picture of the driver's
3 personal vehicle and a picture of the driver or the license plate number
4 of the driver's personal vehicle on the online-enabled application or
5 platform that a transportation network company uses to connect drivers
6 and passengers;

7 (c) Maintain an agent for service of process in Nebraska;

8 (d) Maintain accurate and up-to-date records of all drivers
9 providing services on behalf of the transportation network company,
10 including the vehicle identification number for all personal vehicles to
11 be operated in connection with the transportation network company;

12 (e)(i) Implement, enforce, and maintain a zero-tolerance policy on
13 the use of drugs or alcohol applicable to any driver providing service
14 for the transportation network company that prohibits a driver from using
15 any amount of drugs or alcohol while the driver is providing service,
16 (ii) provide a copy of the policy to the commission promptly upon
17 adoption, and (iii) provide a copy of any revision to the policy promptly
18 upon adoption;

19 (f) Implement an anti-discrimination policy that prohibits
20 discrimination by any driver providing service for the company on the
21 basis of race, national origin, religion, gender, physical or mental
22 disability, medical condition, marital status, ~~or~~ age, or military or
23 veteran status and file the policy with the commission;

24 (g) Maintain a website that provides a customer service telephone
25 number or email address of the transportation network company and that
26 provides the telephone number and email address of the commission;

27 (h) Establish a driver training program designed to ensure that each
28 driver safely operates his or her personal vehicle prior to the driver
29 being able to offer services on the transportation network company's
30 online-enabled application or platform;

31 (i) Maintain records required under sections 75-301 to 75-343 to be

1 collected by the transportation network company, including records
2 regarding participating drivers; and

3 (j) Cooperate with the commission and any employees, investigators,
4 or duly authorized agents of the commission in the investigation of
5 complaints received by the commission from the public or in
6 investigations initiated by the commission.

7 (2) A transportation network company shall not allow a driver to
8 provide service if the company finds the driver to be in violation of its
9 zero-tolerance policy required pursuant to subdivision (1)(e) of this
10 section or if the driver has not successfully completed driver training
11 pursuant to subdivision (1)(h) of this section. The transportation
12 network company shall provide on its website and its online-enabled
13 application or platform notice of the zero-tolerance policy and the
14 procedures to report a complaint about a driver with whom the passenger
15 was matched when the passenger reasonably suspects the driver was under
16 the influence of drugs or alcohol during the course of the prearranged
17 ride. Upon receiving a complaint, a transportation network company shall
18 immediately suspend the driver against whom the complaint was issued and
19 conduct an investigation of the alleged violation. The suspension shall
20 last for the duration of the investigation.

21 (3) If the commission has reasonable cause to believe a
22 transportation network company is not enforcing the zero-tolerance policy
23 filed with the commission, the commission shall investigate and, after
24 notice and hearing, may enter an order requiring the transportation
25 network company to enforce such policy, which may include suspension of
26 the participating driver.

27 Sec. 46. Section 76-1495, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 76-1495 A landlord may not:

30 (1) Deny rental on the basis of race, color, religion, sex, or
31 national origin, or military or veteran status;

1 (2) Require any person, as a precondition to renting, leasing, or
2 otherwise occupying or removing from a mobile home space in a mobile home
3 park, to pay an entrance or exit fee of any kind unless for services
4 actually rendered or pursuant to a written agreement. A landlord may
5 restrict the movement of mobile homes to reasonable hours and may require
6 that all work in connection with the removal or installation of a mobile
7 home, including, but not limited to, the hookup or disconnection of
8 utilities, be done in a good and workmanlike manner;

9 (3) Deny any resident of a mobile home park the right to sell that
10 person's mobile home at a price of his or her own choosing. The tenant
11 shall, prior to selling the mobile home, give notice to the landlord,
12 including, but not limited to, the name of the prospective purchaser.
13 Unless otherwise agreed in writing, the landlord may reserve the right to
14 approve or disapprove the prospective purchaser of the mobile home as a
15 tenant within ten days after receiving notice of the intended sale. Any
16 disapproval shall be in writing and shall be delivered to such tenant
17 pursuant to section 76-1474. The landlord shall not unreasonably refuse
18 or restrict the sale by a tenant of a mobile home located in his or her
19 mobile home park, but the landlord may consider the size, ages, and
20 composition of the prospective purchaser's family in determining if the
21 mobile home purchaser may leave the home in the park. The landlord may
22 also, in order to upgrade the quality of the mobile home park, prescribe
23 reasonable requirements governing the age, physical appearance, size, or
24 quality of the mobile home. In the event of a sale to a third party or
25 mutual termination of the rental agreement, the landlord may within ten
26 days after receiving written notice of the pending sale or mutual
27 termination require that any mobile home that is no longer appropriate
28 for the mobile home park or that is in disrepair be repaired to the
29 landlord's satisfaction or removed from the park within sixty days. The
30 landlord shall specify in writing the reasons for disapproval of the
31 mobile home;

1 (4) Exact a commission or fee with respect to the price realized by
2 the tenant selling the mobile home, unless the park owner or operator has
3 acted as agent for the mobile home owner pursuant to a written agreement;
4 or

5 (5) Require a tenant to furnish permanent improvements which cannot
6 be removed by the tenant without damage to the mobile home or mobile home
7 space at the expiration of the rental agreement.

8 Sec. 47. Section 81-885.24, Revised Statutes Cumulative Supplement,
9 2022, is amended to read:

10 81-885.24 The commission may, upon its own motion, and shall, upon
11 the sworn complaint in writing of any person, investigate the actions of
12 any broker, associate broker, salesperson, or subdivider, may censure the
13 licensee or certificate holder, revoke or suspend any license or
14 certificate issued under the Nebraska Real Estate License Act, or enter
15 into consent orders, and, alone or in combination with such disciplinary
16 actions, may impose a civil fine on a licensee pursuant to section
17 81-885.10, whenever the license or certificate has been obtained by false
18 or fraudulent representation or the licensee or certificate holder has
19 been found guilty of any of the following unfair trade practices:

20 (1) Refusing because of religion, race, color, national origin,
21 ethnic group, sex, familial status, ~~or~~ disability, or military or veteran
22 status to show, sell, or rent any real estate for sale or rent to
23 prospective purchasers or renters;

24 (2) Intentionally using advertising which is misleading or
25 inaccurate in any material particular or in any way misrepresents any
26 property, terms, values, policies, or services of the business conducted;

27 (3) Failing to account for and remit any money coming into his or
28 her possession belonging to others;

29 (4) Commingling the money or other property of his or her principals
30 with his or her own;

31 (5) Failing to maintain and deposit in a separate trust account all

1 money received by a broker acting in such capacity, or as escrow agent or
2 the temporary custodian of the funds of others, in a real estate
3 transaction unless all parties having an interest in the funds have
4 agreed otherwise in writing;

5 (6) Accepting, giving, or charging any form of undisclosed
6 compensation, consideration, rebate, or direct profit on expenditures
7 made for a principal;

8 (7) Representing or attempting to represent a real estate broker,
9 other than the employer, without the express knowledge and consent of the
10 employer;

11 (8) Accepting any form of compensation or consideration by an
12 associate broker or salesperson from anyone other than his or her
13 employing broker without the consent of his or her employing broker;

14 (9) Acting in the dual capacity of agent and undisclosed principal
15 in any transaction;

16 (10) Guaranteeing or authorizing any person to guarantee future
17 profits which may result from the resale of real property;

18 (11) Placing a sign on any property offering it for sale or rent
19 without the written consent of the owner or his or her authorized agent;

20 (12) Offering real estate for sale or lease without the knowledge
21 and consent of the owner or his or her authorized agent or on terms other
22 than those authorized by the owner or his or her authorized agent;

23 (13) Inducing any party to a contract of sale or lease to break such
24 contract for the purpose of substituting, in lieu thereof, a new contract
25 with another principal;

26 (14) Negotiating a sale, exchange, listing, or lease of real estate
27 directly with an owner or lessor if he or she knows that such owner has a
28 written outstanding listing contract in connection with such property
29 granting an exclusive agency or an exclusive right to sell to another
30 broker or negotiating directly with an owner to withdraw from or break
31 such a listing contract for the purpose of substituting, in lieu thereof,

1 a new listing contract;

2 (15) Discussing or soliciting a discussion of, with an owner of a
3 property which is exclusively listed with another broker, the terms upon
4 which the broker would accept a future listing upon the expiration of the
5 present listing unless the owner initiates the discussion;

6 (16) Violating any provision of sections 76-2401 to 76-2430;

7 (17) Soliciting, selling, or offering for sale real estate by
8 offering free lots or conducting lotteries for the purpose of influencing
9 a purchaser or prospective purchaser of real estate;

10 (18) Providing any form of compensation or consideration to any
11 person for performing the services of a broker, associate broker, or
12 salesperson who has not first secured his or her license under the
13 Nebraska Real Estate License Act unless such person is (a) a nonresident
14 who is licensed in his or her resident regulatory jurisdiction or (b) a
15 citizen and resident of a foreign country which does not license persons
16 conducting the activities of a broker and such person provides reasonable
17 written evidence to the Nebraska broker that he or she is a resident
18 citizen of that foreign country, is not a resident of this country, and
19 conducts the activities of a broker in that foreign country;

20 (19) Failing to include a fixed date of expiration in any written
21 listing agreement and failing to leave a copy of the agreement with the
22 principal;

23 (20) Failing to deliver within a reasonable time a completed and
24 dated copy of any purchase agreement or offer to buy or sell real estate
25 to the purchaser and to the seller;

26 (21) Failing by a broker to deliver to the seller in every real
27 estate transaction, at the time the transaction is consummated, a
28 complete, detailed closing statement showing all of the receipts and
29 disbursements handled by such broker for the seller, failing to deliver
30 to the buyer a complete statement showing all money received in the
31 transaction from such buyer and how and for what the same was disbursed,

- 1 and failing to retain true copies of such statements in his or her files;
- 2 (22) Making any substantial misrepresentations;
- 3 (23) Acting for more than one party in a transaction without the
4 knowledge of all parties for whom he or she acts;
- 5 (24) Failing by an associate broker or salesperson to place, as soon
6 after receipt as practicable, in the custody of his or her employing
7 broker any deposit money or other money or funds entrusted to him or her
8 by any person dealing with him or her as the representative of his or her
9 licensed broker;
- 10 (25) Filing a listing contract or any document or instrument
11 purporting to create a lien based on a listing contract for the purpose
12 of casting a cloud upon the title to real estate when no valid claim
13 under the listing contract exists;
- 14 (26) Violating any rule or regulation adopted and promulgated by the
15 commission in the interest of the public and consistent with the Nebraska
16 Real Estate License Act;
- 17 (27) Failing by a subdivider, after the original certificate has
18 been issued, to comply with all of the requirements of the Nebraska Real
19 Estate License Act;
- 20 (28) Conviction of a felony or entering a plea of guilty or nolo
21 contendere to a felony charge by a broker or salesperson;
- 22 (29) Demonstrating negligence, incompetency, or unworthiness to act
23 as a broker, associate broker, or salesperson, whether of the same or of
24 a different character as otherwise specified in this section;
- 25 (30) Inducing or attempting to induce a person to transfer an
26 interest in real property, whether or not for monetary gain, or
27 discouraging another person from purchasing real property, by
28 representing that (a) a change has occurred or will or may occur in the
29 composition with respect to religion, race, color, national origin,
30 ethnic group, sex, familial status, or disability of the owners or
31 occupants in the block, neighborhood, or area or (b) such change will or

1 may result in the lowering of property values, an increase in criminal or
2 antisocial behavior, or a decline in the quality of schools in the block,
3 neighborhood, or area;

4 (31) Failing by a team leader to provide a current list of all team
5 members to his or her designated broker;

6 (32) Failing by a designated broker to maintain a record of all team
7 leaders and team members working under him or her;

8 (33) Utilizing advertising which does not prominently display the
9 name under which the designated broker does business as filed with the
10 commission;

11 (34) Utilizing team advertising or a team name suggesting the team
12 is an independent real estate brokerage;

13 (35) Charging or collecting, as part or all of his or her
14 compensation or consideration, any part of the earnest money or other
15 money paid to him or her or the entity under which he or she does
16 business in connection with any real estate transaction until the
17 transaction has been consummated or terminated. However, a payment for
18 goods or services rendered by a third party on behalf of the client shall
19 not be considered compensation or consideration if such payment does not
20 include any profit, compensation, or payment for services rendered by the
21 broker and the broker retains a record of the payment to the third party
22 for such goods or services; or

23 (36) Failing to provide a copy of section 81-885.04 or written
24 instructions explaining the provisions of the exemption from licensure as
25 set forth in subdivision (9) of section 81-885.04 to any unlicensed
26 person who assists in procuring a potential client or customer as defined
27 in sections 76-2407 and 76-2409, respectively, for the purpose of the
28 listing, sale, purchase, exchange, renting, leasing, or optioning of any
29 real estate.

30 Sec. 48. Original sections 18-1724, 20-113, 20-132, 20-134, 20-139,
31 20-317, 20-318, 20-320, 20-321, 20-322, 20-325, 23-2525, 23-2531,

1 23-2541, 29-401, 45-1056, 48-215, 48-628.13, 48-1101, 48-1104, 48-1105,
2 48-1106, 48-1107, 48-1108, 48-1111, 48-1113, 48-1115, 48-1117, 48-1119,
3 48-1122, 48-1124, 48-1125, 49-801, 51-211, 58-216, 58-808, 58-809,
4 58-810, 68-1605, 75-325, and 76-1495, Reissue Revised Statutes of
5 Nebraska, and sections 25-1645, 32-221, 32-230, 39-210, and 81-885.24,
6 Revised Statutes Cumulative Supplement, 2022, are repealed.