

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 750**

Introduced by Blood, 3.

Read first time January 08, 2020

Committee:

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, 25-1601.03, 29-401,  
4 45-1056, 48-215, 48-1101, 48-1104, 48-1105, 48-1106, 48-1107,  
5 48-1108, 48-1113, 48-1115, 48-1122, 48-1124, 48-1125, 49-801,  
6 58-216, 68-1605, 75-325, and 76-1495, Reissue Revised Statutes of  
7 Nebraska, sections 39-210, 48-628.13, 48-1111, 48-1117, 48-1119,  
8 51-211, 58-808, 58-809, 58-810, and 81-885.24, Revised Statutes  
9 Cumulative Supplement, 2018, and sections 32-221 and 32-230, Revised  
10 Statutes Supplement, 2019; to prohibit discrimination based upon  
11 military or veteran status as prescribed; to define terms; to  
12 harmonize provisions; and to repeal 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 law or laws heretofore enacted,  
4 all cities and villages in this state shall have the power by ordinance  
5 to define, regulate, suppress, and prevent discrimination on the basis of  
6 race, color, creed, religion, ancestry, sex, marital status, national  
7 origin, familial status as defined in section 20-311, handicap as defined  
8 in section 20-313, age, ~~or~~ disability, or military or veteran status in  
9 employment, public accommodation, and housing and may provide for the  
10 enforcement of such ordinances by providing appropriate penalties for the  
11 violation thereof. It shall not be an unlawful employment practice to  
12 refuse employment based on a policy of not employing both husband and  
13 wife if such policy 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 handicap as defined in section 20-313, ~~or national origin,~~ or military or  
28 veteran status in the sale, serving, or dispensing of alcoholic liquor to  
29 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, ~~or~~ ancestry, or  
11 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, ~~or~~ ancestry, or military or veteran status, shall be guilty of  
20 discriminatory practice and shall be subject to the penalties of sections  
21 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, handicap as defined in  
16 section 20-313, ~~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, handicap, ~~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, handicap, ~~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, handicap, 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, familial status, ~~or sex,~~ or military or veteran status;

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

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

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

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

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

30           (7) Discharge or demote an employee or agent or discriminate in the  
31 compensation of such employee or agent because of such employee's or

1 agent's compliance with the Nebraska Fair Housing Act; and

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

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

9 20-320 (1) Except as exempted by section 20-322, it ~~It~~ shall be  
10 unlawful for any person or other entity whose business includes engaging  
11 in transactions related to residential real estate to discriminate  
12 against any person in making available such a transaction or in the terms  
13 or conditions of such a transaction because of race, color, religion,  
14 sex, handicap, familial status, ~~or~~ national origin, or military or  
15 veteran status.

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

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

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

22 (ii) Secured by residential real estate; or

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

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

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

31 20-321 It shall be unlawful to deny any person access to or



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

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

10 20-322 (1) Nothing in the Nebraska Fair Housing Act shall prohibit a  
11 religious organization, association, or society or any nonprofit  
12 institution or organization operated, supervised, or controlled by or in  
13 conjunction with a religious organization, association, or society from  
14 limiting the sale, rental, or occupancy of a dwelling which it owns or  
15 operates for other than commercial purposes to persons of the same  
16 religion or from giving preferences to such persons unless membership in  
17 such religion is restricted on account of race, color, national origin,  
18 handicap, familial status, ~~or~~ sex, or military or veteran status.

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

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

31 (4)(a) Nothing in the act shall limit the applicability of any

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15           20-325 The commission shall:

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

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

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

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

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

31           (ii) Determinations have not been made within the time specified in

1 section 20-333; and

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

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

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

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

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

31 Sec. 12. Section 23-2525, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 23-2525 The county personnel officer shall, with the assistance of  
3 two advisory groups, one of classified employees and one of department  
4 heads, prepare and submit to the personnel policy board proposed  
5 personnel rules and regulations for the classified service. He or she  
6 shall give reasonable notice thereof to the heads of all agencies,  
7 departments, county employee associations, and institutions affected  
8 thereby, and they shall be given an opportunity, upon request, to appear  
9 before the board and present their views thereon. The personnel policy  
10 board shall submit the rules and regulations for adoption or amendment  
11 and adoption by resolution of the board of county commissioners.  
12 Amendments thereto shall be made in the same manner. The rules and  
13 regulations shall provide:

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

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

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

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

1 regulations;

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

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

13 (6) ~~For prohibiting~~ ~~Prohibiting~~ disqualification of any person from  
14 taking an examination, from promotion, or from holding a position because  
15 of race, sex, unless it constitutes a bona fide occupational  
16 qualification, ~~or~~ national origin, physical disabilities, age, political or religious opinions or affiliations; subject to section 36 of  
17 this act, military or veteran status; or other factors which have no  
18 bearing upon the individual's fitness to hold the position;

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

29 (8) When an employee has been promoted but fails to satisfactorily  
30 perform the duties of the new position during the probationary period, he  
31

1 or she shall be returned to a position comparable to that held  
2 immediately prior to promotion at the current salary of such position;

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

18 23-2531 (1) Discrimination against any person in recruitment,  
19 examination, appointment, training, promotion, retention, discipline, or  
20 any other aspect of personnel administration because of political or  
21 religious opinions or affiliations or because of race, national origin,  
22 or other nonmerit factors shall be prohibited. Discrimination on the  
23 basis of age or sex or physical disability shall be prohibited unless  
24 specific age, sex, or physical requirements constitute a bona fide  
25 occupational qualification necessary to proper and efficient  
26 administration. Subject to section 36 of this act, discrimination on the  
27 basis of military or veteran status shall be prohibited. The rules and  
28 regulations shall provide for appeals in cases of alleged discrimination  
29 to the personnel policy board whose determination shall be binding upon a  
30 finding of discrimination.

31 (2) No person shall make any false statement, certificate, mark,

1 rating, or report with regard to any test, certification, or appointment  
2 made under the County Civil Service Act or in any manner commit or  
3 attempt to commit any fraud preventing the impartial execution of the act  
4 and the rules and regulations promulgated pursuant to the act.

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

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

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

18 23-2541 The personnel policy board, if created, shall, with the  
19 assistance of two advisory groups, one of classified employees and one of  
20 department heads, adopt proposed personnel rules and regulations for the  
21 classified service and provide reasonable notice of proposed rules and  
22 regulations to the heads of all agencies, departments, county employee  
23 associations, and institutions affected thereby. Any person affected by  
24 such rules and regulations shall be given an opportunity, upon request,  
25 to appear before the personnel policy board and present his or her views  
26 on the rules and regulations. The personnel policy board shall submit  
27 proposed rules and regulations or amendments for adoption by the county  
28 board. The county board may consider and adopt only personnel rules and  
29 regulations or amendments proposed by the personnel policy board and may  
30 not repeal or revoke a rule or regulation except upon the recommendation  
31 of the personnel policy board.

1           The rules and regulations or amendments may provide:

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

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

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

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

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

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

24 (6) For prohibiting disqualification of any person from (a) taking  
25 an examination, (b) promotion, or (c) holding a position, solely because  
26 of race, sex, national origin, physical disabilities, age, political or  
27 religious opinions or affiliations, solely because of military or veteran  
28 status, subject to section 36 of this act, or solely because of other  
29 factors which have no bearing upon the individual's fitness to hold the  
30 position;

31 (7) For a period of probation, not to exceed one year, before

1 appointment or promotion may be made complete and during which period a  
2 probationer may be separated from his or her position without the right  
3 of appeal or hearing. After a probationer has been separated, he or she  
4 may again be placed on the eligible list at the discretion of the county  
5 personnel officer. The rules and regulations shall provide that a  
6 probationer shall be dropped from the payroll at the expiration of his or  
7 her probationary period if, within ten days prior thereto, the appointing  
8 authority has notified the county personnel officer in writing that the  
9 services of the employee have been unsatisfactory;

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

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

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

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

21 (12) For transfer from a position in one department to a similar  
22 position in another department involving similar qualifications, duties,  
23 responsibilities, and salary ranges;

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

29 (14) For establishment of a plan for resolving employee grievances  
30 and complaints;

31 (15) For holidays, for attendance regulations in the various classes

1 of positions in the classified service, and for annual, sick, and special  
2 leaves of absence, with or without pay or at reduced pay;

3 (16) For the development of employee morale, safety, and training  
4 programs;

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

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

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

16 (20) For other rules and regulations not inconsistent with sections  
17 23-2534 to 23-2544 and the implementation of personnel policy in the  
18 county.

19 Sec. 15. Section 25-1601.03, Reissue Revised Statutes of Nebraska,  
20 is amended to read:

21 25-1601.03 The Legislature hereby declares that it is the intent and  
22 purpose of this section and sections 25-1601, 25-1603, 25-1609, 25-1611,  
23 25-1625, 25-1627, 25-1627.01, 25-1629, 25-1629.01 to 25-1629.04,  
24 25-1631.03, 25-1637, 25-1639, and 25-1640 to create a jury system which  
25 will insure that:

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

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

31 (3) All qualified citizens fulfill their obligation to serve as

1 jurors when summoned for that purpose; and

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

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

7 29-401 Every sheriff, deputy sheriff, marshal, deputy marshal,  
8 security guard, police officer, or peace officer as defined in  
9 ~~subdivision (15) of section 49-801~~ shall arrest and detain any person  
10 found violating any law of this state or any legal ordinance of any city  
11 or incorporated village until a legal warrant can be obtained, except  
12 that (1) any such law enforcement officer taking a juvenile under the age  
13 of eighteen years into his or her custody for any violation herein  
14 defined shall proceed as set forth in sections 43-248, 43-248.01, 43-250,  
15 43-251, 43-251.01, and 43-253 and (2) the court in which the juvenile is  
16 to appear shall not accept a plea from the juvenile until finding that  
17 the parents of the juvenile have been notified or that reasonable efforts  
18 to notify such parents have been made as provided in section 43-250.

19 Sec. 17. Section 32-221, Revised Statutes Supplement, 2019, is  
20 amended to read:

21 32-221 (1) The election commissioner shall appoint precinct and  
22 district inspectors, judges of election, and clerks of election to assist  
23 the election commissioner in conducting elections on election day. In  
24 counties with a population of less than four hundred thousand inhabitants  
25 as determined by the most recent federal decennial census, judges and  
26 clerks of election and inspectors shall be appointed at least thirty days  
27 prior to the statewide primary election, shall hold office for terms of  
28 two years or until their successors are appointed and qualified for the  
29 next statewide primary election, and shall serve at all elections in the  
30 county during their terms of office. In counties with a population of  
31 four hundred thousand or more inhabitants as determined by the most

1 recent federal decennial census, judges and clerks of election shall be  
2 appointed at least thirty days prior to the first election for which  
3 appointments are necessary and shall serve for at least four elections.

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

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

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



1           Sec. 18. Section 32-230, Revised Statutes Supplement, 2019, is  
2 amended to read:

3           32-230 (1) As provided in subsection (4) of this section, the  
4 precinct committeeman and committeewoman of each political party shall  
5 appoint a receiving board consisting of three judges of election and two  
6 clerks of election. The chairperson of the county central committee of  
7 each political party shall send the names of the appointments to the  
8 county clerk no later than February 1 prior to the primary election.

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

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

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

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

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

15 (6) The county clerk may appoint a person who is at least sixteen  
16 years old but is not eligible to register to vote as a clerk of election.  
17 Such clerk of election shall meet the requirements of subsection (1) of  
18 section 32-231, except that such clerk shall not be required to be a  
19 registered voter. No more than one clerk of election appointed under this  
20 subsection shall serve at any precinct. A clerk of election appointed  
21 under this subsection shall be considered a registered voter who is not  
22 affiliated with a political party for purposes of this section.

23 Sec. 19. Section 39-210, Revised Statutes Cumulative Supplement,  
24 2018, is amended to read:

25 39-210 To qualify to appear on a tourist-oriented directional sign  
26 panel, an activity shall be licensed and approved by the state and local  
27 agencies if required by law and be open to the public at least eight  
28 hours per day, five days per week, including Saturdays or Sundays, during  
29 the normal season of the activity, except that if the activity is a  
30 winery, the winery shall be open at least twenty hours per week. The  
31 activity, before qualifying to appear on a sign panel, shall provide to

1 the Department of Transportation assurance of its conformity with all  
2 applicable laws relating to discrimination based on race, creed, color,  
3 sex, national origin, ancestry, political affiliation, ~~or~~ religion, or  
4 military or veteran status. If the activity violates any of such laws, it  
5 shall lose its eligibility to appear on a tourist-oriented directional  
6 sign panel. In addition, the qualifying activity shall be required to  
7 remove any advertising device which was unlawfully erected or which is in  
8 violation of section 39-202, 39-203, 39-204, 39-205, 39-206, 39-215,  
9 39-216, or 39-220, any rule or regulation of the department, or any  
10 federal rule or regulation relating to tourist-oriented directional sign  
11 panels. The tourist-oriented directional sign panels shall conform to the  
12 requirements of the Federal Beautification Act and the Manual on Uniform  
13 Traffic Control Devices as adopted pursuant to section 60-6,118.

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

16 45-1056 A licensee shall not refuse to enter into a loan or impose  
17 finance charges or other terms or conditions of credit more onerous than  
18 those regularly extended by that licensee to borrowers of similar  
19 economic backgrounds because of the age, color, creed, national origin,  
20 political affiliation, race, religion, sex, marital status, ~~or~~  
21 disability, or military or veteran status of the borrower or because the  
22 borrower receives public assistance, social security benefits, pension  
23 benefits, or the like.

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

26 48-215 It shall be unlawful for any person, firm, or corporation,  
27 engaged to any extent whatsoever in the State of Nebraska in the  
28 production, manufacture, or distribution of military or naval material,  
29 equipment, or supplies for the State of Nebraska or the government of the  
30 United States, to refuse to employ any person in any capacity, if such  
31 ~~said~~ person is a citizen and is qualified, on account of the race, color,

1 creed, religion, or national origin of such said person or, subject to  
2 section 36 of this act, on account of such person's military or veteran  
3 status.

4 Sec. 22. Section 48-628.13, Revised Statutes Cumulative Supplement,  
5 2018, is amended to read:

6 48-628.13 Good cause for voluntarily leaving employment shall  
7 include, but not be limited to, the following reasons:

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

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

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

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

21 (5)(a) An individual is a construction worker and left his or her  
22 employment voluntarily for the purpose of accepting previously secured  
23 insured work in the construction industry if the commissioner finds that:

24 (i)(A) The quit occurred within thirty days immediately prior to the  
25 established termination date of the job which the individual voluntarily  
26 leaves, (B) the specific starting date of the new job is prior to the  
27 established termination date of the job which the worker quits, (C) the  
28 new job offered employment for a longer period of time than remained  
29 available on the job which the construction worker voluntarily quit, and  
30 (D) the worker had worked at least twenty days or more at the new job  
31 after the established termination date of the previous job unless the new

1 job was terminated by a contract cancellation; or

2 (ii)(A) The construction worksite of the job which the worker quit  
3 was more than fifty miles from his or her place of residence, (B) the new  
4 construction job was fifty or more miles closer to his or her residence  
5 than the job which he or she quit, and (C) the worker actually worked  
6 twenty days or more at the new job unless the new job was terminated by a  
7 contract cancellation.

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

11 (6) An individual accepted a voluntary layoff to avoid bumping  
12 another worker;

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

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

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

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

21 (11) Equity and good conscience demand a finding of good cause.

22 Sec. 23. Section 48-1101, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 48-1101 It is the policy of this state to foster the employment of  
25 all employable persons in the state on the basis of merit regardless of  
26 their race, color, religion, sex, disability, ~~or~~ national origin, or  
27 military or veteran status and to safeguard their right to obtain and  
28 hold employment without discrimination because of their race, color,  
29 religion, sex, disability, ~~or~~ national origin, or military or veteran  
30 status. Denying equal opportunity for employment because of race, color,  
31 religion, sex, disability, ~~or~~ national origin, or military or veteran

1 status is contrary to the principles of freedom and is a burden on the  
2 objectives of the public policy of this state. Except for the veterans  
3 preference provided for in sections 48-225 to 48-231, the The policy of  
4 this state does not require any person to employ an applicant for  
5 employment because of his or her race, color, religion, sex, disability,  
6 ~~or~~ national origin, or military or veteran status, and the policy of this  
7 state does not require any employer, employment agency, labor  
8 organization, or joint labor-management committee to grant preferential  
9 treatment to any individual or to any group because of race, color,  
10 religion, sex, disability, ~~or~~ national origin, or military or veteran  
11 status.

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

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

22 48-1104 It shall be an unlawful employment practice for an employer:

23 (1) To fail or refuse to hire, to discharge, or to harass any  
24 individual, or otherwise to discriminate against any individual with  
25 respect to compensation, terms, conditions, or privileges of employment,  
26 because of such individual's race, color, religion, sex, disability,  
27 marital status, or national origin or, subject to section 36 of this act,  
28 because of such individual's military or veteran status; or

29 (2) To limit, advertise, solicit, segregate, or classify employees  
30 in any way which would deprive or tend to deprive any individual of  
31 employment opportunities or otherwise adversely affect such individual's

1 status as an employee, because of such individual's race, color,  
2 religion, sex, disability, marital status, or national origin or, subject  
3 to section 36 of this act, because of such individual's military or  
4 veteran status.

5 Sec. 25. Section 48-1105, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 48-1105 It shall be an unlawful employment practice for an  
8 employment agency:

9 (1) To ~~to~~ fail or refuse to refer for employment, or otherwise to  
10 discriminate against, any individual because of race, color, religion,  
11 sex, disability, marital status, or national origin, or, subject to  
12 section 36 of this act, because of military or veteran status; or

13 (2) To ~~to~~ classify or refer for employment any individual on the  
14 basis of race, color, religion, sex, disability, marital status, or  
15 national origin or, subject to section 36 of this act, on the basis of  
16 military or veteran status.

17 Sec. 26. 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, subject to  
24 section 36 of this act, because of military or 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, subject

1 to section 36 of this act, because of such individual's military or  
2 veteran status; or

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

5 Sec. 27. Section 48-1107, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 48-1107 It shall be an unlawful employment practice for any  
8 employer, labor organization, or joint labor-management committee  
9 controlling apprenticeship or other training or retraining, including on-  
10 the-job training programs to discriminate against any individual because  
11 of race, color, religion, sex, disability, marital status, or national  
12 origin or, subject to section 36 of this act, because of military or  
13 veteran status, in admission to, or employment in, any program  
14 established to provide apprenticeship or other training.

15 Sec. 28. Section 48-1108, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 48-1108 Notwithstanding any other provision of the Nebraska Fair  
18 Employment Practice Act:

19 (1) It shall not be an unlawful employment practice for an employer  
20 to hire and employ employees, for an employment agency to classify or  
21 refer for employment any individual, for a labor organization to classify  
22 its membership or to classify or refer for employment any individual, or  
23 for an employer, labor organization, or joint labor-management committee  
24 controlling apprenticeship or other training or retraining programs to  
25 admit or employ any individual in any such program on the basis of  
26 religion, sex, disability, marital status, or national origin or, subject  
27 to section 36 of this act, on the basis of military or veteran status in  
28 those certain instances when religion, sex, disability, marital status,  
29 ~~or~~ national origin, or military or veteran status is a bona fide  
30 occupational qualification reasonably necessary to the normal operation  
31 of that particular business or enterprise; and



1           (2) It shall not be an unlawful employment practice for a school,  
2 college, university, or other educational institution or institution of  
3 learning to hire and employ employees of a particular religion if such  
4 school, college, university, or other educational institution or  
5 institution of learning is, in whole or in substantial part, owned,  
6 supported, controlled, or managed by a particular religion or by a  
7 particular religious corporation, association, or society or if the  
8 curriculum of such school, college, university, or other educational  
9 institution of learning is directed toward the propagation of a  
10 particular religion.

11           Sec. 29. Section 48-1111, Revised Statutes Cumulative Supplement,  
12 2018, is amended to read:

13           48-1111 (1) Except as otherwise provided in the Nebraska Fair  
14 Employment Practice Act, it shall not be an unlawful employment practice  
15 for an employer to apply different standards of compensation, or  
16 different terms, conditions, or privileges of employment pursuant to a  
17 bona fide seniority or merit system or a system which measures earnings  
18 by quantity or quality of production or to employees who work in  
19 different locations, if such differences are not the result of an  
20 intention to discriminate because of race, color, religion, sex,  
21 disability, marital status, or national origin or, subject to section 36  
22 of this act, because of military or veteran status, nor shall it be an  
23 unlawful employment practice for an employer to give and to act upon the  
24 results of any professionally developed ability test if such test, its  
25 administration, or action upon the results is not designed, intended, or  
26 used to discriminate because of race, color, religion, sex, disability,  
27 marital status, ~~or~~ national origin, or military or veteran status.

28           It shall not be an unlawful employment practice for a covered entity  
29 to deny privileges of employment to an individual with a disability when  
30 the qualification standards, tests, or selection criteria that screen out  
31 or tend to screen out or otherwise deny a job or benefit to an individual

1 with a disability:

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

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

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

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

19 This section shall not require an employer to provide employee  
20 benefits for abortion except when medical complications have arisen from  
21 an abortion.

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

25 Sec. 30. Section 48-1113, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 48-1113 Nothing in the Nebraska Fair Employment Practice Act shall  
28 be interpreted to require any employer, employment agency, labor  
29 organization, or joint labor-management committee subject to the act to  
30 grant preferential treatment to any individual or to any group because of  
31 the race, color, religion, sex, disability, marital status, ~~or~~ national

1 origin, or military or veteran status of such individual or group on  
2 account of an imbalance which may exist with respect to the total number  
3 or percentage of persons of any race, color, religion, sex, disability,  
4 marital status, ~~or~~ national origin, or military or veteran status  
5 employed by any employer, referred or classified for employment by any  
6 employment agency or labor organization, admitted to membership or  
7 classified by any labor organization, or admitted to, or employed in, any  
8 apprenticeship or other training program, in comparison with the total  
9 number or percentage of persons of such race, color, religion, sex,  
10 disability, marital status, ~~or~~ national origin, or military or veteran  
11 status in any community, section, or other area, or in the available work  
12 force in any community, section, or other area.

13       Sec. 31. Section 48-1115, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15       48-1115 Except for the veterans preference provided for in sections  
16 48-225 to 48-231 or section 48-238, it ~~It~~ shall be an unlawful employment  
17 practice for an employer, labor organization, or employment agency to  
18 print or publish or cause to be printed or published any notice or  
19 advertisement relating to employment by such an employer or membership in  
20 or any classification or referral for employment by such a labor  
21 organization, or relating to any classification or referral for  
22 employment by such an employment agency, indicating any preference,  
23 limitation, specification, or discrimination based on race, color,  
24 religion, sex, disability, marital status, ~~or~~ national origin, or  
25 military or veteran status, except that such a notice or advertisement  
26 may indicate a preference, limitation, specification, or discrimination  
27 based on religion, sex, disability, marital status, ~~or~~ national origin,  
28 or military or veteran status when religion, sex, disability, marital  
29 status, ~~or~~ national origin, or military or veteran status is a bona fide  
30 occupational qualification for employment.

31       Sec. 32. Section 48-1117, Revised Statutes Cumulative Supplement,

1 2018, is amended to read:

2 48-1117 The commission shall have the following powers and duties:

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

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

12 (3) To cooperate with the federal government and with local agencies  
13 to effectuate the purposes of the Nebraska Fair Employment Practice Act,  
14 including the sharing of information possessed by the commission on a  
15 case that has also been filed with the federal government or local  
16 agencies if both the employer and complainant have been notified of the  
17 filing;

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

20 (5) To require that every employer, employment agency, and labor  
21 organization subject to the act shall (a) make and keep such records  
22 relevant to the determinations of whether unlawful employment practices  
23 have been or are being committed, (b) preserve such records for such  
24 periods, and (c) make such reports therefrom, as the commission shall  
25 prescribe by regulation or order, after public hearing, as reasonable,  
26 necessary, or appropriate for the enforcement of the act or the  
27 regulations or orders thereunder. The commission shall, by regulation,  
28 require each employer, labor organization, and joint labor-management  
29 committee subject to the act which controls an apprenticeship or other  
30 training program to maintain such records as are reasonably necessary to  
31 carry out the purposes of the act, including, but not limited to, a list

1 of applicants who wish to participate in such program, including the  
2 chronological order in which such applications were received, and to  
3 furnish to the commission, upon request, a detailed description of the  
4 manner in which persons are selected to participate in the apprenticeship  
5 or other training program. Any employer, employment agency, labor  
6 organization, or joint labor-management committee which believes that the  
7 application to it of any regulation or order issued under this section  
8 would result in undue hardship may either apply to the commission for an  
9 exemption from the application of such regulation or order or bring a  
10 civil action in the district court for the district where such records  
11 are kept. If the commission or the court, as the case may be, finds that  
12 the application of the regulation or order to the employer, employment  
13 agency, or labor organization in question would impose an undue hardship,  
14 the commission or the court, as the case may be, may grant appropriate  
15 relief;

16 (6) To report, not less than once every two years, to the Clerk of  
17 the Legislature and the Governor, on the hearings it has conducted and  
18 the decisions it has rendered, the other work performed by it to carry  
19 out the purposes of the act, and to make recommendations for such further  
20 legislation concerning abuses and discrimination because of race, color,  
21 religion, sex, disability, marital status, ~~or~~ national origin, or  
22 military or veteran status, as may be desirable. The report shall also  
23 include the number of complaints filed under the act alleging a violation  
24 of subdivision (2) of section 48-1107.01 and the resolution of such  
25 complaints. The report submitted to the Clerk of the Legislature shall be  
26 submitted electronically. Each member of the Legislature shall receive an  
27 electronic copy of the report required by this subdivision by making a  
28 request for it to the chairperson of the commission; and

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

31 Sec. 33. Section 48-1119, Revised Statutes Cumulative Supplement,

1 2018, is amended to read:

2 48-1119 (1) In case of failure to eliminate any unlawful employment  
3 practice by informal methods of conference, conciliation, persuasion,  
4 mediation, or arbitration, the commission may order a public hearing. If  
5 such hearing is ordered, the commission shall cause to be issued and  
6 served a written notice, together with a copy of the complaint, requiring  
7 the person, employer, labor organization, or employment agency named in  
8 the complaint, hereinafter referred to as respondent, to answer such  
9 charges at a hearing before the commission at a time and place which  
10 shall be specified in such notice. Such hearing shall be within the  
11 county where the alleged unlawful employment practice occurred. The  
12 complainant shall be a party to the proceeding, and in the discretion of  
13 the commission any other person whose testimony has a bearing on the  
14 matter may be allowed to intervene therein. Both the complainant and the  
15 respondent, in addition to the commission, may introduce witnesses at the  
16 hearing. The respondent may file a verified answer to the allegations of  
17 the complaint and may appear at such hearing in person and with or  
18 without counsel. Testimony or other evidence may be introduced by either  
19 party. All evidence shall be under oath and a record thereof shall be  
20 made and preserved. Such proceedings shall, so far as practicable, be  
21 conducted in accordance with the rules of evidence applicable in the  
22 district courts of the State of Nebraska, and shall be of public record.

23 (2) No person shall be excused from testifying or from producing any  
24 book, document, paper, or account in any investigation, or inquiry by, or  
25 hearing before the commission when ordered to do so, upon the ground that  
26 the testimony or evidence, book, document, paper, or account required of  
27 such person may tend to incriminate such person in or subject such person  
28 to penalty or forfeiture; but no person shall be prosecuted, punished, or  
29 subjected to any forfeiture or penalty for or on account of any act,  
30 transaction, matter, or thing concerning which such person shall have  
31 been compelled under oath to testify or produce documentary evidence,

1 except that no person so testifying shall be exempt from prosecution or  
2 punishment for any perjury committed by such person in his or her  
3 testimony. Such immunity shall extend only to a natural person who, in  
4 obedience to a subpoena, gives testimony under oath or produces evidence,  
5 documentary or otherwise, under oath. Nothing in this subsection shall be  
6 construed as precluding any person from claiming any right or privilege  
7 available to such person under the Fifth Amendment ~~fifth amendment~~ to the  
8 Constitution of the United States.

9 (3) After the conclusion of the hearing, the commission shall,  
10 within ten days of the receipt of the transcript or the receipt of the  
11 recommendations from the hearing officer, make and file its findings of  
12 fact and conclusions of law and make and enter an appropriate order. The  
13 hearing officer need not refer to the page and line numbers of the  
14 transcript when making his or her recommendation to the commission. Such  
15 findings of fact and conclusions of law shall be in sufficient detail to  
16 enable a court on appeal to determine the controverted questions  
17 presented by the proceedings and whether proper weight was given to the  
18 evidence. If the commission determines that the respondent has  
19 intentionally engaged in or is intentionally engaging in any unlawful  
20 employment practice, it shall issue and cause to be served on such  
21 respondent an order requiring such respondent to cease and desist from  
22 such unlawful employment practice and order such other affirmative action  
23 as may be appropriate which may include, but shall not be limited to,  
24 reinstatement or hiring of employees, with or without backpay. Backpay  
25 liability shall not accrue from a date more than two years prior to the  
26 filing of the charge with the commission. Interim earnings or amounts  
27 earnable with reasonable diligence by the person or persons discriminated  
28 against shall operate to reduce the backpay otherwise allowable.

29 (4) A complainant who has suffered physical, emotional, or financial  
30 harm as a result of a violation of section 48-1104 or 48-1114 may, at any  
31 stage of the proceedings prior to dismissal, file an action directly in

1 the district court of the county where such alleged violation occurred.  
2 If the complainant files a district court action on the charge, the  
3 complainant shall provide written notice of such filing to the  
4 commission, and such notification shall immediately terminate all  
5 proceedings before the commission. The district court shall file and try  
6 such case as any other civil action, and any successful complainant shall  
7 be entitled to appropriate relief, including temporary or permanent  
8 injunctive relief, general and special damages, reasonable attorney's  
9 fees, and costs.

10 (5) No order of the commission shall require the admission or  
11 reinstatement of an individual as a member of a labor organization or the  
12 hiring, reinstatement, or promotion of an individual as an employee, or  
13 the payment to him or her of any backpay, if such individual was refused  
14 admission, suspended, or expelled, or was refused employment or  
15 advancement or was suspended or discharged for any reason other than  
16 discrimination on account of race, color, religion, sex, disability,  
17 marital status, ~~or~~ national origin, or military or veteran status or in  
18 violation of section 48-1114. If the commission finds that a respondent  
19 has not engaged in any unfair employment practice, it shall within thirty  
20 days state its findings of fact and conclusions of law. A copy of any  
21 order shall be served upon the person against whom it runs or his or her  
22 attorney and notice thereof shall be given to the other parties to the  
23 proceedings or their attorneys. Such order shall take effect twenty days  
24 after service thereof unless otherwise provided and shall continue in  
25 force either for a period which may be designated therein or until  
26 changed or revoked by the commission.

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



1           Sec. 34. Section 48-1122, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           48-1122 Every contract to which the state or any of its political  
4 subdivisions is a party shall contain a provision requiring the  
5 contractor and his or her subcontractors not to discriminate against any  
6 employee or applicant for employment, to be employed in the performance  
7 of such contract, with respect to his or her hire, tenure, terms,  
8 conditions, or privileges of employment, because of his or her race,  
9 color, religion, sex, disability, or national origin or, subject to  
10 section 36 of this act, because of his or her military or veteran status.

11           Sec. 35. Section 48-1124, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13           48-1124 Nothing contained in the Nebraska Fair Employment Practice  
14 Act shall be deemed to repeal any of the provisions of the civil rights  
15 law, any other law of this state, or any municipal ordinance relating to  
16 discrimination because of race, creed, color, religion, sex, disability,  
17 ~~or~~ national origin, or military or veteran status.

18           Sec. 36. The inclusion of military or veteran status as a protected  
19 class in the Nebraska Fair Employment Practices Act and sections 23-2525,  
20 23-2531, 23-2541, and 48-215:

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

24           (b) Does not require an employer or other covered entity to treat a  
25 servicemember who is absent from work differently than an individual who  
26 is not a servicemember;

27           (c) Does not prohibit the granting of special benefits to veterans  
28 or servicemembers on an otherwise nondiscriminatory basis; and

29           (d) Does not prohibit veterans' preference programs.

30           Sec. 37. Section 48-1125, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           ~~48-1125~~ Sections 48-1101 to ~~48-1126~~ and sections 36 and 37 of this  
2 act ~~48-1125~~ shall be known and may be cited as the Nebraska Fair  
3 Employment Practice Act.

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

6           49-801 Unless the context is shown to intend otherwise, words and  
7 phrases in the statutes of Nebraska hereafter enacted are used in the  
8 following sense:

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

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

13           (3) Attorney shall mean attorney at law;

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

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

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

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

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

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

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

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

30           (12) Magistrate shall include judge of the county court and clerk  
31 magistrate;

1           (13) Military or veteran status means a person:

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

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

7           (14) (13) Month shall mean calendar month;

8           (15) (14) Oath shall include affirmation in all cases in which an  
9 affirmation may be substituted for an oath;

10          (16) (15) Peace officer shall include sheriffs, coroners, jailers,  
11 marshals, police officers, state highway patrol officers, members of the  
12 National Guard on active service by direction of the Governor during  
13 periods of emergency, and all other persons with similar authority to  
14 make arrests;

15          (17) (16) Person shall include bodies politic and corporate,  
16 societies, communities, the public generally, individuals, partnerships,  
17 limited liability companies, joint-stock companies, and associations;

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

20          (19) (18) Process shall mean a summons, subpoena, or notice to  
21 appear issued out of a court in the course of judicial proceedings;

22          (20) (19) Service animal shall have the same meaning as in 28 C.F.R.  
23 36.104, as such regulation existed on January 1, 2008;

24          (21) (20) State when applied to different states of the United  
25 States shall be construed to extend to and include the District of  
26 Columbia and the several territories organized by Congress;

27          (22) (21) Sworn shall include affirmed in all cases in which an  
28 affirmation may be substituted for an oath;

29          (23) (22) The United States shall include territories, outlying  
30 possessions, and the District of Columbia;

31          (24) (23) Violate shall include failure to comply with;

1           ~~(25)~~ ~~(24)~~ Writ shall signify an order or citation in writing issued  
2 in the name of the state out of a court or by a judicial officer; and

3           ~~(26)~~ ~~(25)~~ Year shall mean calendar year.

4           Sec. 39. Section 51-211, Revised Statutes Cumulative Supplement,  
5 2018, is amended to read:

6           51-211 (1) The library board may erect, lease, or occupy an  
7 appropriate building for the use of a library, appoint a suitable  
8 librarian and assistants, fix the compensation of such appointees, and  
9 remove such appointees at the pleasure of the board. The governing body  
10 of the county, city, or village in which the library is located shall  
11 approve any personnel administrative or compensation policy or procedure  
12 before implementation of such policy or procedure by the library board.

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

24           (3) The public library shall make its basic services available  
25 without charge to all residents of the political subdivision which  
26 supplies its tax support.

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

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

1           58-216 Low-income or moderate-income person shall mean any person  
2 irrespective of race, religion, creed, national origin, ~~or sex,~~ or  
3 military or veteran status determined by the authority to be eligible for  
4 such assistance as is made available by the Nebraska Investment Finance  
5 Authority Act on account of insufficient personal or family income,  
6 taking into consideration without limiting the generality thereof such  
7 factors as:

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

17           Sec. 41. Section 58-808, Revised Statutes Cumulative Supplement,  
18 2018, is amended to read:

19           58-808 Private health care institution means any private not-for-  
20 profit corporation or institution that (1) is licensed under the Health  
21 Care Facility Licensure Act, (2) is described in section 501(c)(3) of the  
22 Internal Revenue Code and is exempt from federal income taxation under  
23 section 501(a) of the Internal Revenue Code, (3) is located within this  
24 state and is not owned or controlled by the state or any political  
25 subdivision, agency, instrumentality, district, or municipality thereof,  
26 and (4) does not violate any Nebraska or federal law against  
27 discrimination on the basis of race, color, creed, national origin,  
28 ancestry, age, gender, ~~or handicap,~~ or military or veteran status.

29           Sec. 42. Section 58-809, Revised Statutes Cumulative Supplement,  
30 2018, is amended to read:

31           58-809 Private institution of higher education means a not-for-

1 profit educational institution located within this state which is not  
2 owned or controlled by the state or any political subdivision, agency,  
3 instrumentality, district, or municipality thereof, which is authorized  
4 by law to provide a program of education beyond the high school level,  
5 and which:

6 (1) Admits as regular students only individuals having a certificate  
7 of graduation from a high school or the recognized equivalent of such a  
8 certificate;

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

20 (3) Is accredited by a regionally recognized accrediting agency or  
21 association or, if not so accredited, is an institution whose credits are  
22 accepted, on transfer, by not less than three institutions which are so  
23 accredited, for credit on the same basis as if transferred from an  
24 institution so accredited; and

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

29 Sec. 43. Section 58-810, Revised Statutes Cumulative Supplement,  
30 2018, is amended to read:

31 58-810 Private social services institution means any private not-

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

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

14 68-1605 (1) The department shall use the funds in the Homeless  
15 Shelter Assistance Trust Fund to finance grants for projects or programs  
16 that provide for persons or families with special housing needs.

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

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

22 (b) Do not discriminate on the basis of age, religion, sex, race,  
23 color, ~~or~~ national origin, or military or veteran status. This  
24 subdivision does not prohibit otherwise nondiscriminatory conduct  
25 designed to benefit veterans or servicemembers or their family members,  
26 such as providing housing limited to veterans or servicemembers or their  
27 family members, or otherwise offering benefits that are limited to  
28 veterans or servicemembers or their family members;

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

31 (d) Operate a drug-free premises.

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

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

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

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

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

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

20 (d) The geographic distribution of funds.

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

23 75-325 (1) Every transportation network company shall:

24 (a) Provide the commission with its email address and customer  
25 service telephone number;

26 (b) Display for the passenger either a picture of the driver's  
27 personal vehicle and a picture of the driver or the license plate number  
28 of the driver's personal vehicle on the online-enabled application or  
29 platform that a transportation network company uses to connect drivers  
30 and passengers;

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



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

5 (e)(i) Implement, enforce, and maintain a zero-tolerance policy on  
6 the use of drugs or alcohol applicable to any driver providing service  
7 for the transportation network company that prohibits a driver from using  
8 any amount of drugs or alcohol while the driver is providing service,  
9 (ii) provide a copy of the policy to the commission promptly upon  
10 adoption, and (iii) provide a copy of any revision to the policy promptly  
11 upon adoption;

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

17 (g) Maintain a web site that provides a customer service telephone  
18 number or email address of the transportation network company and that  
19 provides the telephone number and email address of the commission;

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

24 (i) Maintain records required under sections 75-301 to 75-343 to be  
25 collected by the transportation network company, including records  
26 regarding participating drivers; and

27 (j) Cooperate with the commission and any employees, investigators,  
28 or duly authorized agents of the commission in the investigation of  
29 complaints received by the commission from the public or in  
30 investigations initiated by the commission.

31 (2) A transportation network company shall not allow a driver to

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

14 (3) If the commission has reasonable cause to believe a  
15 transportation network company is not enforcing the zero-tolerance policy  
16 filed with the commission, the commission shall investigate and, after  
17 notice and hearing, may enter an order requiring the transportation  
18 network company to enforce such policy, which may include suspension of  
19 the participating driver.

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

22 76-1495 A landlord may not:

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

25 (2) Require any person, as a precondition to renting, leasing, or  
26 otherwise occupying or removing from a mobile home space in a mobile home  
27 park, to pay an entrance or exit fee of any kind unless for services  
28 actually rendered or pursuant to a written agreement. A landlord may  
29 restrict the movement of mobile homes to reasonable hours and may require  
30 that all work in connection with the removal or installation of a mobile  
31 home, including, but not limited to, the hookup or disconnection of

1 utilities, be done in a good and workmanlike manner;

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

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

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

1           Sec. 47. Section 81-885.24, Revised Statutes Cumulative Supplement,  
2 2018, is amended to read:

3           81-885.24 The commission may, upon its own motion, and shall, upon  
4 the sworn complaint in writing of any person, investigate the actions of  
5 any broker, associate broker, salesperson, or subdivider, may censure the  
6 licensee or certificate holder, revoke or suspend any license or  
7 certificate issued under the Nebraska Real Estate License Act, or enter  
8 into consent orders, and, alone or in combination with such disciplinary  
9 actions, may impose a civil fine on a licensee pursuant to section  
10 81-885.10, whenever the license or certificate has been obtained by false  
11 or fraudulent representation or the licensee or certificate holder has  
12 been found guilty of any of the following unfair trade practices:

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

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

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

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

24           (5) Failing to maintain and deposit in a separate trust account all  
25 money received by a broker acting in such capacity, or as escrow agent or  
26 the temporary custodian of the funds of others, in a real estate  
27 transaction unless all parties having an interest in the funds have  
28 agreed otherwise in writing;

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

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

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

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

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

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

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

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

19           (14) Negotiating a sale, exchange, listing, or lease of real estate  
20 directly with an owner or lessor if he or she knows that such owner has a  
21 written outstanding listing contract in connection with such property  
22 granting an exclusive agency or an exclusive right to sell to another  
23 broker or negotiating directly with an owner to withdraw from or break  
24 such a listing contract for the purpose of substituting, in lieu thereof,  
25 a new listing contract;

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

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

31           (17) Soliciting, selling, or offering for sale real estate by

1 offering free lots or conducting lotteries for the purpose of influencing  
2 a purchaser or prospective purchaser of real estate;

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

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

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

19 (21) Failing by a broker to deliver to the seller in every real  
20 estate transaction, at the time the transaction is consummated, a  
21 complete, detailed closing statement showing all of the receipts and  
22 disbursements handled by such broker for the seller, failing to deliver  
23 to the buyer a complete statement showing all money received in the  
24 transaction from such buyer and how and for what the same was disbursed,  
25 and failing to retain true copies of such statements in his or her files;

26 (22) Making any substantial misrepresentations;

27 (23) Acting for more than one party in a transaction without the  
28 knowledge of all parties for whom he or she acts;

29 (24) Failing by an associate broker or salesperson to place, as soon  
30 after receipt as practicable, in the custody of his or her employing  
31 broker any deposit money or other money or funds entrusted to him or her

1 by any person dealing with him or her as the representative of his or her  
2 licensed broker;

3 (25) Filing a listing contract or any document or instrument  
4 purporting to create a lien based on a listing contract for the purpose  
5 of casting a cloud upon the title to real estate when no valid claim  
6 under the listing contract exists;

7 (26) Violating any rule or regulation adopted and promulgated by the  
8 commission in the interest of the public and consistent with the Nebraska  
9 Real Estate License Act;

10 (27) Failing by a subdivider, after the original certificate has  
11 been issued, to comply with all of the requirements of the Nebraska Real  
12 Estate License Act;

13 (28) Conviction of a felony or entering a plea of guilty or nolo  
14 contendere to a felony charge by a broker or salesperson;

15 (29) Demonstrating negligence, incompetency, or unworthiness to act  
16 as a broker, associate broker, or salesperson, whether of the same or of  
17 a different character as otherwise specified in this section;

18 (30) Inducing or attempting to induce a person to transfer an  
19 interest in real property, whether or not for monetary gain, or  
20 discouraging another person from purchasing real property, by  
21 representing that (a) a change has occurred or will or may occur in the  
22 composition with respect to religion, race, color, national origin,  
23 ethnic group, sex, familial status, ~~or~~ disability, or military or veteran  
24 status of the owners or occupants in the block, neighborhood, or area or  
25 (b) such change will or may result in the lowering of property values, an  
26 increase in criminal or antisocial behavior, or a decline in the quality  
27 of schools in the block, neighborhood, or area;

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

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

1           (33) Utilizing advertising which does not prominently display the  
2 name under which the designated broker does business as filed with the  
3 commission;

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

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

16           Sec. 48. Original sections 18-1724, 20-113, 20-132, 20-134, 20-139,  
17 20-317, 20-318, 20-320, 20-321, 20-322, 20-325, 23-2525, 23-2531,  
18 23-2541, 25-1601.03, 29-401, 45-1056, 48-215, 48-1101, 48-1104, 48-1105,  
19 48-1106, 48-1107, 48-1108, 48-1113, 48-1115, 48-1122, 48-1124, 48-1125,  
20 49-801, 58-216, 68-1605, 75-325, and 76-1495, Reissue Revised Statutes of  
21 Nebraska, sections 39-210, 48-628.13, 48-1111, 48-1117, 48-1119, 51-211,  
22 58-808, 58-809, 58-810, and 81-885.24, Revised Statutes Cumulative  
23 Supplement, 2018, and sections 32-221 and 32-230, Revised Statutes  
24 Supplement, 2019, are repealed.