

AMENDMENTS TO LB150

(Amendments to Standing Committee amendments, AM1370)

Introduced by Guereca, 7.

1           1. Insert the following new sections:

2           **Sec. 7.** Section 18-1724, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

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

15           **Sec. 8.** Section 20-113, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17           20-113 (1) Any incorporated city may enact ordinances and any county  
18 may adopt resolutions which are substantially equivalent to the Age  
19 Discrimination in Employment Act, the Nebraska Fair Employment Practice  
20 Act, the Nebraska Fair Housing Act, and sections 20-126 to 20-143 and  
21 48-1219 to 48-1227 or which are more comprehensive than such acts and  
22 sections in the protection of civil rights. No such ordinance or  
23 resolution shall place a duty or liability on any person, other than an  
24 employer, employment agency, or labor organization, for acts similar to  
25 those prohibited by section 48-1115. Such ordinance or resolution may  
26 include authority for a local agency to seek an award of damages or other

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

29       (2)(a) Any club which has been issued a license by the Nebraska  
30 Liquor Control Commission to sell, serve, or dispense alcoholic liquor  
31 shall have that license revoked if the club discriminates because of

1 race, color, religion, sex, familial status as defined in section 20-311,  
2 disability as defined in section 20-308.01, ~~or~~ national origin, or  
3 military or veteran status in the sale, serving, or dispensing of  
4 alcoholic liquor to any person who is a guest of a member of such club.

5 (b) The procedure for revocation shall be as prescribed in sections  
6 53-134.04, 53-1,115, and 53-1,116.

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

11 **Sec. 9.** Section 20-132, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 20-132 All persons within this state shall be entitled to a full and  
14 equal enjoyment of any place of public accommodation, as defined in  
15 sections 20-132 to 20-143, without discrimination or segregation on the  
16 grounds of race, color, sex, religion, national origin, disability, ~~or~~  
17 ancestry, or military or veteran status.

18 **Sec. 10.** Section 20-134, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

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

28 (2) It is not a discriminatory practice under sections 20-132 to  
29 20-143 for a person or a place of public accommodation to, on an  
30 otherwise nondiscriminatory basis, limit admission or service to veterans  
31 or servicemembers or their family members or provide discounts or other

1 benefits to veterans or servicemembers or their family members.

2       **Sec. 11.** Section 20-139, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4       20-139 The Nebraska Fair Housing Act and sections 20-123, 20-124,  
5 and 20-132 to 20-143 shall be administered by the Equal Opportunity  
6 Commission, except that the State Fire Marshal shall administer the act  
7 and sections as they relate to accessibility standards and specifications  
8 set forth in sections 81-5,147 and 81-5,148. The county attorneys are  
9 granted the authority to enforce such act and sections 20-123, 20-124,  
10 and 20-132 to 20-143 and shall possess the same powers and duties with  
11 respect thereto as the commission. If a complaint is filed with the  
12 county attorney, the commission shall be notified. Powers granted to and  
13 duties imposed upon the commission pursuant to such act and sections  
14 shall be in addition to the provisions of the Nebraska Fair Employment  
15 Practice Act and shall not be construed to amend or restrict those  
16 provisions. In carrying out the Nebraska Fair Housing Act and sections  
17 20-123, 20-124, and 20-132 to 20-143, the commission shall have the power  
18 to:

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

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

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

29       (4) Adopt and promulgate rules and regulations to carry out the  
30 powers granted by the Nebraska Fair Housing Act and sections 20-123,  
31 20-124, and 20-132 to 20-143, subject to the provisions of the

1 Administrative Procedure Act. The commission shall, not later than one  
2 hundred eighty days after September 6, 1991, issue draft rules and  
3 regulations to implement subsection (3) of section 20-336, which  
4 regulations may incorporate regulations of the United States Department  
5 of Housing and Urban Development as applicable;

6 (5) Designate one or more members of the commission or a member of  
7 the commission staff to conduct investigations of any complaint alleging  
8 discrimination because of race, color, sex, religion, national origin,  
9 familial status, disability, ~~or~~ ancestry, or military or veteran status,  
10 attempt to resolve such complaint by conference, conciliation, and  
11 persuasion, and conduct such conciliation meetings and conferences as are  
12 deemed necessary to resolve a particular complaint, which meetings shall  
13 be held in the county in which the complaint arose;

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

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

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

21 (9) Hold hearings, subpoena witnesses and compel their attendance,  
22 administer oaths, take the testimony of any person under oath, and in  
23 connection therewith require for examination any books or papers relating  
24 to any matter under investigation or in question before the commission;  
25 and

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

30 **Sec. 12.** Section 20-317, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           20-317 Restrictive covenant shall mean any specification limiting  
2 the transfer, rental, or lease of any housing because of race, creed,  
3 religion, color, national origin, sex, disability, familial status, ~~or~~  
4 ancestry, or military or veteran status.

5           **Sec. 13.** Section 20-318, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7           20-318 Except as exempted by section 20-322, it shall be unlawful  
8 to:

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

15           (2) Discriminate against any person in the terms, conditions, or  
16 privileges of sale or rental of a dwelling or in the provision of  
17 services or facilities in connection therewith because of race, color,  
18 religion, national origin, disability, familial status, ~~or~~ sex, or  
19 military or veteran status;

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

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

30           (5) Cause to be made any written or oral inquiry or record  
31 concerning the race, color, religion, national origin, disability,

1 familial status, ~~or~~ sex, or military or veteran status of a person  
2 seeking to purchase, rent, or lease any housing;

3 (6) Include in any transfer, sale, rental, or lease of housing any  
4 restrictive covenants or honor or exercise or attempt to honor or  
5 exercise any restrictive covenant pertaining to housing;

6 (7) Discharge or demote an employee or agent or discriminate in the  
7 compensation of such employee or agent because of such employee's or  
8 agent's compliance with the Nebraska Fair Housing Act; and

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

14 **Sec. 14.** Section 20-320, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

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

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

25 (a) The making or purchasing of loans or providing other financial  
26 assistance:

27 (i) For purchasing, constructing, improving, repairing, or  
28 maintaining a dwelling; or

29 (ii) Secured by residential real estate; or

30 (b) The selling, brokering, or appraising of residential real  
31 property.

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

5           **Sec. 15.** Section 20-321, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

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

15           **Sec. 16.** Section 20-322, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

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

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

31           (3) Nothing in the act shall prohibit or limit the right of any



1 person or his or her authorized representative to refuse to rent a room  
2 or rooms in his or her own home for any reason or for no reason or to  
3 change tenants in his or her own home as often as desired, except that  
4 this exception shall not apply to any person who makes available for  
5 rental or occupancy more than four sleeping rooms to a person or family  
6 within his or her own home.

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

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

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

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

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

23 (A) The existence of significant facilities and services  
24 specifically designed to meet the physical or social needs of older  
25 persons or, if the provision of such facilities and services is not  
26 practicable, that such housing is necessary to provide important housing  
27 opportunities for older persons;

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

30 (C) The publication of and adherence to policies and procedures  
31 which demonstrate an intent by the owner or manager to provide housing

1 for persons fifty-five years of age or older.

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

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

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

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

14 (6) Nothing in the act shall prohibit otherwise nondiscriminatory  
15 conduct intended to benefit veterans or servicemembers or their family  
16 members, such as providing housing limited to veterans or servicemembers  
17 or their family members, providing favorable conditions of loans, leases,  
18 mortgages, or contracts, or otherwise offering benefits that are limited  
19 to veterans or servicemembers or their family members.

20 **Sec. 17.** Section 20-325, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 20-325 The commission shall:

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

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

29 (a) Specifying the nature and extent of progress made statewide in  
30 eliminating discriminatory housing practices and furthering the purposes  
31 of the Nebraska Fair Housing Act, obstacles remaining to achieving equal

1 housing opportunity, and recommendations for further legislative or  
2 executive action; and

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

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

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

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

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

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

25 (5) Adopt and promulgate rules and regulations, subject to the  
26 approval of the members of the commission, regarding the investigative  
27 and conciliation process that provide for testing standards, fundamental  
28 due process, and notice to the parties of their rights and  
29 responsibilities; and

30 (6) Have authority to enter into agreements with the United States  
31 Department of Housing and Urban Development in cooperative agreements

1 under the Fair Housing Assistance Program. The commission shall further  
2 have the authority to enter into agreements with testing organizations to  
3 assist in investigative activities. The commission shall not enter into  
4 any agreements under which compensation to the testing organization is  
5 partially or wholly based on the number of conciliations, settlements,  
6 and reasonable cause determinations.

7 **Sec. 18.** Section 23-2525, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

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

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

1 by the allocation of a position to a class shall, upon request, be given  
2 a reasonable opportunity to be heard thereon by the personnel policy  
3 board who shall issue an advisory opinion to the personnel officer;

4 (2) For a compensation plan for all employees in the classified  
5 service, comprising salary schedules, hours of work, premium payments,  
6 special allowances, and fringe benefits, considering the amount of money  
7 available, the prevailing rates of pay in government and private  
8 employment, the cost of living, the level of each class of position in  
9 the classification plan, and other relevant factors. Initial,  
10 intervening, and maximum rates of pay for each class shall be established  
11 to provide for steps in salary advancement without change of duty in  
12 recognition of demonstrated quality and length of service. The  
13 compensation plan and amendments thereto shall be adopted in the manner  
14 prescribed for rules and regulations and shall in no way limit the  
15 authority of the board of county commissioners relative to appropriations  
16 for salary and wage expenditures;

17 (3) For open competitive examinations to test the relative fitness  
18 of applicants for the respective positions. Competitive examination shall  
19 not be required for transferred employees transferring from positions in  
20 the state or a political subdivision to positions in the county pursuant  
21 to a merger of services or transferred employees transferring from  
22 positions in the state or a political subdivision to positions in the  
23 county due to the assumption of functions of the state or a political  
24 subdivision by the county. The rules and regulations shall provide for  
25 the public announcement of the holding of examinations and shall  
26 authorize the personnel officer to prescribe examination procedures and  
27 to place the names of successful candidates on eligible lists in  
28 accordance with their respective ratings. Examinations may be assembled  
29 or unassembled and may include various job-related examining techniques,  
30 such as rating training and experience, written tests, oral interviews,  
31 recognition of professional licensing, performance tests, investigations,

1 and any other measures of ability to perform the duties of the position.  
2 Examinations shall be scored objectively and employment registers shall  
3 be established in the order of final score. Certification of eligibility  
4 for appointment to vacancies shall be in accordance with a formula which  
5 limits selection by the hiring department from among the highest ranking  
6 available and eligible candidates, but which also permits selective  
7 certification under appropriate conditions as prescribed in the rules and  
8 regulations;

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

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

20 (6) ~~For prohibiting~~ ~~Prohibiting~~ disqualification of any person from  
21 taking an examination, from promotion, or from holding a position because  
22 of:

23 (a) Race, national origin, physical disabilities, age, or political  
24 or religious opinions or affiliations;

25 (b) Sex ~~race, sex,~~ unless it constitutes a bona fide occupational  
26 qualification; ~~, or national origin, physical disabilities, age,~~  
27 ~~political or religious opinions or affiliations~~

28 (c) Military or veteran status, subject to section 84 of this act; ~~r~~  
29 or

30 (d) Other ~~other~~ factors which have no bearing upon the individual's  
31 fitness to hold the position;

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

11           (8) When an employee has been promoted but fails to satisfactorily  
12 perform the duties of the new position during the probationary period, he  
13 or she shall be returned to a position comparable to that held  
14 immediately prior to promotion at the current salary of such position;

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

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

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

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

26           (13) For transfer from a position in one department to a similar  
27 position in another department involving similar qualifications, duties,  
28 responsibilities, and salary ranges;

29           (14) For the transfer of employees of the state or a political  
30 subdivision to the county pursuant to a merger of services or due to the  
31 assumption of functions of the state or a political subdivision by the

1 county;

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

7 (16) For establishment of a plan for resolving employee grievances  
8 and complaints;

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

13 (18) For the development of employee morale, safety, and training  
14 programs;

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

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

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

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

28 **Sec. 19.** Section 23-2531, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 23-2531 (1) Discrimination against any person in recruitment,  
31 examination, appointment, training, promotion, retention, discipline, or



1 any other aspect of personnel administration because of political or  
2 religious opinions or affiliations or because of race, national origin,  
3 or other nonmerit factors shall be prohibited. Discrimination on the  
4 basis of age or sex or physical disability shall be prohibited unless  
5 specific age, sex, or physical requirements constitute a bona fide  
6 occupational qualification necessary to proper and efficient  
7 administration. Subject to section 84 of this act, discrimination on the  
8 basis of military or veteran status shall be prohibited. The rules and  
9 regulations shall provide for appeals in cases of alleged discrimination  
10 to the personnel policy board whose determination shall be binding upon a  
11 finding of discrimination.

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

17 (3) No person shall, directly or indirectly, give, render, pay,  
18 offer, solicit, or accept any money, service, or other valuable  
19 consideration for or on account of any appointment, proposed appointment,  
20 promotion, or proposed promotion to, or any advantage in, a position in  
21 the classified service.

22 (4) No employee of the personnel office, examiner, or other person  
23 shall defeat, deceive, or obstruct any person in his or her right to  
24 examination, eligibility, certification, or appointment under the act, or  
25 furnish to any person any special or secret information for the purpose  
26 of affecting the rights or prospects of any persons with respect to  
27 employment in the classified service.

28 **Sec. 20.** Section 23-2541, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 23-2541 The personnel policy board, if created, shall, with the  
31 assistance of two advisory groups, one of classified employees and one of

1 department heads, adopt proposed personnel rules and regulations for the  
2 classified service and provide reasonable notice of proposed rules and  
3 regulations to the heads of all agencies, departments, county employee  
4 associations, and institutions affected thereby. Any person affected by  
5 such rules and regulations shall be given an opportunity, upon request,  
6 to appear before the personnel policy board and present his or her views  
7 on the rules and regulations. The personnel policy board shall submit  
8 proposed rules and regulations or amendments for adoption by the county  
9 board. The county board may consider and adopt only personnel rules and  
10 regulations or amendments proposed by the personnel policy board and may  
11 not repeal or revoke a rule or regulation except upon the recommendation  
12 of the personnel policy board.

13 The rules and regulations or amendments may provide:

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

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

1 of money available, the prevailing rates of pay in government and private  
2 employment, the cost of living, the level of each class of position in  
3 the classification plan, and other relevant factors. The compensation  
4 plan and amendments to such plan shall be adopted in the manner  
5 prescribed for rules and regulations and shall in no way limit the  
6 authority of the county board relative to appropriations for salary and  
7 wage expenditures;

8 (3) For open competitive examinations to test the relative fitness  
9 of applicants for the respective positions. The rules and regulations  
10 shall provide for the public announcement of the holding of examinations  
11 and shall authorize the county personnel officer to prescribe examination  
12 procedures and to place the names of successful candidates on eligible  
13 lists in accordance with their respective ratings. Examinations may be  
14 assembled or unassembled and may include various job-related examining  
15 techniques, such as rating training and experience, written tests, oral  
16 interviews, recognition of professional licensing, performance tests,  
17 investigations, and any other measures of ability to perform the duties  
18 of the position. Examinations shall be scored objectively and employment  
19 registers shall be established in the order of final score. Certification  
20 of eligibility for appointment to vacancies shall be in accordance with a  
21 formula which limits selection by the hiring department from among the  
22 highest ranking available and eligible candidates, but which also permits  
23 selective certification under appropriate conditions as prescribed in the  
24 rules and regulations;

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

30 (5) For the rejection of candidates who fail to comply with  
31 reasonable requirements of the county personnel officer in regard to such

1 factors as physical conditions, training, and experience, who have been  
2 guilty of infamous or disgraceful conduct, who are currently abusing  
3 alcohol or narcotics, or who have attempted any deception or fraud in  
4 connection with an examination;

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

8 (a) Race ~~race~~, sex, national origin, physical disabilities, age,  
9 political or religious opinions or affiliations; ~~or~~

10 (b) Military or veteran status, subject to section 84 of this act;  
11 or

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

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

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

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

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

31 (11) For provisional employment without competitive examination when

1   there is no appropriate eligible list available. Provisional employment  
2   shall not continue longer than six months and successive provisional  
3   appointments shall not be allowed;

4       (12) For transfer from a position in one department to a similar  
5   position in another department involving similar qualifications, duties,  
6   responsibilities, and salary ranges;

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

12       (14) For establishment of a plan for resolving employee grievances  
13  and complaints;

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

17       (16) For the development of employee morale, safety, and training  
18  programs;

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

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

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

30       (20) For other rules and regulations not inconsistent with sections  
31  23-2534 to 23-2544 and the implementation of personnel policy in the

1 county.

2 **Sec. 21.** Section 25-1645, Revised Statutes Cumulative Supplement,  
3 2024, is amended to read:

4 25-1645 The Legislature hereby declares that it is the intent and  
5 purpose of the Jury Selection Act to create a jury system which will  
6 ensure that:

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

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

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

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

17 **Sec. 29.** Section 29-401, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 29-401 Every sheriff, deputy sheriff, marshal, deputy marshal,  
20 security guard, police officer, or peace officer as defined in  
21 ~~subdivision (15) of section 49-801~~ shall arrest and detain any person  
22 found violating any law of this state or any legal ordinance of any city  
23 or incorporated village until a legal warrant can be obtained, except  
24 that (1) any such law enforcement officer taking a juvenile under the age  
25 of eighteen years into his or her custody for any violation herein  
26 defined shall proceed as set forth in sections 43-248, 43-248.01, 43-250,  
27 43-251, 43-251.01, and 43-253 and (2) the court in which the juvenile is  
28 to appear shall not accept a plea from the juvenile until finding that  
29 the parents of the juvenile have been notified or that reasonable efforts  
30 to notify such parents have been made as provided in section 43-250.

31 **Sec. 37.** Section 32-221, Revised Statutes Cumulative Supplement,

1 2024, is amended to read:

2 32-221 (1) The election commissioner shall appoint precinct and  
3 district inspectors, judges of election, and clerks of election to assist  
4 the election commissioner in conducting elections on election day. In  
5 counties with a population of less than four hundred thousand inhabitants  
6 as determined by the most recent federal decennial census, judges and  
7 clerks of election and inspectors shall be appointed at least thirty days  
8 prior to the statewide primary election, shall hold office for terms of  
9 two years or until their successors are appointed and qualified for the  
10 next statewide primary election, and shall serve at all elections in the  
11 county during their terms of office. In counties with a population of  
12 four hundred thousand or more inhabitants as determined by the most  
13 recent federal decennial census, judges and clerks of election shall be  
14 appointed at least thirty days prior to the first election for which  
15 appointments are necessary and shall serve for at least four elections.

16 (2) Judges and clerks of election may be selected at random from a  
17 cross section of the population of the county. All qualified citizens  
18 shall have the opportunity to be considered for service. All qualified  
19 citizens shall fulfill their obligation to serve as judges or clerks of  
20 election as prescribed by the election commissioner. No citizen shall be  
21 excluded from service as a result of discrimination based upon race,  
22 color, religion, sex, national origin, ~~or economic status, or military or~~  
23 veteran status. No citizen shall be excluded from service unless excused  
24 by reason of ill health or other good and sufficient reason.

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

1           (4) If a vacancy occurs in the office of judge or clerk of election  
2 or inspector, the election commissioner shall fill such vacancy in  
3 accordance with section 32-223. If any judge or clerk of election or  
4 inspector fails to appear at the hour appointed for the opening of the  
5 polls, the remaining officers shall notify the election commissioner,  
6 select a registered voter to serve in place of the absent officer if so  
7 directed by the election commissioner, and proceed to conduct the  
8 election. If the election commissioner finds that a judge or clerk of  
9 election or inspector does not possess all the qualifications prescribed  
10 in this section or if any judge or clerk of election or inspector is  
11 guilty of neglecting the duties of the office or of any official  
12 misconduct, the election commissioner shall remove the person and fill  
13 the vacancy.

14           **Sec. 38.** Section 32-230, Revised Statutes Cumulative Supplement,  
15 2024, is amended to read:

16           32-230 (1) As provided in subsection (4) of this section, the  
17 precinct committeeman and committeewoman of each political party shall  
18 appoint a receiving board consisting of three judges of election and two  
19 clerks of election. The chairperson of the county central committee of  
20 each political party shall send the names of the appointments to the  
21 county clerk no later than February 1 prior to the primary election.

22           (2) If no names are submitted by the chairperson, the county clerk  
23 shall appoint judges or clerks of election from the appropriate political  
24 party. Judges and clerks of election may be selected at random from a  
25 cross section of the population of the county. All qualified citizens  
26 shall have the opportunity to be considered for service. All qualified  
27 citizens shall fulfill their obligation to serve as judges or clerks of  
28 election as prescribed by the county clerk. No citizen shall be excluded  
29 from service as a result of discrimination based upon race, color,  
30 religion, sex, national origin, ~~or~~ economic status, or military or  
31 veteran status. No citizen shall be excluded from service unless excused



1 by reason of ill health or other good and sufficient reason.

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

6 (4) In each precinct at any one time, one judge and one clerk of  
7 election shall be appointed from the political party casting the highest  
8 number of votes in the county for Governor or for President of the United  
9 States in the immediately preceding general election, one judge and one  
10 clerk shall be appointed from the political party casting the next  
11 highest number of votes in the county for Governor or for President of  
12 the United States in the immediately preceding general election, and one  
13 judge shall be appointed from the political party casting the third  
14 highest number of votes in the county for Governor or for President of  
15 the United States in the immediately preceding general election. If the  
16 political party casting the third highest number of votes cast less than  
17 ten percent of the total vote cast in the county at the immediately  
18 preceding general election, the political party casting the highest  
19 number of votes at the immediately preceding general election shall be  
20 entitled to two judges and one clerk.

21 (5) The county clerk may appoint registered voters to serve in case  
22 of a vacancy among any of the judges or clerks of election or in addition  
23 to the judges and clerks in any precinct when necessary to meet any  
24 situation that requires additional judges and clerks. Such appointees may  
25 include registered voters unaffiliated with any political party. Such  
26 appointees shall serve at subsequent or special elections as determined  
27 by the county clerk.

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

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

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

13           **Sec. 39.** Section 39-210, Revised Statutes Cumulative Supplement,  
14 2024, is amended to read:

15           39-210 To qualify to appear on a tourist-oriented directional sign  
16 panel, an activity shall be licensed and approved by the state and local  
17 agencies if required by law and be open to the public at least eight  
18 hours per day, five days per week, including Saturdays or Sundays, during  
19 the normal season of the activity, except that if the activity is a  
20 winery, the winery shall be open at least twenty hours per week. The  
21 activity, before qualifying to appear on a sign panel, shall provide to  
22 the Department of Transportation assurance of its conformity with all  
23 applicable laws relating to discrimination based on race, creed, color,  
24 sex, national origin, ancestry, political affiliation, ~~or~~ religion, or  
25 military or veteran status. If the activity violates any of such laws, it  
26 shall lose its eligibility to appear on a tourist-oriented directional  
27 sign panel. In addition, the qualifying activity shall be required to  
28 remove any advertising device which was unlawfully erected or which is in  
29 violation of section 39-202, 39-203, 39-204, 39-205, 39-206, 39-215,  
30 39-216, or 39-220, any rule or regulation of the department, or any  
31 federal rule or regulation relating to tourist-oriented directional sign

1 panels. The tourist-oriented directional sign panels shall conform to the  
2 requirements of the Federal Beautification Act and the Manual on Uniform  
3 Traffic Control Devices as adopted pursuant to section 60-6,118.

4 **Sec. 43.** Section 45-1056, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 45-1056 A licensee shall not refuse to enter into a loan or impose  
7 finance charges or other terms or conditions of credit more onerous than  
8 those regularly extended by that licensee to borrowers of similar  
9 economic backgrounds because of the age, color, creed, national origin,  
10 political affiliation, race, religion, sex, marital status, ~~or~~  
11 disability, or military or veteran status of the borrower or because the  
12 borrower receives public assistance, social security benefits, pension  
13 benefits, or the like.

14 **Sec. 44.** Section 45-1303, Revised Statutes Cumulative Supplement,  
15 2024, is amended to read:

16 45-1303 (1) The Medical Debt Relief Program is established for the  
17 purpose of discharging medical debt of eligible residents by contracting  
18 with a medical debt relief coordinator as described in subsection (3) of  
19 this section. The State Treasurer shall administer the program.

20 (2) Money appropriated to the State Treasurer or otherwise  
21 contributed for the program shall be used exclusively for the program,  
22 including contracting with a medical debt relief coordinator and  
23 providing money to be used by the medical debt relief coordinator to  
24 discharge medical debt of eligible residents. Money used in contracting  
25 with a medical debt relief coordinator may also be used for the payment  
26 of services provided by the medical debt relief coordinator to discharge  
27 medical debt of eligible residents based on a budget approved by the  
28 State Treasurer.

29 (3)(a) The State Treasurer shall enter into a contract with a  
30 medical debt relief coordinator to purchase and discharge medical debt  
31 owed by eligible residents with money allocated for the program.

1 (b) The State Treasurer shall implement a competitive bidding  
2 process to determine which medical debt relief coordinator to use, unless  
3 the State Treasurer determines that only a single medical debt relief  
4 coordinator has the capacity and willingness to carry out the duties  
5 specified in the Medical Debt Relief Act.

6 (c) In contracting with the State Treasurer, a medical debt relief  
7 coordinator shall adhere to the following:

8 (i) The medical debt relief coordinator shall review the medical  
9 debt accounts of each health care provider willing to donate or sell  
10 medical debt accounts in this state;

11 (ii) The medical debt relief coordinator may negotiate for and elect  
12 to buy the dischargeable medical debt from a health care provider that  
13 identifies the accounts described in subdivision (3)(c)(i) of this  
14 section as a bad debt expense and agrees to sell the debt for less than  
15 the original value;

16 (iii) After the purchase and discharge of medical debt from a health  
17 care provider, the medical debt relief coordinator shall notify all  
18 eligible residents whose medical debt has been discharged under the  
19 program, in a manner approved by the State Treasurer, that they no longer  
20 have specified medical debt owed to the relevant health care provider;

21 (iv) A medical debt relief coordinator shall make its best efforts  
22 to ensure parity and equity in the purchasing and discharging of medical  
23 debt to ensure that all eligible residents have an equal opportunity of  
24 receiving medical debt relief regardless of their geographical location  
25 or their race, color, religion, sex, disability, age, ~~or~~ national origin,  
26 or military or veteran status;

27 (v) A medical debt relief coordinator shall report to the State  
28 Treasurer summary statistics regarding eligible residents whose medical  
29 debt has been discharged; and

30 (vi) A medical debt relief coordinator may not attempt to seek  
31 payment from an eligible resident for medical debt purchased by the

1 medical debt relief coordinator.

2 (d) A medical debt relief coordinator shall continue to fulfill its  
3 contractual obligations to the State Treasurer until all money contracted  
4 to the medical debt relief coordinator is exhausted, regardless of  
5 whether money allocated to the program has been exhausted.

6 (e) If a medical debt relief coordinator attempts to seek payment  
7 from an eligible resident for medical debt purchased by the medical debt  
8 relief coordinator or fails to carry out the responsibilities described  
9 in its contract with the State Treasurer, the medical debt relief  
10 coordinator shall be considered in breach of contract and the contract  
11 provisions that apply in the case of a breach of contract shall apply.

12 (f) Health care providers that are willing to sell medical debt to  
13 the medical debt relief coordinator shall provide necessary information  
14 to, and otherwise coordinate with, the medical debt relief coordinator as  
15 needed to carry out the purposes of the Medical Debt Relief Act.

16 **Sec. 68.** Section 48-215, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 48-215 It shall be unlawful for any person, firm, or corporation,  
19 engaged to any extent whatsoever in the State of Nebraska in the  
20 production, manufacture, or distribution of military or naval material,  
21 equipment, or supplies for the State of Nebraska or the government of the  
22 United States, to refuse to employ any person in any capacity, if such  
23 ~~said~~ person is a citizen and is qualified, on account of the race, color,  
24 creed, religion, ~~or~~ national origin, or military or veteran status of  
25 such ~~said~~ person.

26 **Sec. 69.** Section 48-628.13, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 48-628.13 Good cause for voluntarily leaving employment shall  
29 include, but not be limited to, the following reasons:

30 (1) An individual has made all reasonable efforts to preserve the  
31 employment but voluntarily leaves his or her work for the necessary

1 purpose of escaping abuse at the place of employment or abuse as defined  
2 in section 42-903 between household members;

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

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

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

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

15 (i)(A) The quit occurred within thirty days immediately prior to the  
16 established termination date of the job which the individual voluntarily  
17 leaves, (B) the specific starting date of the new job is prior to the  
18 established termination date of the job which the worker quits, (C) the  
19 new job offered employment for a longer period of time than remained  
20 available on the job which the construction worker voluntarily quit, and  
21 (D) the worker had worked at least twenty days or more at the new job  
22 after the established termination date of the previous job unless the new  
23 job was terminated by a contract cancellation; or

24 (ii)(A) The construction worksite of the job which the worker quit  
25 was more than fifty miles from his or her place of residence, (B) the new  
26 construction job was fifty or more miles closer to his or her residence  
27 than the job which he or she quit, and (C) the worker actually worked  
28 twenty days or more at the new job unless the new job was terminated by a  
29 contract cancellation.

30 (b) The provisions of this subdivision (5) shall not apply if the  
31 individual is separated from the new job under conditions resulting in a

1   disqualification from benefits under section 48-628.10 or 48-628.12;

2           (6) An individual accepted a voluntary layoff to avoid bumping  
3   another worker;

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

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

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

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

12          (11) An individual has made all reasonable efforts to preserve  
13   employment but voluntarily leaves employment for the purpose of caring  
14   for a family member with a serious health condition. For purposes of this  
15   subdivision:

16          (a) Family member means:

17           (i) A biological, adopted, or foster child, a stepchild, or a legal  
18   ward of the individual or the individual's spouse or a person to whom the  
19   individual or the individual's spouse stood in loco parentis when such  
20   person was a minor child, regardless of the age or dependency status of  
21   such child, stepchild, legal ward, or person;

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

26           (iii) The individual's spouse; or

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

30          (b) Serious health condition has the same meaning as in 29 U.S.C.  
31   2611, as such section existed on January 1, 2021; or

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

2 **Sec. 70.** Section 48-1125, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 ~~48-1125~~ Sections 48-1102 48-1101 to 48-1126 and sections 70, 71, and  
5 84 of this act 48-1125 shall be known and may be cited as the Nebraska  
6 Fair Employment Practice Act.

7 **Sec. 71.** Section 48-1101, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 ~~48-1101~~ (1) It is the policy of this state to foster the employment  
10 of all employable persons in the state on the basis of merit regardless  
11 of their race, color, religion, sex, disability, ~~or~~ national origin, or  
12 military or veteran status and to safeguard their right to obtain and  
13 hold employment without discrimination because of their race, color,  
14 religion, sex, disability, ~~or~~ national origin, or military or veteran  
15 status. Denying equal opportunity for employment because of race, color,  
16 religion, sex, disability, ~~or~~ national origin, or military or veteran  
17 status is contrary to the principles of freedom and is a burden on the  
18 objectives of the public policy of this state.

19 (2) Except for the veterans preference provided for in sections  
20 48-225 to 48-231, the The policy of this state does not require any  
21 person to employ an applicant for employment because of his or her race,  
22 color, religion, sex, disability, ~~or~~ national origin, or military or  
23 veteran status, and the policy of this state does not require any  
24 employer, employment agency, labor organization, or joint labor-  
25 management committee to grant preferential treatment to any individual or  
26 to any group because of race, color, religion, sex, disability, ~~or~~  
27 national origin, or military or veteran status.

28 (3) It is the public policy of this state that all people in  
29 Nebraska, both with and without disabilities, shall have the right and  
30 opportunity to enjoy the benefits of living, working, and recreating  
31 within this state. It is the intent of the Legislature that state and



1 local governments, Nebraska businesses, Nebraska labor organizations, and  
2 Nebraskans with disabilities understand their rights and responsibilities  
3 under the law regarding employment discrimination and the prevention of  
4 discrimination on the basis of disability.

5 **Sec. 72.** Section 48-1104, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 48-1104 It shall be an unlawful employment practice for an employer:

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

13 (2) To limit, advertise, solicit, segregate, or classify employees  
14 in any way which would deprive or tend to deprive any individual of  
15 employment opportunities or otherwise adversely affect such individual's  
16 status as an employee, because of such individual's race, color,  
17 religion, sex, disability, marital status, ~~or~~ national origin, or  
18 military or veteran status.

19 **Sec. 73.** Section 48-1105, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 48-1105 It shall be an unlawful employment practice for an  
22 employment agency to:

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

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

30 **Sec. 74.** Section 48-1106, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           48-1106 It shall be an unlawful employment practice for a labor  
2 organization:

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

7           (2) To limit, segregate, or classify its membership, or to classify  
8 or fail or refuse to refer for employment any individual, in any way  
9 which would deprive or tend to deprive any individual of employment  
10 opportunities, or would limit such employment opportunities or otherwise  
11 adversely affect such individual's status as an employee or as an  
12 applicant for employment, because of such individual's race, color,  
13 religion, sex, disability, marital status, ~~or~~ national origin, or  
14 military or veteran status; or

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

17           **Sec. 75.** Section 48-1107, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19           48-1107 It shall be an unlawful employment practice for any  
20 employer, labor organization, or joint labor-management committee  
21 controlling apprenticeship or other training or retraining, including on-  
22 the-job training programs, to discriminate against any individual because  
23 of race, color, religion, sex, disability, marital status, ~~or~~ national  
24 origin, or military or veteran status, in admission to, or employment in,  
25 any program established to provide apprenticeship or other training.

26           **Sec. 76.** Section 48-1108, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28           48-1108 Notwithstanding any other provision of the Nebraska Fair  
29 Employment Practice Act:

30           (1) It shall not be an unlawful employment practice for an employer  
31 to hire and employ employees, for an employment agency to classify or

1 refer for employment any individual, for a labor organization to classify  
2 its membership or to classify or refer for employment any individual, or  
3 for an employer, labor organization, or joint labor-management committee  
4 controlling apprenticeship or other training or retraining programs to  
5 admit or employ any individual in any such program on the basis of  
6 religion, sex, disability, marital status, ~~or~~ national origin, or  
7 military or veteran status in those certain instances when religion, sex,  
8 disability, marital status, ~~or~~ national origin, or military or veteran  
9 status is a bona fide occupational qualification reasonably necessary to  
10 the normal operation of that particular business or enterprise;

11 (2) It shall not be an unlawful employment practice for a school,  
12 college, university, or other educational institution or institution of  
13 learning to hire and employ employees of a particular religion if such  
14 school, college, university, or other educational institution or  
15 institution of learning is, in whole or in substantial part, owned,  
16 supported, controlled, or managed by a particular religion or by a  
17 particular religious corporation, association, or society or if the  
18 curriculum of such school, college, university, or other educational  
19 institution of learning is directed toward the propagation of a  
20 particular religion;

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

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

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

28 (c) The standard is applied equally; and

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

31 (4) It shall not be an unlawful employment practice for the Nebraska

1 State Patrol, a county sheriff, a city or village police department, or  
2 any other law enforcement agency in this state or the Nebraska National  
3 Guard to impose its own dress and grooming standards.

4 **Sec. 77.** Section 48-1111, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 48-1111 (1) Except as otherwise provided in the Nebraska Fair  
7 Employment Practice Act, it shall not be an unlawful employment practice  
8 for an employer to apply different standards of compensation, or  
9 different terms, conditions, or privileges of employment pursuant to a  
10 bona fide seniority or merit system or a system which measures earnings  
11 by quantity or quality of production or to employees who work in  
12 different locations, if such differences are not the result of an  
13 intention to discriminate because of race, color, religion, sex,  
14 disability, marital status, ~~or~~ national origin, or military or veteran  
15 status, nor shall it be an unlawful employment practice for an employer  
16 to give and to act upon the results of any professionally developed  
17 ability test if such test, its administration, or action upon the results  
18 is not designed, intended, or used to discriminate because of race,  
19 color, religion, sex, disability, marital status, ~~or~~ national origin, or  
20 military or veteran status.

21 (2) It shall not be an unlawful employment practice for a covered  
22 entity to deny privileges of employment to an individual with a  
23 disability when the qualification standards, tests, or selection criteria  
24 that screen out or tend to screen out or otherwise deny a job or benefit  
25 to an individual with a disability:

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

30 (b) Include a requirement that an individual shall not pose a direct  
31 threat, involving a significant risk to the health or safety of other

1 individuals in the workplace, that cannot be eliminated by reasonable  
2 accommodation.

3 (3) It shall not be an unlawful employment practice to refuse  
4 employment based on a policy of not employing both husband and wife if  
5 such policy is equally applied to both sexes.

6 (4) ~~(2)~~ Except as otherwise provided in the Nebraska Fair Employment  
7 Practice Act, women affected by pregnancy, childbirth, or related medical  
8 conditions shall be treated the same for all employment-related purposes,  
9 including receipt of employee benefits, as other persons not so affected  
10 but similar in their ability or inability to work, and nothing in this  
11 section shall be interpreted to provide otherwise.

12 (5) This section shall not require an employer to provide employee  
13 benefits for abortion except when medical complications have arisen from  
14 an abortion.

15 (6) Nothing in this section shall preclude an employer from  
16 providing employee benefits for abortion under fringe benefit programs or  
17 otherwise affect bargaining agreements in regard to abortion.

18 **Sec. 78.** Section 48-1113, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 48-1113 Nothing in the Nebraska Fair Employment Practice Act shall  
21 be interpreted to require any employer, employment agency, labor  
22 organization, or joint labor-management committee subject to the act to  
23 grant preferential treatment to any individual or to any group because of  
24 the race, color, religion, sex, disability, marital status, ~~or~~ national  
25 origin, or military or veteran status of such individual or group on  
26 account of an imbalance which may exist with respect to the total number  
27 or percentage of persons of any race, color, religion, sex, disability,  
28 marital status, ~~or~~ national origin, or military or veteran status  
29 employed by any employer, referred or classified for employment by any  
30 employment agency or labor organization, admitted to membership or  
31 classified by any labor organization, or admitted to, or employed in, any

1 apprenticeship or other training program, in comparison with the total  
2 number or percentage of persons of such race, color, religion, sex,  
3 disability, marital status, ~~or~~ national origin, or military or veteran  
4 status in any community, section, or other area, or in the available work  
5 force in any community, section, or other area.

6 **Sec. 79.** Section 48-1115, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 48-1115 Except as provided in section 84 of this act and except for  
9 the veterans preference provided for in sections 48-225 to 48-231 or  
10 section 48-238, it ~~It~~ shall be an unlawful employment practice for an  
11 employer, labor organization, or employment agency to print or publish or  
12 cause to be printed or published any notice or advertisement relating to  
13 employment by such an employer or membership in or any classification or  
14 referral for employment by such a labor organization, or relating to any  
15 classification or referral for employment by such an employment agency,  
16 indicating any preference, limitation, specification, or discrimination  
17 based on race, color, religion, sex, disability, marital status, ~~or~~  
18 national origin, or military or veteran status, except that such a notice  
19 or advertisement may indicate a preference, limitation, specification or  
20 discrimination based on religion, sex, disability, marital status, ~~or~~  
21 national origin, or military or veteran status when religion, sex,  
22 disability, marital status, ~~or~~ national origin, or military or veteran  
23 status is a bona fide occupational qualification for employment.

24 **Sec. 80.** Section 48-1117, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 48-1117 The commission shall have the following powers and duties:

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

29 (2) To hold hearings, subpoena witnesses, compel their attendance,  
30 administer oaths, and take the testimony of any person under oath and, in  
31 connection therewith, to require the production for examination of any

1 books and papers relevant to any allegation of unlawful employment  
2 practice pending before the commission. The commission may make rules as  
3 to the issuance of subpoenas, subject to the approval by a constitutional  
4 majority of the elected members of the Legislature;

5 (3) To cooperate with the federal government and with local agencies  
6 to effectuate the purposes of the Nebraska Fair Employment Practice Act,  
7 including the sharing of information possessed by the commission on a  
8 case that has also been filed with the federal government or local  
9 agencies if both the employer and complainant have been notified of the  
10 filing;

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

13 (5) To require that every employer, employment agency, and labor  
14 organization subject to the act shall (a) make and keep such records  
15 relevant to the determinations of whether unlawful employment practices  
16 have been or are being committed, (b) preserve such records for such  
17 periods, and (c) make such reports therefrom, as the commission shall  
18 prescribe by regulation or order, after public hearing, as reasonable,  
19 necessary, or appropriate for the enforcement of the act or the  
20 regulations or orders thereunder. The commission shall, by regulation,  
21 require each employer, labor organization, and joint labor-management  
22 committee subject to the act which controls an apprenticeship or other  
23 training program to maintain such records as are reasonably necessary to  
24 carry out the purposes of the act, including, but not limited to, a list  
25 of applicants who wish to participate in such program, including the  
26 chronological order in which such applications were received, and to  
27 furnish to the commission, upon request, a detailed description of the  
28 manner in which persons are selected to participate in the apprenticeship  
29 or other training program. Any employer, employment agency, labor  
30 organization, or joint labor-management committee which believes that the  
31 application to it of any regulation or order issued under this section

1 would result in undue hardship may either apply to the commission for an  
2 exemption from the application of such regulation or order or bring a  
3 civil action in the district court for the district where such records  
4 are kept. If the commission or the court, as the case may be, finds that  
5 the application of the regulation or order to the employer, employment  
6 agency, or labor organization in question would impose an undue hardship,  
7 the commission or the court, as the case may be, may grant appropriate  
8 relief;

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

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

24 **Sec. 81.** Section 48-1119, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 48-1119 (1) In case of failure to eliminate any unlawful employment  
27 practice by informal methods of conference, conciliation, persuasion,  
28 mediation, or arbitration, the commission may order a public hearing. If  
29 such hearing is ordered, the commission shall cause to be issued and  
30 served a written notice, together with a copy of the complaint, requiring  
31 the person, employer, labor organization, or employment agency named in



1 the complaint, hereinafter referred to as respondent, to answer such  
2 charges at a hearing before the commission at a time and place which  
3 shall be specified in such notice. Such hearing shall be within the  
4 county where the alleged unlawful employment practice occurred. The  
5 complainant shall be a party to the proceeding, and in the discretion of  
6 the commission any other person whose testimony has a bearing on the  
7 matter may be allowed to intervene therein. Both the complainant and the  
8 respondent, in addition to the commission, may introduce witnesses at the  
9 hearing. The respondent may file a verified answer to the allegations of  
10 the complaint and may appear at such hearing in person and with or  
11 without counsel. Testimony or other evidence may be introduced by either  
12 party. All evidence shall be under oath and a record thereof shall be  
13 made and preserved. Such proceedings shall, so far as practicable, be  
14 conducted in accordance with the rules of evidence applicable in the  
15 district courts of the State of Nebraska, and shall be of public record.

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

1 Constitution of the United States.

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

22 (4) A complainant who has suffered physical, emotional, or financial  
23 harm as a result of a violation of section 48-1104 or 48-1114 may, at any  
24 stage of the proceedings prior to dismissal, file an action directly in  
25 the district court of the county where such alleged violation occurred.  
26 If the complainant files a district court action on the charge, the  
27 complainant shall provide written notice of such filing to the  
28 commission, and such notification shall immediately terminate all  
29 proceedings before the commission. The district court shall file and try  
30 such case as any other civil action, and any successful complainant shall  
31 be entitled to appropriate relief, including temporary or permanent

1 injunctive relief, general and special damages, reasonable attorney's  
2 fees, and costs.

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

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

25 **Sec. 82.** Section 48-1122, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 48-1122 Every contract to which the state or any of its political  
28 subdivisions is a party shall contain a provision requiring the  
29 contractor and his or her subcontractors not to discriminate against any  
30 employee or applicant for employment, to be employed in the performance  
31 of such contract, with respect to his or her hire, tenure, terms,

1 conditions, or privileges of employment, because of his or her race,  
2 color, religion, sex, disability, ~~or~~ national origin, or military or  
3 veteran status.

4 **Sec. 83.** Section 48-1124, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 48-1124 Nothing contained in the Nebraska Fair Employment Practice  
7 Act shall be deemed to repeal any of the provisions of the civil rights  
8 law, any other law of this state, or any municipal ordinance relating to  
9 discrimination because of race, creed, color, religion, sex, disability,  
10 ~~or~~ national origin, or military or veteran status.

11 **Sec. 84.** The inclusion of military or veteran status as a protected  
12 class in the Nebraska Fair Employment Practice Act and sections 23-2525,  
13 23-2531, and 23-2541:

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

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

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

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

23 **Sec. 85.** Section 49-801, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 49-801 Unless the context is shown to intend otherwise, words and  
26 phrases in the statutes of Nebraska hereafter enacted are used in the  
27 following sense:

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

31 (2) Action includes ~~shall include~~ any proceeding in any court of

1 this state;

2 (3) Attorney means ~~shall mean~~ attorney at law;

3 (4) Company includes ~~shall include~~ any corporation, partnership,  
4 limited liability company, joint-stock company, joint venture, or  
5 association;

6 (5) Domestic when applied to corporations means ~~shall mean~~ all those  
7 created by authority of this state;

8 (6) Federal refers ~~shall refer~~ to the United States;

9 (7) Foreign when applied to corporations includes ~~shall include~~ all  
10 those created by authority other than that of this state;

11 (8) Grantee includes ~~shall include~~ every person to whom any estate  
12 or interest passes in or by any conveyance;

13 (9) Grantor includes ~~shall include~~ every person from or by whom any  
14 estate or interest passes in or by any conveyance;

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

17 (11) Land or real estate includes ~~shall include~~ lands, tenements,  
18 and hereditaments and all rights thereto and interest therein other than  
19 a chattel interest;

20 (12) Magistrate includes ~~shall include~~ judge of the county court and  
21 clerk magistrate;

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

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

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

28 (c) Is a dependent, as defined in 50 U.S.C. 3911, of a person  
29 described in subdivision (13)(a) or (b) of this section;

30 (14) (13) Month means ~~shall mean~~ calendar month;

31 (15) (14) Oath includes ~~shall include~~ affirmation in all cases in

1 which an affirmation may be substituted for an oath;

2 (16) (15) Peace officer includes ~~shall include~~ sheriffs, coroners,  
3 jailers, marshals, police officers, state highway patrol officers,  
4 members of the National Guard on active service by direction of the  
5 Governor during periods of emergency, and all other persons with similar  
6 authority to make arrests;

7 (17) (16) Person includes ~~shall include~~ bodies politic and  
8 corporate, societies, communities, the public generally, individuals,  
9 partnerships, limited liability companies, joint-stock companies, and  
10 associations;

11 (18) (17) Personal estate includes ~~shall include~~ money, goods,  
12 chattels, claims, and evidences of debt;

13 (19) (18) Process means ~~shall mean~~ a summons, subpoena, or notice to  
14 appear issued out of a court in the course of judicial proceedings;

15 (20) (19) Service animal has ~~shall have~~ the same meaning as in 28  
16 C.F.R. 36.104, as such regulation existed on January 1, 2008;

17 (21) (20) State when applied to different states of the United  
18 States shall be construed to extend to and include the District of  
19 Columbia and the several territories organized by Congress;

20 (22) (21) Sworn includes ~~shall include~~ affirmed in all cases in  
21 which an affirmation may be substituted for an oath;

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

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

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

27 (26) (25) Year means ~~shall mean~~ calendar year.

28 **Sec. 86.** Section 51-211, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 51-211 (1) The library board may erect, lease, or occupy an  
31 appropriate building for the use of a library, appoint a suitable

1 librarian and assistants, fix the compensation of such appointees, and  
2 remove such appointees at the pleasure of the board. The governing body  
3 of the county, city, or village in which the library is located shall  
4 approve any personnel administrative or compensation policy or procedure  
5 before implementation of such policy or procedure by the library board.

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

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

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

23 **Sec. 87.** Section 58-216, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 58-216 Low-income or moderate-income person shall mean any person  
26 irrespective of race, religion, creed, national origin, ~~or~~ sex, or  
27 military or veteran status determined by the authority to be eligible for  
28 such assistance as is made available by the Nebraska Investment Finance  
29 Authority Act on account of insufficient personal or family income,  
30 taking into consideration without limiting the generality thereof such  
31 factors as:

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

10 **Sec. 88.** Section 58-808, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 58-808 Private health care institution means any private not-for-  
13 profit corporation or institution that (1) is licensed under the Health  
14 Care Facility Licensure Act, (2) is described in section 501(c)(3) of the  
15 Internal Revenue Code and is exempt from federal income taxation under  
16 section 501(a) of the Internal Revenue Code, (3) is located within this  
17 state and is not owned or controlled by the state or any political  
18 subdivision, agency, instrumentality, district, or municipality thereof,  
19 and (4) does not violate any Nebraska or federal law against  
20 discrimination on the basis of race, color, creed, national origin,  
21 ancestry, age, gender, ~~or~~ handicap, or military or veteran status.

22 **Sec. 89.** Section 58-809, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 58-809 Private institution of higher education means a not-for-  
25 profit educational institution located within this state which is not  
26 owned or controlled by the state or any political subdivision, agency,  
27 instrumentality, district, or municipality thereof, which is authorized  
28 by law to provide a program of education beyond the high school level,  
29 and which:

- 30 (1) Admits as regular students only individuals having a certificate
- 31 of graduation from a high school or the recognized equivalent of such a



1 certificate;

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

13 (3) Is accredited by an accrediting agency or association or, if not  
14 so accredited, is an institution whose credits are accepted, on transfer,  
15 by not less than three institutions which are so accredited, for credit  
16 on the same basis as if transferred from an institution so accredited;  
17 and

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

22 **Sec. 90.** Section 58-810, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 58-810 Private social services institution means any private not-  
25 for-profit corporation or institution that (1) provides health, safety,  
26 and welfare assistance, including emergency, social, housing, and related  
27 support services, to members of the general public in the state, (2) is  
28 described in section 501(c)(3) of the Internal Revenue Code and is exempt  
29 from federal income taxation under section 501(a) of the Internal Revenue  
30 Code, (3) is located within this state and is not owned or controlled by  
31 the state or any political subdivision, agency, instrumentality,

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

5 **Sec. 91.** Section 68-1605, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 68-1605 (1) The department shall use the funds in the Homeless  
8 Shelter Assistance Trust Fund to finance grants for projects or programs  
9 that provide for persons or families with special housing needs.

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

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

15 (b) Do not discriminate on the basis of age, religion, sex, race,  
16 color, ~~or~~ national origin, or military or veteran status. This  
17 subdivision does not prohibit otherwise nondiscriminatory conduct  
18 designed to benefit veterans or servicemembers or their family members,  
19 such as providing housing limited to veterans or servicemembers or their  
20 family members, or otherwise offering benefits that are limited to  
21 veterans or servicemembers or their family members;

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

24 (d) Operate a drug-free premises.

25 (3) The department shall establish an advisory committee consisting  
26 of individuals and groups involved with housing issues, in particular  
27 those pertaining to persons or families with special housing needs, to  
28 advise and assist the department in establishing criteria, priorities,  
29 and guidelines for eligibility requirements, application requirements and  
30 dates, public notification, and monitoring and shall assist the  
31 department in adopting and promulgating rules and regulations for

1 providing grants from the fund.

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

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

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

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

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

13 (d) The geographic distribution of funds.

14 **Sec. 121.** Section 75-325, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 75-325 (1) Every transportation network company shall:

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

19 (b) Display for the passenger either a picture of the driver's  
20 personal vehicle and a picture of the driver or the license plate number  
21 of the driver's personal vehicle on the online-enabled application or  
22 platform that a transportation network company uses to connect drivers  
23 and passengers;

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

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

29 (e)(i) Implement, enforce, and maintain a zero-tolerance policy on  
30 the use of drugs or alcohol applicable to any driver providing service  
31 for the transportation network company that prohibits a driver from using

1 any amount of drugs or alcohol while the driver is providing service,  
2 (ii) provide a copy of the policy to the commission promptly upon  
3 adoption, and (iii) provide a copy of any revision to the policy promptly  
4 upon adoption;

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

10 (g) Maintain a website that provides a customer service telephone  
11 number or email address of the transportation network company and that  
12 provides the telephone number and email address of the commission;

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

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

20 (j) Cooperate with the commission and any employees, investigators,  
21 or duly authorized agents of the commission in the investigation of  
22 complaints received by the commission from the public or in  
23 investigations initiated by the commission.

24 (2) A transportation network company shall not allow a driver to  
25 provide service if the company finds the driver to be in violation of its  
26 zero-tolerance policy required pursuant to subdivision (1)(e) of this  
27 section or if the driver has not successfully completed driver training  
28 pursuant to subdivision (1)(h) of this section. The transportation  
29 network company shall provide on its website and its online-enabled  
30 application or platform notice of the zero-tolerance policy and the  
31 procedures to report a complaint about a driver with whom the passenger

1 was matched when the passenger reasonably suspects the driver was under  
2 the influence of drugs or alcohol during the course of the prearranged  
3 ride. Upon receiving a complaint, a transportation network company shall  
4 immediately suspend the driver against whom the complaint was issued and  
5 conduct an investigation of the alleged violation. The suspension shall  
6 last for the duration of the investigation.

7 (3) If the commission has reasonable cause to believe a  
8 transportation network company is not enforcing the zero-tolerance policy  
9 filed with the commission, the commission shall investigate and, after  
10 notice and hearing, may enter an order requiring the transportation  
11 network company to enforce such policy, which may include suspension of  
12 the participating driver.

13 **Sec. 122.** Section 76-1495, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 76-1495 A landlord may not:

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

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

26 (3) Deny any resident of a mobile home park the right to sell that  
27 person's mobile home at a price of his or her own choosing. The tenant  
28 shall, prior to selling the mobile home, give notice to the landlord,  
29 including, but not limited to, the name of the prospective purchaser.  
30 Unless otherwise agreed in writing, the landlord may reserve the right to  
31 approve or disapprove the prospective purchaser of the mobile home as a

1 tenant within ten days after receiving notice of the intended sale. Any  
2 disapproval shall be in writing and shall be delivered to such tenant  
3 pursuant to section 76-1474. The landlord shall not unreasonably refuse  
4 or restrict the sale by a tenant of a mobile home located in his or her  
5 mobile home park, but the landlord may consider the size, ages, and  
6 composition of the prospective purchaser's family in determining if the  
7 mobile home purchaser may leave the home in the park. The landlord may  
8 also, in order to upgrade the quality of the mobile home park, prescribe  
9 reasonable requirements governing the age, physical appearance, size, or  
10 quality of the mobile home. In the event of a sale to a third party or  
11 mutual termination of the rental agreement, the landlord may within ten  
12 days after receiving written notice of the pending sale or mutual  
13 termination require that any mobile home that is no longer appropriate  
14 for the mobile home park or that is in disrepair be repaired to the  
15 landlord's satisfaction or removed from the park within sixty days. The  
16 landlord shall specify in writing the reasons for disapproval of the  
17 mobile home;

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

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

25 **Sec. 123.** Section 81-885.24, Reissue Revised Statutes of Nebraska,  
26 is amended to read:

27 81-885.24 The commission may, upon its own motion, and shall, upon  
28 the sworn complaint in writing of any person, investigate the actions of  
29 any broker, associate broker, salesperson, or subdivider, may censure the  
30 licensee or certificate holder, revoke or suspend any license or  
31 certificate issued under the Nebraska Real Estate License Act, or enter

1 into consent orders, and, alone or in combination with such disciplinary  
2 actions, may impose a civil fine on a licensee pursuant to section  
3 81-885.10, whenever the license or certificate has been obtained by false  
4 or fraudulent representation or the licensee or certificate holder has  
5 been found guilty of any of the following unfair trade practices:

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

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

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

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

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

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

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

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

31 (9) Acting in the dual capacity of agent and undisclosed principal

1 in any transaction;

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

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

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

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

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

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

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

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

27 (18) Providing any form of compensation or consideration to any  
28 person for performing the services of a broker, associate broker, or  
29 salesperson who has not first secured his or her license under the  
30 Nebraska Real Estate License Act unless such person is (a) a nonresident  
31 who is licensed in his or her resident regulatory jurisdiction or (b) a



1 citizen and resident of a foreign country which does not license persons  
2 conducting the activities of a broker and such person provides reasonable  
3 written evidence to the Nebraska broker that he or she is a resident  
4 citizen of that foreign country, is not a resident of this country, and  
5 conducts the activities of a broker in that foreign country;

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

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

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

19 (22) Making any substantial misrepresentations;

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

22 (24) Failing by an associate broker or salesperson to place, as soon  
23 after receipt as practicable, in the custody of his or her employing  
24 broker any deposit money or other money or funds entrusted to him or her  
25 by any person dealing with him or her as the representative of his or her  
26 licensed broker;

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

31 (26) Violating any rule or regulation adopted and promulgated by the

1 commission in the interest of the public and consistent with the Nebraska  
2 Real Estate License Act;

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

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

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

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

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

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

25 (33) Utilizing advertising which does not prominently display the  
26 name under which the designated broker does business as filed with the  
27 commission;

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

30 (35) Charging or collecting, as part or all of his or her  
31 compensation or consideration, any part of the earnest money or other

1 money paid to him or her or the entity under which he or she does  
2 business in connection with any real estate transaction until the  
3 transaction has been consummated or terminated. However, a payment for  
4 goods or services rendered by a third party on behalf of the client shall  
5 not be considered compensation or consideration if such payment does not  
6 include any profit, compensation, or payment for services rendered by the  
7 broker and the broker retains a record of the payment to the third party  
8 for such goods or services;

9 (36) Failing to provide a copy of section 81-885.04 or written  
10 instructions explaining the provisions of the exemption from licensure as  
11 set forth in subdivision (9) of section 81-885.04 to any unlicensed  
12 person who assists in procuring a potential client or customer as defined  
13 in sections 76-2407 and 76-2409, respectively, for the purpose of the  
14 listing, sale, purchase, exchange, renting, leasing, or optioning of any  
15 real estate; or

16 (37) Offering or entering into a right-to-list home sale agreement.

17 2. Renumber the remaining sections, correct internal references, and  
18 correct the repealer accordingly.