

LEGISLATIVE BILL 438

Approved by the Governor April 30, 1979

Introduced by Miscellaneous Subjects Committee, Newell, 13, Chmn.; Simon, 31; Sieck, 24; Fitzgerald, 14; Lewis, 45

AN ACT to amend section 20-113, Reissue Revised Statutes of Nebraska, 1943, relating to civil rights; to state intent; to provide powers of certain county and city agencies as prescribed; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. In order to declare the intent of the present Legislature and to effect the original intent of sections 18-1724, Revised Statutes Supplement, 1978, and 20-113, Reissue Revised Statutes of Nebraska, 1943, the Legislature finds that civil rights are a local as well as state concern and the Legislature desires to provide for the local enforcement and enactment of civil rights legislation concurrent with the authority of the State of Nebraska.

Sec. 2. That section 20-113, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

20-113. Any incorporated city may enact ordinances, and any county may adopt resolutions, which are substantially equivalent to sections 20-105 to 20-143, 48-1001 to 48-1009, 48-1102, and to 48-4446 48-1125, and 48-1210 to 48-1227, or which are more comprehensive than such sections in the protection of civil rights. No such ordinance or resolution shall place a duty or liability on any person, other than an employer, employment agency, or labor organization, for acts similar to those prohibited by section 48-1115, Revised Statutes Supplement, 1978. Such ordinance or resolution may include authority for such local agency to seek an award of damages or other equitable relief on behalf of the complainant by the filing of a petition in the district court in the county with appropriate jurisdiction. The local agency shall have within its authority jurisdiction substantially equivalent to or more comprehensive than the Equal Opportunity Commission or other enforcement agencies provided under sections 20-105 to 20-143, 48-1001 to 48-1009, 48-1102 to 48-1125, and 48-1210 to 48-1227, and authority to order back pay and other equitable relief, or to enforce such orders or relief in the district court with appropriate jurisdiction. Certified copies of such ordinances or

resolutions shall be transmitted to the commission. When the commission determines that any such city or county has enacted an ordinance or adopted a resolution that is substantially equivalent to sections 20-105 to 20-143, 48-1001 to 48-1009, 48-1102, and to 48-1116 48-1125, and 48-1210 to 48-1227, or is more comprehensive than such sections in the protection of civil rights, and has established an agency to administer such ordinance or resolution, the commission shall may thereafter refer all complaints arising in such city or county to the appropriate local agency; Provided, that all complaints arising within a city shall be referred to the appropriate agency in such city when both the city and the county in which the city is located have established agencies pursuant to this section. When the commission refers a complaint to a local agency, it shall take no further action on such complaint if the local agency proceeds promptly to handle such complaint pursuant to the local ordinance or resolution. If the commission determines that a local agency is not handling a complaint with reasonable promptness, or that the protection of the rights of the parties or the interests of justice requires such action, the commission may regain jurisdiction of the complaint and proceed to handle it in the same manner as other complaints which are not referred to local agencies.

Any club which has been issued a license by the Nebraska Liquor Control Commission to sell, serve, or dispense alcoholic liquor shall have that license revoked if it shall discriminate because of race, color, religion, sex, or national origin in the sale, serving, or dispensing of alcoholic liquor to any person who is a guest of a member of such club. The procedure for revocation shall be as prescribed in sections 53-1,114 to 53-1,116.

Sec. 3. That original section 20-113, Reissue Revised Statutes of Nebraska, 1943, is repealed.