

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 912

Introduced by McCoy, 39.

Read first time January 10, 2012

Committee:

A BILL

1 FOR AN ACT relating to civil rights; to amend sections 20-113 and
2 20-113.01, Reissue Revised Statutes of Nebraska; to
3 provide requirements for local laws regulating
4 discrimination; to harmonize provisions; to provide
5 severability; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 20-113, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 20-113 Any incorporated city may enact ordinances and any
4 county may adopt resolutions which are substantially equivalent to
5 the Age Discrimination in Employment Act, the Nebraska Fair
6 Employment Practice Act, the Nebraska Fair Housing Act, and sections
7 20-126 to 20-143 and 48-1219 to 48-1227 or which are more
8 comprehensive than such acts and sections in the protection of civil
9 rights as limited by section 3 of this act. No such ordinance or
10 resolution shall place a duty or liability on any person, other than
11 an employer, employment agency, or labor organization, for acts
12 similar to those prohibited by section 48-1115. Such ordinance or
13 resolution may include authority for a local agency to seek an award
14 of damages or other equitable relief on behalf of the complainant by
15 the filing of a petition in the district court in the county with
16 appropriate jurisdiction. The local agency shall have within its
17 authority jurisdiction substantially equivalent to or more
18 comprehensive than the Equal Opportunity Commission or other
19 enforcement agencies provided under such acts and sections, as
20 limited by section 3 of this act, and shall have authority to order
21 backpay and other equitable relief or to enforce such orders or
22 relief in the district court with appropriate jurisdiction. Certified
23 copies of such ordinances or resolutions shall be transmitted to the
24 commission. When the commission determines that any such city or
25 county has enacted an ordinance or adopted a resolution that is

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

21 Any club which has been issued a license by the Nebraska
22 Liquor Control Commission to sell, serve, or dispense alcoholic
23 liquor shall have that license revoked if the club discriminates
24 because of race, color, religion, sex, familial status as defined in
25 section 20-311, handicap as defined in section 20-313, or national

1 origin in the sale, serving, or dispensing of alcoholic liquor to any
2 person who is a guest of a member of such club. The procedure for
3 revocation shall be as prescribed in sections 53-134.04, 53-1,115,
4 and 53-1,116.

5 Sec. 2. Section 20-113.01, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 20-113.01 In order to declare the intent of the present
8 Legislature and to effect the original intent of sections 18-1724 and
9 20-113, the Legislature finds that civil rights are a local as well
10 as state concern and the Legislature desires to provide for the local
11 enforcement and enactment of civil rights legislation concurrent with
12 the authority of the State of Nebraska in the manner provided in
13 sections 18-1724 and 20-113 and section 3 of this act.

14 Sec. 3. (1) It is the purpose of this section to improve
15 intrastate commerce by ensuring that no county, municipality, or
16 other political subdivision will subject businesses, organizations,
17 or employers operating in Nebraska to varied and nonuniform protected
18 classifications in nondiscrimination laws, ordinances, resolutions,
19 rules, or policies. Further, it is the purpose of this section to
20 focus and thereby improve the effectiveness of the efforts of
21 counties, municipalities, or other political subdivisions to punish
22 and eliminate discrimination based on the protected classifications
23 identified in laws enacted by the Legislature.

24 (2) A county, municipality, or other political
25 subdivision shall not adopt or enforce a local law, ordinance,

1 resolution, rule, or policy that creates a protected classification
2 unless such classification is contained in the Age Discrimination in
3 Employment Act, the Nebraska Fair Employment Practice Act, the
4 Nebraska Fair Housing Act, or sections 20-126 to 20-143 or 48-1219 to
5 48-1227. This subsection does not apply to a law, ordinance,
6 resolution, rule, or policy that applies only to the employees of the
7 county, municipality, or other political subdivision.

8 (3) Any local law, ordinance, resolution, rule, or policy
9 adopted before the effective date of this act that violates
10 subsection (2) of this section is null and void.

11 Sec. 4. If any section in this act or any part of any
12 section is declared invalid or unconstitutional, the declaration
13 shall not affect the validity or constitutionality of the remaining
14 portions.

15 Sec. 5. Original sections 20-113 and 20-113.01, Reissue
16 Revised Statutes of Nebraska, are repealed.