

## LEGISLATIVE BILL 324

Approved by the Governor March 29, 1985

Introduced by Wesely, 26; Landis, 46

AN ACT relating to labor; to amend sections 48-1102 and 48-1114, Reissue Revised Statutes of Nebraska, 1943; to define a term; to provide an additional unlawful employment practice; and to repeal the original sections.

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

Section 1. That section 48-1102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1102. As used in sections 48-1101 to 48-1125, unless the context otherwise requires:

(1) Person includes one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers;

(2) Employer shall mean a person engaged in an industry who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, any agent of such a person, and any party whose business is financed in whole or in part under the Nebraska Investment Finance Authority Act and shall include the State of Nebraska, governmental agencies, and political subdivisions, regardless of the number of employees, but such term shall not include (a) the United States, a corporation wholly owned by the government of the United States, or an Indian tribe or (b) a bona fide private membership club, other than a labor organization, which is exempt from taxation under section 501 (c) of the Internal Revenue Code of 1954;

(3) Labor organization shall mean any organization which exists wholly or in part for one or more of the following purposes: Collective bargaining; dealing with employers concerning grievances, terms, or conditions of employment; or of mutual aid or protection in relation to employment;

(4) Employment agency shall mean any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person, but shall not include an agency of the United States, except that such term shall include the United States Employment Service and the system of state and local employment services receiving

federal assistance;

(5) Privileges of employment shall mean terms and conditions of any employer-employee relationship, opportunities for advancement of employees, and plant conveniences;

(6) Employee shall mean an individual employed by an employer;

(7) Commission shall mean the Equal Opportunity Commission;

(8) Disability shall mean any physical or mental condition, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, or illness, including epilepsy or seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a dog guide, wheelchair, or other remedial appliance or device and shall also mean the physical or mental condition of a person which constitutes a substantial handicap, as determined by a physician, but is unrelated to such person's ability to engage in a particular occupation;

(9) Marital status shall mean the status of a person whether married or single; ~~and~~

(10) Because of sex or on the basis of sex shall include, but not be limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and

(11) Unlawful under the laws of the United States or this state shall mean acting contrary to or in defiance of the law or disobeying or disregarding the law.

Sec. 2. That section 48-1114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1114. It shall be an unlawful employment practice for an employer to discriminate against any of his or her employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he or she (1) has opposed any practice made an unlawful employment practice by sections 48-1101 to 48-1125, ~~or because he~~ (2) has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under sections 48-1101 to 48-1125, or (3) has opposed any practice or refused to carry out any action unlawful under the laws of the United States or this state.

Sec. 3. That original sections 48-1102 and 48-1114, Reissue Revised Statutes of Nebraska, 1943, are repealed.

## LEGISLATIVE BILL 326

Approved by the Governor March 29, 1985

Introduced by Conway, 17

AN ACT relating to courts; to amend sections 24-532 and 29-424, Reissue Revised Statutes of Nebraska, 1943; to provide for the investment of money by the clerk of the county court as prescribed; to provide for payment of citation fines and costs by credit card; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 24-532, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-532. Fees and costs in the county court shall be those provided by Chapter 33. Each clerk of the court shall, not later than the fifteenth day of the month following the calendar month in which they were received, transmit all such fees and costs received together with any interest or other income accumulated as a result of section 2 of this act, reduced by any costs incurred as a result of credit card use pursuant to section 29-424, to the State Treasurer, who shall deposit the same in the state General Fund.

Sec. 2. When any money received by the clerk of the county court is not immediately paid out and the investment of such money is not otherwise provided for by law, the clerk of the county court shall invest such money or portion thereof as may be provided for by rules issued by the Supreme Court. The rules shall provide that all amounts invested shall be in accounts insured by the Federal Deposit Insurance Corporation or other federally insured form of deposit insurance, and no account shall contain more than the amount so insured.

Sec. 3. That section 29-424, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-424. When a citation is used by a peace officer, he or she shall enter thereon all required information, including the name and address of the cited person, the offense charged, and the time and place the person cited is to appear in court. Unless the person cited requests an earlier date, the time of appearance shall be at least three days after the issuance of the citation. One copy of the citation shall be delivered to the person cited, and a duplicate thereof shall be signed by such person, giving his or her promise to appear at the time and place stated therein. Such person thereupon shall be released from custody. As soon as practicable, one copy

of the citation shall be filed with the court specified therein, and the copy signed by the person cited shall be delivered to the prosecuting attorney.

At least twenty-four hours before the time set for the appearance of the cited person, the prosecuting attorney or other person authorized by law to issue a complaint for the particular offense shall either issue and file a complaint charging such person with an offense, or file with the court and deliver to such person a notice that a complaint has been refused and that such person is released from ~~his~~ the obligation to appear or that the offense charged in the original citation has been changed or amended as specified. A person cited pursuant to sections 29-422 to 29-430 may waive his or her right to trial. The Supreme Court may prescribe uniform rules for such waivers.

Anyone may use a credit card authorized by the court in which the person is cited as a means of payment of his or her fine and costs. Any vendor charges paid by the court for use of the credit card shall be paid out of the income provided by section 2 of this act.

Sec. 4. That original sections 24-532 and 29-424, Reissue Revised Statutes of Nebraska, 1943, are repealed.