

February 13, 1979

LB 67

PRESIDENT: Senator Marsh, the Clerk advises me you do have an emergency clause amendment to put on the bill.

SENATOR MARSH: Excuse me, yes, I would like to ask for the emergency clause to be amended to LB 67.

PRESIDENT: A motion is on the desk to add the emergency clause. Any further discussion then on the motion to amend to add the emergency clause? Anyone wishing to speak on that motion? All those in favor of approving the amendment to add the emergency clause vote aye, opposed nay. Record the vote.

CLERK: 25 ayes, 0 nays on the adoption of Senator Marsh's amendment.

PRESIDENT: The Marsh amendment is adopted. Now, Senator Marsh, can we renew your motion?

SENATOR MARSH: I renew my motion to advance LB 67 as amended to Enrollment and Review Initial.

PRESIDENT: And the Chair recognizes Senator Murphy.

SENATOR MURPHY: Senator Marsh, I wonder if you would clarify a couple of things for me.

PRESIDENT: Senator Marsh, will you respond?

SENATOR MARSH: I would be glad to, Senator Murphy.

SENATOR MURPHY: This will permit whom to sue the state, an individual or another state agency?

SENATOR MARSH: Senator Murphy, it will make no change in the way that it has been done since 1967. It will simply clarify for purposes of, and I am trying to find the right sheet here. The original Nebraska Fair Employment Practice Act was passed in 1965 and that original act made state government and political subdivisions exempted. In 1967 the original introducer of the act introduced 357 with the express purpose of removing the exemption of state government and its political subdivisions and that legislation passed. That has been the stance since 1967. Now there is a question that you can not say the State of Nebraska and its political subdivisions are employers under this act unless you specifically say so. Removing the exemption nine years later is not considered to be specific under a new ruling. Therefore we need to not make any changes in law except in the way it is worded. It will