

April 6, 1979

LB 80

to Section 69.

PRESIDENT LEUDTKE: The Chair recognizes Senator Marsh on the amendment to the Committee amendment number two.

SENATOR MARSH: Mr. President, if the members of the Legislature would turn to Page 61 in the green bill on LB 80, it is one on lines 15 and 16, the word "intentionally", the respondent has intentionally engaged in, or is intentionally engaging in any unlawful employment practice. It is the belief of many of the women's groups across the State of Nebraska that to prove someone has intentionally discriminated is an extremely difficult procedure in a court of law. The purpose of this section is to stop discrimination. If someone is doing something which is unlawful, which results in discrimination, you should not have to prove that he or she intentionally discriminated, simply that an act of discrimination, an unlawful act was committed, therefore there ought to be a way to stop that unlawful act. So with that exception, I would urge the adoption of the Committee amendments with this one change in the Committee amendments, and I would be glad to try and answer any questions if there are any.

PRESIDENT LEUDTKE: The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. Chairman, and members of the Legislature, the Judiciary Committee discussed this many times and at quite length as to whether or not this section of the bill should be left in there. I'm sure you are all aware of the fact that Sears Roebuck couldn't tell whether they were intentionally or unintentionally discriminating, and they filed suit. The Office of Equal Opportunity, itself, was guilty of discrimination here two or three weeks ago, at least it said so in the news media, and they, themselves, didn't know that they were discriminating, and to give to you the thoughts of at least some of the members of the Judiciary Committee, I would say that we didn't feel that employers across the state should be put in the position of being guilty even though they didn't know they were guilty. With the complication of these type laws nowadays the Committee felt that this section should be removed. I rise to oppose Senator Marsh in her suggestion.

PRESIDENT LEUDTKE: The Chair recognizes Senator George.

SENATOR GEORGE: Thank you, Mr. President. Senator Nichol has pretty much expressed the same ideas that I have. I think we ought to leave it as it is.