

ONE HUNDRED FOURTH LEGISLATURE - FIRST SESSION - 2015
COMMITTEE STATEMENT
LB586

Hearing Date: Wednesday February 04, 2015
Committee On: Judiciary
Introducer: Morfeld
One Liner: Prohibit discrimination based upon sexual orientation and gender identity

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	5	Senators Chambers, Krist, Morfeld, Pansing Brooks, Williams
Nay:	2	Senators Ebke, Seiler
Absent:		
Present Not Voting:	1	Senator Coash

Verbal Testimony:

Proponents:

SEN. ADAM MORFELD
CLARK LAURITZEN
GWENDOLEN HINES

GEORGE WOLF
BRUCE BOHRER
LINDA QUENZER
SARAH TUCKER
TOM BECKIUS
LUCAS PETERSON
JAY HARGAN
AMY WEST

Opponents:

GREGG SCHLEPPENBACH
GREGG NEUHAUS
RICHARD CLEMENTS
EDWARD STRINGHAM
MARIANO MENENDEZ
WILLIAM FEMI AWODALE
RAYMOND ABSHER
JOE NEUHAUS
DAVID MEYER
AMBER PARKER
DEAN MAGEE
MARIS BENTLEY
MARK BONKIEWICZ

Neutral:

Representing:

INTRODUCER
GREATER OMAHA CHAMBER
SOCIAL JUSTICE COMMITTEE UNITARIAN CHURCH
OF LINCOLN
NEBRASKANS FOR PEACE
LINCOLN CHAMBER OF COMMERCE
CITY OF LINCOLN
GREATER OMAHA CHAMBER
LINCOLN'S YOUNG PROFESSIONALS GROUP
SELF
PROJECT EVERLAST
NASW

Representing:

NEBRASKA CATHOLIC CONFERENCE
SELF
AMERICAN EXCHANGE BANK
SELF
WORD OF LIFE COMMUNITY CHURCH
CCFI
SELF
NEBRASKA FAMILY ALLIANCE
SELF
SELF
SELF
SELF
NEBRASKANS FOR FOUNDERS VALUES

Representing:

Summary of purpose and/or changes:

The primary effect of LB586 would be to add sexual orientation and gender identity as prohibited bases of discrimination under several existing state statutes. Section 20 provides a definition of "sexual orientation" as "actual or perceived homosexuality, heterosexuality, or bisexuality." Section 20 defines "gender identity" as "the actual or perceived appearance, expression, identity or behavior of an individual, whether or not that appearance, expression, identity, or behavior is different from the individual's assigned sex at birth."

Under 18-1724, cities and villages in Nebraska are have the power by ordinance to define, regulate, suppress and prevent discrimination on the basis of race, color, creed, religion, ancestry, sex, marital status, national origin, familial status, handicap, age, or disability in employment, public accommodation, and housing. Section 1 of LB586 would remove creed and add sexual orientation and gender identity to this list.

The Nebraska Fair Employment Practice Act contains a number of different provisions to prohibit discrimination in employment because of race, color, religion, sex, disability, marital status or national origin. LB586 would add sexual orientation and gender identity to this list.

Chapter 23 establishes three separate procedures for county employment procedures based on the population of the county. Counties with a population of three hundred thousand inhabitants or more are required to establish a Civil Service Commission. Under 23-2513, discrimination is prohibited because of "political, racial, or religious opinions or affiliations" but does not otherwise discuss discrimination. LB586 does not change any part of this statutory scheme.

Counties with a population of one hundred fifty thousand to three hundred thousand inhabitants are governed by the County Civil Service Act. Under this act, the board of commissioners is required to adopt rules and regulations that prohibit disqualification from employment because of race, sex, unless it constitutes a bona fide occupational qualification, or national origin, physical disabilities, age, political or religious opinions or affiliations, or other factors which have no bearing upon the individual's fitness to hold the position. Section 2 of LB586 would add sexual orientation and gender identity to this list. Section 3 would prevent discrimination based on sexual orientation and gender identity in any aspect of personnel administration under the County Civil Service Act.

County boards of a county with a population of less than one hundred fifty thousand inhabitants are permitted to create a personnel policy board and adopt personnel rules and regulations. If a board is created and rules and regulations are adopted, they may provide for prohibiting discrimination in employment solely because of race, sex, national origin, physical disabilities, age, political or religious opinions or affiliations, or other factors which have no bearing upon the individual's fitness to hold the position. Section 4 of LB586 would add sexual orientation and gender identity to this list. LB586 would not require a board to be created, rules and regulations to be adopted or the rules and regulations to include a discrimination provision. LB586 also would not change the language in 23-2541 that apparently allows discrimination as long as it is not "solely because" of a prohibited factor.

Under existing law, it is unlawful for any producer, manufacturing or distribution of military material or equipment or supplies for the State of Nebraska or the government of the United States to refuse to employ a qualified person on account of that person's race, color, creed, religion or national origin. Section 6 of LB586 would amend 48-215 to remove creed and add sex, disability, sexual orientation and gender identity to this list.

Applicants for unemployment compensation benefits are disqualified for leaving work voluntarily without good cause. Under current law, good cause for voluntarily leaving employment includes leaving employment because of unlawful discrimination or workplace harassment on the basis of race, sex or age. Section 7 of LB586 would amend 48-628.01(8) to add sexual orientation and gender identity to this list.

Current state law prohibits discrimination in state employment on the basis of race, color, religion, national origin, age, sex, marital status, or physical or mental disability. LB586 would add sexual orientation and gender identity to this list.

Explanation of amendments:

AM289 changes the word "any" to "an" in 48-1103(2). This is a nonsubstantive change.

Les Seiler, Chairperson