

April 8, 1980

LB 228A, 485

CLERK: Record vote read. (See page 1701, Legislative Journal.) 44 ayes, 2 nays, 2 excused and not voting, and 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read on Final Reading LB 485.

CLERK: Mr. President, I have a motion from Senator Nichol to return LB 485 to Select File for specific amendment. Read Nichol amendment found on page 1701, Legislative Journal.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, it is necessary to return LB 485 to Select File for a specific amendment. The specific amendment is as follows: Page 15 of the Final Reading copy, Section 32 of the bill, line 25, strike "shall" and insert "may". Ordinarily when the word "may" is substituted for the word "shall", it results in a substantive change. This is not the case with this particular specific amendment. Questions have been raised regarding this provision of the bill as to whether or not by saying "no employer or perspective employer shall require a condition of employment or as a condition of continued employment that a person submit to a truth or deception examination unless employment involves law enforcement." Implicit in the provision is that such examinations are mandatory for law enforcement personnel. As I understand it, the intent is not to make such tests mandatory for law enforcement personnel but the current provisions could be legitimately read to imply that. What this amendment would do by striking "shall" and inserting "may" is to make it more clear that such tests are not mandatory for law enforcement personnel but may be required. I have talked with the Chairman of the Miscellaneous Subjects Committee which introduced the bill and Senator Newell has no objection to this amendment. I move that LB 485 be brought back to Select File for that specific amendment.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no. Motion is to bring the bill back, LB 485, to Select File for a specific amendment. Record.

CLERK: 28 ayes, 0 nays on the motion to return the bill, Mr. President.

SPEAKER MARVEL: Okay, the bill is returned. Now do you want to move adoption of the amendment?