



Ninety-Eighth Legislature - First Session - 2003  
**Introducer's Statement of Intent**  
**LB 441**

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**Chairperson:** Floyd Vrtiska  
**Committee:** Business and Labor  
**Date of Hearing:** February 10, 2003

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

This bill is nothing less than a plea for human dignity and social justice.

As set forth in section 48-1101: "It is the policy of this state to foster the employment of all employable persons. . . on the basis of merit. . .and to safeguard their right to obtain and hold employment. . . . Denying equal opportunity for employment is contrary to the principles of freedom and is a burden on the objectives of the public policy of this state."

Currently, the law prohibits employment discrimination based on race, color, religion, sex, disability or national origin. Legislative Bill 441 would add "sexual orientation" and provide legal redress should discrimination occur.

"Sexual orientation" is defined in lines 8-12 on page 27 (and lines 22-26 on page 54) as "a state of being heterosexual, homosexual, or bisexual, having a history of such orientation, or being identified with such orientation. Sexual orientation shall not be construed to protect conduct otherwise prohibited by law."

It is worthy of note that "sexual orientation" is found in section 28-112 ("Hate Crimes" law) with no definition attached. The term is not found in the Nebraska Code of Judicial Conduct where judges are prohibited from manifesting by word or conduct, bias or prejudice based on sexual orientation and are required to prevent court personnel and lawyers from manifesting such bias or prejudice. [Canon 3B(5) and (6) -- See Exhibit A, attached.]

The law applies to employers having 15 or more employees, any party or business financed in whole or in part under the Nebraska Investment Finance Authority Act regardless of the number of employees, the State, governmental agencies and political subdivisions. [Page 22, lines 23-28 through line 2 on page 23]

Exempted from the provisions of LB 441 are religious organizations, associations or societies or any nonprofit operation connected with them. [Page 52, lines 1-6]

Specifically banned are "numerical quotas or goals or other types of affirmative action programs with respect to sexual orientation in the administration or enforcement" of the law. [Page 52, lines 7-11]

"Affirmative action" is defined beginning in line 1 one page 54, and there is a specific exclusion of sexual orientation in lines 6-7.

This bill was born out of the State's public policy that every employable person should be guaranteed the "right to obtain and hold employment" -- in order to earn a living accompanied by human dignity and protected from unjust discrimination.

Finally, LB 441 renames the "Nebraska Fair Employment Practice Act" as the "Employment Nondiscrimination act."

**Principal Introducer:**

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**Senator Ernie Chambers**