

March 2, 1989

LB 48, 61, 176

PRESIDENT: LB 48 passes. LB 61.

CLERK: (Read LB 61 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 61 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 944 of the Legislative Journal.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

PRESIDENT: LB 61 passes. LB 176.

CLERK: Mr. President, I have a motion on the desk. Senator McFarland would move to return LB 176 for an amendment.

PRESIDENT: Senator McFarland, please.

SENATOR MCFARLAND: Thank you, Mr. President. I put in this motion for purposes of clarifying the intent of the amendment that was added to the bill. This is a bill that I introduced at the request of the Nebraska Equal Opportunity Commission to clarify some language concerning the definition of disability. The Nebraska Chamber of Commerce and Industry suggested an amendment to the bill that was adopted by the Labor Committee and is included in the bill at this time. That amendment, I'll just read it to you, said disability shall not include an addiction to alcohol, controlled substance or gambling which is currently being practiced by the employee, and then it goes on, for purposes of this subdivision does not reasonably preclude shall mean that an employer shall not be subject to more than a de minimis expense. There have been...a few senators have asked me, well what is meant by that amendment as far as a de minimis expense? I'll read you intent language that was provided and that I have drafted and prepared. It says when a person who meets the other criteria of disability under the statute has filed the complaint with the Equal Opportunity Commission, it is the intent of this bill that the commission will look at the expense or accommodation or adjustment that would be needed that would not reasonably preclude the specific person from doing his or her job. Determining de minimus expense would be done on a case-by-case basis. It is not the intent to increase barriers