

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

May 12, 2005

LB 427

all of us have, on both sides of every issue, and I think that the truth of the matter is it shouldn't be relevant in a hiring situation in most cases. Now there are some cases where I think it does matter. I don't want to hire a heterosexual male for a job that would put him into a locker room with young university women. And contrary to the fact that there's a commercial out there on television with a woman in the men's locker room, I wouldn't want to hire a woman who is heterosexual or otherwise and put her in the men's locker room. I think there are some employment situations where I think that orientation may matter. But one of the things that I cringe at when Senator Chambers brings the amendment, he talks about, in pretty plain language terms, where government should keep its nose out of, and yet we keep trying to put our nose in. And when we've had the amendments that have been here, I have not voted, mainly because I don't want to, as an employer, have to ask that question. I don't want to have to ask someone what their orientation is. I don't want to ask them who they're living with or not living with. I don't want to have to ask that in order to protect myself in an employment situation. But, Senator Landis, I think you're honestly trying here and I think that this is getting at the heart of the matter that it is irrelevant in most situations whether in fact their orientation is heterosexual or homosexual, and it shouldn't be a just cause, and I would be one that feels that we have placed things in protection in our laws that probably don't even need to be there anymore. I understand religion at one time was there to protect Jewish people. I don't believe I've seen a case for years and years where someone has been fired because they were Jewish. And so that prohibition against any kind of discrimination based on religion is probably not necessary or relevant in our statutes anymore. But I'm going to give any seconds I have left to Senator Landis, so that he could address, because he has legal training and I don't, what kind of just cause this might give to someone who was fired and it had nothing to do with their orientation but could they use this and come back and say, well, you fired me just because I'm a female, when that might not have had anything to do with the firing. And I'd ask him if he could address whether this would become a just cause for someone to coming back and challenging, and also whether in fact there would be protections for those job descriptions that may place them...