

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 7, 2019

**LATHROP:** Good afternoon. The bills that we've set for hearing today have drawn a great deal of interest, which this committee certainly understands. It has also brought a number of people here who are not frequenters as testifiers in this committee. So I'm going to begin today by giving you a little bit of background on how we operate a committee, the committee process, and how we'll hear bills today. My name is Steve Lathrop. I am the Chair of this committee. I am a State Senator from Douglas County, representing the areas that include Ralston and part of southwest Omaha. I will have my committee members introduce themselves shortly. We're assisted today by the committee clerk, Laurie Vollertsen, Neal Erickson and Josh Henningsen are our legal counsel, and our committee pages are Alyssa Lund and Dana Mallett, both UNL students. On the table inside the doors when you came in, you'll find yellow testifier sheets. If you are planning on testifying, fill one out and hand it to the page when you come up to testify. This helps us keep an accurate record of a hearing. There is also a white sheet on the table if you do not wish to testify but would like to record your position on the bill. Also, for future reference, if you're not testifying in person and you'd like to submit a letter, all committees have a deadline of 5:00 p.m. the day before. We begin testimony in this process with the producer, pardon me, the introducer doing an opening statement, followed by proponents of the bill, then opponents, and finally anyone speaking in a neutral capacity. And then we finish with a closing statement by the introducer. We ask that you begin, if you're going to testify, begin your testimony by giving us your first and last name and spell them for the record. We utilize an on-deck chair. That's to the left of the testifier. In fact, I will tell you this entire front row is going to be for people waiting to testify. That's going to be important to keep things moving along. If you want to testify then the line starts at the end of this bench and you'll just move along so that we can keep the hearing moving along. If you have any hands out-- handouts, bring at least 12 copies and give them to the page. If you don't have enough copies, the page will help make more. We'll begin-- or we will be using a light system. This is going to be particularly important today. The lights are right in front of me. You will have three minutes to testify if you testify today. You will have the green light for two minutes. Then the yellow light will come on indicating that you have one minute left, followed by a red light. We have in the past been somewhat understanding if people went a little bit beyond. We have too many people here today to have people go beyond. So as soon as that red light comes on I'm going to have to insist today that you

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stop your testimony so that we afford everyone an opportunity to be heard today. As a matter of committee policy, I'd like to remind everyone that the use of cell phones and other electronic devices is not allowed during a public hearing, though senators may use them to take notes and communicate with their staff. This is also going to be important today. Verbal outbursts and applause are not permitted in the hearing room. Such behavior may be cause for you to be asked to leave the hearing room. You may notice that committee members may be coming and going during the course of our hearings today. That has nothing to do with the importance of the bills being heard but senators may have bills to introduce in other committees or have other meetings to attend to. Another thing is we are holding our hearing today in the Warner Chamber while our hearing room is being renovated. Please remember that water bottles, soda cans and cups are not permitted on the desk, and that's so that we avoid any damage to the woodwork and the like. Many of you, this may be your first opportunity to interact with the Legislature. We have a great tradition in this state that allows every single bill that's introduced to have a hearing date and that makes the Nebraska Legislature unique to other legislative bodies across the country. This committee has a tradition of trying to afford everyone an opportunity to be heard. I'm going to start out by asking how many people here today intend to testify. OK. So you can see, all of us can see the number of people here. And you multiply that times three minutes and we're going to end up with a-- with an issue if people come up on every bill. So what I'm going to ask you to do are a couple of things. If you bought [SIC] prepared remarks then, while you're sitting at your desk waiting for your turn, pare them down so that you can share what you have to share within three minutes, because I have to be a little insistent today that we stop after three minutes. OK? The other thing is that if you're down here, and I realize we-- we group bills together today with a common theme, more or less, and I'm sure that all of you or many of you could speak on every single bill. I'll ask you to limit your opportunity to speak to a bill, OK, so that we have enough opportunity for others to come up here and be heard. And as the Chairman on the committee, I have some responsibility to my committee members to get them home at a reasonable hour. And I'm sure you'll all cooperate and understand that if we get to a place where that's not working, I may have to set a time limit on how much time we can allow for testimony on particular bills. I'd like to avoid that by having people limit their testimony to a particular bill. Our fill-- first bill up today is Senator

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Pansing Brooks's, and before your introduction will have the committee members introduce themselves.

**DeBOER:** Hi. My name is Wendy DeBoer. I'm from District 10, which is Bennington, the surrounding areas in northwest Omaha.

**BRANDT:** Good afternoon. My name is Tom Brandt and I have Legislative District 32: Fillmore, Thayer, Jefferson, Saline, and southwestern Lancaster County.

**CHAMBERS:** Ernie Chambers, District 11 in Omaha.

**MORFELD:** Adam Morfeld, District 46 in northeast Lincoln.

**SLAMA:** Julie Slama, District 1, representing Otoe, Johnson, Nemaha, Richardson, and Pawnee Counties in southeast Nebraska.

**WAYNE:** Justin Wayne, District 13, representing north Omaha and northeast Douglas County.

**LATHROP:** OK. And with that, we will turn our attention to Senator Pansing Brooks who will introduce LB627.

**PANSING BROOKS:** Thank you, Chair Lathrop and members of the Judiciary Committee. For the record, I am Patty Pansing Brooks, P-a-t-t-y P-a-n-s-i-n-g B-r-o-o-k-s, representing District 28 right here in the heart of Lincoln. I'm here today to introduce LB627, which "prohibit"--prohibits employment discrimination based on sexual orientation and gender identity. I am grateful for the many people we have here today on both sides of the issue who want to make their voices heard. And I, too, am one who wants to have my voice heard because this issue is deeply personal to me, just as it is to many of our brothers and sisters here today and our beloved ones watching across the nation. On a personal note, I just want to add that this morning our son Taylor called me and said, Mom, I love you, I'm so proud of you, I really appreciate your efforts in this area. And he said, just imagine, today there will be a rainbow over our State Capitol. Well, if you look on my Facebook, today I was sent a couple hours ago a picture of a rainbow actually over our Capitol today. So I just want you to know that, how important this all is to me. Under LB627, it would be an unlawful employment practice for an employer, an employment agency, or a labor organization to discriminate against an individual on the basis of sexual orientation or gender identity. The act applies to employers with 15 or more employees, employers with

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state contracts, the state of Nebraska, governmental agencies, and political subdivisions. Current law already prohibits discrimination based on race, color, religion, sex, disability, marital status, or "natch"-- national origin. So this is consistent with existing nondiscrimination statutes. The bill also maintains the current ministerial exemptions already in place under Nebraska statutes and under the Supreme Court. The bill protects Nebraskans about-- against being fired simply for who they are and whom they love. How twisted and cruel to think we can judge love, yet this is still happening in Nebraska today, even after we have made much progress in acceptance of the LGBTQ community. I will remind this committee that this same bill has been advanced to the floor of the Legislature before twice during my tenure, most recently in 2017, when the "jish"-- Judiciary Committee moved Senator Morfeld's bill to General File on a 6:1 vote. This bill made it to the floor in the 2015-16 biennium and became my personal priority bill. While I am enormously disheartened that the Legislature did not pass this bill, I rejoice with the others regarding strides the LGBTQ community has made since 2015-16, most particularly on marriage equality. When I prioritized the bill in 2015 it was before the Obergefell Supreme Court decision that brought us marriage equality. Today 67 percent of Americans, two-thirds of the country, support marriage equality. Times have changed, and thank goodness. And it's making Nebraska's lack of movement on employment discrimination look absurd and archaic. Twenty-one states and the District of Columbia already offer employment protections for their LBG-- LGBTQ citizens, including our neighboring states of Colorado and Iowa. These protections provide competitive economic advantages to those states that offer them because they increase the ability of employers to recruit and retain top talent across the country. In turn, it helps states and communities recruit employers that bring local jobs. The Human Rights Campaign provides a list of companies that have nondiscrimination policies. Prominent Nebraska businesses include Union Pacific, ConAgra, TD Ameritrade, and Blue Cross Blue Shield. I also understand that Mutual of Omaha, Werner Enterprises, First Data, and many others also offered this specific protection. Nebraska has one of the lowest unemployment rates in the country at 2.8 percent. While we want low employ-- unemployment rates, it can be a double-edged sword, sword. We also want the business community to have trained workers so we can grow our economy. We simply need more people to expand our work force. The State Chamber of Commerce and local chambers across the state continually say that the number one issue, business issue, is work force development-- more people. We will have representatives of the chambers and young professionals here

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today to explain why LB627 is crucial for our ability to recruit and retain both employers and workers. It will be clear that we are stifling our state's economy by not providing basic civil rights protections for all Nebraska employees. When we are competing with our neighboring states for talent, we cannot afford to be a state that tells young people that they aren't welcome here. Whether they are born here, go to school here, or just looking for-- to make a life for themselves in our great state, we want to have an open for business sign on our doors. Omaha, in its quest to compete with other cities, enacted a similar nondiscrimination ordinance in 2012. The ordinance is working. Seven years have passed and the city is thriving economically, churches are growing, and life is good in Omaha. Sincerely held religious beliefs have remained strong and unaffected. The irony is that those religious beliefs are protected pursuant to the exact law we are seeking to amend to provide additional protections for other Nebraskans. It is dumbfounding to me that those who fought to be protected from discrimination for their sincerely held religious beliefs now see nothing inconsistent in their battle to be able to legally discriminate against others. I hope we can do the same thing that Omaha has done at the state level and that we will become true to our state's motto adopted in 1867, "Equality Before the Law." That motto could act as a beacon to welcome young people we need in our state and those businesses we hope to recruit to build our communities. To our LGBTQ citizens and our future citizens let us proclaim, come, we want you here, help us make Nebraska thrive. Fellow committee members, the time for adoption of this bill has arrived. I want to thank Senator Morfeld for all of his tenacious and passionate work to get us to this point and for bringing the bill in years past. He's been amazing. In closing, I would like to-- I ask you to advance LB627 to General File. I will be sitting with the committee but not asking questions on the bill, as is appropriate, just on my bill. I also want to say that I have another bill up in Revenue Committee, another work force development bill that helps poor, working families. Considering that the Bible has over 2,000 references to helping the poor and only seven obscure verses on homosexuality, none of which were uttered by Jesus, I hope that the masses here are also planning to join me in fighting for the poor across our state in the Revenue Committee today. I look forward to your vocal support. Finally, I would ask that each person here remember that we are a gathering of souls here each charged with loving our neighbors as ourselves, casting no stones, and fulfilling the law through loving others. And with that, I'll be happy to answer any questions that you may have.

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**LATHROP:** I see no questions, but thank you for that introduction, Senator Pansing Brooks.

**PANSING BROOKS:** Thank you.

**LATHROP:** We will take proponents of the bill first, remembering the three-minute time limit. So the-- the folks in these chairs, if you can kind of move down and make room, and the line will basically be at the end of this bench. And we will-- welcome.

**JENNIFER CREAGER:** Thank you, Chairman Lathrop, members of the Judiciary Committee. For the record, my name is Jennifer Creager, J-e-n-n-i-f-e-r C-r-e-a-g-e-r.

**LATHROP:** Can you pull that mike closer to you?

**JENNIFER CREAGER:** Yes, I can.

**LATHROP:** Thank you.

**JENNIFER CREAGER:** Jennifer Creager, J-e-n-n-i-f-e-r C-r-e-a-g-e-r, senior director of public policy at the Greater Omaha Chamber. I am also here today representing the Lincoln Chamber of "conger"-- Commerce and I've been authorized to represent Union Pacific today. I'm passing out two letters, one from Lance Fritz, chairman, president, and chief executive officer of Union Pacific. He also serves as the Omaha Chamber chairman for this year, and a joint letter from David Brown and Wendy Birdsall, CEOs of the Omaha and Lincoln Chamber. I'm going to share with you as much of their letter as I can, recognizing I will stop and you have my written remarks. On behalf of the Greater Omaha Chamber, the Lincoln Chamber of Commerce, our executive committees, and a broad array of our member companies, we are pleased to support LB627. Our organizations' support is based on several factors. We believe passing a law like this is the right thing to do. Employees of companies in Nebraska and job applicants to those firms should have the expectation that they will not be discriminated against by their employer because of who they are, just as they are protected from discrimination based on gender, ethnicity, and religious beliefs. We believe this bill would have tremendous implications for economic development in our state. At our Chambers we work every day with employers that are attempting to recruit employers to their-- excuse me-- employees to their companies. Frequently they hear direct feedback from talented people who do not want to work in Nebraska because the state does not offer protection from

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discrimination based on sexual orientation. With an unemployment rate as low as it is-- it has ever been, talent recruitment is crucial to building up Nebraska's work force. Talented employees want to work in an environment that is open, welcome, and nondiscriminatory. The state of Nebraska should be such a place. Increasingly, employers consider this issue when they make location decisions that will impact the growth and future opportunities available in our state. It is clear that they believe an inclusive business climate is a competitive business climate. There are some who will argue this bill will create a burden of, or unnecessary cost on business. That concern has not been supported by the facts. Since the city of Omaha passed a similar ordinance in 2012, there have been very few claims or costs to businesses as a result. Also many companies who operate in Nebraska already have policies aligned with this bill. These companies see talented, hardworking, and engaged employees who love working in a place where they can use their talents fully without fear of lawful discrimination, and they would like to see more. Lastly and very importantly, we would urge the members of the "legislator"-- Legislature to pass this bill now, in 2019, rather than waiting. Other states have similar measures before their Legislatures and the longer we wait the more image appears to be of a state that is not welcoming to all. In particular it's worth noting that our neighboring states of Iowa and Colorado prohibit such discrimination, as do Minnesota, Wisconsin, and Illinois. In an era where labor is increasingly mobile, we cannot afford to give good people a reason to leave our state or choose another state in which to pursue their careers. Nebraska is a wonderful state. Our greatest asset as a state is our people. We would respectfully ask the Legislature to pass LB627 and allow our state to further grow and benefit all of its people for generations to come. Almost made it.

**LATHROP:** Almost. Thank you, Jennifer.

**JENNIFER CREAGER:** Thank you.

**LATHROP:** I-- Senator Slama.

**JENNIFER CREAGER:** Yes.

**SLAMA:** Hi. Thanks for coming out. So just quickly on my end to help me understand, the Nebraska Chamber at the Lincoln Chamber could adopt policies similar to this one and require employer members to adopt these nondiscrimination policies, right?

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**JENNIFER CREAGER:** Senator Slama, I represent the Omaha Chamber, not the Nebraska Chamber.

**SLAMA:** Yes, but you're here on behalf of like the Lincoln Chamber as well, right?

**JENNIFER CREAGER:** Yes, not the Nebraska Chamber,--

**SLAMA:** We'll just say--

**JENNIFER CREAGER:** --just to be clear.

**SLAMA:** --the Lincoln Chamber for [INAUDIBLE].

**JENNIFER CREAGER:** Sure. And we have-- we have developed a diversity and inclusion program with our chambers,--

**SLAMA:** Uh-huh.

**JENNIFER CREAGER:** --but we don't set a policy for our members, our member companies. They set their own employment policies. So we have encouraged further activity in the diversity inclusion space, but each of those companies are responsible for setting their own employment standards.

**SLAMA:** Thank you.

**JENNIFER CREAGER:** Sure.

**LATHROP:** I see no other questions.

**JENNIFER CREAGER:** Thank you.

**LATHROP:** Thank you, Jennifer. Next testifier. Welcome.

**MORGANN FREEMAN:** Hello. My name is Morgann Freeman, and I'm here on behalf of the Greater Omaha Young Professionals Council with the Greater Omaha Chamber. I just wanted to start by saying thank you to Senator Pansing Brooks for bringing this and thank you to Senator Adam Morfeld, for all the work that you've done. As a black career woman, this is super important to me. And as a young professional, this is a deciding factor in whether I choose to stay in Nebraska. I'm so grateful to be able to give testimony in support of LB627 as a representative of YP Council and as a constituent and as a queer black woman. The chamber continues to support extending basic employment protections to Nebraskans based on their sexual orientation and/or

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their gender identity, and there's a lot of fantastic reasons why. As a council, we earnestly believe that a law like this is the right thing to do. We actively oppose discrimination of any kind, and we believe that the employees of companies in Nebraska have the right to be not discriminated against by their employer. We believe that these employees should be able to contribute their expertise and skill to their jobs and careers as their full, complete, and authentic selves without fear of discriminatory retaliation from their employers. We also do not believe prospective employees applying for a job should feel like that-- should feel that they may have to hide who they are in order to gain employment. We're in competition with states like Iowa and Colorado, Minnesota, Illinois, and Wisconsin. My friends that are queer-identifying or nonbinary are often choosing to live in communities like Chicago or Denver because it is more inclusive to who they are as individuals. I believe that this isn't [SIC] something that's super important for inclusivity in our state. And I think that people are our greatest asset and we need to actually mean that. We believe this bill would have positive economic repercussions for economic development within our state. Current and prospective employers who are debating whether or not to start a business within Nebraska and employees who are debating on whether or not to live here in Nebraska consider a wide range of factors, and this, especially for millennials, is a deciding factor. Talented employees want to work in an environment that is welcoming and inclusive for all. I urge the members of the Legislature to pass this bill immediately. This bill echoes the values that we hold dear in Nebraska of compassion for our neighbors, of kindness and humanity and moves us forward on the path to equity and inclusion. The passage of this bill would send a powerful message and would-- and so would the protections of this bill. Thank you very much for allowing me to be able to share my thoughts today and I'd welcome any questions.

**LATHROP:** Thank you for your testimony. I do not see any questions.

**MORGANN FREEMAN:** Thank you.

**LATHROP:** Thank you. Next testifier. Good afternoon.

**ERIN PORTERFIELD:** Good afternoon. I'm Erin Porterfield, E-r-i-n P-o-r-t-e-r-f-i-e-l-d. Thank you very much for the opportunity to talk to you about the support of this bill. Thank you also, Senator Pansing Brooks and Senator Morfeld, for your support. I serve as the executive director for Heartland Workforce Solutions in Omaha for a three-county area. Are one of three work force development boards in Nebraska. We

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serve two customers: businesses looking for talent, and career seekers. Our mission is to promote and develop a work force system that's responsive to the needs of business and career seekers, resulting in economic prosperity. The fact is that Nebraska does not have the number of people we need in order to fill current and projected openings. Department of Labor, Nebraska Department of Labor says the estimated total number of unemployed not seasonally adjusted in December of '18 for Nebraska was over 26,000 people. The total number of job openings advertised on-line was 53,000-plus people. There are half of people available to fill the jobs at right now. That is not projecting for the future. Our local "dem"-- in demand industries come to us at our local American Job Center and say they can't find the numbers of people that they need to fill the positions to help their businesses to grow and to thrive. In this low unemployment environment, we need to retain this local talent and attract talent from outside states. It's been mentioned that states with "nondeterm-- nondiscrimination laws show improvement in economic growth and welcoming for talent to enter those states. Nebraska's lack of an antidiscrimination law actually works against companies looking for talent. State laws of employment nondiscrimination are an active step to clarify to the state the state's stance of welcoming GLBT people, reducing their feeling of risk to come to Nebraska to work. Young talent and people in general are interested in personal freedoms, not limitations. People who are GLBT and want to work where they can bring their whole self, and decisions in the environment that we're creating right now will set that course for our welcoming for future talent. Think about the students and the skill building in our youth today in elementary schools and high schools, in colleges that are watching what it is we're deciding on today. I, too, am at risk of employment discrimination as a gay person leading our local work force development agency. I serve also as the equal opportunity officer for our local area and the-- and the region. I, too, am at risk under current Nebraska law. That seems goofy to me. While our provocative tourism line sparks humor, honestly, it's not for everyone, our laws should clarify Nebraska as a welcome place to live, work, and thrive for GLBT people and industries looking to locate here and hire the talent that they need to grow. Please support LB627.

**LATHROP:** Thank you, Erin. I see no questions. We appreciate your testimony. Thanks for being here today. Good afternoon.

**KAYLA MEYER:** Good afternoon, Chairman and Senators. My name is Kayla Meyer, spelled K-a-y-l-a M-e-y-e-r. I am currently the coordinator of

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Lincoln's Young Professionals Group and am speaking on behalf of that organization, as well as the Lincoln Chamber of Commerce. Just for your reference, Lincoln's Young Professionals Group is a group of over 1,700 young business leaders, living and working primarily in Lincoln and Lancaster County. What I'd like to convey to all of you here is that the Lincoln Young Professionals Group executive council has decided to unanimously support LB627 because we believe it creates more-- a more inclusive and diverse work-- diverse work force. This is why we have been supporting this issue at a state and local level for the past five years. The Lincoln Chamber of Commerce board also passed a resolution of support on this issue and has been at the forefront of this important work force issue for the same amount of time. Fairness and equal treatment are fundamental values of our state, are essential for well-- a welcoming economy, and perhaps most importantly they are the basis of our antidiscriminatory laws-- discrimination law. "Equality Before the Law" is our state motto and inscribed on this very building. Equal treatment and fairness are values that the Lincoln YPG and Lincoln Chamber respect and seek to promote. We know that these are values that hold strong businesses and vibrant communities together. The Lincoln YPG and Lincoln Chamber stand for the principle that all people should be treated fairly and equally and have their work and merit serve as the basis of reward, not other factors such as race, ethnicity, sexual orientation, or gender identity. We believe that as our society becomes more diverse, it is steadily becoming more inclusive, more accepting, more tolerant. This is a positive development and a strength that our state should nurture and promote and not ignore. We believe a welcoming environment in the state of Nebraska is so key to attracting and retaining young talent. It is an important component of talent acquisition and retention, not just today but certainly in the future as well. Businesses thrive when we have the best talent at our disposal in Nebraska, and this bill serves to protect that talent here in our state. We do believe this is common-sense legislation and the Lincoln's Young Professionals Group believes LB627 is an important step in making sure Nebraska remains an attractive and competitive place for business. Inclusion and nondiscrimination is also viewed as an expectation, a given, if you will, by the vast majority of young professionals. Our generation looks to retain and attract. We seek out communities that reflect our values. And supporting this bill would allow more people to feel appreciated and protected in their journey to reach their full potential in their work and their lives. The Lincoln YPG and Lincoln Chamber are both proud to support LB627. We strongly believe LB627 promotes and protects our values, supports work

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force development by aligning our laws with the expectations of fairness and equality. This bill protects against people being treated unfairly and unequally based on their sexual orientation or gender identity, and is the right and just thing to do.

**LATHROP:** Thank you, Kayla.

**KAYLA MEYER:** Thank you.

**LATHROP:** I see no questions for you. Thanks for being here today.

**KAYLA MEYER:** Thank you.

**LATHROP:** Good afternoon and welcome to the Judiciary Committee.

**LEIRION GAYLOR BAIRD:** Good afternoon, Senators, Chairman. It's a pleasure to be here. My name is Leirion Gaylor Baird, L-e-i-r-i-o-n G-a-y-l-o-r B-a-i-r-d. I'm here today as a Lincoln resident, community leader, mother, and LGBTQ ally to speak in support of LB627. In Lincoln today our friends, our family members, our neighbors can be fired for being gay. That is wrong. That's an injustice that affects all of us. You can get married on a Saturday and get fired on a Monday. The image that our capital city and our state projects to the rest of the country should be one of inclusivity and acceptance, not intolerance. This is a civil rights issue. And if we want to be on the right side of history, if we want to attract, attract and retain a talented work force, and if we want to support our state's economic growth and job creation, and if we want to simply be good people to our neighbors we must, as a state, make a commitment to end discrimination against our LGBTQ friends, family, and neighbors. In Lincoln we are thankful for our low unemployment rate, but it comes with the cost of work-- of work force shortages that impact local businesses, large and small. As a city, Lincoln must continue to do everything we can to attract and retain employees and strengthen Nebraska's economy. Ensuring equality of opportunity for our lesbian, gay, bisexual, and transgender residents is one important way to make it possible for our local businesses to attract talent from all over the country and even the world, in short, to compete. The Lincoln Chamber of Commerce, top business leaders, and our vibrant start-up community here in Lincoln know this and that is why they have supported this legislation year after year. But more important than the economic impact of LB627 is the impact on our fellow citizens. LGBTQ Nebraskans are mothers, fathers, brothers, sisters. They're our children and, yes, they are taxpayers. They are vital members of our

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community who should be treated with the same dignity and respect as anyone else. Everyone should be free to be who they are and not to be afraid that they will be fired for that. Supporting LB627 signals to the LGBTQ community that our capital city and our state values equality and we live up to that credo carved in stone above you. Our country was founded on a principle of freedom. How truly free are you if you must hide who you are so that you can keep your job? How truly free are our friends, family, neighbors, and family members if they must worry about meeting their basic needs simply because they are not who others wish them to be? If we value freedom, if we want to live the principles upon which our country was built, we must make this commitment to ensure freedom in every sense to all our citizens.

**LATHROP:** Very good.

**LEIRION GAYLOR BAIRD:** Thank you.

**LATHROP:** Thank you. Oh, Senator Slama has a question for you.

**SLAMA:** Just one: You noted in your test-- thank you for coming out today. You noted in your testimony that you can get married on a Friday and fired on a Monday. Do you have any statistics on this happening in the state?

**LEIRION GAYLOR BAIRD:** Boola boola, Senator, by the way. I know we share a common educational background. I'm not sure that the statistic is relevant because if one person is fired that's a freedom and unjust-- an in-- that's a lack of freedom and an injustice that we should fight against. It isn't always about the numbers. It's about providing and ensuring that it's not even possible, that that kind of impingement on people's freedom is not possible.

**SLAMA:** So do you have any specific examples of what you illustrated happening in the state then?

**LEIRION GAYLOR BAIRD:** I know of someone who was a summer intern at a law firm here in Lincoln, a Harvard law student, who was offered a place to come back upon graduation, who upon asking about domestic partner benefits found that the offer was rescinded. And that person does not live in Nebraska today. I know that other community leaders have gotten married outside of the city limits of Lincoln to not draw attention to their wedding and their celebration, something that they should be proud to share with the world.

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**SLAMA:** OK. Thank you.

**LATHROP:** That's it. Thank you for your testimony and your appearance today. Good afternoon.

**IAN WILL:** Good afternoon. My name is Ian Will, that's I-a-n W-i-l-l. I am a long-term resident of Lincoln, Nebraska. I'm here in support of LB2-- LB627. In two-- in the summer of 2013 I was struggling. I'd been fired from my job. I was close to having my utilities cut off, shut off, and it was one month short of foreclosure. In short, I was desperate and short of options. I applied to as many jobs as possible and I got lucky. I got three jobs. The first was a part-time with a fast-food place. The second was a part-time with a big box store, and the last was a full-time with a convenience store. It goes without saying that I was very busy, but I did find time for myself, even having a few moments to go on-line. Through a dating site, I met a nice guy. We started talking and what [INAUDIBLE] say, on-line dating. The only problem I had was with work with my first job, the fast-food job. Company did not have a nondiscrimination policy that included sexual orientation and gender identity. I could not talk of my personal milestone-- my first date as an adult, dinner at a restaurant with just the two of us, as a gay man, my very first date out with a guy. Things were fine at my other jobs. Their policy shielded me. But since every job mattered, I had to be careful. I could not let slip that I was talking to or going on a date with a guy. I could not afford to get fired or lose my job because it was and still is legal to discriminate based on sexual orientation and gender identity. In order to keep my fast-food job, I had to suppress my emotions, watch my actions, and mind my words to the point that it felt like I was working at a 25 percent reduced rate. My other job, I was open, honest, and able to express my mutual joy and anxiety about that date. It was worse than prom night considering how worked up I was. I was focused and happy. When the fast two-- job at the fast-food company ended, I was relieved, relieved not to hide, relieved not to anguish for weeks about a joke that a coworker had made, prefaced with, I know it shouldn't be saying this here. I was relieved to live authentically and that I could hope for a better future. Ultimately, I just want to work, live, be happy. I just want to live my life free from extra stress trying to find that special someone. It's a challenge, I know, but I'm not asking for special rights here. I'm just asking to be treated like anyone else. I'm just asking to be treated like a person. I just want to love my neighbor and be a good neighbor. I'm not here to push to end churches or punish religious people. I understand the

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power of faith has a life-- on a life. I'll soon do what unto others as wishing to them and do the same. And this bill offers hope for the next generation. In the darkness of fear, hope is the light that can guide us to a solution. I'm asking for the respect and dignity this measure can offer. Please pass this bill so others won't have to suffer the shame, guilt, and anger that a closet can have. Thank you.

**LATHROP:** Thank you. And thank you for coming here today. We appreciate you sharing your account, your story.

**IAN WILL:** You're welcome.

**LATHROP:** Next testifier, please. Welcome.

**ANNA STENKA:** Hello. Thank you. My name is legally Anna Stenka. That's S-t-e-n-k-a. I'm otherwise known as Mar Lee. And I am a Nebraskan. I have been my whole life. I was born in Omaha, raised between Wahoo and Alma, Nebraska, before coming to Lincoln to pursue an education at the University of Nebraska-Lincoln. I have been working an assortment of jobs since a young age because of my parents' determination to teach me a work ethic, and later on in order to help provide for my family in a single-parent household. I have been working in cornfields as a roguer, at a grocery store as a cashier, as a waitress at several restaurants, as a lifeguard, swim instructor, and assistant swim coach at different pools and YMCAs, and also as a phone canvasser for nonprofit organizations, including LGBTQAA rights plus organizations. The reason I have given this history of my work experience is because I am also a member of the LGBTQAA+ community. I identify as nonbinary and queer. And throughout the time that I've been aware of my identity, I've also been very cautious of who else knows out of fear of being fired from any of my jobs. I come from a low-income family and not working has never been an option for me since I joined the taxpaying work force at 13. Over this time I have not only done my jobs, but I have done them well. My gender identity and sexuality have never inhibited on my ability to do so and they never will. That's why the idea that an employer can terminate an employee purely based on aspects of their personal life is not only discriminatory but it sends a message to the members of the LGBTQAA+ community in Nebraska that we are not a valuable part of the work force, despite actively playing roles in our communities and contributing to the Nebraska economy. I have been lifeguarding and teaching swimming lessons for four years now and have never been unable to save a child's life or teach both children and adults the very valuable and literally lifesaving skill of knowing how to swim because of my gender identity or sexuality. I

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will continue to do that job here in Lincoln at the Northeast YMCA, thanks to an employer who understands and respects that my personal life does not interfere with my ability to do a good-- to be a good, hardworking, and reliable employee. Unfortunately, not all Nebraskans have the same employers as I do. And without LB627, they face the possibility of losing their jobs despite performing satisfactorily, purely due to their personal identity. This is extremely dangerous and puts members of the LGBTQA community at risk of not only losing their jobs but, in turn, access to food, shelter, and medical care due to an inability to pay their bills without a source of income. I urge the Nebraska Legislature to vote yes to LB627 and please think about when you vote what you're telling hardworking Nebraskans about their ability to perform their jobs and about their roles in our communities, to think about what you're telling me and the numerous children that I have jumped into the water and saved. It's your turn now to save Nebraskans. Thank you.

**LATHROP:** Thank you. And thank you for your testimony today.

**GWENDOLEN HINES:** Good afternoon, Senator Lathrop, members of the Judiciary Committee. My name is Gwendolen Hines, it's G-w-e-n-d-o-l-e-n. My last name is Hines, H-i-n-e-s. I'm speaking on behalf of the Social Justice Committee of the Unitarian Church of Lincoln and also on behalf of my son. My son is female-to-male transgendered. He started to feel like he was in the wrong body on-- when puberty come on, and finally at age 15 he transitioned to male. Now he's 23. He started on testosterone when he was 17, and had a double mastectomy when he was 19. When he was 22 he had a hysterectomy for two reasons: one, the risk of ovarian cancer is high for people taking testosterone; and two, it meant that his body would stop storing fat in the way that females do and start storing fat the way males do. He definitely looks more masculine now, though even before nobody ever guessed that he was biologically female. Before he transitioned he was very depressed and tried to kill himself. But going through these steps made him happier and happier. It's been quite a long time since he's been suicidal. My son is a great kid. He just finished college and is now a preschool teacher. Every time there's a natural disaster, he always donates money, even though he doesn't make much. For example, last September there was a terrible earthquake and tsunami in Indonesia that caused thousands of deaths and extreme devastation, and he donated \$100. In 2011, when he was 16, he donated \$200 to the victims of the tsunami in Japan. That was almost all of his money. I only did-- I only donated \$100 and I have a

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lot more disposable income. He gives blood whenever he can. When he still lived in Lincoln, he used to volunteer at Tabitha. He has many friends. Most of them don't know that he's not biologically male. And he is a very good friend, always doing favors, including lending them money when they need it, providing a supportive ear when needed. He's the one in his group of friends to whom people go when they need emotional support. When he was in middle school, he started baby-sitting. He baby-sat for three families. After he transitioned these families didn't have any problem with him continuing to baby-sit for them. The children quickly got used to calling him "him" and accepting him as male and using his male name. It seems it's easier for children to adapt than it is for adults. In short, my son is a stand-up citizen and deserves to be treated as any other citizen. As a-- as an aside, he would actually like to come back to Lincoln to live some time, but without a bill like this he probably won't come. Now he lives in Chicago.

**LATHROP:** OK. Thank you for your testimony. We appreciate it. Good afternoon.

**JASON ST. SAUVER:** Good afternoon. My name is Jason, "the bird nerd," Saint Sauver. That is J-a-s-o-n, I'll skip the nickname, S-T-. S-a-u-v-e-r. I am the director of education and outreach for Audubon Nebraska. I'm here today personally to speak in support of LB627 and would briefly like to tell you why. Currently I am a 47-year-old openly gay man and I love my life. I really do. There's been a lot of challenges, hurdles, barriers of course, but I really love my life and there are three main reasons for that: one, I have a very supportive and loving family; two, I really love living in Lincoln, Nebraska. My job and my family across the border in Dakota brought me here in 2015 and I could not be luckier. I have found friends and community here. I am part of the community in so many ways, from in my past times serving on the board at Outlinc or now OutNebraska, and participating in our amazing and vibrant arts and cultural community here in Lincoln as well. The third is that I really love my job. I'm not only passionate about the work that I do, which is educating and exploring with thousands of youth from all across the state to learn about our amazing native Nebraska prairie and all the birds that need it. But I'm also lucky because I am loved, valued, and treated with respect by the organa-- organization that I work for, the National Audubon Society. Audubon supports the bird nerd just as I am, smart, fun, expert at bird noises, and a gay man. That last portion is not only accepted though. It is understood in Audubon that just as biodiversity

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strengthens our natural ecosystems, our diversity as humans strengthens our work and the communities that we work in. I've never been more accepted at a work position ever. This leads not only to my happiness but I know that I am more productive because of it. I support LB627 because many Nebraskans are not as lucky as I am. I have friends in this wonderful state that do not feel the same way and they are not treated the same way. I have friends here that are teachers, construction workers, insurance agents. They go to work and they are afraid, afraid about being exactly who they are, afraid of a picture on their desk of a spouse might cause them to lose that job. These friends and all Nebraskans should be able to go to their work without fear. And I want this for all Nebraskans and I actually truly believe that all Nebraskans want that-- a happy and productive and wonderful place to live and work. I support LB627 and I would really love it if you would join me in support of a happier and equal for Nebraska for all. Thank you.

**LATHROP:** Thanks, Jason. We appreciate your testimony today.

**DANIELLE CONRAD:** Hi. Good afternoon. My name is Danielle Conrad. It's D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d. I reside in the "Fighting" 46 Legislative District of north Lincoln, and I'm here today on behalf of the ACLU of Nebraska. Before I-- I get into the substance of my comments, let me just start by saying this to all of my LGBTQ neighbors in Nebraska: We see you, we love you, we hear you, and we'll never stop fighting until equality means equality for everyone, until freedom means freedom for everyone. And LB627 is an important step on our journey to accomplish just that. Let me also make sure to give not only a special shout out to Senator Pansing Brooks and Senator Morfeld for their incredible leadership on this topic, but also to our own Senator Ernie Chambers who-- who carried this legislation for many years and-- and also to my predecessor, Senator Landis and Senator Hall from Omaha, who also were champions for equality over the years. So, indeed, you stand on the shoulders of giants today, Senator Pansing Brooks. Let me just start by hitting a few top lines, and we're passing around some more complete, substantive testimony and some additional background information for your review. But I know your-- your time is precious and you have a lot of Nebraskans here that are here to petition their government, so that's a wonderful exercise of their First Amendment. From a policy perspective, LB627 clearly aligns and is grounded with American values of fairness and equality and freedom and ensuring that people who work hard and play by the rules are allowed to move forward in our society. This is a

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common-sense update and revision to our already well-established and strong civil rights laws. Nebraskans do experience discrimination in the workplace based on their gender identity and sexual orientation. I provided a host of comprehensive studies detailing that in my testimony to you today. And let me also tell you a few anecdotal experiences that we have at the ACLU. As we were searching for clients in our historic Freedom to Marry case, many hardworking Nebraskans were afraid to step forward because they feared reprisals at their job. Also we frequently get intakes through our legal assistance line for people who are concerned about employment discrimination and who have suffered. We recently actually just settled an employment discrimination case on the basis of sexual orientation. Let me also just give a little bit of top lines about the legal perspective. So right now there's a patchwork of laws in our-- in our state and across our country. Nebra-- Omaha has a strong ordinance. Lincoln has an executive order that applies to public employees, and Grand Island has a city ordinance that applies, too, to public employees. Those are complemented by strong nondiscrimination policies by our state colleges and universities and then, of course, at play in our military and in various private businesses as well. But it would be important for the Nebraska Legislature to take this opportunity to provide clarity for all Nebraskans and-- and ensure a sense of fair play. So I see that my time is already up. I'm happy to provide more information if you have any questions or would rely upon our written testimony.

**LATHROP:** I don't see any questions, Danielle. There is. Senator Chambers.

**CHAMBERS:** I'm into my 82nd year. And as you said, for years I had carried this kind of legislation. I'm glad to see that the younger generation is carrying it on. But I'm regretful that it is necessary.

**DANIELLE CONRAD:** Absolutely.

**CHAMBERS:** Those many years ago when I was younger man's clothes, as Billy Joel said, I was more optimistic about what would happen in this society. I'm aware of what has been done to black people because of the history in this country. But what boggled my mind is that white people can mistreat each other on the basis of what they are. They're not telling somebody else to be like they are, just let you be as you are, live and let live. So what it has indicated to me is that "crotch watch" people will mistreat their own worse than they will mistreat me. So I hope those people who are designated as members of the LGBTQ community will not give up their belief in themselves and their

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humanity, because whether others want to treat you as a hue-- subhuman, it doesn't make you that. It ought to make you more determined. If you can't have it for yourself, as Stevie Wonder sang in a song called "Someday at Christmas," maybe not in time for you and me but some day at their Christmastime, or sooner I hope.

**DANIELLE CONRAD:** Thank you, Senator Chambers. I-- I appreciate that. And the good news is after your years of pioneering efforts on legislation like this, the public has caught up. Public opinion polls demonstrate that 60, 70, almost 80 percent of Nebraskans support nondiscrimination laws just like LB627 before you. So I think that's another powerful factor for the senators to take in consideration when considering this measure. The last point I'll leave you with then, and then I know there's other testifiers, is that I think in years past you've heard a lot of dialogue about religious freedom and First Amendment concerns that may come into play with this legislation. And let me be clear, the First Amendment is the First Amendment. It does just fine on its own. And I think that we all value and respect religious freedom and religious liberty and that those values do not infringe upon nondiscrimination in the workplace. It's been very clear through our laws and court precedent that every person should be entitled to hold their sincere religious beliefs but no one should be entitle-- entitled to discriminate or hurt others in pursuance thereof. Thank you so much.

**LATHROP:** Thanks, Danielle. Good to have you back.

**DANIELLE CONRAD:** Good to see you, Senator. Good to have you back.

**LATHROP:** Thank you. Good afternoon.

**PATRICIA TETREAUULT:** Good afternoon. I'm Patricia Tetreault, P-a-t-r-i-c-i-a T-e-t-r-e-a-u-l-t. I usually go by Pat. And I'm here speaking on behalf of myself, but I do think it's relevant that I work at the university and I was the first and only paid person to work with LGBTQA+ students on the campus for many, many years. I think there's now four of us in the state, so I've seen change. I've been at the university for, as an employee, for-- I'm in my 27th year, so want to acknowledge that progress and also want to thank the senators who have purported to-- who have supported this, including Senator Chambers who I also wanted to acknowledge who put forth bills decades ago. So I also know how long progress can take and that we do have to persist. So I wanted to submit sub-- supplement my written testimony that I submitted with some more personal observations as well as some

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based on research. When I went to first interview for my first position at the university I was given advice not to come out because I wouldn't get hired, but once I was there that would be a different story. So fortunately, I'm still there. I've also applied for some other jobs over the years, one just a couple of years ago where I literally was told there's no way I would be hired because of who I am, not because I wasn't qualified and actually extremely well qualified for the position but the funders for the work that that organization did would not approve of hiring someone like me. I also see students who come here from other states who contact us, and this is true for staff and faculty, too, wanting to know if they're going to be safe here. I know students who-- who come to school here and leave the state as soon as they're done because they want to live somewhere where they are treated as equal citizens and where there's more options and resources and support for who they are as I-- as people. I talked to family members who are upset because their family members leave the state. And I know that this is not the same experience that every LGBTQA person has. But I also know staff and faculty leave. Some have better experiences than others. I've been fortunate but I've also experienced bias and marginalization and a very high level of ignorance because people don't know what sexual orientation and gender identity are. I have people in the community calling me saying I don't know where to tell these youth to go apply for jobs because of their-- they're gender nonconforming, and when they've worked at these other places they're treated so horribly they either get fired or they quit. So, OK, I see I'm up. I'm just going to end with one thing.

**LATHROP:** Well, we have so many people.

**PATRICIA TETREAULT:** OK.

**LATHROP:** I really have to enforce the red light as much as it--

**PATRICIA TETREAULT:** OK.

**LATHROP:** --makes me feel like [INAUDIBLE].

**PATRICIA TETREAULT:** OK. Sorry, I forgot to look at that, so.

**LATHROP:** No, but thank you for your testimony. I very much appreciate it and you're--

**PATRICIA TETREAULT:** You're welcome.

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**LATHROP:**--[INAUDIBLE] today. I don't see any questions. But thank you, Patricia,--

**PATRICIA TETREAULT:** OK.

**LATHROP:** --for what you do for the students at the university.

**PATRICIA TETREAULT:** Thank you.

**LATHROP:** Good afternoon.

**MARY BOSCHULT:** Good afternoon. Chairman Lathrop and members of the Judiciary Committee, my name is Mary Boschult, M-a-r-y B-o-s-c-h-u-l-t, and I'm representing the League of Women Voters of Lincoln and Lancaster County. And I'm here to support LB627, a bill related to employment that prohibits discrimination based on sexual orientation and gender identity. The League of Women Voters is a nonpartisan organization that encourages informed and active participation in government. The league does not support or oppose candidates. We work to increase understanding of public policy issues and to increase voter participation in elections. The League of Women Voters believes that there should be equality of opportunity for education, employment, and housing for all persons in the United States, regardless of their race, color, gender, religion, national origin, age, sexual orientation, or disability. The league supports policies that advance and provide for the full and fair participation of all members in our communities. This will-- excuse me-- this bill supports those goals. We urge you to advance this bill to General File.

**LATHROP:** OK, Mary, thank you.

**MARY BOSCHULT:** You're welcome.

**LATHROP:** We appreciate your testimony and the perspective of the League of Women Voters. Good afternoon.

**SANDRA BLACK:** Good afternoon. My name is Sandy Black, Sandra, S-a-n-d-r-a, Black, B-l-a-c-k. I'm from near Hickman, Nebraska, and I'm here today because I'm aware of the economic impacts that discrimination possibilities put on the state. But I'm really here because I read a book that said it's not who is your neighbor; it's how do you respond to your neighbor when they cross your path. So I can't tell you about lots of personal experiences, but it's time that people like me said we see people that are hurting, that are being

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treated poorly, that are not being allowed to work because of who they are. I get so irritated, because sexual orientation and transgender is not a choice. Discrimination policies when-- are we going to discriminate against people with blue eyes? You know, it's come on, folks. This law is long overdue and we need to all stand up and speak out for people that are impacted negatively by it. Thank you. I won't get to the red light. Thank you.

**LATHROP:** All right. So I appreciate that too. You don't have to use all three minutes. Thank you very much, Sandra.

**SANDRA BLACK:** You're welcome.

**LATHROP:** Appreciate your testimony. Good afternoon.

**JOSEPH COUCH:** Good afternoon. My name is Joseph Couch, J-o-s-e-p-h C-o-u-c-h. And I'd just like to say I would not be here if I didn't think my coworkers or boss would be watching on NET. I don't think they're terribly interested in the proceedings, though they should be. And I'd like to talk about some factors that have kept me closeted for years. I only came out this last week, after feeling inspired by the senators who brought this legislation we're hearing today.

**LATHROP:** Joseph, can you pull that mike a little closer to you?

**JOSEPH COUCH:** Yeah, no problem.

**LATHROP:** Thanks.

**JOSEPH COUCH:** When I started working at my current job, I had been unemployed for several months beforehand. I was getting late on rent. And they sent-- all new employees get a getting-to-know-you survey where they, you know, get to know you. They ask things like what's your favorite food; If you asked-- if you could meet or have dinner with a celebrity who would that be. For the record, I chose Senator Ernie Chambers. And one of the questions they asked was what charities do you support locally. I've been much more comfortable with my atheism than my sexuality, so I perfectly fine saying that I supported Lincoln atheists because I believe in the separation of church and state. Doesn't even say I'm an atheist or anything negative about religion whatsoever, but that question was the one that was exempted when the newsletter was released to the company. Apparently it wasn't a getting-to-know-you survey as much as a get-to-know-us, because we don't want you to be yourself. Like I said, I had been unemployed for

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months beforehand and late on rent, so I couldn't really do anything. I couldn't talk about it. And I certainly wouldn't be more open about myself. So over the last two years working with them, they're all relatively fine people but there's just this entire side of my life that I can't talk about even when just last week a coworker belittles another male coworker because he has pepper spray on his keychain which he says is totally gay for a man to have, just an absurd point of view, in my mind. But it speaks to the culture that we live in, one where it's hard to be different in any way. So my military contract is up in August and I'm currently deciding whether or not to reenlist. It has been a chief reason that I've remained in Nebraska, despite any employment concerns. So I encourage you to help me make that decision. And I would love to answer any questions you have.

**LATHROP:** Joseph, thanks for your testimony. Sure that was an easy.

**LATHROP:** Thank you. Next testifier, please. Good afternoon.

**ARYN HUCK:** Good afternoon. Hi. My name is Aryn Huck. That's spelled a little weird. It's spelled A-r-y-n and H-u-c-k. I'm a Nebraska native and I live in Lincoln now. I'm going to try and keep this short because so many other people have said so many great things. So I'm just here to-- I've watched this bill come and go over every last couple years, so today I'm taking part for the first time. I'm here to grovel before our local lawmakers here just to ask for basic protections for not only myself but others on the basis of sexuality and gender. I'm not especially happy that I'm here today. I actually would much rather be at work. But there's nothing preventing me from being fired when I go back into work tomorrow after testifying here. There's nothing preventing me or anyone else in the state of Nebraska from being fired for being, or for being suspected of being, gay, bisexual, or transgender. In a state that values hard work and individual freedom, I cannot trust that my job performance will be solely judged on what I do every day, my output and my merit. There are very few places in this state that I can go to work or places I can safely say I can live that won't turn me away. I do not get the freedom to choose a job that fits my talents best because I first have to make sure that they will not fire me for a superficial reason. I hate that we have to do this arguing every few months or every few years. What we're gonna see after the supporters are done is that people are gonna say terrible things about the LGBTQA+ community and Nebraskans who live here, a lot of things that will be unfounded and untrue. They're gonna say vile things and we're all going to listen to

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it. I just want to give you perspective for how this feels and what this is seen as for LGBTQA Nebraskans. For last for several years, many Nebraskans who don't believe in the qualities and the community of Nebraska come here and say that LGBTQA Nebraskans don't matter as much as those who can't tolerate to be in the same space as them. And I'm tired of being told that we don't matter. So I'm asking you to protect Nebraskans and support this bill. Thank you, and I'll answer any questions you have.

**LATHROP:** I don't see any questions but thanks for being here today.

**ARYN HUCK:** Thank you.

**LATHROP:** It looks like we're getting near the end of the proponents. So if you are an opponent and want to be heard, you can line up behind the gentleman in the baseball cap. Welcome.

**MICHAEL JENSEN:** Afternoon. My name is Michael Jensen, that's M-i-c-h-a-e-l J-e-n-s-e-n. I'm here today as a citizen in support of LB627. I'm a native Nebraskan. I was born and raised right in the middle of the state in Kearney. I'm a graduate of UNL and a homeowner just 20 blocks south of this Chamber. I work here in Lincoln as a software engineer. I don't think it's any secret that the software industry is in sort of a boom right now. There's a really high demand for developers and designers like myself. I can confidently say, ego completely aside, that I could get a job anywhere that I choose to go. But I made a very conscious decision to stay right here in Nebraska in the state that I was raised. That decision doesn't come to me easily though. Sexual orientation and gender identity, as you well know, aren't protected groups under the discrimination law here in the state. When I was searching for employment after my college graduation, I made that protection a primary factor in my job search. I wouldn't even consider a position at a company if they didn't explicitly protect LGBT people like myself. That meant excluding the company that I had interned with for the previous three years. That meant excluding a full third of our state's 25 largest employers. Without those protections, I knew that I was putting my livelihood and career at risk. I wouldn't be able to live authentically, fully participate, or form complete relationships at work. I was fortunate enough, after many false starts, to find an employer who does list gender identity and sexual orientation in their nondiscrimination clause. But even with that policy in place, really set only by the goodwill of my current employer, I still have to second-guess, I still have to worry that casually mentioning a boyfriend at work might mean

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losing my job, still worry enough that I'm carefully not even saying that employer's name right here. With no legal backing, that company policy can be adjusted or removed at will. That fear, that worry almost drove me to leave Nebraska to find a place that I would be accepted, affirmed, and protected as a gay man. I'm one of the very few I know who didn't leave. There are a hell of a lot of exceptional humans in this state that identify as LGBT, and it's that spirit of gay resilience that brings us here in this room to support LB627 in spite of the danger of being present and what that might mean for our careers. It's that same resilience that gets us through rejection from our families, being "misgendered" on the street, being harassed and heckled by strangers, or having to stand in front of our own government to ask for that "Equality Before the Law" for the 3rd, the 4th, or the 40th year. This bill doesn't end bigotry or hatred towards me or my LGBT siblings, but it does give us a safeguard, a way to protect ourselves and our families by ensuring our livelihood. This isn't the first time I've sat before and testified in front of this committee on this very issue, but I certainly hope that it is the last. I'm in strong support of the protections that LB627 offers my community and I urge you to support this bill until it is signed into law. Thank you.

**LATHROP:** Thank you, Michael. Appreciate your testimony,--

**MICHAEL JENSEN:** Thank you.

**LATHROP:** --for being here today.

**ABBI SWATSWORTH:** Thank you, Senators, for the opportunity to testify today. My name is Abbi Swatsworth, A-b-b-i S-w-a-t-s-w-o-r-t-h. I'm here today supporting or speaking for OutNebraska, where I'm the executive Nebras-- director, Nebraska's only statewide organization working to empower and celebrate Nebraska's lesbian, gay, bisexual, transgender, and queer questioning community. OutNebraska stands fully in support of LB627. As a state resource center, OutNebraska often receives inquiries from LGBTQ people exploring a move to our state. The number one question we get is about community climate: Are there nondiscrimination policies in place; will we be safe. We must tell the truth. LGBTQ people are not protected from employment discrimination all across our great state. We know that Nebraskans value fairness and equity. We want to treat others as we would treat ourselves. But we also know a good deal of the public believes that it is already illegal to fire someone for their sexual orientation or gender identity. This leads many allies to misunderstand the need to

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specifically protect LGBTQ people in the workplace. Discrimination is happening in Nebraska. While most employers want to do the right thing, there will always be a few people who only do what's right when the law requires it. For those times when good judgment breaks down, we need laws so that all employees, including those who are gay or transgender, are hired, fired, or promoted based on their professionalism, qualification, and job performance, nothing more, nothing less. OutNebraska believes that all hardworking people, including those who are lesbian, gay, bisexual, or transgender, should be treated fairly and equally by the laws of our state and should have the opportunity to earn a living and provide for themselves and their families. That's what updating the law is all about. Nobody should have to live in fear of being fired from their job for reasons that have nothing to do with their job performance. Changing the law won't end all unfair treatment overnight, but it will provide one more tool to ensure that all Nebraskans who want to work hard and who do their jobs well are treated fairly and equally and judged based on their job performance. Some opponents of this update will share concerns about safety in rest rooms. Safety and privacy in restrooms is important to all of us. That is why we already have laws in place that make it illegal to harm or harass people or invade their privacy. Anyone who does that can and should be arrested and prosecuted. Police use these laws to prevent assault, keep people safe, and hold offenders accountable. Updating our nondiscrimination law won't change that. We can protect people from discrimination and continue to hold offenders accountable. That way everyone can have a fair opportunity to earn a living, be safe, meet their responsibilities, and build a better life. LGBTQ Nebraskans pay their fair share of taxes and give back to their communities. They're already our neighbors and coworkers, and they deserve fair treatment in the workplace. We know all Nebraskan families have values. Thank you.

**LATHROP:** Thank you, Abbi. I appreciate your testimony.

**ABBI SWATSWORTH:** Thank you.

**LATHROP:** Thanks for being here today. Good afternoon.

Hi. My name's Evelyn Fink, E-v-e-l-y-n, F-, as in Frank, i-n-k. I'm here as a mom, friend, cousin, sibling, niece, and great-niece. We've had a lot of LGBTQ people in our family and my generation above have all suicided. We have two underneath us in my siblings and mine. Out of nine, two are LGBTQ. My son is bisexual gender queer. When he came out to me as a freshman in high school, we started looking immediately

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for where he would end up, not here. We spent our vacations in San Francisco, Portland, Seattle, New York, Washington, D.C. He's building his career out in D.C., which has the second highest LGBTQ population in the country and has protection, legal protection. He works for a multinational company. Last December, last month, somebody high up in this company flew out to spend time with my son and ask him where he wanted his career to develop. It involves moving around. He told him he would only go to states that had protections. Being gender queer, he didn't-- he wanted to be at a friendly state. We also have supported my son's friends to move out of state and build careers, one in particular who is also gender queer. We provide him his first month's rent, his last month's rent, a stipend, moving expenses, and an \$1,100 brake job at the last minute to make sure he'd be safe driving across the mountains. He's now-- owns his own landscaping company. When our son retires, we're going to move to-- when my husband retires, we're going to move where our son is, so you'll lose our tax revenue as well. Labor mobility is real. My-- I have a brother who moved to Switzerland and is a Swiss citizen for climate issues. And I also will add, since I see I still have a green light, my son was-- he's part of your brain drain. When he was in high school he in-- or-- on a team or individually, was first in the state in math, science, social science, and theater. But he had upper-middle class parents who could afford to send him to a more friendly space. I wish we didn't have to. And I think this bill is the keystone of keeping people like him in the future.

**LATHROP:** Very good. Thank you, Ms. Fink.

**ELI RIGATUSO:** Hi. My name's Eli Rigatuso, E-l-i R-i-g-a-t-u-s-o. And the mere fact that I'm here is a miracle, because when this bill was brought forth before I testified that I was working in an environment that, although they had an antidiscrimination clause, I was not being protected. I am a transgender man who came out in May of 2015. Fastforward to July of 2017, and I was on a written warning for a variety of things that they couldn't really necessarily prove, and I was being discriminated against and harassed by coworkers who did not understand who I am as a transgender man. I suffered a lot in that short period of time. It weighed a lot on my mental health. I considered leaving Nebraska numerous times. But I was born here. I am a native Nebraskan. And it's because these types of bills keep coming forward that I stay because it gives me hope. Senator Brooks, thank you so much. Senator Morfeld, I have so much gratitude for both of you for keeping up the good fight. That gives me hope. I'm still breathing

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today because of people who actually said, Eli, it's not right, the way that they're treating you is not right. And so, you know what? I took a stand at my own workplace, but I had to start educating them. So what Pat Tetreault says is true. I actually started teaching workshops so that people could come in and ask me questions about who I am because I really want Nebraskans to understand, not what the people who are going to be opponents of this bill are going to tell you but what I have to tell you about my own lived experience. I'm not asking anyone to be transgender. That would be ridiculous. I wouldn't wish that on anyone. What I'm asking for is to be met and be treated how I wish to be treated, and how I wish to be treated is to be seen, valued, and affirmed as a citizen of Nebraska, as a human being, as a life. That should actually speak volumes to every single person in this room. And I wish that I could reach the hearts of the opponents, that they would all literally tear up their papers today, turn around and walk out and not come and tell you about all of the hateful things that they have to tell you, that none of them have ever had to experience, that none of them will ever experience in their lifetime. I don't wish what has happened to me since May of 2015 on anyone.

**LATHROP:** Thanks, Eli. I appreciate your testimony. Thanks for being here today.

**ALLISYN MILLS:** Hello.

**LATHROP:** Good afternoon.

**ALLISYN MILLS:** My name is Allisyn Mills, that's A-l-l-i-s-y-n M-i-l-l-s. I am here today to support LB627 as an ally. I'm a mom and a teacher. And when I hear about bills like this I immediately think about the children that can be affected by this. I-- I think about students that I've had, the kid who ran away from home because he didn't feel safe in his own home. I think about the student who wrote in their journal for me that they felt like they had to live a lie every day. I think about the multiple students that I have had who have taken their own lives because they didn't see a future for themselves. I think about them and how things might have been different if they had felt that their teachers, that their parents, that their employers, that their state cared about them. I am also a mom, as I said. I have a five-year-old and a three-month-old. And when I think about the future and if my kids are sexual or-- sexual or gender minorities how-- how life might play out for them. I'm-- I'm terrified for them. I-- I just want to say that we need to-- we need to pass a bill like this to protect people now. But I want you to also

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think about the message that it could send to these kids if they can grow up hearing-- hearing that antidiscrimination clause including sexual orientation and gender identity, that maybe they will feel more valued, that maybe they'll feel safe and empowered to be themselves. Thank you.

**LATHROP:** Thanks, Allisyn, for your perspective. Good afternoon. Welcome--

**LUCAS PETERSON:** Good afternoon.

**LATHROP:** --Judiciary Committee.

**LUCAS PETERSON:** Thank you. My name is Lucas Peterson. You can call me Luke. And I want to thank the distinguished members of the Judiciary Committee for this opportunity. My words are my own. I-- they do not represent any position or authority that I may have within me. I don't think I have much authority, to be honest. I've been here before and this represents my fifth opportunity personally to talk about my experience. I'm just going to welcome you to go back to the legislative archive to LB427, to LB173. You can read my testimony there. But to spell it out, this is the cool thing I did this last summer. You can go to this Web site, [www.BeyondIDo.org](http://www.BeyondIDo.org). It's [BeyondIDo.org](http://BeyondIDo.org). It's actually a Web site that highlights the 33 or 31 states, I can't remember, 30-some-odd states that have no legal protection for people like me, my loved ones, my friends, my neighbors. If someone were to tell me 15 years ago when I first heard the words, I don't condone your unmoral behavior and I find you to be a questionable character, a statement I still haven't forgot yet, if someone were to tell me that those words gave me the opportunity to be here today, to go in front of Congress in 2015 when the Equality Act was introduced, I was welcome to speak there for the Web site that was given, [BeyondIDo.org](http://BeyondIDo.org), if someone were to say this is all happening because I was fired for my honesty I would have laughed. This is something I never thought this would have happened. To this day, Nebraska doesn't have protections and it is forcing people away. I have many opportunities to speak with people who told me there is no future here for this state, there's just nothing. And it really hurts, fundamentally, deep down in the core, because I'm a Nebraskan. I want people to stay here. I want to stay here. But when the reality is there's no economic incentive for me to stay, well, it's not me who's leaving. The last thing I want to mention is something that Governor Ricketts has mentioned in his State of the State of-- Address of probably two, three weeks ago. In it he said that Nebraskans-- I hear

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him say it all the time-- Nebraskans are-- are the people of Nebraska is the state's most precious resource. If he were to be true to his words he would be behind this bill, he would sign it into law, and he would make sure that we are cared for and equal.

**LATHROP:** Lucas, thank you.

**LUCAS PETERSON:** Thank you.

**LATHROP:** Appreciate your testimony. Good afternoon.

**STEPHEN GRIFFITH:** Good afternoon, Chairman Lathrop, members of the committee. My name is Stephen Griffith; S-t-e-p-h-e-n G-r-i-f-f-i-t-h. I live in Lincoln in the 46th District, and I speak in support of LB627. Thank you to Senator Pansing Brooks for bringing this bill. I'm a lifelong Nebraskan. I'm a minister for 40 years. I have served churches in rural Nebraska and Omaha and Lincoln. In those years I have spent countless hours visiting with church members, farmers in coffee shops, main street business owners, professionals, and retired people. Again and again across the state I've heard people say that what's important to them in hiring someone is whether they can do the job. It doesn't matter who they are; it matters how they do the job. That's only fair. And I believe that fairness is a foundational value in our state. In every church in-- that I've served, in every small town where I've lived, parishioners have told me that they have gay and lesbian children and many of them have left the state. The United Methodist Church, in which I'm a minister, teaches that certain basic human rights and civil liberties are due to all persons. This is a quote. The quote continues: We are committed to supporting these rights and liberties for all persons regardless of sexual orientation, end quote. And one of these basic rights is equal access to employment. Now many other religious organizations have similar teachings. I don't ask you to believe as I believe in religious matters, but I tell you this simply to say that my beliefs compel me to advocate for the basic human and civil rights of all people. No doubt you'll hear from others later on that-- who believe that being gay is immoral. They have a right, I have a right to our beliefs, and we have the right to preach what we believe. But we don't have the right to impose our beliefs on everyone and we shouldn't be allowed to infringe on others' rights in the process. This bill does not limit anyone's right to free speech or the practice of their religious beliefs. It simply affords to LGBT people the protection of having

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equal access to employment, and I urge you to advance the bill. Thank you for your time.

**LATHROP:** Now thank you for being here. I appreciate your remarks. Welcome.

**BRIAN WHITECALEF:** I'll try to keep my comments brief. My name is Brian Whitecalf, W-h-i-t-e-c-a-l-f, white like the color, calf like the cow. I am from Grand Island, Nebraska, and I hold true to the motto that Nebraska is open for business. Since 2008 I've been working to improve the health and well-being of individuals who are LGBTQIA and their friends and their families. I have spoken in the past about an-- a growing need to improve the economic environment of Nebraska, not just for LGBTQIA folks but their family members. My sister does not want to work with bigots nor racists. She does not want to hear those kind of comments in her job. Neither does my mother, my friends. Numerous people across the state don't want to stay here. In 2012 I led an effort to change Grand Island city code to have a similar law that eventually was vetoed by the mayor, but it was amended and it was brought back to the city for all city employment and city contract workers and was ultimately passed. And I can report that seven years later there's no mass exodus of residents from my city. No religious organization has faulted our efforts that they could not express their religious systems. Ultimately, in a small way, it improved the city and attracted new professionals. As a Christian I am opposed to the religious exemption because I feel it's still a form of discrimination. The women here in this room do not have-- there's a lot of religious organizations that don't really approve of women having equal rights. They don't really approve-- some groups don't approve of people of color having equal rights, and they have some religious beliefs about that. But I know that there's going to be this Judas group of individuals who are going to mandate that I am going to hell forever eternally. And I admonish you, Senators, to be brave that you'll stop these people from putting these crown of thorns on our heads and crucifying us to the cross for their religious beliefs. Too many people in these last ten years have died, good Christian people dead. I hope that this can pass. And that's why I support it. Thank you.

**LATHROP:** Thanks, Brian. I appreciate your testimony and the work you did in Grand Island.

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**BRIAN WHITECALE:** I have a list of businesses that are LGB friendly across the state, and I like to-- I don't have 12 copies, but I'd like to submit it.

**LATHROP:** All right. They'll be accepted for the record. Next testifier, please.

**JUDY KING:** Hi.

**LATHROP:** Good afternoon.

**JUDY KING:** Hi. Thank you. Can I keep that for a second? My name's Judy King, J-u-d-y K-i-n-g, and I'm only here to support my LGBTQ friends and I just want them to know that I love them and I appreciate all of them. And I will fight for them whenever I can, whenever they need it. And I-- I hope that you'll urge to advance this bill. And I appreciate the senators that put this up. So thank you.

**LATHROP:** Thank you, Judy. Little extra credit for the brevity.  
[LAUGHTER] Good afternoon.

**ANGIE SALAHOU-PHILIPS:** Hello. Good afternoon. My name is Angie Salahou-Philips, that's S-a-l-a-h-o-u-hyphen-P-h-i-l-i-p-s. I'm here to support LB627. I think that everybody before me did a really great job of explaining why this should go through. I do have one thought that kept going on behind-- back there when I was listening. My brother is a pansexual man and he is a business owner in Omaha. This morning when I was speaking to him, when we were starting out our workday because I work there, I was speaking to him about coming to testify today and talk about this legislation. And his question to me was that if people are not currently protected from being fired or not hired at a place of employment because of sexual orientation, he's curious if that means he can start firing straight people because sexual orientation "conclu"-- includes heterosexuality. We talk about it in the sense that it's LGBT because they are the ones that are getting fired or not being hired and are being discriminated against. I think that if it were turned around and there are people out there firing people for being heterosexual this would already be a law. So I just wanted to put that out there.

**LATHROP:** It's an interesting perspective.

**ANGIE SALAHOU-PHILIPS:** Thank you.

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**LATHROP:** Thank you for your testimony and coming all the way down here today. I think we are at our last proponent. Yes. After this, we'll take up opponents. Good afternoon.

**VICKI WOOD:** Good afternoon. My name is Vicki Wood, V-i-c-k-i W-o-o-d. I have been here before to testify on various things that I didn't have a personal connection with, but today this is really personal for me. I have three children. They're all in their 20s. My son identifies as gay and has from a fairly young age. He recently completed his college education and an internship in his field. The company he interned for hired him on a permanent position and he was happy with his work and his workplace. One day I got a call from him and he was very distressed. The owner of the small company he worked for had been openly making homophobic comments and jokes that day. My son was upset by these comments and also worried that his employ-- about his employment status and if he would be fired from his job if anyone found out that he was gay. I was pretty sure that he was not protected in the small company nor in any large organization in Nebraska because there is no law protecting him. But I did a little research anyway and found out that I was correct. I had to tell my son that he could be fired simply for his sexual orientation. My son came of age during a relatively accepting time for young gay people. When he came out to my family and our friends, it was a relatively small deal and his coming out was met with understanding and complete acceptance. However, in 2019 in the state of Nebraska, my son can still face discrimination in employment, housing, or any other area of his life because of who he is. This is unacceptable and inhumane. We can certainly do better for my son and for the thousands of other productive, talented, and hardworking people in our state who could face discrimination in their workplace or where they live. I thank Senator Pansing Brooks for bringing this legislation forward. Time for passing this important bill is long past. Time for passing it now is now. Discrimination on any grounds is counterproductive, meanspirited, and unacceptable. One's sexual orientation or gender identity has nothing to do with the way you work, live, or even love. It's 1919 in Nebraska and let's be better than we have been and let's start today. Thank you.

**LATHROP:** Thank you, Vicki. Appreciate [INAUDIBLE]. This hearing will now-- I think that's the last proponent and we'll now take up opponent testimony. Those who care to be heard, if you're coming late, we have a line that starts at the end of this bench. If your position has

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already been represented by somebody else, don't feel obliged that you have to testify. We-- we kind of get the message. Welcome.

Robert Klotz, R-o-b-e-r-t K-l-o-t-z. I will expose my ignorance here in front of all the cameras, but if it helps things, so be it. Far as I can see, as I understand it, I have not heard one thing that would advance this bill that has merit. I've heard a lot of antidotal statements made but nothing of substance. From what I understand, sexual orientation is written into the law, maybe not this one. It's in other laws, from what I see. And if it's there already it covers every sexual bent no matter what it is. And if the law that deals with discrimination does not protect the people as the way it's written, that's a fault of the law. Adding another sexual bent into the list of names is not going to change a thing. That's all I have to say.

**LATHROP:** OK. Thank you. Next testifier. Good afternoon.

**MATT SHARP:** Good afternoon, my name is Matt Sharp, M-a-t-t S-h-a-r-p, with Alliance Defending Freedom, and I wanted to discuss the "lebal"-- legal implications of LB627. All laws must respect the freedom of every citizen, no matter who they are. That idea that laws should be fair to every citizen should unite us on common ground. But unfortunately, laws like LB627 are not fair to everyone, impacting people of faith, women and girls and kids in the foster system. First, these laws force people who willingly serve everyone to promote messages and celebrate events that conflict with their beliefs. Two years ago this committee met Jack Phillips, Colorado cake artist who was being sued after he politely declined to create a wedding cake to celebrate a same-sex ceremony but told the couple he would gladly make any other type of baked item they wanted. On June 26, 2017, the same day that the U.S. Supreme Court agreed to take up Jack's case, an attorney in Colorado reached out to Jack, asked him to create a cake designed pink on the inside and blue on the outside, which the attorney said was to celebrate a gender transition from male to female. Phillips politely declined the request because the custom cake expressed messages about sex and gender that conflict with his religious beliefs. Less than a month after the Supreme Court ruled for Jack Phillips in his first case, state of Colorado went after him again finding probable cause to believe that its laws require him to create the requested gender transition cake. Laws like LB627 are what enable the continuing persecution of Jack and other creative professionals like him. Second, laws like LB627 violate the bodily privacy of women, forcing them to share private spaces with men. In

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Alaska, the city of Anchorage is using one of these laws to force a women's shelter to allow a biological male who identifies as a woman to share sleeping quarters with the women. Now these are tight quarters, consisting of a single room with mattresses about three feet apart, and many of these women have sadly experienced rape, sex trafficking, and domestic violence. These laws harm the efforts of-- of efforts to find loving homes for kids in our nation's overloaded foster care system. Laws like LB627 fourth-- force faith-based adoption and foster care providers to violate their beliefs to stop the important work, meaning that fewer providers are working to help connect kids with families. That's not keeping kids first. For example, in New York, the state is using a similar law to bully a faith-based adoption provider that's been serving its community for over 50 years because it strives to place children in homes with a married mother and father, while gladly referring same-sex and unmarried couples to nearby adoption providers to meet their needs as well. Tolerance and respect for good faith differences of opinion are essential in a pluralistic society like ours. They enable us to peacefully coexist with each other. But laws like LB627 will result in kindhearted Nebraskans being dragged before state commissions and courts and punished by the government for peacefully seeking to live and work consistent with their beliefs. Thank you.

**LATHROP:** Thank you, Matt. I don't see any questions. Good afternoon.

**TOM VENZOR:** Good afternoon, Chairman Lathrop and members of the Judiciary Committee. My name is Tom Venzor, that's T-o-m V-e-n-z-o-r, and I'm the executive director of the Nebraska Catholic Conference. The Nebraska Catholic Conference advocates for the public policy interests of the Catholic Church by engaging, educating, and empowering public officials, Catholic laity, and the general public. And I'm here today to express opposition for LB627 on behalf of the conference. The Catholic faith recognizes the supreme dignity of every person as made in the image and likeness of God. The only appropriate response to this reality is charity. For this reason, the Catholic faith although also recognizes that nobody, including those who are experiencing same-sex attraction or gender identity issues, should be subject to unjust discrimination. In other words, everyone should be treated with respect and dignity. LB627, unfortunately, goes beyond protecting against unjust discrimination. LB627 uses government coercion and punishment to force individuals, employers, small business owners, nonprofit entities, religious organizations, among others, to affirm conduct and messages that conflict with their

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sincerely held moral and/or religious beliefs on marriage and human sexuality. Even former Supreme Court Justice Anthony Kennedy recognized such a view on marriage in Obergefell v. Hodges that it is long-- that these views have long have been held and continue to be held in good faith by reasonable and sincere people here and throughout the world. LB627 does not treat those with differing views as reasonable and sincere people but in need of corrective government coercion and punishment. LB627 contains at least a few other issues worth briefly noting. First, LB627 undermines the ability of an employer to carry out their business in accord with their mission. For example, it would prohibit a Christian bookstore owner from being able to hire or conduct their business in accord with their faith-based mission. Ironically, it would also place restrictions on, for example, a gay bar owner who would desire to conduct their businesses in accord with their mission. LB627 also makes an attempt at adding "religi"-- makes no attempt at adding religious liberty protections. It leaves in place current law protecting the ability of religious organizations to hire on the basis of religion, but isn't sufficient. Current law also allows bona fide occupational qualifications on the basis of sex. LB627, however, fails to address such nuances with respect to added categories of sexual orientation and gender identity. As well, we would add that LB627 undermines real concerns for privacy, as you just heard from-- from Matt Sharp so I won't go into that aspect of it. But the Nebraska Catholic Conference urges your opposition to LB627 and I thank you for your time and consideration.

**LATHROP:** Tom, I don't see any questions for you. Thank you for [INAUDIBLE].

**TOM VENZOR:** Appreciate it. Thank you.

**LATHROP:** Next testifier. Good afternoon.

**KAREN BOWLING:** Good afternoon. Good afternoon, Chairman Lathrop and members of the Judiciary Committee. Sorry, my voice is a little harsh and I know that makes it tough to listen to. My name is Karen Bowling, K-a-r-e-n B-o-w-l-i-n-g, and I serve as the executive director of Nebraska Family Alliance. NFA is a nonprofit policy reach-- research and education organization that advocates for marriage and the family, life, and religious liberty. We represent a diverse statewide network of thousands of individuals' families and faith leaders. We all agree that everyone should be treated with dignity and respect. Our concern is the unintended consequences. All laws must respect the freedom of every citizen no matter who they are. These laws force people who

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willingly serve everyone to promote messages and participate in events that conflict with their values. Every case involving one of these laws targets a person or business who will happily serve everyone. These laws empower government to punish people who don't want to be forced to promote messages and ideas and participate in events that conflict with their beliefs. The government should not have the power to punish citizens for simply declining to express ideas or celebrate events that violate their beliefs. Every American should be free to live and work according to their faith without fear of unjust punishment by the government. No American should be forced to conform to a government-mandated moral code in order to avoid fines or jail. Americans value freedom to peacefully live our lives according to our beliefs and oppose government punishment of fellow citizens who have different views. The First Amendment guarantees the freedom to peacefully express our ideas and events that promote things we don't believe. Laws that single out and punish citizens on the basis of their peacefully expressed beliefs should be rejected. They take away constitutionally guaranteed freedoms and provoke intolerance towards people who have beliefs different than those in political power. When the government picks winners and losers we all lose. I respectfully ask you to oppose LB627. Thank you.

**LATHROP:** OK. Thank you, Karen.

**KAREN BOWLING:** Thank you, Senator.

**LATHROP:** Next testifier. Good afternoon and welcome to the Judiciary Committee.

**MARK BONKIEWICZ:** Thank you. Good afternoon, Senator Lathrop and other senators of the Judiciary Committee. My name is Mark Bonkiewicz, that's M-a-r-k B-o-n-k-i-e-w-i-c-z. I live in District 12 in Omaha. It took several hours to compare LB173, prohibit discrimination based on sexual orientation and gender identity, which was introduced by Senator Adam Morfeld in January 2017, with the bill we're talking about today, LB627, which has the same title line of prohibit discrimination based on sexual orientation and gender identification which was introduced this year by Senator Patty Pansing Brooks. My line-by-line comparison shows that there are less than 30 word changes between the two documents. The changed words had no substantive effect on the overall document. Senator Morfeld's LB173 was voted out of the Judiciary Committee but died on the floor during General File debate in April 2017 and '18. Since April of 2018, two cases have been decided by the U.S. Supreme Court on laws that had quite similar words

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and intention involving the prohibition of discrimination based on sexual orientation and gender identification. Barronelle Stutzman, owner of Arlene's Florist [SIC] in Richland, Washington, won her appeal at the Supreme Court which wiped out the Washington Supreme Court's judgment against her. Jack Phillips, owner of Masterpiece Bakery [SIC] of Lakewood, Colorado, won his appeal at the Supreme Court as well. Justice Clarence Thomas wrote an Opinion stating that he opined support for Masterpiece Bakery [SIC] both on grounds of free speech and free exercise. All American citizens share our First Amendment rights of freedom of speech, religion, and exercise our conscience in the public square. When a citizen has the savvy and the perseverance to start a business, their First Amendment rights do not diminish or disappear LB627 is designed to squelch the First Amendment rights of business owners and business managers. It is in violation of the Nebraska conscience clause found in Article I, Section 4 of our constitution. One of your most important responsibilities as Senators is to protect citizens' rights, not diminish them. Please vote no on LB627. Thank you for this opportunity to testify.

**LATHROP:** OK, thanks, Mark. Next testifier. Is there anyone here in a neutral capacity? OK, we can have you start over here. We'll work into the line. Welcome.

**CHARLENE EDMUNDSON:** Thank you. Good afternoon, Senators. My name is Charlene Edmundson, C-h-a-r-l-e-n-e, last name E-d-m-u-n-d-s-o-n. I live at 5068 North 165th Street, Omaha, Nebraska, 68116. I'm here today to speak in opposition of LB627 and I'm actually speaking on behalf of Jonathan Alexandre. Now Jonathan is a-- he was here in 2017. He is the director of the Liberty Counsel in Washington, D.C., and he told me to tell you that he wished he could be here himself, but instead I'm-- I'm going to be presenting. And what I want to talk about today is just drilling down on one thing and that is that we've heard several mentions, more than several, referring to civil rights. And so Jonathan's talk is as follows. I'm going to go ahead and-- and read it. It starts out that LB627 is to prohibit discrimination bext-- based on sexual orientation and gender identity. So Jonathan said, he opened up and said, today you've heard LGBT activists clothe themselves in the language of the civil rights movement in their efforts to convince you to support LG-- or, excuse me, LB627. As a person of color, he goes on, I strenuously object to equating gender identity and race. The false narrative perpetuated by proponents of this bill that those who do not identify with their biological sex suffer the same plight as black Americans during the Jim Crow era is

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not only offensive to me but it's intellectually dishonest. The disgraces and unspeakable hardships faced by black Americans over the course of our nation's history are quite simply unmatched. No other group of individuals, including those who desire to express themselves as different sex than the one that they were born with, has ever been enslaved, sold as property, or considered less than human under the law. No man who expresses himself as female has ever been forced to drink out of a transgender water fountain, and no woman who believes she is a man has ever been forced to sit in the back of a bus in a transgender section. Americans who self-identify as a different gender have never been denied the right to vote or to attend their neighborhood public schools. They have never been met by fire hoses and lynch mobs. On the contrary, racists in the Jim Crow era burned our villages, bombed our churches, and destroyed our communities.

**LATHROP:** Charlene.

**CHARLENE EDMUNDSON:** Thank you. You know--

**LATHROP:** If you want, you can-- you can have copies of that made and you-- we'll share it with the committee.

**CHARLENE EDMUNDSON:** Thank you very much. I would like to introduce Pastor Tyrome Charleston, who can finish this.

**LATHROP:** All right. We'll let the pastor. Thank you for being here and we'll let the pastor--

**CHARLENE EDMUNDSON:** Thank you.

**LATHROP:** --introduce himself and he'll have three minutes to share his thoughts. Good afternoon. Welcome to the Judiciary Committee, Pastor.

**TYROME CHARLESTON:** Good afternoon. My name is Tyrome Charleston, that's T-y-r-o-m-e C-h-a-r-l-e-s-t-o-n. I reside at 7404 Ernst Street, Omaha, Nebraska, 68122. I'm pastor in north Omaha for the last 25 years and I want also just thank you guys for the opportunity to speak with you today and also just to finish out this letter that Jon Al-- Jonathan Alexandre submitted, because it's really dear to my heart. The court uses a lower level of scrutiny, however, in-- in determining whether classification or separating people on the basis of sex runs afoul of a constitutional guarantee of equal protection, particularly where privacy concerns are at play. That is-- that is because men and women are autonomously and biologically different in ways that matter.

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For this reason, although racially segregated bathroom violate the constitutional guarantees of equal protection, separate bathrooms, public bathroom for men and women, do not because they are based on the common-sense recognition that when a person is in a state of undress she should not be forced to share the intimate space with a stranger of the opposite sex. In effect, this bill would be to erase legitimate gender distinguishes and effectively eliminate any safe spaces for a member of one sex or another. Perhaps this is-- perhaps this is what the proponents of legislation want, but I am certain that this is not what the mothers and fathers of children and teenagers and grandmothers and grandfathers of any other citizens of Nebraska want. As lawmakers, you have a duty to preserve the privacy rights and dignity interests of all citizens, not for some, and to intimate situations with members of the opposite sex. I've spoken in many state legislatures who are worried about being labeled discriminatory if they vote against this bill. It is imperative that they understand that requiring men and women to use locker room showers and bathroom consistant with their biological and autonomy does not constitute discrimination as experienced for generations of black Americans. In effect, the citizens of Nebraska have shown great empathy and respect to those struggling with gender identities by offering them compassionate accommodations. They are given a choice to use the bathroom and other private facilities of those of the same biological sex or if they would prefer to use access to other rest rooms or changing rooms where the privacy with dignity would-- would also be respected. Thank you.

**LATHROP:** Thank you, Pastor.

**TYROME CHARLESTON:** Right.

**LATHROP:** I don't see any questions. Thanks for being here today.

**TYROME CHARLESTON:** OK.

**LATHROP:** Good afternoon and welcome.

**JOHN DOCKERY:** Good afternoon. My name is John Dockery and that's J-o-h-n D-o-c-k-e-r-y. I live in Omaha, Nebraska. I'm retired and a former small business owner, and I have to say I listened to all the proponents' talks today and it was very moving listening to them talk about discrimination. I'm against LB627, adding sexual orientation and gender identity to our state's list of antidiscrimination classes. Sexual orientation and gender identity is a movement and a belief

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which should not be considered as another class. We already have creed in our list of classes to protect our beliefs from discrimination. Religion is another class that appears in the antidiscrimination list of classes in our state laws. It would be inappropriate to add a religious denomination to the antidiscrimination list which would give one religion priority over others who are not listed. In this same way, adding sexual orientation and gender identity as an individual class prioritizes it over others' beliefs. There should be no special class for our beliefs or sexual orientation and gender identity. The class creed protects everyone's personal beliefs against discrimination, including those who want protection for the LGBT community. Thank you.

**LATHROP:** Thank you, Mr. Dockery. Appreciate your testimony. Good afternoon.

**RONALD GARNER:** Good afternoon. I am confused, c-o-n-f-u-s-e-d.

**LATHROP:** Let's start with your name.

**RONALD GARNER:** My name is Ronald Garner, G-- Ronald, R-o-n-a-l-d, Garner, G-a-r-n-e-r.

**LATHROP:** OK.

**RONALD GARNER:** I thank you for your time today. I think, as the Judiciary Committee, your responsibility is to sort out whether two new categories need to be added to the current law. The current law says prohibits employment discrimination based on race, color, religion, sex, disability, marital status, and national origin. God created two sexes, male and female. He did not create two other categories called gender identity or sexual orientation. I do not feel those two categories need to be added to this statute. To use some of the words in the bill itself, the actual and perceived, to me, these are perceived needs, not actual needs. And I think the committee needs to determine whether they are actual needs. I say I'm confused. I think adding those two categories would confuse most people, most Nebraskans. I do not feel that all Nebraskans feel a need to add those two categories to the statute. I ask you, as a committee, to vote no against this legislation. I thank you.

**LATHROP:** Thank you for your testimony, Mr. Garner. That will end our opposition testimony and bring us to neutral testifiers. It looks like we have one person. If there's anybody else here to testify in a

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neutral capacity come forward and, if you would, get in the on-deck circle. Otherwise, we'll hear from neutral testimony. Good afternoon.

**MARNA MUNN:** Good afternoon. I will try to do this in three minutes. It's going to be the challenge of my life. My name is Marna Munn, M-a-r-n-a last name M-u-n-n. I am an attorney and I am the executive director of the Nebraska Equal Opportunity Commission. I feel I am here to testify in a neutral capacity. I feel a bit like a referee in this debate, but I want to come and talk to you about practical concerns as it will be my agency that would have specific oversight of the new language in this bill. The NEOC plays an active-- our mission, I should tell you, is to eliminate unlawful discrimination in Nebraska through effective case processing and public education activities. The NEOC plays an active role in protecting equal rights for Nebraskans and our dedicated staff investigates discrimination claims throughout Nebraska including last year at least 54 of our counties within the context of employment, housing, and public accommodations. And again my agency would have direct oversight of the language of this bill. So given our mission, I'd also like to clarify I'm here to testify in a neutral capacity for a couple of reasons. One, because our agency is charged with conducting neutral investigations once an allegation of discrimination is brought to our agency. So we do a fair and neutral investigation and I didn't want that to be confused with anything I may say here in a moment about the creation of these additional categories. I want to frame the testimony in that way because I think it's important that the-- that-- that I am consistent with past testimony I've provided in hearings last year where I say that it is not the role of the NEOC to either drum up business nor to deny it. But in keeping with our alliteration theme here, this isn't either of those things. This is a diversion of business. Currently, as you heard Senator Pansing Brooks say, there are 21 states plus the District of Columbia who have state-level protections in this way. In addition to that, you have at least 11 other states that have federal interpretations that govern their state's views. And the confusion that's maybe been brought up by the opposition, I'll go a little backwards and off topic here are backwards through the topic, is that there is some confusion when there are all these different ways in which to interpret the current law. But what I can tell you on a practical level is the sex base, the protected base that we-- basis we have for sex is inadequate to cover the discrimination that we see in regards to sexual orientation and gender identity. And on a practical level we-- we operate in part under a federal work share agreement with the U.S. Equal Opportunity Commission. And because of the way

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that our state and a few states that remain that don't provide these state level protections operate, if we get a complaint based on sexual orientation or gender identity, that complaint gets transferred to the EEOC to investigate rather than a Nebraska and Nebraska-based investigation. That has a couple of practical effects. Number one, we lose the money that we would otherwise get for investigating it. But it also outsources. What-- the experience of Nebraskans to a federal agency, who, while they do a good job, it also takes much longer for them to process and they have less regard for the local state of things because they're in Missouri or they're in Chicago and-- when they're looking through this-- this kind of protected basis because we're unable to investigate it now. Now I want to clarify our fiscal note which we turned in to you. It said we had on average eight of these transfers a year. That's inaccurate. It's 15 right now. But the reason that sounds like, oh, that's not a big deal, we have Omaha that provides some protections. People go there. We have some people who don't report because they are unwilling to go through the federal hassle and process that they would have to go through in order to pursue that claim. And the other thing that happens and it's hard to estimate this number is that some people do come to us and bring it as a case under general sex discrimination, but it's ill fitting. As I was explaining before we can investigate it on that basis, but past interpretation jurisprudence, it's a pretty narrow needle to thread and these things, though based under the-- I know, I'm-- based under a sex category, gender identity and sexual orientation have nuance and they have subtleties that could be better explored if they were broken out as their own category, much like pregnancy, which used to be part of sex discrimination. I'm-- I'm available for any questions now or later too.

**LATHROP:** All right. Let's see if there are any. Senator Slama.

**SLAMA:** Yes. Thank you for coming out today. Can you just go into the more practical hurdles that you referenced at the beginning of your testimony.

**MARNA MUNN:** Yeah. I mean right now if a Nebraskan wants to bring a claim based on sexual orientation or gender identity, they either have to shove it under the general sex umbrella, sex protected basis umbrella, or they have to hope they live in a jurisdiction like Omaha that provides that level of protection, or they have to go through the federal system in order. So these laws, the protections are there, right, in 68 percent of states and on the federal level. It's just not

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here in Nebraska except in certain areas. And I grew up in Pawnee City, go southeast Nebraska, and I-- I don't-- I mean it's difficult for me to picture an individual who I may know who lives in the city of Pawnee City and they are not gonna get the same opportunities and rights. They might have to go into federal court. They have to pay money. They don't get the protections that other-- that somebody else in the state might get if they're in Omaha. That's not equality under the law for me.

**LATHROP:** OK. Thank you for your testimony. We appreciate your background and your thoughts. And with that, I have a few letters to read in the record, and by a few I mean a lot. And then we'll hear from Senator Pansing Brooks to close. In support, letters from: Daniel Ullman, Nebraska Psychological Association; Ralph Kellogg; Virginia O'Hara; Mo Neal; Pat Tetreault; Pamela McDonald; James Woody; Nathan Leach; Jenny Goos; Anne Johnson; Katie Meidlinger; Debra Manning; George Wolf; Aryn Huck; Matt Heimes; Justin Lewis; Amy Martin; Melody Ell; Jenny Goos; Cody Wolken; Patrick Habecker; Sarah Hanify from the Nebraska Association, pardon me, National Association of Social Workers; Lance Fritz with the Union Pacific Railroad; Ella Durham; Eric Carter; Angie Philips, Douglas County Democratic Party Women's Caucus; Korby Gilbertson, Nebraska Realtors; Allisyn Mills; Sarah Davis; Andi Curry Grubb, Planned Parenthood the Heartland; Cathy Lohmeier; Tiffany Seibert Joekel, Women's Fund of Omaha; Catherine Nyberg; Sylvia Fuller; Sydney Butler; Angela Thomas; Barbara DiBernard; Paula Bohaty; Cheri Marti-Howard; Cassey Lottman; Emily Kazyak; Cami Cavanaugh Rawlings; Samuel Bates; Deborah Levitov; Joey Adler, Holland Children's Movement; Jessica McClure; David Harms; Megan Salley; Dr. Helen Moore; Celie Knudsen; Stephanie Bondi; Mary Carter; Elias McKeag. And then opposition: Donna Owen; Gary and Robbin Hays; Donn and Judith Williamson; Janet Ott; Kathy Wilmot; Marla Wynn; Rob Rohrbough; Richard Clements; Dallas and Marilyn Asher; Jeremy, pardon me, Jeremiah Fleenor; Karen McNeff; S. Wayne Smith; Paul Von Behren; Doug Wittmann; Phyllis Fager; Jeffrey Fager; Henry Burke; Justin Dick. And no one in a neutral capacity. And with that, Senator Pansing Brooks, to close.

**PANSING BROOKS:** Thank you, Chairman Lathrop. Wow! What a bunch of letters. That's representative government at its finest I think, and I am pleased that the second house has shown up to speak. I want to thank everybody for the heartrending testimony and compassionate words we heard today. And I also want to add just a quick thing that it was a complete oversight not to thanks Senator Chambers for his previous

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work. I'm grateful that Senator Danielle Conrad reminded us that we are all standing on that giant's shoulders and he has done so much for so many different groups and different people. Again, religious rights should never be infringed upon. But again also, the rights of our citizenry also should not be infringed upon. We have people who have spoken, spoken their stories, spoken their truth, and we have to respond that we hear those stories and that we believe the stories that we are hearing. If this were your child, your son, your daughter, your brother, your sister, I hope that those who are-- who are here opposing today would be right there with me because I cannot imagine a parent who wouldn't stand for their child and the love that we're talking about. Who are we to judge another's love? I hope, Committee, that you can support LB627 and that we can come across strong and show that there's no hate in our state. Thank you.

**LATHROP:** Thank you, Senator Pansing Brooks. I need to check with my committee clerk to see if we're going to go on to the next hearing or take a quick break. How many people intend to testify in any capacity on LB426, the two adult adoption bill? Looks like about four. Let's go on to LB426 and Senator DeBoer will introduce that bill. If you intend to testify as a proponent, if you could come up to the front so that we can keep the process of having testifiers in the queue. And because there are not a lot of testifiers on this bill, if you're-- if you're going to testify as an opponent, if you want to be near the stand by. Thank you for that. And, Senator DeBoer, welcome to the Judiciary Committee on which you serve.

**DeBOER:** Good afternoon, Senator Lathrop and members of the Judiciary Committee. My name is Wendy DeBoer, W-e-n-d-y D-e-B-o-e-r, and I am the representative from District 10 in northwest Omaha and Bennington. This bill today is a somewhat technical bill which seeks to remedy a quirk in Nebraska adoption law which arose out of the Nebraska Supreme Court interpretation of our adoption statutes that gives preference in certain cases for single parenthood. I have an amendment to give the committee, I think they passed it out to you, which narrows the original bill and I think more surgically addresses the issue to allow a child to be adopted by a second person when that person has a preexisting parent-child relationship with the child. Currently our adoption statute allows for the adoption of a minor child by any person or persons or by a spouse of an existing parent. In the 2002 case of *In re Luke*, the Nebraska Supreme Court interpreted our adoption statute to preclude the addition of a second parent. The court's reasoning was that the child, regardless of who the potential

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parent was, was not available for adoption because he already had a parent and the prospective second parent was not married to the first parent. The court specifically noted that it did not reach the question of whether two unmarried people could have adopted the child at the same time as the statute seems to suggest is possible, but because the child already had one parent he was deemed not available for adoption. The court thereby set up a preference for single parenthood in cases where the second person wishing to adopt the child is not currently married to the original parent. This bill seeks to remedy this preference which was created by the In re Luke case and allow for legal recognition of second pre-established parent-child relationships. There are a variety of situations in which a second parental relationship to a child has been established but is not legally recognized. For example, a woman may live with her-- with a new partner but not marry. And even though the new partner raises her child, the new partner cannot adopt the child unless they marry or she relinquishes her parental rights. Or a widow might move in with a trusted friend or relative who agrees to co-parent with her. And lest we think that these are only modern formulations of family life, my own family history disproves that thought. My great-great-grandmother died in childbirth, leaving my grandmother Ellen, at the age of four, to care for a baby and a sod house while her father ran the farm. Because that was clearly an unsustainable situation, Ellen's older cousin moved to Nebraska to help care for the children and help raise them alongside their family, their father. Families don't always look the same. This problem also affects the children of same sex couples who were unable to marry prior to the Supreme Court's Obergefell decision and have since split. For those children who, for example, are biologically related to only one parent, this provide-- this bill provides that nonbiological parent the opportunity to legally adopt their child regardless of whether or not they are now married to the first parent. In all of these cases the primary injustice is that the person seeking to adopt the child already has a parental relationship to the child in everything but legality. Legal adoption assures financial benefits, including health insurance benefits, veterans benefits, life insurance benefits, inheritance with or without a will, etcetera. Legal adoption also allows a second parental figure to make medical decisions for a child, educational decisions; allows them to take FMLA leave to care for the child if necessary; and ensures custody should something happen to the original parent. This is a narrowly tailored bill seeking to address a specific problem in our adoption law which prohibits children from having two legal parents if they already have one and recognizing that families do not always look

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the same. The best interest of the child should always be the primary concern in adoption cases. And all the normal protections employed in any adoption would still be in place here. Simply put, in situations where there is a second person who already occupies the parental role in all but legality, it is important to provide a method for legal recognition of the relationship. Thank you, and I'm happy to answer any questions.

**LATHROP:** Thank you, Senator DeBoer. Senator Chambers.

**CHAMBERS:** Senator, I'm trying to get an understanding conceptually.

**DeBOER:** Yeah.

**CHAMBERS:** Let's say that there are two people, a father and a mother, natural parents of this child. And to make it simple for me to deal with, let's say they were married, they are no longer. The child is with the mother. The father pays child support and has visitation rights. And the mother wants to marry somebody else and gets married. Would that automatically terminate the visitation rights of the--

**DeBOER:** No, not under the original statute, not under-- we're doing nothing to that in this bill. So if the original father relinquished his rights voluntarily or maybe there was a court order because he-- for some reason, if for some reason that original father dies, relinquishes rights, something, then there is already in place before this bill the possibility of a stepparent adoption if that second man is married to the mother. If the second man is not married to the mother then he would have no ability to raise or to adopt the child, regardless of whether there's been relinquishment of rights.

**CHAMBERS:** Let's, because I'm looking for an answer,--

**DeBOER:** Yeah.

**CHAMBERS:** --let's say that the mother marries a second person.

**DeBOER:** Yes.

**CHAMBERS:** And the one she had been married to had visitation rights.

**DeBOER:** Right.

**CHAMBERS:** Would that marriage--

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**DeBOER:** No.

**CHAMBERS:** --entitle the one to whom she married, adopt that child and terminate the visitation rights of the natural father?

**DeBOER:** The natural father would have to voluntarily terminate before-- in Nebraska there can only be two, two parents.

**CHAMBERS:** Uh-huh.

**DeBOER:** So unless the first father relinquishes their parental rights, the second father or anyone else on the planet could not attempt--

**CHAMBERS:** That answers the question I was asking. Thank you.

**DeBOER:** Yes.

**LATHROP:** OK. I don't see any other questions. We'll take the first proponent's testimony.

**DeBOER:** Thanks.

**LATHROP:** Good afternoon.

**TAYLOR GIVENS-DUNN:** Yeah. Good afternoon, Chairman Lathrop and members of the Judiciary Committee. My name is Taylor Givens Dunn, T-a-y-l-o-r G-i-v-e-n-- G-i-v-e-n-s D-u-n-n, I'm here today on behalf of Voices for Children in Nebraska to express my support for LB426. All children deserve to know that their relationships with both of their parents are emotionally stable and legally recognized, regardless of their parent's marital status or sexual orientation. Voices for Children supports LB426, which would provide for two unmarried adults to jointly adopt and would also clarify current provisions to allow a second parent to adopt without the first parent losing his or her parental rights to the adopted child. This bill would both protect children and grant families important protections under our state law. Permanent and loving family relationships are absolutely essential to ensuring that children become happy and healthy adults. As a redul-- as a result, adoption is always the preferred option to the prospect of having a child age out of a foster care system. Children who cannot remain in their homes often struggle with insecurity and instability regarding their futures. Childhood is a crucial period for proper development, and feeling unwanted and hopeless while awaiting adoption during this time can have detrimental effects. The waiting time for adoption can be long, with even longer waiting periods among older

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youth and children of color. Single and unmarried-- single and unmarried couples often-- are often open to adopting an older child, a child of color, or a child with special needs, three of the hardest groups to place. In fact, the U.S. Department of Health and Human Services reported that single and unmarried couples already adopt about 33 percent of children from state care. With more than 900 of Nebraska's children waiting for adoption, LB426 can bring more children and care into a permanent and loving home. Children in co-parent homes also need the permanence and security that are provided by having two legally recognized parents. The legal sanctioning of second parent adoptions will serve multiple functions, including ensuring children will be eligible for healthcare benefits, excuse me, for healthcare benefits and permitting either parent to provide consent for medical treatment. LB426 will also ensure that children retain the right to continue the parent-child relationship with the co-parent, which protects the second parent's right to visit and retain a familial bond with that child, regardless of whether the partners remain together. Legally recognizing both parents' responsibility to children also ensures eligibility to federal entitlement programs. We urge the committee to advance LB426. And we thank Senator DeBoer for introducing this bill and for her leadership in protecting child and family well-being. And I thank this committee for their time and consideration on this matter. Thank you.

**LATHROP:** Taylor, thank you for your testimony, for being here speaking for Voices.

**TAYLOR GIVENS-DUNN:** Yes.

**LATHROP:** I don't see any-- oh, Senator Chambers, did you have a question?

**TAYLOR GIVENS-DUNN:** Great. Thank you.

**LATHROP:** OK. Thank you.

**AMY MILLER:** Good afternoon, Senators. My name is Amy Miller, it's A-m-y M-i-l-l-e-r. I'm legal director for the ACLU of Nebraska. We've proudly worked for LGBT rights for decades because we believe the Fourteenth Amendment's guarantee of equal protection for all means all, including our LGBTQ members of society. But when we're talking about children, there's a different aspect of the Fourteenth Amendment that's at play. In this testimony that we're handing out you have a large body of case law from the U.S. Supreme Court and the Nebraska

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Supreme Court characterizing the Fourteenth Amendment's substantive due process rights as protecting the parent-child relationship. And that's not just the parent's rights. These are children's rights. The Nebraska Supreme care-- Nebraska Supreme Court characterized this as, quote, establishment and continuance of the parent-child relationship is the most fundamental right a child possesses, to be equated in importance with personal liberty and the most basic constitutional rights. That's why in the early 2000s we brought the case *In re Luke*, arguing that the two women who had planned for the child together had the right to parent that child together. It is never good to be an attorney standing in front of the Nebraska Legislature and admitting I lost that case. It is good to stand in front of the Nebraska Legislature and say, thanks to Senator DeBoer, we can fix the mistake the Nebraska Supreme Court made. The court said they were bound by the paradigms in the statute. That means it's up to this committee to change the terms of the statute to ensure that we can provide for parents that both want to lovingly parent a child. The finest lawyers in the world make good money drawing up wills, powers of attorney, guardianship documents, but the finest lawyer in the world can't provide all the protections adoption does. For example, the finest attorney can't order the Social Security Administration to provide Social Security benefits to a child who has a parent-like relationship. Only adoption will guarantee the child will inherit the Social Security benefits. In custody decisions, upon a parent's death, a county court judge will look to the expressed wishes of the biological parent but is not bound by that. Only adoption will do that. For those reasons we thank Senator DeBoer for bringing this bill and we urge you to advance the bill for full debate.

**LATHROP:** Thanks, Amy. I don't see any questions for you today.

**ABBI SWATSWORTH:** Thank you, Senator Lathrop. I appreciate the opportunity to give testimony on another bill. I do represent OutNebraska, a statewide organization representing LGBTQ Nebraskans. We stand in support of LB--

**LATHROP:** Have your name? Let's have your name.

**ABBI SWATSWORTH:** Oh, thank you. Abbi Swatsworth, A-b-b-i S-w-a-t-s-w-o-r-t-h. Lots of great things have been said and we appreciate Senator DeBoer bringing the bill. I'll let my written testimony stand to just say that every child should have the security of knowing that their ties to their parents are safe and secure. No child should be denied health insurance coverage or face being ripped

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away from the only family they've ever known because the law treats one of their parents as a legal stranger. We urge you to advance LB427 [SIC]. Thank you.

**LATHROP:** Thank you very much. Appreciate it, Abbi. Good afternoon.

**KRISTIN WILLIAMS:** Good afternoon, Senator Lathrop. My name's Kristin Williams, K-r-i-s-t-i-n W-i-l-l-i-a-m-s. Thank you for this opportunity to speak, and I want to thank Senator DeBoer for introducing this bill. Seventeen years ago my partner at the time and I made a decision to have children together. She gave birth to our oldest; I gave birth to our youngest. At the time there were not legal options for us to marry so we could adopt and, really, the courts in Nebraska were not issuing same-gendered adoptions either. While our country was debating our civil rights, we simply raised our family and hoped for the best. Now that adults who are LGBTQ can choose to marry who they want, the person I chose to create a family with and I are no longer together. Like many couples who have children, our romantic relationship ended but our parenting relationship did not. When we broke up we did not have any legal recourse when it came to custody arrangements. We simply had to negotiate and trust. Two years ago a Douglas County judge ruled our situation in loco parentis, which means in place of a parent, effectively offering us the next best thing to adoption. The problem is that when we talk to the ACLU and our own incredibly expensive attorneys to ask them about what happens in 40-plus years with inheritance or life insurance under in loco parentis, they don't know. They do know that legal adoption is a sure thing to be treated equally, so we looked into adoption. And according to our attorneys, the current law would require me to relinquish my rights to my biological son and my former partner to relinquish her rights to her biological son in order for us to adopt our children. I know it's confusing. This is exactly the opposite of what is good for children. We seem to have fallen into some legal gap. Why do we care about this if a judge has declared us in loco parentis for our minor children? Because like any loving parent, we want a long-term, fail-proof, legal rights for our children. I want a guarantee that when I die my nonbiological son will be treated equally to my biological son with regard to inheritance and life insurance and, really, any of the other issues that come up. Neither my gender, the nonlegality of same-sex marriage in 2002, nor the status of my relationship with his other mother today has any bearing on the unquestionable reality that my son is my son. I know my former partner feels the same way about the child I gave birth to. Our children have

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enjoyed the emotional benefits of two parents for their entire lives and they are entitled to the kind of financial security having two legal parents affords. Please support the passage of LB426.

**LATHROP:** Very good. Kristin. We appreciate your testimony. I don't see any questions. Thanks for being here today. Good afternoon once again.

**ERIN PORTERFIELD:** Hello. Thank you for permission to testify one more time but on behalf of my boys. I'm Erin Porterfield, E-r-i-n P-o-r-t-e-r-f-i-e-l-d. I'm following Kristin Williams' testimony because I am the former partner and we were the ones that are together and we are here on behalf of our boys. Last summer I followed a parenting agreement decree that was completed together in Douglas County Court. It said the parties further-- will further agree and cooperate with one another in filling out applications for an amendment of the birth certificates for each child, as well as executing any forms required by the state to amend each child's birth certificate in order for both parents, she and I, to be on their certificate. We began that process to amend the Douglas County certificate and was referred to DHHS. Because of an application to the amendment to have two moms on a certificate was unfamiliar to them, ultimately HHS denied an amendment for our boys to have both parents on their birth certificates. I proceeded to the grievance hearing. The results of the grievance hearing dated August 30 included this. DHHS is required to enter on their birth certificate any child born out of wedlock the name of the father, which did not apply at this point, with certified docs of paternity, and a statement in writing that the parent who has custody. And that those are the two pieces that you need for the statutory procedure. The parenting decree in loco parentis does not make the other parent equal to the father, HHS goes on to say, and that in loco parentis status does not have the same rights as a biological or an adoptive parent. They go on to say, unless a biological or adoptive parent, a standing in loco parentis is deemed to have the rights that are, and these are the burning words, "temporary, flexible, capable of being suspended and maybe being reinstated." Since Kristin was not the biological or adoptive parent, nor was I for other son, we were not permitted to be on the birth certificate. When I said it was in the best interests of the kids to have both parents on the certificate, signifying permanency and parental responsibility, it was stated that that was not the standard. The in loco parentis was not the standard to judge. This stark realization, the terms "temporary, flexible, and capable of being suspended or reinstated" was so startling that that brings us to

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appreciate the opportunity of LB426 as a possibility for both of us to be supportive and recognized for our children well into their future.

**LATHROP:** Very good. Thanks, Erin.

**ERIN PORTERFIELD:** Thank you.

**LATHROP:** We appreciate your testimony. I do not see any questions. Thanks for being here.

**ERIN PORTERFIELD:** Thank you.

**LATHROP:** I think that's it for the proponents. And now we're on to opponents, unless anyone else is here to speak as in support. See none, welcome again.

**ROBERT KLOTZ:** Robert Klotz, R-o-b-e-r-t K-l-o-t-z. It's one thing for two consenting adults to agree to participate in an unnatural situation. It is another thing to place a child in that environment and not call it child abuse. You don't bring children to the strip club. You don't take children to the bar for a beer. There are some things common sense tells you that you just don't do. LB426 is not a common-sense bill. Homosexuality is not a natural relationship. I can just visualize a small boy looking at his two daddies and asking, where do babies come from daddy? From natural relationships, of course, Dad sheepishly answers. Well, Daddy how then did you get me? Oh, that's easy son; we fooled a bunch of senators. More importantly, the people of this state clearly said that marriage is between a man and a woman. Just because the federal Supreme Court unconstitutionally exercised judicial fiat and gave homosexuals the right to marry does not mean we have to give them the right to adoption. In fact, to do so would be in violation of the Nebraska Constitution that still contains Article I-29 which Nebraskans, not the Legislature, define as marriage. LB426 is bad for the morals of Nebraska's children and should not be adopted. No.

**LATHROP:** No questions. Thank you.

**SUSAN SAPP:** Senator Lathrop, committee members, my name is Susan Sapp, S-u-s-a-n S-a-p-p. I'm a partner at Cline Williams Law Firm and I'm appearing here today in opposition to LB426 on behalf of the Nebraska Bar Association and on behalf of myself personally. I have been a practicing adoption attorney for 30 years. Since the Obergefell decision, I'd venture a guess that I have finalized more adoptions for

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same-sex couples than anyone in the state. I have no opposition to same-sex adoption or same-sex couples, and I have immense respect for all of my LGBTQ friends and community members. The Bar opposes this bill because, despite the fact that we have tried very hard to work with Senator DeBoer, and Senator DeBoer has been very gracious in trying to work with the Bar, concerns still remain about LB426. In particular, Senator DeBoer made the comment that the law only recognizes two parents. With this change, that would call into question whether the law would recognize two parents, because it's not limited to two parents. If myself and John Doe had a child, I could, under LB426 consent to an additional parent and so could John Doe. Parenting is hard enough with one or two parents. Parenting by committee seems extremely difficult. There doesn't appear to be a limit to the number of times that someone can transfer their rights. Marriage brings with it permanency and continuity. Sometimes marriages, including my own, do not work and there are provisions for how that is handled. If an unmarried couple adopts and parents together and their relationship ends, there isn't a provision for how that's handled upon dissolution. Furthermore, under the stepparent adoption portions of the statute, which this would amend, there is no home study requirement. So whether a child was conceived through a gestational carrier or through a surrogate or through a homemade surrogacy or a homemade gestational carrier or a biological relationship with someone else, you can add in an additional person without a home study, without a determination that this adoption is in the best interests of the child. There would be a cursory background criminal history check but nothing more. Children deserve more protections for adding on parents than simply a quick background check. And there needs to be limits I would offer to continue to work with Senator DeBoer to find solutions. There are a number of things that need to be fixed in our adoption statutes. This is not the only one. And I would commit to working with Senator DeBoer and a study committee to fix not only what Senator DeBoer is seeking to fix but the other things that need to be fixed. So on behalf of the Bar Association, at this time we would respectfully oppose LB426.

**LATHROP:** Senator Morfeld has a question for you.

**SUSAN SAPP:** Yes, Senator.

**MORFELD:** Thank you for coming today. So I don't know if you were listening to one of the testifiers earlier. Her name was Kristin. Were you listening to her testimony, Kristin's?

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**SUSAN SAPP:** You bet.

**MORFELD:** OK. So how are they supposed to address that situation where they established their marry-- their marriage-- or their family, I should say, pre-Obergefell? And then they no longer, their children, will never have inheritance rights, Social Security, those types of things. How are we supposed to address that if we're opposed to this bill?

**SUSAN SAPP:** I'm not smart enough to address the Social Security piece of it, but I would recommend 30-2604 POAs, powers of attorney, testamentary designations. You can solve any testamentary designation through an appropriate will or trust. Those things can be addressed to have permanency. What I can't address is what Bureau of Vital Statistics says about who goes on a birth certificate. I've butted heads with them about a dozen times in the last year about what a birth certificate needs to look like, because it-- if it says mother and father that doesn't always fit.

**MORFELD:** But the inheritance tax is going to be different either way unless they have a solution in statute, correct?

**SUSAN SAPP:** Well, I think inheritance tax would be.

**MORFELD:** OK. So I guess--

**SUSAN SAPP:** That's not really my area.

**MORFELD:** So I guess I'm a little frustrated by the Bar Association's opinion on this. And-- and I don't know if you've seen the-- the actual amendment, which I think is--

**SUSAN SAPP:** I did.

**MORFELD:** --narrow in scope.

**SUSAN SAPP:** Yes, sir, I did.

**MORFELD:** OK.

**SUSAN SAPP:** It narrows the concerns but it does not eliminate them. I think we could potentially construct a statute that would limit the scope and-- and have more judicial oversight. Who determines whether there's a parent-child relationship? A court? The parents? A parent? It could be I could add on my-- my mom as a co-parent or my friend or

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my neighbor or the person I just met. There are no limits to who can be added on if the parent perceives the person they want to add on as a parent as being in a parent-child relationship. There's no measurement. There's no definition of that. There's no definition of how many times this can happen. How many parents can you add? We need to work on it more, Senator Morfeld.

**MORFELD:** OK. I'll look forward to you guys working on it with Senator DeBoer and I hope that you come up with a solution by next session, or perhaps we could just vote this out and take care of it now. But thank you.

**SUSAN SAPP:** Thank you. Any other questions?

**LATHROP:** Senator Wayne.

**WAYNE:** So being, and I don't know anybody else's status, but being one that is adopted who recently both-- met both of their original parents, and dealing through the adoption law, if you-- if you read the amendment, how would you-- is the issue the number or is the issue the lack of constraints about who can become?

**SUSAN SAPP:** Both. And then also the lack of meshing with this change and what happens in a dissolution of that relationship. If the relationship goes away then what happens to the parental responsibilities: child support, parenting plans? Those sorts of things don't fit in with having serial additions of parents, potentially. So there needs to be a mesh with the district court paternity and dissolution proceedings as well, because it's changing dramatically how a stepparent adoption looks because the people don't have to actually be stepparents.

**WAYNE:** Thank you.

**SUSAN SAPP:** Yes, Senator Lathrop.

**LATHROP:** Ms. Sapp, thanks for being here. I just want to be clear about the Bar Association's position because you're representing them. They don't have a-- a position with respect to what Senator DeBoer is trying to accomplish with this bill. Would that be true?

**SUSAN SAPP:** Conceptually, no opposition;--

**LATHROP:** OK.

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**SUSAN SAPP:** --procedurally, yes.

**LATHROP:** OK. And the problem is-- and I can appreciate that the Bar Association-- I happen to appreciate it when they come in here and testify on bills because I know it's been through the House of Delegates and a whole bunch of other procedural processes. What you're saying is, to avert some problems by-- by passing something that hasn't taken care of all the contingencies and the possibilities, that we may just be inviting litigation and more problems.

**SUSAN SAPP:** Well said.

**LATHROP:** But that you are willing to work with Senator DeBoer.

**SUSAN SAPP:** Absolutely. Personally and on behalf of the bar, I am.

**LATHROP:** We're gonna hold you to that because I appreciate your expertise in the area. And I know Senator DeBoer would like to have her bill in the best shape that she can have it in before it reaches the floor.

**SUSAN SAPP:** You have my commitment, sir.

**LATHROP:** OK. Thank you.

**SUSAN SAPP:** Thank you.

**LATHROP:** I appreciate that. Thank you for your testimony today. Good afternoon.

**MARION MINER:** Good afternoon, Senator Lathrop, members of the Judiciary Committee. My name is Marion Miner, M-a-r-i-o-n, Miner, M-i-n-e-r. I'm here on behalf of the Nebraska Catholic Conference which advocates for the public policy interests of the Catholic Church and advances the Gospel of Life through engaging, educating, and empowering public officials, Catholic laity, and the general public. I'm here to testify in opposition to LB240-- or LB426, rather, for many of the same reasons articulated by the previous testifier, by Ms. Sapp. We oppose LB426, which would provide for adoption of a minor child by two adults, regardless of the nature of their relationship to each other. The amended version of the bill does not adequately address the most pressing concern we had with regard to the introduced version, namely, that adoption of a minor child should be concerned with what is best for the child and that lawmakers should content-- should consider potentially harmful consequences to the child as an

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unintended side effect of the legislation. Under current law, any adult who wishes to adopt a minor child must undergo a vetting process in the form of a home study to evaluate that person's fitness to parent that particular child. This is a good safeguard, meant to protect the child from harm. The law also makes an exception. A parent may consent to the adoption of his or her child by a stepparent without the requirement of a home study. This also makes sense since the parents in such circumstances have entered into a binding relationship with each other with an expectation of permanency, and so the child's right to stability and security in the family unit are not jeopardized by the exception. However, where the meaning of the term "stepparent" is brought into question, as we believe would be the case if this bill passes, that stability and security are jeopardized. Where, quote, any parent of a minor child may consent to the adoption of the minor child by the parent's spouse or by another adult with a parent-child relationship with the child, closed quote, it raises the question whether an unmarried adult might, with the consent of the first parent, also be considered a stepparent, thus, dispensing with a home study even in cases where this adult has not entered into marriage with the child's parent and may not even be sharing a home with him or her. In addition, the term "parent-child relationship" is not defined in the bill and no minimum time threshold is established. The consequence is an opening of the door in our adoption statutes to dispense with-- dispense with any evaluation before a petitioner is granted parental rights over a child with whose other parent he has no permanent relationship. The shortcoming in the bill which could unintentionally facilitate a revolving door of legal parents, who move in and out of a child's life as they make and break nonmarital relationships with the child's first parent, is not in the child's best interest and is likely to do more harm than good. Lastly, a child deserves to have a permanent relationship with his or her natural father and mother. And when that is not possible, the child is owed a permanent relationship with adoptive parents who have made a permanent commitment to the child and to each other. This is the reason that marriage traditionally has been an institution recognized, privileged, and regulated by the state from time immemorial. It protects the legitimate rights of the child which the child cannot assert for himself. So for these reasons, the Catholic Conference asks you to oppose LB426.

**LATHROP:** OK. I don't see any questions, Mr. Miner. Thanks for your testimony.

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**MARION MINER:** Thank you.

**LARRY STORER:** Good afternoon.

**LATHROP:** Afternoon.

**LARRY STORER:** Name is Larry Storer, S-t-o-r-e-r, 5015 Lafayette, Omaha, Nebraska, District 6. Before I start, may I make a suggestion? I can hear most of you fine while I'm sitting there, but two rows back I can hardly hear you.

**LATHROP:** It's not a great room for sound.

**LARRY STORER:** Your microphones are clear out here. Some of you are sitting clear back there. There are people besides me that don't want to wear the hearing aids, don't want to wear the assistive devices. Thank you. I'm opposed to this bill. There's an awful lot of unintended consequences here. The main one is that you're usurping the Constitution of the United States. Life, liberty, and pursuit of happiness belongs to parents and individuals, citizens and electors, as we're called in Nebraska. This takes away some of those rights. First of all, some rather silly things when you're trying to read through these bills, and I have a stack like that, I'm just going to do a shoot-from-the-hip thing here. Relating to adoptions by two adults, two adult persons, not just one, legal citizens? It doesn't define that. It doesn't say residents, legal residents. Most of the electors in this room haven't had time to read these and refer to the state code, but sections that you list on the front page, the privacy laws have a lot to do with this. If you are not the custodial parent, you have absolutely no right to input. But I've read some of those laws. The intent of the federal laws is not to keep parents and even grandparents or other members off the team; it's to include them. Yes, I'm not entitled to the private notes of any therapist. I know that. But I'm entitled to be part of the process, and I'll give you one quick example. My grandson is under DHHS, DDS, and he's in this so-called program for transitions where you don't have to take your diploma if you're 18, and you can stay in this status until you're 21. You're supposed to be able to help direct your future. People that want to be part of the team can be requested by him to be part of the team, but in fact they are not. He doesn't quite understand that he's 19 now, and-- and unless his mother takes full custodial custody of him, he is his own citizen. That's not really been pointed out to him very clearly. He's afraid that if he speaks up he'll lose his status,

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kicked out of the program, if you will. DHHS testified a few minutes ago. They're part of the problem.

**LATHROP:** OK.

**LARRY STORER:** Also part of the problem, in Nebraska grandparents have no status, according to the Supreme Court.

**LATHROP:** All right, Mr. Storer.

**LARRY STORER:** Thank you.

**LATHROP:** We appreciate your testimony once again. Anyone else here to testify in opposition to LB426? Anyone here in a neutral capacity on LB426? I will read for the committee for the record letters and then we'll have Senator-- Senator DeBoer close. In support: Jenny Goss; Sarah Hanify, Nebras-- National Association of Social Workers; Robert Way; Angie Salahou-Philips, Douglas County Democratic Party Women's Caucus; Cathy Lohmeier; Ella Durham; Mary Carter; Marni Stewart; Stephen Griffith; Heather Fox; Emily Kazyak; Jacqueline Kehl; Deborah Levitov; Samuel Bates; Susan Soriente; David Harms; Joni Denny; Sara Brumfield; Waylon Werner; Katie Meidlinger; Brian Bigelow; Stephani Bondi; Anne Johnson; Tom Gray. And in opposition the following: Donn and Judith Williamson; Nate Grasz from the Nebraska Family Alliance; Robert Rohrbough; Brenda Ray; Jeremiah Fleenor; Gene Schultz; Nancy Carr; Justin Dick; Bruce Desautels; Lester Unruh; Ron and Lynette Nash; and Mike Nicolen. I'm sorry if I mispronounced anyone's name. That's the list of letters that we've received both in support and in opposition of LB426. And Senator DeBoer to close.

**DeBOER:** Thank you, Senator Lathrop. First, I just want to say I appreciate very much the discussion today, and I appreciate the recognition by the Bar and others that, while we've got a few things to work out here on this bill, we have an injustice in our adoption law to fix. And I'm happy to work with the Bar and others so that we can fix this law and-- and make sure that we can get this injustice righted. Thank you.

**LATHROP:** Thank you, Senator DeBoer. Folks, we're going to take a ten-minute break so that the panel has an opportunity to stretch their legs and my staff does as well. We have four bills left on the agenda. I just want to alert you, if you did not-- if you weren't aware of this already. Senator Hunt put in a motion to pull LB168, which means that there'll be action on the floor to have that bill pulled from

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consideration. We will-- I do not expect to take testimony on LB168 today. We will begin, when we come back from our break, with LB504. How many people intend to testify on LB504? All right. That looks like about three or four. How about LB166? OK. And how about LB167? OK. So here's the-- well, we'll talk about it after the break. But, [LAUGHTER] I know it-- I appreciate everyone's concern, both. And-- and we have, I will just tell you and we'll go through it when we're-- when we're establishing a record-- probably 1,500 letters of support-- or, pardon me, in opposition; probably at near a thousand in-- in support. We understand that a lot of people care about the issue presented in LB167. We're going to ask you, if you've already testified on a bill, to let others have an opportunity. And at some point I got to cut it off. So please be respectful of the fact that I have a responsibility to the members of this committee to get them home at a decent hour. We want to hear a good cross-section. If somebody has told an account similar to yours or shared the same sentiment, please, please consider not testifying so that we can make this a manageable hearing and not-- not have my panel or have these senators here till way, way late, because we got to get up tomorrow morning and do our responsibilities all over again. And with that, we will be back at 4:40. Thank you.

[BREAK]

**LATHROP:** If you folks could take a seat, that would be great. We'll continue with our hearings. We have still quite a bit of work to do today, and we are anxious to get back to it as you might expect. I'll just make this observation while people are coming and going. We've covered a couple of bills that were in some ways contentious, and I appreciate the respect both sides have shown one another. The other side in, in the way you've conducted yourself today so hopefully that will continue through the rest of the day. I will just tell you that depending on how the next two bills go, when we get to LB167, we may put a time limit on both the proponents and the opponents. And that's not intended to be dismissive or to represent a lack of interest in the subject matter. I think a lot of people have an interest in the subject matter. What we want to do is get a diversity of opinion and-- that will help guide us so we'll leave it to the proponents and the opponents to kind of work out who's going to testify. With that we'll open on LB504, and that brings us to Senator Hunt. Welcome to the Judiciary Committee.

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**HUNT:** Good afternoon, Chairperson Lathrop and members of the Judiciary Committee. I'm Senator Megan Hunt, that's, M-e-g-a-n H-u-n-t, and I represent District 8 in Midtown Nebraska, which includes the neighborhoods of Dundee and Benson, around Memorial Park, Keystone. Today I bring you LB504, a bill to expand the current definition of hate crimes to include crimes based on gender identity. Gender identity refers to an individual's internal concept of their gender regardless of their sex assigned at birth. If you take a look at the handout I presented to you, you'll see that 21 Legislatures across the country have moved to include crimes based on gender identity and their hate crime laws including Nebraska's neighboring states of Missouri and Colorado. We currently take the statutes that protect Nebraskans from hate crimes for granted. We simply regard them as a standard part of our criminal code. However when LB90, the bill that first established enhanced penalties for hate crimes in Nebraska was introduced in 1997, it was met with fierce opposition. Nevertheless the bill prevailed, and Nebraska became the third to the last state in the nation to write prohibitions against hate crimes into law. Since 1997, we have seen a panoply of other protections established nationwide in recognition of the complex nature of identity. We do not want to be once again on the tail end of the evolution of civil rights in this country. When the motive for a violent crime is based on a victim's identity it becomes a hate crime. Nebraska's hate crime statutes currently consider race, color, religion, ancestry, national origin, gender, and sexual orientation as a part of an individual's identity. Identity is multifaceted and its study is a burgeoning area in the sciences. When we talk about it we have to think about its many complex intersections including gender identity which is an identity widely accepted and defined by the medical establishment. Passage of LB504 would simply bring legal acknowledgement to the fact that gender identity is a well-recognized part of identity and that many Nebraskans are persecuted and become targets of violent crimes because of it. Opponents may say that there's no need for this bill, but when there is a day dedicated to the remembrance of transgender people because of the sheer number of murders committed against them each year we have to recognize that there is undoubtedly a need to update our hate crime statutes with this legislation. Back in the 90s, it took the gruesome racially motivated murder of Kenyatta Bush, an Omaha North High School student to legislate protections against crimes motivated by race. Brandon Teena, a 21-year-old trans man was raped and murdered in Falls City, Nebraska in 1993. Do we have to wait for another transgender person to lose their life in Nebraska before we take proactive measures to protect people of all identities? Hate

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crimes not only impact victims and their families, but they instill debilitating fear in the communities they target. Passage of LB166 would send a message that Nebraska is not a haven for bigotry and hatred but a place where all are welcome to put down roots without fear of harassment, discrimination, or violence. Thank you very much, and I would be happy to answer any questions from the committee.

**LATHROP:** I do not see any questions, Senator Hunt, but will--

**HUNT:** Thank you, Chairman.

**LATHROP:** --have you close when we're done.

**HUNT:** I'd be happy to.

**LATHROP:** OK.

**HUNT:** I'll stick around.

**LATHROP:** Those who are testifying, we'll start out with proponents if you want to come forward. And if there's more than one-- if you want to sit in the front row, we'll work you through the chair. You're the first up.

**ERIC REITER:** Oh, perfect.

**LATHROP:** Good afternoon, and welcome to the Judiciary Committee.

**ERIC REITER:** Good afternoon, and thank you, Senators, for the opportunity to provide testimony this afternoon. My name is Eric Reiter, that's E-r-i-c R-e-i-t as in Tom e-r, and I am the community organizer for OutNebraska, Nebraska's only statewide organization working to empower and celebrate Nebraska's LGBTQ community. OutNebraska stands in full support of LB504. The National Center for Transgender Equality reports that more than 1 in 4 transgender people has faced a bias driven violent crime and rates are higher for transgender women and transgender people of color, 78 percent of transgender students report being harassed or assaulted. Current Nebraska law for enhanced penalties already enumerates race, color, religion, ancestry, national origin, gender, sexual orientation, age, and disability. This legislation sends a societal message that it's not okay to target, intimidate, harass, or commit acts of violence against people based on who they are. It is unclear how the current law could be used in regard to crimes committed against transgender people. Expanding our enumerated list to include gender identity

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clarifies that transgender people are included. Failing to include transgender people in this legislation sends the message that violent crimes against transgender people are acceptable. In our current climate, it is more important than ever that transgender people are specifically included. This is a story collected by OutNebraska. I was a gender nonconforming teenager in the OPS school system. When I was a freshman, I was bullied by a girl in my algebra class all year. She perceived me as a lesbian and told me I had to be straight. That I was too disgusting to get a man, but that I needed to be straight. She talked in detail about gay sex acts in class and how-- about how she thought they were disgusting, and how I was nasty for wanting them, but I had never spoken about my sex life to her. One day near the end of the year she punched me in the face in class and called me a faggot. I cried and no one said anything. The teacher acted as if he did not notice. When I brought up the conflict with the administration, it was brushed off as a mutual conflict that we needed to talk through. Please update the current enhanced penalty law to specifically include transgender Nebraskans.

**LATHROP:** Thank you, Eric, for your testimony and for speaking for your organization. I don't see any questions for you today.

**ERIC REITER:** OK, thank you.

**LATHROP:** Thank you for being here. Next testifier, please.

**ANNA STENKA:** Hello.

**LATHROP:** Good afternoon.

**ANNA STENKA:** Good afternoon. My legal name is Anna Stenka, that's S-t-e-n-k-a, and otherwise known-- I am known as Mar Lee, and I'm here to testify as a proponent of LB504. I am testifying as a Nebraskan who is a member of the LGBTQIA community. I am nonbinary and queer. And due to these parts of my identity, I have lived in fear of being physically harmed. I grew up hearing kids-- you know, on the playground playing things like smear the queer and using derogatory and transphobic and homophobic language to refer to others. So that left me closeted and hiding these parts of my identity for the entire time in which I attended Alma Public High School, and that was a very hard time. And for those of you who do not know that, hiding these parts of your identity whether it is your sexuality or gender identity is very psychologically stressful. And I was already experiencing at a young age symptoms of depression and anxiety due to a number of other

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factors, but having to hide my gender identity attributed to that further. From the age of 12, I started self-harming and continued to struggle with this for 8 years. And at the age of 16, I was so extremely depressed and-- because I was being denied the right to safely live as my genuine and true self in my community. And almost exactly five years ago on February 11, 2014, I attempted to overdose and kill myself and was submitted to Richard Young Hospital for-- in Kearney, Nebraska for one week. I was so tired of living in fear of other people attacking me and hating me that I decided that it was better not to live at all. Since then I have received psychological help and I now have a support system where I can finally-- have felt safe enough to come out of the closet in regards to my gender identity of being nonbinary in just this last year in 2018. Since coming out my quality of life has improved greatly. My depression and anxiety are more manageable, but the fears are still there. The fear that every time there isn't a gender neutral bathroom available and I have to go with my assigned sex bathroom in a woman's that I'm going to be asked what I'm doing because of my gender nonconforming and androgynous appearance. I have fears of when I'm walking down the street, or the other day when I went to the DMV-- these, what are you looks, when people try and figure out my gender identity or sex. In 2018, there were 24 reported murders of transgender people across the nation. The majority of the victims were transgender women of color. Two things that we know are that transgender people exist within Nebraska and that the transgender individuals face discrimination, assault, and homicide due to their gender identities. Knowing these two things, it only makes sense that Nebraska legislators do their duty to protect all Nebraskans including transgender and gender nonconforming Nebraskans by voting yes to LB504 and pushing it through. And it took me years to realize that my life matters and that I have a right to exist without fear of threat my gender identity. In a state that has many legislators and politicians that claim themselves as pro-life, please acknowledge that after birth my life still matters and deserves to be protected by Nebraska law by voting yes to LB504. Thank you.

**LATHROP:** Thank you. Do you go by Mar Lee?

**ANNA STENKA:** Yes, I do. Thank you, Mar Lee, for being here today.

**ANNA STENKA:** OK, thank you.

**LATHROP:** Spike, welcome back to the Judiciary Committee.

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**SPIKE EICKHOLT:** Thank you, Chairman Lathrop and members of the committee. My name is Spike Eickholt, S-p-i-k-e, last name is E-i-c-k-h-o-l-t, appearing on behalf of the ACLU as a proponent to LB504. We want to thank, Senator Hunt, for doing the bill-- introducing the bill. This bill is straightforward, and I would submit that compared to many of the bills that you're going to hear today that this should be a very easy decision for the committee. Why is this bill necessary? The bill is necessary for the reasons that Senator Hunt explained, and from the last two people who testified. And that is, crimes that are motivated by hate, particularly violent crimes, should be treated differently than crimes motivated by other reasons. Crimes of assault that are motivated by hate directed toward the victim because of who that victim is, whether it's that person's race, their religion, their gender identity should be treated differently than assaults that are caused by incident or reaction or something like that. The Legislature-- this state made that decision as a policy in 1997 when they created the hate crime statutes. And at that time, they did include the category along with race, religion, and gender-- they also-- and gender-- they also included a category of sexual orientation. There was some debate-- I happened to be working there when we did that bill, when the Legislature passed that bill. And there was debate over the category of sexual orientation and what it would mean, what it's gonna cause, and so on. But ultimately-- and if you look at page five of the bill the decision is pretty straightforward. The protected classes or the designation of the motivation for the person committing these crimes. It's only triggered, it's only implicated if a person commits a crime. If the defendant assaults somebody and the state can show that that person-- that defendant assaulted that person because of the victim's race, they're punished more. This is not an issue of employment. It's not an issue of housing or public accommodation or [INAUDIBLE] or anything like that. It's simply the state making a very clear statement and that is we won't tolerate hate directed toward people. LB504 adds gender identity to that list. Every year the Crime Commission notes and has statistics on hate crimes committed in the state. You can look at that on-line. Actually, I was gonna bring my copy up, but I must've left it back on my desk, and you can track and you can see the trends. There are hate crimes in this state. You've heard from the last two testifiers that trans people are targeted for who they are and you know nationally from the statistics that they are as well. I did have distributed a handout which shows the other hate crime laws by states. Most other states have a hate crimes law. [INAUDIBLE] got different colors, but the notation of the hate crime statutes being fully

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inclusive which would mean including gender identity and sexual orientation and race and religion. You can see that three of our neighboring states are fully inclusive, and it's time that Nebraska should be as well. I would urge the committee to advance the bill, and I'll answer any questions if you have any.

**LATHROP:** Thanks, Spike. I don't see any questions. Thanks for your testimony. Next proponent.

**ANGIE SALAHOU-PHILIPS:** Hi.

**LATHROP:** Good afternoon.

**ANGIE SALAHOU-PHILIPS:** Thank you for hearing me again. For the record my name is Angie Salahou-Philips, it's S-a-l-a-h-o-u hyphen P-h-i-l-i-p-s, and I am here today on behalf of the Douglas County Democratic Party Women's Caucus to show our full support for LB504 as introduced by Senator Hunt. We've actually submitted letters of support for all of this afternoon's hearings. Part of the mission of the Women's Caucus is to empower women of all ages and advocate for women's rights. We are committed to ending violence against women in all its forms including hate crimes across lines of gender and sexuality. The Women's Caucus believes crimes committed because of a victim's gender identity or association with a person of a certain gender identity is in fact a hate crime, and we support holding perpetrators of such violence fully accountable. We urge you to move forward LB504 in order to ensure that LGBTQ+ community receives justice for hate crimes committed against them especially when according to the ACLU violence against trans women and nonbinary folks has hit record highs of 1 in 4 trans persons being violently attacked for being trans with most of those attacks being directed at trans women of color. Sexual violence occurs at an even higher rate with nearly 50 percent of trans and nonbi-- nonbinary folks being violated. We urge this community to move LB504 forward and impose enhanced penalties and civil action for these hate crimes.

**LATHROP:** OK. Thank you, Angie. Appreciate your testimony. Any-- you're, you're opposed? Just one second. Anyone else here in support of this bill that cares to be heard? We'll go on to opposition testimony.

**ROBERT KLOTZ:** The ranks are thinning here. Robert Klotz-- I'll wait for you to hit your button there.

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**LATHROP:** Go ahead.

**ROBERT KLOTZ:** Robert Klotz, R-o-b-e-r-t K-l-o-t-z. LB504 is a discriminatory bill that gives a pseudo white privileged status to the gender misguide-- misassigned, confused, the delusional, or worse the, the deviant. All citizens in Nebraska are to be treated equally under the law and the passage of this bill was spit in the face of the decent citizens in Nebraska who expect and demand equality under the law. Underlying 30 to 31 reads, "Gender identity means a person's internal sense of their own gender, regardless of the sex the person was assigned at birth." Let me get this straight, you want to give a perfectly normal man who is delusional or worse, deviant, special rights over the "nondelusional" constituency that you are to serve. How does that make sense? It doesn't. This is simply a feel good bill that a weak-kneed politician can vote for so they can bow down at the altar of the faddish political correctness goddess. The pain from an assault on a gender-confused person is no more painful or devastating than an assault on someone who is not confused. Treat everyone equal. I thought that, that was what the whole LGBT movement said it wanted, equality. This bill simply caters to the LGBT movement giving them special status. It would be more helpful if there was, first, a study done on the whole LGBT movement and ask if it is a good thing for Nebraska and are the claims of the LGBT valid. Benjamin Franklin said, "Only a virtuous people are capable of freedom. As nations become corrupt and vicious, they have more need of masters." Virtue was understood as morally good acting in conformity to the moral law practicing the moral duties and abstaining from vice as a virtuous man. This bill lacks morals as do all the other previ-- presented here today. The question is how virtuous, or lack thereof, has this Unicameral become. This bill will not make anyone safer. It is not a magic wand. The law against murder has been on the books forever, and simply to pass this law, as a feel good law, that will not protect anybody.

**LATHROP:** OK. Your opposition is duly noted. Anyone else here to speak in opposition? Come forward. Good afternoon.

**AMBER PARKER:** Sure. My name is Amber, A-m-b-e-r, last name is, Parker, P-a-r-k-e-r. I find it interesting that when we are looking at legislation of LB504, in law we should not have favoritism of a person based upon the job they have. If they're a state senator, if they're the Governor, if they're the Attorney General, law is supposed to be fair. LB504 actually is bringing a clear vision of those who want to

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bring favoritism. And I don't think some people understand that when we introduce legislation we have to think of a population. We can't look and personalize certain areas, and take and declare something as law. I would love to see law enforcement come up here and share things. Have we thought of the intent or what it could take our law enforcement to? We now have created a bill, in essence, as a conscience police through our law enforcement. How? Because when they're gathering facts and doing these things, who's going to be the determining factor to look at the evidence if there was so a hate crime. But remember we're innocent til proven guilty. And every single one of us, and I believe that's in our constitution. And correct me if I'm wrong, in whatever I'm saying. I believe we need to work together as a people. And I believe that legislation like LB504 only brings division and not unity. Why do I say this? Because we are denying the scientific facts of the body. We now have put into a degree of-- again, going back to our law enforcement. How about evidence in the hospital? How does this pertain to doctors in gathering evidence? You can't just look at LB504 and put a, a text on top and say, everything goes. We know that things evolve through criminal investigations. So you now have, again, LB504 would be creating a thought police. I want to speak on a testimony of myself. I'm a children's author of a book titled, God Made Dad And Mom. It was endorsed by Family Research Council and American Family Association President, Tim Wildmon. Senator Morfeld, I find it so interesting your "smuggling" about these things, but what I will say to you is those organizations have been recognized by the Southern Poverty Law Center. But you know one thing I want to talk about is unity. Not one of us created that a baby can just be made between one man and one woman. My children's book is on the Judeo-Christian view of family. There's nothing hateful about it. But what I will tell you, is that I've been-- I mean, I don't know what you declare as a hate crime, but to me there's been persecution. People have taken my characters and done things. There's been a ton of Amazon comments against me, and bullying, and even I don't want to go into the violent actions of some people encouraging. But where does LB504, Senator Hunt, protect people like myself that have written-- you know, a book like, God Made Dad And Mom, to make sure that if there was any type of a law broken or criminal activity. But to me, it just sets them in a whole new category and puts me on the other side. We all are people.

**LATHROP:** We have a three-minute timeline.

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**AMBER PARKER:** Yeah, no, thank you, Senator.

**LATHROP:** You came in a little late, so you might not have known that. But, let's see if there's any questions?

**AMBER PARKER:** Sure.

**LATHROP:** I see no questions from any of the senators, so we appreciate your coming down here today.

**AMBER PARKER:** All right, thank you.

**LATHROP:** OK, thank you. Anyone else here to testify in opposition to LB504? Anyone here to testify in a neutral capacity? Seeing none, I have a few-- several letters to read into the record, and then we'll have Senator Hunt close. In support, we have letters from Ayrn Hunt, Hunt, pardon me, Huck; Matt Heimes; Justin Lewis; Amy Martin; Cody Wolken; Patrick Habecker; Katie Meidlinger; Sarah Hanify, National Association of Social Workers; Jenny Goos; Catherine Lohmeier; Allisyn Miles, pardon me, Mills; Ella Durham; Angela Thomas; Robert Way; Sarah Davis; Catherine Nyberg; Cheri Martin-- Marti-Howard; Emily Kazyak; Samuel Bates; Susan Soren-- Soriente; David Harms; Johnny-- Joni Denny; Helen Moore; Megan Salley; Sarah Brumfield; Waylon Werner; Meray Kim; Anne Johnson. In opposition from Donna Owen; Nate Grasz, of the Nebraska Family Alliance; Rod-- pardon me, Rob Rohrbough; Jeremiah Fleenor; Bob and Karen McNeff; Charlotte Ralston; Justin Dick; and Henry Burke. There are no neutral letters. And with that, you are good to close.

**HUNT:** Thank you, Chairman Lathrop, and thank you members of the Judiciary Committee. The scope of LB504 for his very narrow. It's meant to protect transgender people from hate crimes by adding gender identity to our hate crime statute. If any other senator wanted to bring a bill to protect any other group of people, it would get a public hearing as well. And I would encourage any of you to do that, if you want to, of course. Passing this bill would just ensure that justice is dispensed for people who have been victims of prejudiced violence. That's what that statute is for. According to the Nebraska Crime Commission, in 2017, I can tell you that 25 percent of hate crimes were directed toward LGBTQ people, so that's a lot. That's a high number. These people need protections, and I urge you to move this bill forward. Thank you.

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**LATHROP:** Thank you, Senator Hunt. That will close our hearing on LB504. Senator Hunt is also the sponsor of LB166 and she will next open on that bill. Welcome, again.

**HUNT:** Thank you, Senator Lathrop, and thank you to the members of the Judiciary Committee. I'm Senator Megan Hunt, M-e-g-a-n H-u-n-t, and I represent District 8. Today I'm presenting LB166, a bill to eliminate the use of the gay and trans panic defense in Nebraska courts. This legislation is supported by the American Bar Association and has passed several other states already. The gay and trans panic defense is a legal defense strategy that aims to demonstrate to a court or jury that the sexual orientation of a victim to a violent crime is to blame for their death or injury. Historically, these defenses have been used by defendants in three ways: to claim insanity or diminished capacity because a sexual proposition by the victim triggered a nervous breakdown in the defendant; to bolster a defensive provocation by arguing that a victim's sexual advance, although entirely nonviolent, was sufficiently provocative to induce, to induce the defendant to kill; or to contend that the defendant reasonably believed the victim was about to cause the defendant serious bodily harm because of the victim's sexual orientation or gender identity. This defense is brought to mitigate sentences for murder charges to manslaughter or justified homicide. Sexual orientation or gender identity cannot ever excuse violence, and our courtrooms should not be used as chambers of hate. In fact it should be noted, that using this defense could be evidence of a hate crime. This needs to be one point of conversation in a broader conversation about how LGBTQ people are treated in the criminal justice system and in our society more broadly, which I understand is kind of the theme today. It's easy to say that these things don't happen that often, that it doesn't happen in Nebraska. But that's missing the point. The use of this defense shows a court system that places LGBTQ lives lower than their straight peers. Just because most people are heterosexual doesn't make this OK. Just because people in the Legislature, lawmakers may know-- may not know people personally who this has affected doesn't mean it doesn't happen. It means that we have an opportunity to be leaders and end a discriminatory practice in our state. The legislation that I have proposed would ensure that victims of LGBTQ hate crimes and their families receive justice and the perpetrators of such crimes are held accountable. This defense strategy is a remnant of a bygone era of legalized discrimination and normalized antipathy toward this community. This law works to bring the law up to date with current medical and psychological standards and understandings of human

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sexuality and gender. In 2013, the American Bar Association issued a resolution urging all levels of government to take legislative action to curtail the availability of the gay and trans panic defenses. Many cities and municipalities have done this, California did this. Both houses of the Illinois Legislature unanimously passed a bill to prohibit the use of this defense, and Republican governor signed it into law. As the legislative actions of these juris-- jurisdictions have demonstrated to the rest of the country, this is not partisan. This is not controversial. This is about ensuring equality in the court. The purpose of this committee is to determine whether this issue is worthy of law. I brought this to you and I want to work together to make this acceptable to everybody in the body. Some people might say this is a solution in search of a problem or the problem-- or the solution doesn't live in the Legislature, that's something we hear, that the LGBT community doesn't face this kind of crime in Nebraska. But as I said earlier, according to an annual report from the Nebraska Crime Commission, 25 percent of hate crimes in Nebraska are motivated by anti-LGBT sentiments. So I urge you to think of the members of the LGBT community, many of whom are here today, of course, in support of this legislation who have suffered disproportionately high rates of violence in Nebraska, and I hope you make the decision to move this bill forward. Thank you.

**LATHROP:** Thank you, Senator Hunt. Are there folks here testifying in support of this bill? Two people, OK. Somebody can sit in the chair, and the other person can be on deck, or persons, if there are more. It's, OK. Come on up. You can sit in these chairs here if you're gonna testify so we can-- good afternoon.

**KIMBERLEY O'DONNELL:** Good afternoon, Senator Lathrop and the members of the Judiciary Committee. My name is Kimberley O'Donnell, K-i-m-b-e-r-l-e-y O-'-D-o-n-n-e-l-l, and I currently live in Legislative District 7. I am here today in support of LB166. I was born and raised in Omaha, Nebraska. Apart from leaving for university, I have lived here my entire life. I'm a 21-year-old trans woman, and I am here to ask you to see me and to make sure that you hear me. As a child, I grew up dreaming of a long-- a living a long and fulfilling life being extended the same inherent ability to exist, the right to dignity, respect, and to live. Unfortunately as I aged, I quickly learned a different reality. A reality that many of my peers do not have to face. According to the Inter-American Commission on Human Rights, an overview of violence against LGBTI persons between January 1, 2013 and March 31, 2014, 80 percent of trans people murdered during

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that time were 35 or younger. I am 21. These numbers are not getting any better. There is a gross epidemic across this country and world where trans people, specifically trans women of color, are being murdered. We are being murdered and not enough people are talking about this. Allowing individuals guilty of murder to utilize a gay or trans panic defense is inherently inhumane. To the memory of the victim who was murdered, not supporting the LB166 sends a message that is it OK-- that it is OK to murder trans bodies-- that trans bodies-- it sends a message that is it OK-- it is OK to murder trans people. It sends a message that trans bodies lives and memories are not worthy of the very dignity that you and other [INAUDIBLE] people hold. That is un-American. It is not living in human goodness. I ask you now to stand for goodness, to stand for the memories of thousands of trans people who have been murdered. To make Nebraska a place where trans bodies and lives and memories are sacred, valued, and protected. That is true goodness. Thank you.

**LATHROP:** Thank you, Kimberley. We appreciate your testimony today.

**KIMBERLEY O'DONNELL:** Thank you.

**LATHROP:** Good afternoon.

**ABBI SWATSWORTH:** Good afternoon. Thank you. My name is Abbi Swatsworth, A-b-b-i S-w-a-t-s-w-o-r-t-h. I'm here today speaking for OutNebraska, Nebraska's only statewide organization working to empower and celebrate Nebraska's LGBTQ community. OutNebraska stands in full support of LB166. Gay and transgender panic defenses have been asserted by defendants in criminal trials throughout the U.S. since the 1960s. In these cases defendants have argued that their violent behavior was a rational response to discovering that the victim was LGBTQ. I'm going to leave the remainder of my testimony to the written that I've shared with you, but I would like to share a personal story gathered by OutNebraska to illustrate that these crimes do in fact happen in our great state. I was assaulted on a date with a man who knew about my appearance which is gender nonconforming and can be ambiguous. I'd been on a date with him before in a public location but this time he was introducing me to two of his friends who were not forewarned. They could not tell my sex by looking at me at the time. They turned against their friend and asked him if he was gay and why he would have sex with a tranny like me. My date then spoke about not knowing that I was a man. I guess that they thought I was. I was pushed and kicked. I was punched and called names like faggot and dyke. I felt overpowered and was not strong enough to fight back. A

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hand went down my pants and I don't quite remember much after that. I don't believe I was sexually assaulted, but I do know I was left to bleed on the pavement. This happened on a summer late afternoon evening at Gene Leahy Mall in Downtown Omaha. It was light out and people were around. No one helped me. No one offered me a hand to help me up. I took the bus home, and didn't speak a word of it for another year. I'm open to any questions. Thank you.

**LATHROP:** I don't see any questions, but thanks for that testimony,--

**ABBI SWATSWORTH:** Thank you.

**LATHROP:** --and your thoughts on the subject. Oh, I'm sorry. If you want to come back. I missed, Senator Wayne.

**WAYNE:** I just want you to know, we don't often recognize this publicly, but I hear you, and I see you, and I think it's important that you shared your story.

**ABBI SWATSWORTH:** Thank you.

**LATHROP:** Good afternoon.

**CARINA McCORMICK:** Hi. My name is Carina McCormick, C-a-r-i-n-a M-c-C-o-r-m-i-- m-i-c-k, see I'm almost forgetting my last name, comma PhD, please. I'm a little bit out of breath because I took two hours vacation time to come here at 1:30 to testify at this bill, and then the order got switched around, so I went back to work, couldn't leave until 5:00, rode my bike here from UNL, you know, it's not that close. So that's why I'm out of breath. But I want to testify in support of this bill, it's particularly getting rid of the absurdity of the gay panic defense especially in regard to people being hit on like at a bar or at any gathering or having unwanted social advances-- or sexual advances or romantic advances. Whether or not there had been a prior relationship, that's part of the bill. And I feel that I am justified to speak about this because I have had very, very, very many episodes in my life of unwanted romantic and sexual advances. And I am very pleased to report to you that in zero of those instances have I felt the need to use violence as a result. And actually that's really, really reasonable that another human being shows interest in you, you don't respond to the interest the same way and you let them know. I can't imagine any world in which a person would think that that interest would be justification for violence. And, as an example, I've prepared a list of some things that you can do instead of violence

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when someone hits on you that you don't want to be hit on. You can say, I'm not interested. Or you could say, I can buy my own drink, thank you. Some other ones I've liked to use are, I just want to read my book. I just want to talk to my friends. Sometimes I will say, you're really not my type. Not that often, but sometimes. And if that doesn't work I'll say, could you please just leave me alone? That's also another really good option that isn't violence. And I think that's a really good baseline for our legal system. That that's sort of normal human action-- interaction. Lastly, there's always the approach, that's one of my very favorites, which is get up and walk away because you're not interested. And that's the end of the story. Violence shouldn't be necessary, and violence shouldn't be protected in our state law.

**LATHROP:** OK. I did notice that you came in here at the very last second and out of breath and we apologize for the calendar. It, it happens.

**CARINA McCORMICK:** My paper was folded in my bag from earlier. Yeah, so-- any questions?

**LATHROP:** Yeah. No, thank you for being here today. Anyone else here to testify in support of LB166? Anyone here to testify in opposition?

**SPIKE EICKHOLT:** Good evening, Chairman Lathrop and members of the committee. My name is Spike Eickholt, S-p-i-k-e, last name, E-i-c-k-h-o-l-t, appearing on behalf of the Nebraska Criminal Defense Attorneys Association opposed to the bill. I first want to state that nothing in my testimony is directed at anyone here and certainly nothing that's ever happened to anyone here. I did talk to Senator Hunt a number of times about this bill since it was introduced and she did these drafts and possible amendments and so on. But ultimately, I explained to her that I think our association, why I know our association is still opposed to the bill. I listed and handed, handed out a letter explaining our-- some of our objections to the bill. The first most fundamental objection is this, as an association we oppose any effort to place a restriction in statute on our ability to meaningfully or even not meaningfully to present a defense on behalf of our clients. Everyone is entitled to a defense to a criminal charge even if that defense is offensive. Even if it's absurd, you are still entitled to that defense, and sometimes that's the only defense you may have. So I understand, and I'm not, and our association is not unsympathetic to the reasons behind this bill. But one thing is clear in Legislatures, if there's one bill, there'll be another one and

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we're just not going to concede that point where we can put in statute the elimination of seemingly frivolous or offensive defenses. Second, we would argue the bill is unnecessary. In 1993, our Supreme Court rejected this type of defense. *State v. Lowe*, and I've got it cited in the handout. In that case at the trial level a defendant to a homicide case tried to argue that he assaulted and killed the victim because the victim came onto him. The trial judge didn't let him introduce the evidence and the Supreme Court said, that's right, the trial judge was right, that's not relevant. So arguably the system works under the general rules of evidence and, and not just under 27-403 general rule of evidence, but also evidence with respect to expert testimony. Arguably, this would interfere oddly with the hate crime prosecution. [INAUDIBLE]-- we've pitched this bill to our members, a lot of them have never really heard of it before. And there's a structural reason why, and that's this, you heard LB504 before. If my client is charged with assault, a justification defense is, I did it, because. Right? You're not going to advance a justification defense of a hate crime as a defense. In other words, I did it, because that person was pretending to be a man or I did it, because that person is gay. Because, one, the jury's going to reject it, and all you're gonna get your client convicted of is a more serious charge. So there's already some problem, I would submit what the bill proposes with our hate crime law. And finally, the bill only targets criminal defendants. It doesn't apply to prosecutions so prosecutors under this bill are free to adduce evidence that might shame or humiliate witnesses. It doesn't apply at all to civil cases. And for those reasons, we would oppose the bill.

**LATHROP:** OK. Senator Wayne, has a question for you.

**WAYNE:** I actually thought of the opposite scenario. If we passed the previous bill and my client-- and, I guess, it's the form of a question, but I'll get there. My client says, no, I know he's heterosexual or she's heterosexual. Under this bill, I'd have no ability to prove that?

**SPIKE EICKHOLT:** I-- under this bill you wouldn't even be able to let your client say what you just said, and that is, I know that person's a heterosexual. Because if you look at the bill, the defendants can't adduce evidence as to that victim's sexual orientation. Now the prosecutor might be able to do it, and the prosecutor might want to do it if they're proving the hate crime allegation. And that's the other part of the law. I mean, there's-- in cases evidence can be admitted

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for limited purposes. But I don't know how you-- I don't how the judges are gonna figure it out and I certainly don't how the judges are gonna explain it to juries in that situation that you can consider this for purposes of finding guilty of a hate crime, but not for any kind of other defense or anything else.

**WAYNE:** OK, thank you.

**LATHROP:** Your other point, if I understand it is, if we include or pass the bill on hate crimes then somebody trying to offer this as a defense is just getting themselves deeper into hot water, and turning an--

**SPIKE EICKHOLT:** Yeah, I mean you could,--

**LATHROP:** --assault into a hate crime.

**SPIKE EICKHOLT:** --you could swing for the fences so to speak as a defendant and get some fly-by-night doctor who's gonna come in and diagnose you with gay panic syndrome or something like that and try to get the judge to instruct the jury. But in reality, I would never try that. Even if you could get an expert to say something like that. Because all you-- when the dust settles on a justification defense, if you're conceding, you committed the crime. And if you agree that you did it because of a person's gender identity, you're conceding the more serious offense.

**LATHROP:** OK, I think we understand. Oh, we have another question for you. Senator Slama.

**SLAMA:** Sorry, I just have one. So just to reiterate for my understanding the type of defense that would not be permitted under this law hasn't even been raised since that 1993, State v. Lowe ruling?

**SPIKE EICKHOLT:** At least not in any published opinions that I saw.

**SLAMA:** OK.

**SPIKE EICKHOLT:** You know, somebody could have tried it and not appealed or been rejected. I'd never known anyone to do it. The only time, frankly, I've ever heard the issue of why somebody did something is when the defendant is trying to keep that evidence out to a hate crime charge. They don't want it coming in. Right? What they said at

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the time, they don't want that in. But I haven't seen a published opinion since 1993.

**SLAMA:** OK, thank you.

**LATHROP:** I think that's it. Thanks, Spike.

**ROBERT KLOTZ:** Robert Klotz, R-o-b-e-r-t K-l-o-t-z. Line 1 through 3 says, to prohibit the use of defendant's discovery of knowledge of a victim's actual or perceived sexual orientation or gender identity as a defense to a criminal offenses. This is a bill that eliminates an excuse for criminal activity that is an imaginary excuse. No one has the legal right to commit a crime against another person no matter what reason or excuse they may concoct. If there are no excuses then the excuse of gender identity already is eliminated as an excuse. The real purpose of this red herring bill is to put into law the sham legitimization of transgenderism and to protect it. The law would bring into existence by definition something that really does not exist in reality. This is not to say there are no problems caused by genes, XY chromosomes and testosterone and adrenal failures, but a man with breasts is still a man. Only men impregnate women and only women get pregnant even if they have a beard. Being able to demand one's true male or female gender of someone can be important. For example, Karen White of the U.K. was both a legally and bona fide man who was sent to a woman's prison in the U.K. because he professed to be a she. White raped two female inmates there. The passage of this bill would open Nebraska up to possibly making the same ignorant mistake. Furthermore, I would not want men pretending to be women and going into the school restrooms to check on the status of the children. We do not need teacher, Karen White's, here in Nebraska. Vote no on LB166.

**LATHROP:** OK, thank you. Anyone else here to testify in opposition? Anyone here in a neutral capacity? Seeing none, we have a-- another list of letters that have been received and I'll try to read those. It's a familiar list. In support: Katie Meidlinger; Ella Durham; Meray Kim; Angela Thomas; Sarah Hanify, of the National Association of Social Workers; Gina Frank; Jenny Goos; Robert Way; Allisyn Mills; Angie Salahou-Philips, Douglas County Democratic Party Women's Caucus; Cat Nyberg; Cathy Lohmeier; Catherine Brown; Cheri Howard; Cassey Lottman; Emily Kazyak; Marni Stewart; Susan Soriente; David Harms; Megan Salley; Waylon Werner; Angela Thomas; Brian Bigelow; Sarah Zuckerman; Stephanie Bondi; Pat Tetreault. And in opposition: Donna Owen; Nate Grasz, from the Nebraska Family Alliance; Tom Venzor, from

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the Nebraska Catholic Conference; Rob Rohrbough; Jeremiah Fleenor; Joe Stephans; Mike Nicolén. And with that, Senator Hunt, to close on LB166.

**HUNT:** Thank you very much, Chairman Lathrop. As Mr. Eickholt said, he raised his concerns about this bill early on with me and we worked together pretty much up until this point to try to find a compromise that worked for both of us and we didn't get there. But I'm still open to talking about it because this is an important issue that obviously affects a lot of people. And, and so this amendment that I brought-- you have an amendment in front of you. This amendment makes it so that it does allow evidence. It allows a jury to consider evidence of somebody's sexual orientation. So we're still working on that a little bit, and I just want you to know that I'm open to it. The point is that someone's sexual orientation is not a reasonable excuse for anybody's violent behavior. And when we allow these defenses to be raised in court, it's a miscarriage of justice and we're depriving a community of dignity. So we're gonna find a way to get to an answer that works for everybody. And this is something that I'm very proud to have brought to the Legislature, and it's something we're gonna continue to work on. Thank you very much.

**LATHROP:** Thank you, Senator Hunt.

**PANSING BROOKS:** I want to say something.

**LATHROP:** Oh, I'm sorry. Senator Pansing Brooks.

**PANSING BROOKS:** Thank you for bringing this bill, Senator Hunt. It is important. And you're right, nobody should be able to have some special defense for or discriminating against a person or hurting another person because of who-- whom they are. And I also want to thank the people that came here today that have been telling very courageous stories and taking risks that are amazing to help our state move forward. And I know that we all feel very grateful for the effort and the passion and willingness to share your stories. Thank you.

**LATHROP:** Thank you, Senator Hunt. I think I'll let you open on LB168, or at least tell us where we're at on LB168.

**HUNT:** Thank you, Chairman Lathrop and members of the Judiciary Committee. My name is Megan Hunt, M-e-g-a-n H-u-n-t, and I'm a state senator for District 8. Today, I introduced a motion to withdraw

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LB168. I intend to withdraw it. And with that, I would respectfully request that we close the hearing on LB168.

**LATHROP:** OK, and with that, we will close the hearing on LB168 given your intention to take up that motion on the floor in due time, and that will bring us to LB167. I will ask those of you who are waiting, and I know some of you have come since 1:30 when I initially spoke. We are going to enforce the three-minute timer and ask that we move through the chairs and be respectful of the time just so that more people have an opportunity to be heard. And also I'm just going to say, we appreciate this issue is important to both sides. That's-- this entire Judiciary Committee appreciates-- this issue is important to both sides. If someone has expressed your sentiment, please consider letting that be enough. Because-- you know, having ten people say the same thing does not-- it, it hits a point of diminishing returns. And that's true with both sides. And with that, Senator Hunt, to introduce LB167.

**HUNT:** I need just one moment. I apologize.

**LATHROP:** Go ahead.

**HUNT:** My opening statement isn't in my binder.

**LATHROP:** Oh, oh. All right, just,--

**HUNT:** Sorry, it might just be--

**LATHROP:** --just one of those practical snafus.

**HUNT:** I'm very sorry.

**LATHROP:** No, no, that's all right.

**HUNT:** I obviously tried to prepare for this and failed so that's not a surprise. But--

**LATHROP:** No.

**HUNT:** Thank you.

**LATHROP:** So while we're waiting for Senator Hunt's notes to arrive, is everyone who wants to speak in support standing in line? OK. So now I know what the line looks like. How many people are here to testify in opposition? OK. I will-- maybe because I somehow have a problem with

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it just being quiet in this large room with this many people.

[LAUGHTER] I will share with you that we have received an awful lot of mail on this. As a committee, not just as the Chair of this committee, but the committee members have as well. We understand an awful lot of the points of view that we'll hear expressed today. And I know-- you know, this is your opportunity to interface with the Legislature, and we appreciate that. Just be mindful that repetitious testimony will keep us here late into the evening. We found another way.

**HUNT:** I bet this is my most recent version. Sorry.

**LATHROP:** Senator Hunt to open on LB167.

**HUNT:** Thank you for your, for your understanding and your patience. I know that we're all very tired and I'm not helping with that, so thank you for your support. Good afternoon, Chairman Lathrop and members of the Judiciary Committee. I'm Senator Megan Hunt, M-e-g-a-n H-u-n-t, and I represent District 8 in Midtown Omaha. LB167 is a bill to prohibit charging money for or advertising for the sale of conversion therapy under the Uniform Credentialing Act impacting medical professionals. Fifteen states and D.C. have passed similar legislation banning this practice. Conversion therapy, which is also referred to as reparative therapy, refers to interventions meant to alter a person's sexual orientation or gender identity. This practice is grounded in the incorrect and debunked belief that being LGBTQ is an undesirable affliction to be corrected. Contemporary Science recognizes that being LGBTQ is part of the natural spectrum of human identity. Gay people can marry, gay people can adopt, and there is cultural consensus on the humanity and dignity of this community, which is my community. Conversion therapy is meant to correct a problem that does not exist. And throughout recent history has included institutionalization, castration, forced sexual interactions, lobotomization, electroconvulsive shock therapy, and psychotherapy, and talk therapy. Regardless of the medium whether you're castrating somebody or giving them or electroshocks while showing them gay pornography or whether you're just doing talk therapy, these treatments have proven to be ineffectual and harmful. A growing body of research overwhelmingly demonstrates that conversion therapy is not rooted in medically sound practices, is unethical, and causes substantial harm especially in adolescents. That's why national professional health organizations have condemned the practice including the American Academy of Pediatrics, the American Counseling Association, the American Psychological Association, the National

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Association of Social Workers, and many others. I've handed out a list, which I'm sure is not exhaustive, of organized-- of organizations that oppose this therapy. I really hope you take a look at it because I want to be sure that in the future on the floor, we aren't saying things like the American Medical Association recommends cancer screenings and daily exercise, but it's incorrect when they oppose conversion therapy. To me the logic is the same. If it's healthy, it's healthy. If it's unhealthy, it's unhealthy. Conversion therapy, the consensus is in, it is dangerous, debunked, harmful, unhealthy. Those who have gone through reparative therapies speak of the medically unsound methods employed by these therapists and organizations such as behavioral therapy, hormone therapy, surgery. These treatments include homophobic counselling, isolation, unnecessary medication including hormone treatment. Subliminal therapy is designed to enforce feminine or masculine behavior and desensitization therapies that teach a young person to associate homosexual feelings with disgusting images. These forms of treatment frequently result in nervous breakdowns, feelings of guilt. Some patients have witnessed others in their programs commit suicide or mutilate their genitals. Many reparative tactics are likely to cause mental breakdowns in otherwise healthy people. Opponents of this bill may raise concerns about the constitutionality of this bill in terms of free speech or religious freedom. I'm sympathetic to these concerns because there's been a lot of misinformation about this bill going around. I want you to understand three points about the scope and impact of this bill. Under this bill, medical professionals and lay people would not be able to advertise for the sale of or charge money for conversion therapy regardless of the patient's age. Next, medical professionals would be able to perform conversion therapy for patients over the age of 18 if they do not charge for it. This means that those who are not medical professionals, including faith leaders, would be able to provide conversion therapy to any individual regardless of age so long as they do not charge for the service. Nothing in this bill will prevent faith leaders from preaching what they believe about gender issues, nor will it criminalize speech based on religious viewpoints. It will simply prevent them from making a buck off of it. In other words people are still free to disapprove of their gay children, but they cannot pay a therapist to tell their children that. The language of these bills was carefully crafted with the advice of many attorneys who specialize in civil liberties and First Amendment issues to ensure that no freedom of religion or speech issues would occur. I also had political leaders from many other states where this bill has passed review the language. Similar pieces of legislation

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from other states have been upheld in the federal appeals courts over the last few years. The Supreme Court of the United States has declined to hear challenges about the legality of these bans which signals agreement with the appeals courts that such bans do not violate First Amendment guarantee to freedom of speech and religion. My colleagues, there's no evidence that shows people can change their gender identity or sexual orientation. You can't cure homosexuality. You will hear extensive personal testimony today from people who have experienced detrimental effects from conversion therapy personally, especially as children. This is harm. This is not what our medical practitioners are meant to do. We must hold our medical community to the highest standards and to provide their patients with the best quality care science can offer. Converge-- conversion therapy is not that care and it should not be advertised as such. Being LGBT is not an abnormality. It is not something to be treated or fixed. This is based on pseudoscientific beliefs. It's based on prejudice. I'm not bringing a bill that says you can't be prejudiced. This says-- nothing in this bill says that you can't hate people or think that they're going to hell. But no one should be making a buck off that, especially to the detriment of youth in Nebraska. Members of the committee, I urge you to make a decision informed by the mounting evidence discrediting this practice and move this bill forward. And with that, I'd be happy to take any questions. Thank you.

**LATHROP:** Senator Slama, has a question for you.

**SLAMA:** Hi. Thank you very much for being here today and bringing these bills. I had just a few questions for you. So the conversion therapy statutes that you referenced in your opening, nationwide those only extend to conversion therapy bans for minors under the age of 18. Why did you go beyond that in this bill to include any for profit conversion therapy even for consenting adults?

**HUNT:** Conversion therapy is ineffectual and harmful. It's a debunked medical practice, and this bill regulates only that professional therapy which is a form of medical treatment which is already highly regulated to protect the public safety that this not be a valid form of therapy, and that's just good science. That's just good medicine.

**SLAMA:** OK, and so just to be clear this one LB167, does it apply to all forms of therapy, so including like group conversations with a therapist or one-on-one conversations?

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**HUNT:** In no form of therapy would a therapist be able to change somebody's sexual orientation, so a person could not go into a therapist and the therapist advertising or helping them change their orientation. There are-- there is a provision in the bill, and nothing in the bill prevents someone from giving compassionate care about someone's potentially negative feelings about same sex attraction. Before I came out-- when I was a teenager, I struggled very much with those feelings. I felt very abnormal. I felt very unaccepted. And there were definitely days when I wished I wasn't that way. And there is-- a good therapist will help a child or any person deal with those feelings in a supportive, loving, nonjudgmental way. If a therapist is promising a person that they can change their sexual orientation, then that therapist should not have a license to practice because that is not understood today as good medical practice.

**SLAMA:** So have there-- to this end, have there been any complaints filed with DHHS or any other reporting agency in Nebraska about these conversion therapy practices in the last few years?

**HUNT:** I'm gonna let some of the testifiers behind me address that.

**SLAMA:** Thank you. That's all I have.

**HUNT:** Thank you.

**LATHROP:** I see no other questions. Thank you, Senator Hunt.

**HUNT:** Thank you, Senator.

**LATHROP:** We will take proponent testimony at this time.

**MATTHEW MIMS:** Good evening, and thank you for having me here. My name is Matthew Mims, M-a-t-t-h-e-w M-i-m-s. I'm the executive director of the Nebraska Counseling Association, and I'm speaking here on their behalf. I'm also a trained teacher, K-12; a trained school counselor, K-12; a licensed professional counselor; and a licensed mental health professional. I'm a full-time counselor educator for the University of Nebraska at Kearney, though, I do not represent the university, their staff, or any of their voices. I'm here today to speak for the children, and for the protection that we need to offer them against this practice. Conversion therapy is not effective. It's not efficient and that has been proven by research as well as there is detriment to the individual as, as well as often relationships with other adults, their peers, and their parents. Conversion therapy can become sheer

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torture. The examples that Dr. Hunt gave and the description she gave was quite eloquent for this harmful practice, because we have shock therapy. We're finding that it is effective for depression. Yet shock therapy to your genitals, just the thought of that probably makes some people cringe in this room. It certainly won't make a 30-second clip on the news, but it's something that we need to talk about because we need to have these protections in place. We believe that our society is developed beyond this. There's ethnic cultures that, for example, have female genital mutilation. And for a time, they thought this therapy would work about conversion from parents that were homophobic or thought they would be shunned in society. But we know that is not the place. We know that's not the outcome. And yet you would ask, why the parents would do this? And I'll let some of my peers as well as some of the individuals testify to that, so I am not repetitive. But we need to realize that sometimes parents do mistreat their own, and we need to have these protections against them, as we have outdated a lot of medical procedures as we become more familiar with the body and now begin to understand working of the brains. Think about you as a child, ready to go on to talk about some of these things, and yet have somebody so negative against what you were feeling inside. When you see some of the people that speak against this, ask them what their licensure is? What their training is? Did they get training in conversion therapy? Was it even with children? When you speak to some of the lobbyists, I hope they brought a counselor or social worker along with them because I know of no one that is a licensed professional counselor who practices this and is [INAUDIBLE] in this. In a way this is in a dark corner of the mental health profession, and many states are working towards this or have already been successful in eliminating this process. The American Counseling Association has a white paper speaking against this. There's a number of research to back this up. We'll have a representative from APA, so I'll close it. Any questions?

**LATHROP:** Senator Chambers.

**CHAMBERS:** Did you mention the application of shocks or electric-- electrical shock to genitals?

**MATTHEW MIMS:** I did.

**CHAMBERS:** That's torture, and it cannot be done without violating international law or laws of war and things of that fashion. So I think if anybody applies that to a child, that person should be charged with a crime, prosecuted, and punished if found guilty. There

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cannot be a concept in this society of a proprietary ownership of a child like you would a piece of wood, a car, or some other inanimate object, because if you did that to an animal it would be considered cruelty to animals and you could be prosecuted for it. And although anything, not a plant or a mineral, may be considered an animal-- I mean, animal in the sense of the lower order or the animal kingdom. And I think most people know what I'm talking about. And the reason I'm saying it to you, you are a person with training, you understand what it is we're talking about and I want my view clearly on the record because I'm not going to interrogate these people who support these kinds of things because they're people in my community whom I believe in exorcising spirits by doing very harmful things to children. And you cannot find a harsher, harsher critic of it than I. Children are not things, they cannot defend themselves. They cannot protect themselves. And it proves these nutty people who do that, I think they're insane. I want them to know it. If they read anything that George Bernard Shaw said, they should read the statement where he said parents are the very ones who should not have children. And when I say what I'm saying, we have had bills that talk about crimes and punishments. I don't care if they do it under the guise of religion or any other thing. I am glad that there are people here with understanding who are gonna help us compile a record on this. And if anybody doesn't like what I say-- well, I'm an easy person to find someplace else.

**MATTHEW MIMS:** Totally agree with you, Senator Chambers, as a lot of the tactics or techniques in conversion therapy does borderline on torture, and that's why I felt it was important to spend the day with you and speak, and speak in favor of this bill. Thank you.

**LATHROP:** Thank you, and we appreciate your testimony today.

**ROSEMARY ESSEKS:** Hi, my name is Rosemary Esseks, R-o-s-e-m-a-r-y. I'm a licensed psychologist. Oh, sorry, the Esseks, E-s-s-e-k-s. I'm a licensed psychologist speaking on behalf of the Nebraska Psychological Association in support of LB167. The American Psychological Association, along with the federal Substance Abuse and Mental Health Services Administration, and essentially every major organization of health care professionals opposes the practice of therapies intended to change sexual orientation from gay, lesbian or bisexual to heterosexual because such therapies are not needed. There's no credible evidence that they work and there is a significant potential that they could cause harm. In 1973, the American Psychiatric

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Association due to mounting research evidence that having a same gender sexual orientation is not inherently pathological decreed that homosexuality is not a mental illness. While gay, lesbian, and bisexual individuals are more likely than heterosexuals to suffer from depression, anxiety, and thoughts of suicide a significant body of research indicates that these mental health issues are directly caused by the discrimination that LGBT individuals face in society, not their sexual orientations. To further support this point, a growing body of research indicates that when communities are accepting and supportive of LGB individuals they are not more likely to experience mental health issues than their heterosexual neighbors. In 2009, the American Psychological Association, after conducting a comprehensive literature review, conduct-- concluded that there's little evidence that therapy is attempting to change sexual orientation can be successful. This is not surprising given that decades of research have suggested that sexual orientation like handedness is not a characteristic that can be altered therapeutically. A former student of mine who'd been forced into this type of therapy by his parents remarked that it is very frustrating to attempt to do something that cannot be done. Our final concern is that therapies designed to sane-- change sexual orientation are likely to cause harm to participants. Being required to change one's sexual orientation communicates that this aspect of the self is undesirable, which logically could lead to self-hatred, depression, and suicide. In addition, such therapies often include inaccurate and very pejorative information about sexual orientation. My former student assu-- asserted that by being forced into this type of treatment, he felt rejected and negatively judged by his parents and his community, feelings that only deepened when he failed at the treatment. Initially we had a concern about the bill include-- the bill potentially listing as a-- or decreeing that efforts to change gender identity in young children could be child abuse because the research just isn't clear. There is some evidence-- evidently that young children might be able to change their gender identity. But since this is-- since the bill clearly-- since LB168 is no longer on the table and since this bill does not criminalize that but would just make it something that couldn't be reimbursed, I don't think we would have a concern about that anymore. Thank you for this opportunity to testify.

**LATHROP:** Senator Slama.

**SLAMA:** Thank you for coming out today. I just had a question about the definition of conversion therapy in this bill as it's listed, it

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means-- it says, "means practices or treatments that seek to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings towards individuals of the same gender." So from your professional opinion, if somebody comes in as a sex addict and they are homosexual, would that line or to eliminate or reduce sexual or romantic attractions or feelings towards individuals of the same genders be in conflict with the treatment you would provide to a sex addict?

**ROSEMARY ESSEKS:** Well, sexual addiction is not recognized as a sexual disorder. If somebody felt that they were engaging in-- if they weren't comfortable with their sexual behavior regardless of their sexual orientation or gender identity we would work with them to help them meet their goals for changing their behavior. But as a licensed professional who ascribes to my, my professional code of ethics of doing no harm, I could not perform a therapy with somebody that I know has a high possibility of creating harm or I could be at risk of losing my license, let alone not being able to sleep at night.

**SLAMA:** Sure. Would the same be true if somebody had a pornography addiction?

**ROSEMARY ESSEKS:** Again, I see those as very different things. We also do not recognize pornography as an addiction. We're always willing to work with people on behavioral issues if they're targets there. But if the behavior change that they want to make is something we think we can help them with-- you know, we have mortgages and student loans. If we think somebody has a-- you know, genuine therapeutic need, we're more than happy to help them with it and get insurance reimbursement. But we are-- again, if we do a treatment that we think has a high risk of harm and there's no cause for it there's no reason to think it's efficacious, that would be consistent with malpractice.

**SLAMA:** But if their goal is to-- the goal that you're helping them work towards is reducing that sexual attraction towards another individual of the same gender. That would be in violation of statute, right?

**ROSEMARY ESSEKS:** Yes, and it's not a treatment that I would perform because of the reasons I've listed that I don't have reason to think it can be successful and it might be harmful to them.

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**SLAMA:** Thank you.

**LATHROP:** Senator Chambers.

**CHAMBERS:** What is the meaning of sadism?

**ROSEMARY ESSEKS:** A sadist is someone who achieves-- they, they find it sexually preas-- pleasurable to watch somebody else suffer. Whether it's there causing physical harm or whether they're humiliating the other person, they find that sexually arousing.

**CHAMBERS:** Thank you. That's all I have.

**LATHROP:** I have a question.

**ROSEMARY ESSEKS:** Yes, sir.

**LATHROP:** You know, we've taken this topic up but we haven't really defined what this looks like. So is this just something that happens in a counselor's office? Or is that, is that what we're talking about when we talk about conversion therapy, some kind of counseling that takes place?

**ROSEMARY ESSEKS:** There are various ways to do it. And, of course, I haven't performed it myself. Since I was four years old when APA said that-- you know, homosexuality is not a mental illness. There are residential programs evidently that do this. There-- it's done as a group therapy. Historically, it has been done by and, as far as I know, currently it has been done by things like electric shocks. But because since 1973, the health care community has decreed that this is not a valid practice. It currently would likely be something that's done in the shadows. And therefore, we don't have good information. Recent studies on this are poor quality, they're not published in peer-reviewed journals, so it's very hard to determine anything.

**LATHROP:** OK, thank you. I don't see any other questions. Welcome to the Judiciary Committee.

**JAY IRWIN:** Thank you. Good afternoon, Senators. My name is Jay Irwin, J-a-y I-r-w-i-n, and I reside in Legislative District 12. I'm testifying in support of LB167. I'm an associate professor of sociology at the University of Nebraska at Omaha, and my PhD is in medical sociology. The bulk of my research is in the area of LGBTQ+ health, well-being, and identities. My testimony today reflects my professional expertise and is not an indication of any official

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position of the Nebraska University system, UNO, Ralston Public Schools, or the Nebraska Association of School Boards, all of which I am affiliated. In 2010, my colleagues and I in the Nebraska Midlands Sexual Health Research Collaborative, a UNO based research team, collected some of the first data on LGBTQ+ individuals living across the state of Nebraska. We found considerable disparities, including high rates of depressive symptoms, suicidal ideation, and suicide attempts in a sample of LGBTQ+ adults. While this research did not directly ask participants about their experiences with conversion therapy, the best predictor of mental health in this study is a social environment that supported people's identities as it relates to their gender or sexuality. Conversion therapy is not in line with supporting people's authentic selves. You can send a powerful message to the LGBTQ+ community in Nebraska by passing LB167 and showing them that this body believes that their identities are valid and thereby reduce stigma that conversion therapy maintains. Conversion therapy, has been said and will probably be said again, is an unethical and flawed attempt at convincing someone that their sexuality and or gender identity is wrong and can be changed. It is based in pseudoscience and has been discredited by every major nonpartisan medical and mental health professional organization. All major medical and mental health organization agrees that a person's sexuality and gender are immutable and cannot be changed. Conversion therapy relies on shaming LGBTQ+ individuals resulting in considerable mental health damage, including depression, anxiety, and suicidal behaviors. Conversion therapy can also impact people's physical health, as it can cause massive amounts of stress on the body that can in turn impact cardiovascular functioning. Fifteen states, the District of Columbia, and several local municipalities have already banned conversion therapy. Let us join them in clearly stating that conversion therapy is an approach that has no place in Nebraska. And let us uphold our motto of equality before the law. Thank you for your time today and for your careful consideration of these bills.

**LATHROP:** Thanks, Jay. Appreciate your testimony today, and everyone's patience as we get past 6:00. Welcome.

**JOAN DAUGHTON:** Hello. I'm Dr. Joan Daughton, J-o-a-n D-a-u-g-h-t-o-n. I'm a physician, specifically a child and adolescent psychiatrist, practicing at Children's Hospital and Medical Center. I'm here today on behalf of the Nebraska Chapter of the American Academy of Child and Adolescent Psychiatry. The president of our regional council, Dr. Kayla Pope, also submitted letters-- a letter of support for LB167. We

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want to thank, Senator Hunt, for offering this bill. I want to remind you of the medical organizations which have policy statements regarding, not only their lack of support for conversion therapy, but also their concerns about its negative effects: the American Academy of Child and Adolescent Psychiatry; the American Academy of Pediatrics; the American College of Physicians; the American Medical Association; the American Psychological Association; and the Pan American Health Organization Regional Office of the World Health Organization. This bill is specific to professionals with licenses. It does not address lay counselors or parents in any way. Conversion or reparative therapies rely on the false premise that homosexuality or gender diverse identities are pathological. Variations in sexual orientation and gender expression are normal components of human development. They are not pathological. There is also no scientific evidence that change in one's sexual orientation or gender identity is even possible. While there's no evidence to support the validity of conversion therapies, there is evidence to show these therapies increase the risk of causing or worsening mental health conditions when sexual orientation or gender identity fails to change during conversion therapy because it inevitably will fail. Often self-esteem is undermined, shame and guilt are increased, and internalized homophobia and transphobia is intensified. Nebraskans deserve accurate information on sexual orientation and gender identity. They deserve increased family, school and community support, and reduced rejection of sexual minorities. Healthy development for sexually and gender-diverse Nebraskans should promote integration of their sexual orientation, their gender identity, or their gender expression into their overall identity without any imposed or predetermined outcome. Happy to take questions.

**LATHROP:** Senator Pansing Brooks.

**PANSING BROOKS:** Thank you for coming in. Sorry, these things-- there. Can you hear me?

**JOAN DAUGHTON:** Yes.

**PANSING BROOKS:** [INAUDIBLE] because people said you can't hear anything on TV, so there. So I'm wondering, Dr. Daughton, if, if you have had patients that have undergone conversion therapy?

**JOAN DAUGHTON:** I've not had any, but I have several patients who are within the LGBTQ population and the American Academy of Child Psychiatry really encourages us to assist them and support them on

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their journey. I cannot determine if somebody is heterosexual, homosexual, female, or male. We have to help them figure out that journey on their own, and be supportive so that mental health issues are kept at a minimum.

**PANSING BROOKS:** Thank you.

**LATHROP:** I see no other questions. Thank you, Doctor.

**JOAN DAUGHTON:** Thank you.

**LATHROP:** Appreciate your testimony. Next testifier.

**MARRIANNE WILLIAMS:** Good evening.

**LATHROP:** Good evening.

**MARRIANNE WILLIAMS:** My name's Marrienne Williams, M-a-r-r-i-a-n-n-e, Williams. Do I need to spell it? W-i-l-l-i-a-m-s. I'm here this evening as a Christian to show the other side of Christianity and religion. As a lifelong Christian and a member of the Episcopal Church, I'm saddened and really tired of radical right-wing Christian groups making a mockery of my religion. The views of many expressed here today is in opposition-- or in opposition to the LGBTQ rights are not mainstream Christian views. In 1976, both the House of Deputies and the House of Bishops voted for a fully inclusive Episcopal Church stating homosexual persons are children of God, children of God who have full and equal claim with all their persons upon love, acceptance, and pastoral concern, and care of the church. Canon law includes gender identity or expression in its list of persons who are assured full access to the ministry of the church. Furthermore, the Episcopal Church urges dioceses, parishes, and Episcopalians to advocate for passage and enactment of similar legislation of the local and state-- at local and state level. Also the-- currently the Church of England, the Anglican Church, is-- as the head of the Episcopal Church right now working worldwide to band-- to ban conversion therapy. So the Lutheran Church is very similar, the ELCA portion of the Lutheran Church, they say that gay and lesbian people are individuals created by God, created by God, and are welcome to participate fully in the life of congregations of the Evangelical Lutheran Church. They also encourage their parishioners to support laws that protect the rights of LG-- the LGBTQ community. The Presbyterian Church goes even farther, they acknowledge that the misuse of the term religious freedom in denying basic human rights and

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reaffirms that faith in religious liberty cannot be used to dismantle-- to discriminate against anyone because of who they are. Mainstream community-- or Christianity does not condone conversion therapy, because they do not consider homosexuality an illness. Christian sects that embrace conversion therapy are radical and are not practicing within the tenets of the Christian faith. More and more Christian churches are placing more emphasis on the teachings of the New Testament, and which is actually the teachings of Christ which embraces inclusivity and love with all fellow human beings.

**LATHROP:** Very good.

**MARRIANNE WILLIAMS:** Thank you.

**LATHROP:** Miss Williams, thank you for your testimony. We appreciate it. I wish we had time to give everybody ten minutes, and it's just not practical tonight I'm afraid. But thank you for your testimony just the same. Good evening.

**ANDREW ALEMAN:** Good evening. I was gonna say good afternoon, but I guess it's evening. My name is Andrew Aleman, A-n-d-r-e-w A-l-e-m-a-n. I reside in regis-- Legislative District 9, and I'm testifying on-- in support of LB167. Thank you for the opportunity to speak in front of you today as it's not often that queer and trans black people or people of color have an opportunity to be heard. I'm a clinical social worker with over nine years of professional experience working with and supporting LGBTQ individuals, with three of those specifically in a clinical setting. I've had the opportunity to see firsthand the impact of a supportive, affirming, and client-directed environment can have on a young person, including confidence, stronger school performance, success in the workplace, and lower rates of depression and anxiety. Take a second to think of an identity that is something that's very important to you. One that's an essential part of who you are. Now imagine that when sharing aspects of this identity, you are told that this identity does not exist. You are not valid in a society if you hold that identity. And in order to truly be successful, you must shed that identity. How would you feel? This is why I'm here today to ask you to support LB167. You see for me this piece of legislation is just commonsense. As you've heard all major mental health organizations have spoken in opposition to conversion therapy citing the several studies which have shown this form of therapy can lead to increased depression, anxiety, and suicidal ideation. As a clinician, it's extremely important to me that I align with my profession's ethical and evidence-based standards and practices. I

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can't imagine someone who would want to see a surgeon who does not follow evidence-based practices and whom does not align with the ethical standards of their own profession. Why should this be any different for mental health practitioners? It is irresponsible, inhumane, and detrimental to the success of children and young adults, if we knowingly and willingly expose them to the form of medical treatment which we are fully aware can cause adverse effects on their health and well-being. Each of you today have the opportunity to take a step forward to ensure the safety and well-being for Nebraska children and young adults. I'm gonna leave you with a quote today from one of my former clients. I'm just so tired of having to convince everyone that I am who I am. I don't know that I can do it anymore. Thank you.

**LATHROP:** Senator Slama.

**SLAMA:** Hi. Thank you for coming out today and for your work. I mean, in your nine years of experience, how many LGBTQ+ kids have you worked with that have experienced this form of conversion therapy that we're talking about today?

**ANDREW ALEMAN:** Yeah, so I can't say that I've had a client that specifically has had-- experienced conversion therapy. What I will say, is nonaffirming environments they have experienced and nonaffirming therapists they've experienced, which has increased their depression and anxiety.

**SLAMA:** Thank you.

**LATHROP:** I see no other questions. Thank you, Andrew.

**ANDREW ALEMAN:** Thank you.

**LATHROP:** Appreciate you being here today. And to our next testifier, good evening.

**ADAM WITTE:** Good evening. Chairman Lathrop and esteemed members of the Judiciary Committee. My name is Adam Witte, that is A-d-a-m W-i-t-t-e, and I have lived in Omaha since 1992. I come to you as a survivor of conversion therapy here in Nebraska to speak in support of LB167 for two main reasons: first, conversion therapy ranges from damaging to barbaric; and second, it is ineffectual. I sought this treatment myself beginning in the summer of 1998 when I was 16 years of age and terrified of disappointing or angering my parents and church community

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by coming out as gay. My earnestness and genuine fear of discovery must have won over the receptionist at the treatment facility because she waived the parental authorization form so I could proceed. Afraid of my parents asking questions about my afternoon activities, I scheduled my sessions in the facility's overnight hours. So while many high school students will admit to having sneaked out of their houses to cause trouble, I did so twice a week to subject myself to electric shock aversion therapy. This went on for a little over 15 months. The shocks administered in response to visual stimuli began as barely noticeable, like receiving a mild static shock from a doorknob. But the treatment, however, was progressive with shocks increasing in intensity as the process continued from week to week and month to month. On the night of what would become my last session in 1999, the final shock was so strong, I brief-- I was briefly knocked unconscious. I apologize for the somewhat graphic imagery that follows, but when I awoke I discovered that I had bitten a substantial chunk out of my tongue and was bleeding profusely. It was at that point that I realized the treatment would never work. It had reached a level where I worried for my safety, yet I didn't feel any less same sex attraction, just more concomitant fear and shame. If those two emotions could ever have been enough to change my orientation, I wouldn't have needed to seek conversion therapy in the first place. While my circumstances and specific experiences may be different from others, my outcome is not. Having met and contacted many other people who have also gone through some form of conversion therapy, I have yet to encounter anyone whose orientation has been changed. And you've already heard from professionals about all of the groups that have disavowed this therapy as a practice, so I will, I will leave that part out. You've heard it from experts already. If conversion therapy in any of its forms actually did what it is purported to do in a humane way, I would be here advocating for its continued existence and people being able to charge for it despite my personal moral objections to the idea of it. However it's not just harmful, it also doesn't produce results. It's too late to save 16-year-old me from embarking on that trip through hell with nothing to show for it but scars, but I hope that you will support LB167, so another generation of Nebraskans doesn't have to endure it. Thanks for your time.

**LATHROP:** Senator Chambers.

**CHAMBERS:** My colleagues know that I have a penchant for rhyming words, and I would call this perversion instead of conversion, and I wouldn't call it therapy. And I don't use the kind of language that it would

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take to adequately describe it, but I appreciate the fact you were willing to come here, tell what you experienced and that takes it out of the realm of the theoretical, hypothetical, and speculative.

**ADAM WITTE:** Thank you.

**LATHROP:** That's it. Thanks for coming here. We appreciate you taking the time to share your experience. Next testifier. Good evening, welcome to your Judiciary Committee.

**MATHEW SHURKA:** Thank you, Committee members. My name is Mathew Shurka, that's M-a-t-h-e-w, single t Mathew, Shurka, S-h-u-r-k-a. I wanted to start by addressing, Senator Slama's question. Just some clarity between the distinction of addiction versus attraction, in the mental health community there is no correlation. The question suggests that in order to reduce addiction you would reduce attraction. For example, if there was a heterosexual male having sexual addiction with female, the solution would be to make his attraction to females less. There is no correlation between the two, and it's very important that the public understands what addiction is and what attraction is. At the age of 16, I came out to my father about my same sex attractions and that I'm a gay man. My father accepted me with open arms and told me that he loved me no matter what. My father feared what that meant that his only son would be gay and how my life would turn out with, with a job career, our family, and I began conversion therapy for five years. My first therapy session, which was all through talk therapy was explained that all same sex attractions are rooted in childhood trauma. Fortunately, I had a great upbringing. My parents, I would say did a great job. But because I have two older sisters and the only male I was diagnosed with having too many females in my environment. I was not allowed to speak to my mother and two sisters for three years. In that time and during that separation, I learned to defeminize my behaviors, and I had to understand that my males are my peers not my attraction and [INAUDIBLE] conquer females in a [INAUDIBLE] way, as my therapist would describe as someone [INAUDIBLE] seduce and attract. I strongly believe that therapy was working. I made more male friends. I had girlfriends that I engaged with sexually, and I believed I was living a heterosexual life. Of course, my attraction to the same sex never diminished in any way, and my depression, suicidal ideation for two years continued. And coming from a conservative family, conversion therapy had broken my family apart. My parents [INAUDIBLE] kick me out of my home. My father was-- wanted what he believed would be the best life for me. So becoming a stranger to my entire family at 21, finding

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myself having to take that courageous step to actually leave conversion therapy. And for the first time in my life, actually experience what a mental health professional does. My only experience was conversion therapy by a licensed professional. I'm 30 years old and the co-founder of the Born Perfect Campaign which is a national effort to protect all LGBT youth from conversion therapy. Our study with the UCLA Williams Institute shows that 70-- nearly 700,000 people in the U.S. today have experienced conversion therapy. Three hundred sixty five thousand of those 700,000 people experience as a minor. Our estimates show that's near-- up to 70,000 teenagers will experience it in the next five years. With 15 states passed, and the great state of Nebraska to become the next state, I can get that number as close to zero as possible protecting all LGBT youth in this country. I know my time is up. Thank you very much.

**LATHROP:** No thank you, Mr. Shurka. I don't see any questions for you. Appreciate you coming down tonight, sharing your experience. Good evening.

**AARON AUPPERLE:** Good evening. Thank you, Committee members. Twenty-one years later and I'm still suffering from the effects of conversion therapy.

**LATHROP:** Sir, let's have you start with your name if you--

**AARON AUPPERLE:** My, my name is-- OK. My name is Aaron Aupperle, A-a-r-o-n A-u-p-p-e-r-l-e, and I am a survivor of this inhumane practice. One of the things I struggle with today as a result of this so-called therapy is called arrested emotional development. This is defined as the inability to mentally and emotionally develop past a certain age, because of mental and emotional abuse. Since my time in conversion therapy, I still feel a need to ask for validation in every decision that I make, because I desperately need approval from not only my family, but also my peers. As a child I had a verbally abusive father. When I was 15-years old, I remember my father saying two phrases that should have never been uttered from a parent. Quote, I wish you were never born, or even a phrase more troubling for me, you'll never amount to anything. Every single day, I have to combat these phrases. When I was 18 my father passed away of cancer, but before he did, I mustered up the courage to forgive him. He told me he would have 15 sons like me just one day before his passing. One year later I went to Love in Action, the most popular conversion therapy program at the time. This program aimed to fix people of their sexual sins so I thought it could help. However, Love in Action only

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perpetuated and amplified the hatred that I already had for myself as well as extenuating the verbal abuse from my father. It was this belief that I would never be good enough so long as I stayed gay. When I was in Love in Action, they staged a mock funeral for me in which they shamed me for having an affair with a man from work. According to the leader, I had a history of destructive behavior. As I laid on the table with my eyes closed, other clients approached and expressed eulogies of anger, shame, or disappointment. I was told after the funeral that if I returned home, I would most certainly die. And if I decided to attend a gay-affirming church that I would be creating my own brand of religion so that I could be accepted by God. It amazes me to this day that suicide was never an option for me. It has ruined my relationship with God or any higher power. I have been seeing a therapist to combat depression, mild to moderate PTSD, self-hatred, and addiction that I still deal with today. I'll conclude with an excerpt from my friends book, Boy Erased by Garrard Conley, that explains the collapse of my faith and so many of my friends who went through this psychological torture, quote, And God, I will not call on God at any point during this decade-long struggle. Not because I want to keep God out of my life, but because His voice is no longer there. What happened to me has made it impossible to speak with God, to believe in a version of Him that isn't charged with self-loathing. My ex-gay therapist took Him away from me, and no matter how many different churches I attend, I will feel the pang of a deep love now absent from my life. Perhaps one day I will hear His voice again. Perhaps not. It's a sadness I deal with on a daily basis. Thank you.

**LATHROP:** Thank you, Aaron. Senator Pansing Brooks.

**PANSING BROOKS:** Thank you very much for coming, Mr. Aupperle. Is it Aupperle?

**AARON AUPPERLE:** Aupperle, yeah.

**PANSING BROOKS:** Aupperle, yeah. First off, I, I think that we're all grateful that you were born.

**AARON AUPPERLE:** Thank you.

**PANSING BROOKS:** Number two, what-- you said that you'll never amount to anything, and look at what you're doing.

**AARON AUPPERLE:** Yeah.

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**PANSING BROOKS:** How you're making a difference and changing the world--

**AARON AUPPERLE:** Thank you.

**PANSING BROOKS:** --for good and for love, so that we all need to acknowledge and celebrate. So thank you for that. Also are you a young man who was featured in a film--

**AARON AUPPERLE:** Yes.

**PANSING BROOKS:** --named-- called Boy Erased?

**AARON AUPPERLE:** Yes. It, it is my character. I, I had met the, the writer of the film just a few months ago. So the film had already been made, but he had heard about my mock funeral, so my character is very loosely based. Whatever happens in the film didn't happen to me, because they take a physical abrupt-- abuse approach to my mock funeral. But I'm okay with that, because it, it, it covered the whole spectrum of conversion therapy. My outcome of my character isn't good-- I mean, isn't good either. But--

**PANSING BROOKS:** No, but it is-- and thankfully that is not the actual outcome of you.

**AARON AUPPERLE:** Yeah, I'm thankful, too.

**PANSING BROOKS:** And everyone should see that very mainstream movie. It's a very powerful movie, and I'm, I'm grateful that a part of your story is included, and that we are all privileged to meet you and the other really wonderful people with the courage to come forward. I don't know how you do it, but we are so grateful and so moved by your strength and courage to tell these stories. Thank you.

**AARON AUPPERLE:** Thank you.

**LATHROP:** I think that's it. Thank you very much for being here.

**AARON AUPPERLE:** Thank you very much.

**LATHROP:** Good evening.

**JAMES PENNINGTON:** Good afternoon, Chairperson and members of the committee. My name is James Pennington, J-a-m-e-s P-e-n-n-i-n-g-t-o-n. I'm here is an expert in the field of mental health counseling and

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have been practicing for the past five years as a trauma therapist specializing in working with members of the LGBTQ+ community. I frequently present at conferences and work as a consultant to help train other clinicians on how to work more competently and effectively with members of the queer community. Today, I'm testifying in a supportive capacity for LB167 which would prohibit the practice of conversion therapy in the state of Nebraska. Conversion therapy is broadly defined as a therapeutic practice whose goal is to change an individual's gender identity or sexual orientation. It is currently banned in 15 states as well as the District of Columbia due to the damaging effects it has been shown to have on the mental health of individuals who experience it. In addition to being legally banned in 15 states, a significant number of medical associations have made official statements condemning the practice as harmful and unsupported by research. People before me have listed some of those, I won't repeat them for interest of time. The extensive list of clinicians and associations coming forward to make statements about the damaging effects of conversion therapy should underscore the necessity of preventing it from being practiced in Nebraska. Individuals who have experienced conversion therapy report lasting effects of anxiety, depression, and self-destructive behavior. Research indicates that family acceptance of a youth sexual orientation is one of the strongest protective factors against negative outcomes. Youth with unsupportive families are 8.4 times more likely to have attempted suicide, 5.9 percent-- 5.9 times more likely to report high levels of depression and are 3.4 times more likely to have used illegal drugs than their peers reporting higher levels of family support. I have personally worked with several individuals who've been forced to see therapists who stated goal was to change my clients' gender identity or sexual orientation, and I have witnessed firsthand the lasting harm it did to my clients' mental health. My clients' experienced significant anxiety and depression as a result of the efforts to change their gender identity or sexual orientation, and several had attempted suicide multiple times. They reported that the experience has left them feeling broken, flawed, and unloved. A practice with these effects has no place in a profession devoted to improving the mental health and stability of our clients' lives. And I implore you to support these bills that are working to safeguard our children from these reprehensible practices. Thank you.

**LATHROP:** Thank you, Mr. Pennington. We appreciate your testimony today.

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**JAMES PENNINGTON:** Thank you.

**BRIT GUNTHER-LEHMAN:** Hello, my name is--

**LATHROP:** Good evening.

**BRIT GUNTHER LEHMAN:** Good evening. My name is Brit Gunther Lehman, B-r-i-t G-u-n-t-h-e-r L-e-h-m-a-n. I'm here as an expert in the field of psychology and mental health, and will be representing my own business, Brave Resilience Counseling. I have a bachelor's degree in psychology and a master's degree in community counselling. I'm a licensed independent mental health practitioner and practice out of Omaha and Bellevue providing services primarily to the transgender community. I'm also the founder of TransFormative, a social support group for transgender and nonbinary adults. And today, I'm testifying in support of LB167. The fact that conversion therapy remains legal in our state is appalling to me. Not only does conversion therapy violate many of the professional codes of ethics governing the practices of mental health clinicians, but it's psychological abuse. While research on the effectiveness of conversion therapy is limited by the constraints of quantifying sexual orientation, many studies have shown that it is not effective in changing sexual orientation or gender identity, and further that it's extremely harmful. This practice is outdated, unsupported by research, and steeped in the very shame and guilt that keep people from a seat-- from receiving appropriate mental health services. Unfortunately, one of the most challenging cases that I've ever encountered as a therapist was while working with an individual who had survived conversion therapy. This person rejected their sexual orientation and gender identity following conversion therapy that was mandated by their parents. As an adult they acknowledge that efforts to change their identity were not helpful and largely detrimental to them. To cope with the pain of conflicting feelings of who they were versus who their family would accept, they started using methamphetamine and other substances. This individual experienced frequent suicidal ideation, uncontrollable urges to use substances, disturbances in personality, and difficulty finding-- forming intimate relationships. We worked for months building trust and discussing their needs to be validated even before we could even get to the trauma. Unfortunately, this individual relapsed on substances and did not return to therapy. This story is not uncommon for clinicians whose-- who work with the LGBTQ community in Nebraska. The practice of conversion therapy is far more prevalent than what is acknowledged by the general public and even by some clinicians. I

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myself have been addressed in professional environments by other licensed clinicians who told me that transgender people exist exclusively as the result of child sexual abuse. Not only is this false and unfounded by research, but it's a harmful approach to adopt as a helping professional. Clinicians who practice with the belief that their clients' identities are resultant of horrific trauma are sending messages to their clients that there's something wrong with them and that their identity is not valid. Imagine the shame and guilt that you would feel experiencing your own sexual or gender identity and having someone tell you that, and having someone tell you that the only reason you identify this way is because of something that should happen to no one. Imagine the impact that this would have on the developing mind of a child or adolescent who is exploring their gender or sexuality for the first time. Sadly, this is the reality for those who have experienced conversion therapy. If we can prevent the availability of conversion therapy, we may be preventing numerous individuals from a life of self-hate, mental illness, addiction, and even death itself.

**LATHROP:** Thank you.

**BRIT GUNTHER LEHMAN:** Thank you.

**LATHROP:** Appreciate your testimony.

**BRIT GUNTHER LEHMAN:** Thank you.

**LATHROP:** Hearing from the professionals. Good evening.

**SCOTT BARKER:** Good evening, Chairman Lathrop, members of the committee. My name is Scott Barker, it's S-c-o-t-t- B-a-r-k-e-r, and I'm here to speak in favor of LB167. I am a follower of Jesus, both personally and professionally. I am the Bishop of Nebraska for the Episcopal Church serving thousands of church members in 53 worshipping communities across the entire state of Nebraska. I grew up here. I was educated in our public schools. This place is my home. I want you to know that from my vantage as a religious leader this bill, bill does not curtail religious freedom. If it did, I feel certain you would be unable to hear my voice today over the din from out in that gallery and I would be at the front of the line to oppose it. I believe this bill's opponents have disingenuously suggested that the bill compromises that precious freedom in order to paralyze you from doing what is right. If this bill were to pass today, the doors of every church, synagogue, and mosque in Nebraska would be wide open this

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weekend. Every Nebraska citizen would still have the right to set up a soapbox on the corner and zealously preach the gospel and critically to the issues before you faith leaders and parents would still be able to preach and teach whatever their religious tradition teaches about human sexuality. Should this bill pass, every Nebraskan will still have the right to go find a counselor from their own faith tradition if they wish, and to work out the tender and sometimes complex questions of how to apply what their faith community teaches to their own lives and actions. What passage of this bill will prevent is advertising for and charging money to attempt conversion therapy, and you have heard how that is a debunked and predatory practice that is harmful to human beings. LB167 is not about curtailing religious freedom, it is about regulating a business, and that is a job that we count on all of you to do. I believe human sexuality including sexual orientation and gender identity is a precious gift that God has planted in every human being. And it's surely part of what means to be created in God's image. I have an abiding interest as a disciple of Christ to help people come to know and appreciate that gift and to order their lives in a way that is loving and faithful and moral. I cherish that work and the freedom to do it well. This bill will not take that away from me or any other pastor. I respect my fellow believers who will speak against this bill, but they are not being truthful in framing this debate as an issue of religious freedom. Where religion applies to this matter is right here, Jesus commands us to love and protect the vulnerable and to see that we do no harm to our neighbors. That's what LB167 will help accomplish, and I urge you to move it forward from this committee to a vote by the full Unicameral. And with my two seconds left, I want to say what a privilege it has been to listen to the LGBT community here today and to be given a place in their line. I thank you.

**LATHROP:** Bishop, thank you very much--

**SCOTT BARKER:** You're welcome, Senator.

**LATHROP:** --for being here today, very much. We appreciate your thoughts and your convictions. Good evening.

**SUZANNE SWANSON:** Good evening. My name is Suzanne Swanson, S-u-z-a-n-n-e S-w-a-n-s-o-n. You can call me Suze. I've had that name since high school and it works. Good evening, Chairperson Lathrop and members of the Judiciary Committee. I apologize, Lathrop. I am testing-- testifying in support of LB167, and I'm asking that you support Megan Hunt's bill. And, and when I originally wrote this, was

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under impression it would ban conversion therapy, which I found was not to be true, but I am asking that you do support this bill. And as you have heard from other organizations that it has been deemed ineffective by numerous medical associations, so I will not repeat that. But however in the email I did send you, I did list 43 other organizations that have either been medical, professionally aligned, or in the LGBT community who have spoken out against conversion therapy. Why should we force someone to change because we don't approve of who they are? I often question why families exile their own children because of their sexual orientation. I'm sorry, but if they truly love their child as they claim then they would accept them for who they are. What conversion therapy does is it tries to fit a square into a peg hole. That won't work. You can't change someone's sexual preference. These children have enough stress in their lives. There is no reason to add anymore. They are already struggling to find their place in the world. Struggling to find friends and feeling like they belong and possibly mental health issues. We have shown that the research has been exposing children has done much more detrimental effects and we have covered how it increases their risk of depression, suicide-- suicidali-- suicidality-- excuse me, lower life satisfaction, less social support and lower socio- economic status in young adulthood. I firmly believe that a lot of people who have been forced into this therapy have developed PTSD, and you know that PTSD has taken multiple tolls on people's lives and it can range from interpersonal relationships to the professional. However, the trauma can take years of therapy to process and heal from it. But the people who have been traumatized by conversion therapy and other therapy in the past are less likely to receive help in the future because they don't want to relive the trauma or they are afraid they will be subjected to worse trauma and stigmatization. Therapy is supposed to help make people better, not worse. As a resident of Nebraska, I've noticed we are very behind in the times. By banning conversion therapy you're bringing the state up to date and joining the other 16 states that have done so. These bills are vital for the LGBTQI community. They are humans just like you and me. They deserve to be treated as such and not second class citizens, outcasts, or like lab rats and doing such harmful therapy. I understand this as issue as an ally, because I'm a diagnosis on the autism spectrum with Asperger's. I have struggled to fit in, feel like I belong, and my social skills are horrible. But at the same time, I'm here to speak out in support for this bill today. Because of this bill, I feel like the LGBTQI+ community will benefit from this. Thank you.

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**LATHROP:** Suze, you did a good job.

**SUZANNE SWANSON:** Thank you. I'm sorry, I was "bib-bla."

**LATHROP:** Thanks for being here today. No, I know you were nervous. Yeah, thanks for being here. Next supporter.

**MARK VAN KEKERIX:** Good evening.

**LATHROP:** Good evening.

**MARK VAN KEKERIX:** My name is Mark Van Kekerix, and I am so nervous right now.

**LATHROP:** Oh, you don't need to be nervous in front of this group.

**MARK VAN KEKERIX:** My name is spelled M-a-r-k V-a-n K-e-k-e-r-i-x. I'm a lifelong Nebraskan, and I was raised in Lincoln. I currently live in Omaha, and I'm thrilled to be represented by Senator Hunt, who introduced this bill. I'm going to cut some of this stuff out because it is repetitive, but I gonna start with my story. When I was 15 years old, which admittedly was quite a few years ago, my parents sent me to a psychiatrist because I'd started acting out, which is what we called it then. This psychiatrist was the first person I ever came out to, but his reaction was to tell me that being gay was a sickness that I needed to avoid and overcome. I also came out to my school counselor who told me to think carefully about whether being gay was the choice I wanted to make. The result was I didn't come out to my parents or anyone else. I shoved myself firmly back in the closet and tried to be straight. Got married to a woman, had a family, and denied my true orientation until I was 40 years old. During that time, I battled depression and addictive behaviors. My weight ballooned to over 500 pounds, and I faced unhappiness every day. In the late 1990s after my marriage collapsed, I sought help from another counselor, this one through a program affiliated with Exodus International. This one said he could help me overcome my same sex attraction, that was his word. And I tried really hard. I didn't go into the details of what was in the therapy but believe me it was humiliating. I tried very hard but I fell further and further into a deep dark hole and that's when I attempted suicide. Finally, after a lot of work with a really good therapist, 13 years ago I came out and my life has been infinitely better. I mentioned Exodus International earlier because I want to point out the fact that according to Exodus, Exodus was a group formed in the 70s to promote conversion therapy by their own data. The

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success rate of the therapy they promoted was less than 1 percent, less than 1 percent success at changing a person's sexual orientation. This Exodus essentially folded in 2012, and in 2013 its president Alan Chambers actually issued an apology stating that he was sorry for the pain and hurt that conversion therapy has caused. I wish that in the 1980s and 1990s I'd had this information that I have now, maybe my life would have been different. But I urge you to support LB167, so that the lives of the youth of Nebraska can be different. Thank you very much.

**LATHROP:** Very good. Thanks, Mark. We appreciate you coming down tonight. Oh, pardon me.

**TESSA FAUST:** Oh, it's fine.

**LATHROP:** Good evening.

**TESSA FAUST:** Hello. My name is Tessa Faust, T-e-s-s-a F-a-u-s-t. I'm a religious studies major at UNL and a Peer Minister at the Lutheran Center on campus. I identify as queer. I was afraid to come out for many years. I didn't come out until after high school when I graduated and started at UNL a few years ago. Many of my friends in high school were afraid of what would happen if they came out. Luckily, and I use luckily in a weird loose term, the worst thing that happened to my friends is they got kicked out of their churches. They weren't allowed to worship anymore. I stopped going to church for many years. I-- it wasn't until my friend hit me up and said, I want to go to this event on campus called Queerness and Christianity, will you join me? That I said, sure. I have nothing better to do. I joined. I listened, and I met a wonderful community on campus who accepts me the way I am, and not only that, loves me unconditionally. Now growing up, my church never set a stance on LGBTQ issues and I never asked because I think I knew the answer and I was afraid. My friends in high school, a lot of them didn't come out, a lot of them did. But the fear of conversion therapy loomed over us like a boogeyman. But unlike the boogeyman, this fear is real. As you've heard from many people here today. Some people here started conversion therapy the year I was born, 20 years old, and I don't want this to happen to people younger than me-- to the high schoolers down at Lincoln High where I graduated. I don't want them to be sitting there afraid to be who they are. Another form of conversion therapy that well, as I like to call it, it reminds me of mission schools in America's past. Now if you don't know what mission schools are, it's a shameful history in America where they tried to kill the Indian, save the child. I myself am Native American.

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Just as they couldn't change someone's race, you can't change someone's sexual orientation or gender. You can't change my race any more than you can change how I love someone. It's not something that can be done. Please end this era of cruelty. We need to stop teaching children to hate themselves and lie to themselves. Thankfully the counseling I've had in my lifetime has always been very positive and very much letting me figure out who I am instead of someone trying to yell at me and have me lie to myself in the world. Thank you.

**LATHROP:** Thank you, Miss Faust. Good evening.

**ISABEL SALAS:** Good evening, Senators. My name is Isabel Salas, I-s-a-b-e-l S-a-l-a-s, and I'm here today representing a friend of mine who couldn't be here. His name is Trevor Obermueller, and I'm representing him and his experience that he is brave enough to share with us today. Senators of the Nebraska Unicameral, my name is Trevor Obermueller. I'm in strong support of LB167 to prohibit conversion therapy. I am a survivor of conversion therapy. I call myself a survivor because there are people I know who ended their life after going through conversion therapy. My church taught me from the age of six that being gay was a sin. Additionally, that it was a mental illness that could be treated. Under this dogma, I revealed that I had feelings of love towards men to my pastor. With the guidance of my pastor and my parents, I was ushered into conversion therapy to convert a so-- to a so-called healthier sexuality. In conversion therapy, they told me that my love for men was a disease and this fictitious disease would lead to numerous real diseases. Jeffrey Satinover, an outspoken conversion therapist, told me that I would inevitably get AIDS, cancer and other infections. If I loved a man I would cause a schism in my family and break it. I was told that if I gave in I would tear apart society by undermining institutions and contributing to its destruction. Because of these reasons it was my obligation to change or repress myself. Conversion therapy was very secretive. If someone left or if they completed suicide it would-- they would be condemned and we would be told that they love their sin too much and did not love God, but only themselves. Suicide was not encouraged but the fact that LGBT people who go through conversion therapy have a much higher suicide rate is not a dysfunction of conversion therapy. Intentionally or not, the suicides are a function of conversion therapy. The goal of conversion therapy is to decrease and eliminate the number of LGBT people in the population. During conversion therapy, I was hurt by the actions of my therapist and by my parents. To surviving conversion therapy, I had to repress myself

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and be disingenuous with myself and my loved ones. I did this not to hurt or disappoint my family, but I ended up hurting and disappointing myself. My parents did think this was the best for me but it unintentionally put me through abuse. I was hurt that they chose that for me. As a consequence of their choice, I have developed clinical anxiety and depression. I have wanted to kill myself many times because I felt I was disappointing my family, country, and God. While I was told not to kill myself, I was told it would be better if there were less gay people. Despite what I've been through I have gone to real therapy to repair the trauma of conversion therapy. While the pain of conversion therapy may never fully dissipate, I hope to use my pain to ensure there are no more young Nebraskans that have to go through this damaging practice. As a teacher I've seen firsthand what abuse and trauma can do to a child's life. They participate less in school and friends and feel seemingly endless pain and loneliness. It is our job as a community to defend our children and protect them from harm. Please vote in favor of LB167. And I would just like to note as I was reading this I noted how ridiculous it seemed that I was reading it because our gender identities are switched, but I, too, am bisexual and I would feel the same way if I had to go through this experience as Trevor has.

**LATHROP:** Thank you, and we appreciate you being here tonight. Good evening.

**JONATHAN PETERSEN:** My name is Jonathan Petersen, J-o-n-a-t-h-a-n P-e-t-e-r-s-e-n. I live in Legislative District 46. I'd like to thank the committee for giving me an opportunity to speak. I'm here today in support of LB167. I did a bit of research and compiled some facts and statistics, but we've already heard a lot of that from the experts so I'll skip over it. I'm currently a student at the university, an active member of the Lincoln community, and hopefully within the next few years a homeowner and a father. I've lived in Nebraska for close to 20 of my 26 years. As an elementary schooler, I thought Nebraska was amazing. I grew up in the heart of Nebraska's beautiful Sandhills and I knew all of the middle names of all of my classmates. At the time, I thought that it would be a wonderful place to stay forever. As a young adult having seen a bit more of the world and its cruelties, I second guessed this sentiment. I was an emerging progressive and newly discovering my queer identity. When I officially came out I was ostracized, ostracized from the church I had called home after they had tried for years to pray my affliction away. I slowly became more confident in who I was, but I found that more and more of my

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relationships crumbled. People I had once called friends and family no longer wanted to be associated with me because I was choosing to be true to myself. An example of this I added in, is my grandmother once told me that no one would ever love me because I would be permanently stuck somewhere in between male and female. I was not subjected to conversion therapy per se, I never saw an official counselor or was sent to a camp. I mostly just experienced what I talked about with my church. Nonetheless, the comparatively mild amount of discrimination that I did face was enough to push me into a suicidal spiral in my early 20s. I don't like to imagine what would have happened to me if I had experienced conversion therapy, but I certainly don't think that I would have survived. During my post attempt hospital stay, I resolved to leave Nebraska as soon as I finished school to find somewhere that would be friendlier to people like me. Now several years later, I have found ways to blend in with the normal Nebraska crowd. I'm happily married and because I don't always appear so visibly queer it's easier for me to feel comfortable. However when I think of raising my children in Nebraska, I am afraid. I could never justify exposing my children to the same hatred and discrimination that I faced. Until I know that my children will be safe and accepted in my home state, my wife and I will continue to search for alternative places to start a family. In the interest of keeping young Nebraskan families like mine here in our state, in the interest of protecting Nebraskan children, present and future, I ask you to support LB167. No child should be forced to undergo the psychological warfare involved in conversion therapy or the emotional devastation it causes, which can last a lifetime. No child should be told that in order to be good enough they must change a fundamental part of who they are. Please stand with me, with my family, and with open-hearted Nebraskans across the state in supporting LB167. Help us send a clear message that this vicious maltreatment of innocence will not be tolerated in the state that we call home. Thank you.

**LATHROP:** Thank you, Jonathan. Good evening.

**JULIE NICHOLS:** Good evening, to you, and thank you for your forbearance of all these long testimonies. My name is Julie Nichols, J-u-l-i-e N-i-c-h-o-l-s. And Senator Pansing Brooks is my senator. I'm in that district. I would like to thank, Senator Hunt, for introducing these-- this bill and the others in order to protect LGBTQ persons. We have a lot of laws and you know this that were enacted to protect a particular group or a thing even we protect our property through laws, children. These laws have been viewed as necessary to a civilized and

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fair society. As our country, however, sometimes fails the absence of protective legislation opens the door to laws that persecute. We play a little fast and loose when we have cases in point the purposeful infection of African-American men in order to observe stages of syphilis and also the involuntary sterilization of Latinx women. As Senator Chambers noted earlier, it would seem that conversion therapy is kind of a form of torture. What I'd like to talk about is while we all enjoy the rights to ideological differences, ideologies in a free society are not what determine the law. Do you all know who Alan Turing is? OK, well-- OK, no, maybe not. I didn't learn about him in school. He was a mathematician, computer scientist, crypto analyst, logician, now considered the father of theoretical computer science and artificial intelligence. No computerized device would exist without the foundational work of Alan Turing. In addition, his system of code breaking directly affected the outcome of World War II. Thus, we owe him our liberty. What kept Turing out of the history books, he was gay. While he gave us a free world and his genius persists, Turing was charged with gross indecency under a Victorian-- in 1952, I believe, under a Victorian law that criminalized homosexuality. He pled guilty. Once he was convicted, he was given the choice of incarceration or probation conditional on treatments to kill his libido, render him impotent, and dissuade him from homosexual behaviors. He chose probation. He received hormonal therapy that was administered by medical professionals which among other things caused him to develop breasts. Turing's conviction stripped him of security clearance, banned him from further engaging in a career. His contributions ceased, not only because of his conviction, but because he committed suicide two years later. He was 41 years old. Unable to pardon Turing because of his conviction, the Prime Minister of England apologized in 2011 by saying, how deeply sorry, I and we are all for what happened to him. On behalf of the British government and all those who freely live thanks to Alan's work, we're sorry, you deserve so much better. Our LGBTQ citizens deserve better, too.

**LATHROP:** OK.

**JULIE NICHOLS:** He was punished by the existence of a law--

**LATHROP:** We have a lot of people behind you to testify. Ms. Nichols--

**JULIE NICHOLS:** We want to make sure that the absence of a law does not result in this type of situation.

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**LATHROP:** OK, thank you.

**JULIE NICHOLS:** And thank you for your forbearance again.

**ELI RIGATUSO:** Good evening, I'm back. Thanks for letting me chime in on this one as well. My name is Eli, E-l-i, Rigatuso, R-i-g-a-t-u-s-o. I live in Omaha, Nebraska. I am a native Nebraskan, and I am a trans masculine queer Two-Spirit of the Menominee Nation of Keshena, Wisconsin. I am here to testify in favor of LB167 with my ancestors above my head. I'm going to be 54 years old this year. I was born in 1965 and knew at a very young age that I was unique. My mom used to call me her prophet. I knew in my heart, I was something more than just a boy or just a girl. But when I attempted to have these conversations with my parents it was met with extreme opposition. It was in the early 70s and none of us even knew really what it was to be homosexual let alone what it really was to be transgender or even know the word. My parents had no idea what to do to help me, so I was forced to hide who I am and attempt to live my life. I'm extremely grateful that they didn't force me into any conversion therapies although growing up in the Catholic faith did not do me a lot of good. They didn't send me to a therapist. They did treat me differently. They did say things to me that were inappropriate and difficult for me to stomach. It took me many years to actually come out at that time to tell them that I was attracted to people of the same sex. That I had-- gender identity and sexual orientation are two separate things by the way. None of this took away from the extreme trauma I have experienced over and over knowing that who I am at my core is something that is vilified in so many ways and that there would be so many battles I would have to face in my lifetime just to be seen and affirmed. I am incredibly grateful for Senator Hunt, for her courage to be so open, to be one of the first Nebraska state senators to bring forth bills to effective, positive change for the LGBTQ+ community, and most importantly youth in Nebraska. There are many more therapists today who specialize in working with LGBTQ+ youth and most specifically help those who identify as transgender, nonbinary and gender nonconforming. The work they do is vital to literally saving lives. How do I know this? Because I'm here today to testify before you. Because in May of 2015, I came out as transgender. As a result of the ignorance and hate I had to face in my pay-- in my place of employment and in my everyday life trying to explain to people every day who I am, I started seeing a therapist. Thank goodness she was open and affirming of my gender identif-- identity. My therapist has never tried to change who I am at my core. She has helped to alleviate so much pain and heartache. I'm

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literally here today as a proud transgender Two-Spirit queer man because working with her has provided me a great deal of relief from years of trauma due to the lack of protec-- proactive protections of my rights and all of the spaces that I move around in. The rest of this is there, but I just want to say that, that do no harm, do no harm, do no harm. That is what my people believed. I hope you'll vote to do the same thing. Do no harm.

**LATHROP:** Thank you. Thank you for your testimony. Are you the last proponent? OK.

**ANGIE SALAHOU-PHILIPS:** Good evening. My name is Angie Salahou-Philips, that's S-a-l-a-h-o-u hyphen P-h-i-l-i-p-s. I'm here today in support of LB167. As a community organizer and activist, sometimes my advocacy leads folks to reach out to me for resources or help. Several months ago I had a young Nebraskan man contact me. He shared with me that he was gay and that his parents were religious and believed that being gay is a sin. He was struggling and he needed some support. I've done my best to provide him resources for such information as The Trevor Project. But mostly I've just tried to be a supportive friend and an empathetic ear as he continues to build the strength to come out to his parents and family. He wanted to come here-- or he wanted to support this legislation today, but he's too afraid to submit testimony as he is not out to his family and friends and he is afraid to have his name read out loud here today. So I agreed to come and read his testimony for him. As I read this I would implore all of you to take into consideration how many more youth's voices have been silenced in this matter and how many of them risk threats of conversion therapy or other harmful consequences if they do not speak for themselves. Here's his letter. Good afternoon, I am in support of Senator Hunt's bill to ban conversion therapy. I believe that conversion therapy is one of the most dangerous things we could ever have in the United States of America. I'm very proud to be a gay Nebraskan and when I found out Nebraska didn't have to a ban on this very important issue I was furious. Furious because parents are shaming their kids who are part of the LGBTQ community into going back into the closet. That is absolutely disgusting. I think it's a big abuse to the community since most people think being a member of the community is some type of psychological disease. There is no evidence proving it, so it's dumb to think that people still believe that today, but they do. It should be a shock to people that more teens my age kill themselves because they go into a deep depression or are traumatized. I believe that whoever will say conversion therapy is

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something we should keep in the state of Nebraska because it will cure people of a disease is so stupid to not even do the research proving that conversion therapy should be banned. They need to think of the fact that being gay, lesbian, bi or trans is who a person is and you can't change them or who they are. I'm going to tell you my personal story. When I came out as gay to some friends at the age of 15 years old, I was told being gay was a sin, and they encouraged me to think about what I was choosing. I felt so offended, alone, and unaccepted, I fell into a deep depression. Today, I am 19 years old and I'm still gay and I'm still proud. I'm currently still not out to my family, however, due to their religious beliefs based on what I-- and the testimony I had mentioned above. But I'm still encouraged to be who I am, and I'm blessed to have friends in my life who support me for who I am. I hope you will support LGBTQ youth and move forward LB167. Thank you.

**LATHROP:** Thank you, Angie. Next testifier, please.

**JOSEPH COUCH:** Hello, my name is Joseph Couch, J-o-s-e-p-h C-o-u-c-h, and I am here to submit a letter on behalf of American Atheists and Nebraska Secular Democrats. I had this really parsed down to the important sections and rehearsed to be under three minutes. But, I think Alison will be very happy to know that all of her research has already been said by some very well-qualified experts. So I'm gonna take off those two hats and speak as an individual. I think the committee should note, as the previous speaker alluded to, if everyone were here that weren't afraid of being outed, they wouldn't fit in this room. They-- I don't think they'd fit in this building. There are so many people who can't tell their families, can't tell their friends, can't tell their schools, can't tell their landlords. That's one bit. That's just something I thought of just two minutes ago. But what else I was in line to say, we have a couple more people to speak in, in support of this bill, and after that we're gonna hear a lot of-- a couple of people speak against this. And you've heard-- you've received a lot of e-mails against this citing religious freedom. What I'd like to remind, anyone listening really, is that many of our freedoms in this country are not absolute. One of the widely accepted freedoms that is a little limited, is the freedom of speech. I can't go around here right now and yell, fire, fire, and ask everyone to leave. For the record, there is not a fire. I can't incite anyone to violence right now-- in those ways, my speech is limited. Likewise, freedom of religion is limited. We couldn't have an Aztec in here right now who wish to sacrifice someone to their God and push them off

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a pyramid or tear out their heart. If my father was having-- if my father believed that God told him he needed to kill me to prove his faith to God and he took me to a mountaintop and raised a knife over me and then decided not to. The next morning I would call child protective services and have him arrested. Likewise, if any child has their parents submit them to conversion therapy and have their genitals shocked or likewise torturous acts, Child Protective Services should be called, and certainly no money should be changing hands. Thank you for listening to me, and I will take any questions.

**LATHROP:** I see no questions, but thank you once again.

**LAZARO SPINDOLA:** Good evening,--

**LATHROP:** Good evening.

**LAZARO SPINDOLA:** --Chairman Lathrop and members of the committee. Thank you for receiving me today. For the record my name is Lazaro Spindola, L-a-z-a-r-o S-p-i-n-d-o-l-a. I am the executive director of the Latino American Commission, and in a previous life I was a trauma surgeon for 20 years. I'm sorry, but by this time only a small part of my brain is working. [LAUGHTER] So since most of the previous testifiers said most of the things that I was planning to say, you can read them in my testimony, but there is a couple of things that really bother me. One, is the fact that conversion therapy treats gender identification as an acute medical condition. It is not an acute medical condition. Therefore, conversion therapy is based on a faulty premise. And for me, it is unthink-- well, not unthinkable, but unforgivable to think that a licensed healthcare professional would be able to practice it. The other thing that bothers me a little is the fact that if we were going to accept conversion therapy as real and effective, then we would need to accept the opposite, that through proper brainwashing, stimulation, or whatever anybody in this room who identifies as heterosexual could be turned into a member of the LGBT community. And I don't think this is possible. I, therefore, urge you to advance this bill. Thank you, and I would be happy to take any questions.

**LATHROP:** I see no questions. Thank you for your testimony.

**JAMES MICHAEL BOWERS:** Good evening.

**LATHROP:** Good evening.

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**JAMES MICHAEL BOWERS:** Hi. Chairperson Lathrop and members of the Judiciary Committee. My name is James Michael Bowers, J-a-m-e-s M-i-c-h-a-e-l B-o-w-e-r-s. I'm a lifelong resident of Nebraska and a constituent of Senator Morfeld's. I'm a licensed independent clinical social worker, which means I hold a license as an independent mental health practitioner and a certification as a master's level social worker through the state of Nebraska. My history of practice includes starting my own therapy clinic, working within our school system with middle and high school students, children and adults who are suicidal or experiencing a psychosis at an acute inpatient hospital, individuals with chronic disabilities, people experiencing a range of diagnosis from anxiety and depression to schizophrenia, families in crisis, and there are a variety of mental health concerns. In addition to my professional practice, I recently spent four years at Creighton University teaching social work courses on social welfare, advocacy, and ethics. I'm testifying today in support of LB167, and I'm testifying on my own behalf. I could spend time repeating the numerous studies that have scientifically proven that conversion therapy is unnecessary, ineffective, and dangerous. I could also take this time to name off the extensive list of mental health and medical organizations that abdicate against conversion therapy, and I could spend time sharing with you the heartbreaking stories of individuals who have experienced conversion therapy firsthand. Instead, I would like to take this opportunity to share my perspective about our obligations to the public as licensed therapists and social workers. This is not a topic about a simple difference in opinion. This is a matter of evidence-based interventions and selection of treatment modalities and the professional obligation to follow a minimum standard of care to our patients. Mental health practitioners are required to earn a license in all 50 states. These licenses exist to hold practitioners accountable, not only to patients, but to our society. A license tells our community that an individual has obtained a specific amount of training, is qualified in the provision of assessment, and treatment and is bound by a code of ethics, including meeting the accepted standards of care. Standard of care is the level at which an ordinary, prudent professional with the same or similar training and experience in good standing in a similar community would practice under similar circumstances, meaning that this is the baseline that a patient can reasonably expect from all providers. A practitioner who engages in conversion therapy is essentially allowing their own personal beliefs to supersede the standard of care established within the mental health community on the basis of evidence-based research and our own professional ethical guidelines.

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The Nebraska regulations for licensure of mental health practitioners state that unprofessional conduct means departure from the-- departure from or failure to conform to the standards of acceptable and prevailing practice of a profession or the ethics of that profession. I can think of no better example of unprofessional conduct than performing an intervention that over 46 professional organizations oppose. The practice of conversion therapy has been scientifically proven, proven to be ineffective and lead to a higher suicide, suicide rate. This practice is incompatible with prevailing standards of care and ethical requirements of mental health providers. For these reasons, LB167 and LB168 have my full support, and I urge you to vote in favor of these bills. Thank you for the opportunity to testify, and I'd be happy to answer any questions of the committee.

**LATHROP:** No questions, but thank you, Mr. Bowers.

**CHAMBERS:** [INAUDIBLE]

**LATHROP:** Oh, I'm sorry, Senator Chambers.

**CHAMBERS:** This is more and different from just a difference of opinion.

**JAMES MICHAEL BOWERS:** Correct.

**CHAMBERS:** That was a profound statement for me. Thank you.

**JAMES MICHAEL BOWERS:** Thank you.

**LATHROP:** It was, when you talked about the standard of care that, that is different than what we've been the test-- the type of testimony we've been hearing and useful.

**JAMES MICHAEL BOWERS:** Thank you, that means a lot. Thank you.

**JOHN SKINNER:** Good evening.

**LATHROP:** Good evening.

**JOHN SKINNER:** I am John Skinner, J-o-h-n S-k-i-n-n-e-r. I'm a lifelong Nebraskan and currently in Senator Pansing Brooks's district, used to be rural Nebraska. The Judiciary Committee has heard some testimony today both directly from and also organized by the Nebraska Family Alliance. I'm sure we're gonna be hearing more of their thoughts in opposition to LB167. I'm in support of LB167. And I would like to give

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some history of that organization, the Nebraska Family Alliance. Before LGBT rights were much discussed in the early and mid-1990s, they were focused on the issue of divorce. They really disliked divorce. The Nebraska Family Alliance advocated for increasing the court costs associated with divorce and they advocated for increasing the time taken up by the process of divorce. They advocated even for returning to legal standards that were in place before a no-fault divorce laws-- before these laws it was frequently very difficult for people in abusive marriages to get out of those marriages. The advent of no-fault laws decreased the suicide rate and the rate of death due to domestic abuse because fewer people were stuck in bad marriages. The Nebraska Family Alliance wanted to roll all of that back. They wanted to return to a world in which government power kept abusive marriages together. They threw up almost every obstacle they could to the access to divorce, with one exception. In 1997, Nebraska considered a so-called covenant marriage law that would have created a new more strict class of marriage similar to pre-no-fault marriage law. The Nebraska Family Alliance director at the time called the law well-intentioned. He thought it was good to wield the power of the state to compel people to endure abuse, but ultimately they opposed covenant marriage. Why? Only because they thought that creating a new category of marriages could lead to precedent for legalizing gay marriage. So they're OK with perpetuating abuse, just as they are today by opposing LB167. They just care that you're not gay. Abuse is worth it to fight the gays. They don't care about the happiness of married couples or children in conversion therapy. They care about strict heterosexual family structure. And back in the 90s they didn't talk about religious liberty, that talking point hadn't been invented yet. To the contrary, they cared about using the state's ability to regulate marriage to enforce their religious morality upon others. They have not always been concerned with religious liberty, but they've always been OK with abuse. The Nebraska Family Alliance's Web site identifies the biggest threat to religious liberty in America today as gay marriage. Does that make sense? What about the LGBT affirming churches such as the Congregational or Episcopalian who want to perform gay marriage. Legal gay marriage actually supports their religious liberty, so, no. As used by the Family Alliance, the term religious liberty is just another renaming of homophobia and their desire to enforce that homophobia on the rest of us using the law. They're willing to take a liberty in the true sense of the word away from us. My time's up.

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**LATHROP:** OK. Mr. Skinner, thank you for your testimony.

**JOHN SKINNER:** Thank you.

**LATHROP:** Yeah, and we have found the last proponent. You're the one we've been waiting for.

**SPIKE EICKHOLT:** Thank you. [LAUGHTER] Thank you, Chairman Lathrop and members of the committee. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t, appearing on behalf of the ACLU of Nebraska in support of LB167. I deliberately went last as the proponents, not because we do not support this bill strongly, we certainly do. But I wanted to let others who experienced conversion therapy, reparative therapy, their life journey at coming to this point where they showed up and testified here. I wanted to let them go first because many of them have waited a long time to tell the committee what they told them today. And I wanted to listen to that, and I wanted to honor that by not elbowing my way up here, even though it's late. What do we hear today? And I just try to summarize because I don't want to repeat anything, but I-- summarizing what we heard today was first, there's a professional consensus among psychologists, therapists, medical professionals that being gay, lesbian, bisexual, or transgender is part of the spectrum of human identity. It's not a disease. It's not a disorder. It's not a pathology. It's not a mental illness. Any entity or group of people or school and I use, air quotes, or science, again air quotes, that promises to cure or fix that only causes more harm. And you heard the harm that that causes, physical harm, great psychological harm, emotional harm, and you heard people describe what happened to them how it forever changed their life. The state has a compelling interest to regulate this type of behavior when it comes to adults and it has an interest to prohibit it when it talks about-- when you talk about children and adolescents. We'd urge the committee to advance the bill. I've distributed a statement from Dylan Murphy. Dylan couldn't stay. I know it's not necessarily permitted. I told-- he had to go-- they had to go back to Omaha. I, I told him I'd distribute it. I'd ask the committee to review that and read it though, and have it included in the record. And I'll take any questions the committee has.

**LATHROP:** I see no questions. Thanks, Spike. Before we move on to opponents, we're gonna take a five-minute break. That's just to give the committee a chance to stretch their legs, if you will.

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[BREAK]

**LATHROP:** --seats. We'll resume our hearing. While we have people finding their seats, let me just observe that it's the opponents of LB167 that have had to wait the longest. And so I appreciate your patience, and we will extend to you the same courtesy that we did the proponents. We'd ask you of course to observe the lights. And with that, we will begin opponent testimony. Welcome to the Judiciary Committee.

**KAREN BOWLING:** Great. Thank you, Senator Lathrop and members of the committee. And it's been a long day and night, and I do appreciate the kind of conversations that are taking place and the heartfelt stories we're listening. My name is Karen Bowling and I serve as the executive director of Nebraska Family Alliance. We can all agree that clients should be in the driver's seat and have the freedom to self-direct their own counseling goals, free from coercion and the use of force. We believe children, parents, and their counselors should together talk freely about the issues the child is experiencing and what counseling would be best for the child's mental, emotional, and physical health. We've received hundreds of calls and e-mails from concerned citizens, and I would say counselors too. Many of them have submitted testimony for the record. Many have experienced change and benefited by professional counseling. I want to share with you one personal story, because Bill called me this week. Bill and I have been friends for 40 years, and we've been on a journey and he wanted this to be shared. Bill states: as a former practicing homosexual and former advocate for the LGBT community, I am aware of the content within the manifesto put forth by the local and National LGBT [SIC--LGBTQ] Task Force. The manifesto declares that each human person should have freedom to become whom they are in every aspect of their lives. I was a naturalist and a secularist at the time. I felt sincerely that I had and should be able to live without restrictions placed upon my personal identity. A few years later, I experienced change in my life through the transforming message of Jesus Christ. For supporting guidance, I did seek help from faith-based counselors. My fellow advocates within the LGBT community challenged my change of belief, claiming that I had allowed myself to be intimidate, intimidated by advocates of hate. For if I had once unabashedly claimed that the Christian Gospel was hate-based, how was it that I was now to devote by spending the rest of my life spreading the message? My answer is just very simple: I encountered a deeper truth for me and who I was and what I was created to be. So in accordance

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with that manifesto of the National Task Force, I am seeking to live without restriction placed upon my personal identity. Bill also expressed concerns, just the consequences to it because in seeking assistance he paid. It was a, it was a faith-based but there was a fee to it. And I'll just point the first bullet point, you have the rest, in essence of time. The essence of religion is the concept that human persons can experience change in their lives and find true joy in embracing a higher spiritual calling for their existence. Governments should protect the right of individuals to practice their faiths. Today you will hear other personal stories just like Bill's. They have experienced authentic change. The state should encourage freedom for all and not interfere with the counselor-patient relationship, infringing on the duty of counselors and mental health professionals to assist the client in achieving their self-determined outcomes and goals.

**LATHROP:** Karen.

**KAREN BOWLING:** Thank you.

**LATHROP:** Yeah, thank you.

**KAREN BOWLING:** Yes, thank you.

**LATHROP:** Senator DeBoer has a question for you.

**KAREN BOWLING:** Yes, Senator DeBoer.

**DeBOER:** Thank you for testifying this evening. I want to make sure that I understand the places where the bill, LB167, since we don't have LB168 anymore.

**KAREN BOWLING:** Right.

**DeBOER:** I want to make sure that I understand the parts of your testimony that specifically deal with LB167. Do you believe that there should be limits to the kinds of therapy that can be performed on anyone? Children, doesn't matter?

**KAREN BOWLING:** Well, the beautiful thing here, as I stated at the top of my testimony, it should never be by force or harm. And one of the things that we heard from clinicians is that actually their ethics code requires that it has to be self-directed. They can't tell a

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person what to do or not to do. It has to be at their request and self-directed or they are in unethical violation.

**DeBOER:** OK. So would it be fair to characterize your testimony as you think that there are some limitations on the client-therapist relationship.

**KAREN BOWLING:** I think where it gets problematic is in the vagueness of the language in what conversion therapy is. So when you use the language "effort" and to "change behavior," that comes down to interpretation. And recently in the NIFLA v. Becerra case before the Supreme Court, that came into play on what was called "professional speech."

**DeBOER:** OK. So I, I guess I, I want to get to what you're talking about.

**KAREN BOWLING:** Yes.

**DeBOER:** But I'm not quite there yet. So do we think that there should be some limitations on the client-counselor relationship?

**KAREN BOWLING:** Well, I want to be clear, I'm not a clinician. So I'm going to speak from the clinicians that called with concern. They view themselves as a well-regulated body, a well-regulated body. I'll be very candid with you, I asked every clinician that called is your concern. And I said, did you do shock therapy? Everyone said no. Please hear, I'm not denying any testimony here. But I do-- I have concern when we start to say that the government will regulate clinicians. What-- that language then can't be that vague.

**DeBOER:** OK. So maybe what we're saying is that there, there is some kind of limitation. It's certainly a self-regulation, a self-limitation at the very least that we recognize, and then potentially some additional regulation might happen through codes of ethics and that sort of thing. But then, with respect to the bill itself, you think that the language itself covers a larger sort of spectrum of activity than what you think it should. Is that correct? You think it's too vague.

**KAREN BOWLING:** I do think it's too--

**DeBOER:** OK.

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**KAREN BOWLING:** I think it's too vague.

**DeBOER:** Yeah. So then if the language were tightened up and it were less vague, would that help to alleviate some of your concerns?

**KAREN BOWLING:** Well, one of the considerations, because the statute then identifies the Nebraska Uniform Deceptive Trade Practices Act, right? So it's in the Revised Statute 87-301, and I've pulled this up. That's going to prohibit any state or local funds from being given to an organization that engages in so-called conversion therapy. So let me create this scenario. So I am a youth pastor, right? And I'm going to have a conference or maybe, maybe I'm-- it's for adults. We won't put an age restriction on it. And so it would be from a faith tradition that recognizes what you would call sexual purity. And there's, it's a weekend conference. And so there is a fee for \$20 to attend that. Be, being in the Uniform Deceptive Trade Practice Act, that church could very well come in violation.

**DeBOER:** But they wouldn't be if they didn't charge the \$20 is what you're saying?

**KAREN BOWLING:** But if they have speakers coming.

**DeBOER:** Sure, but if I didn't charge \$20 then they wouldn't be. And if they did, they would. So the problem isn't with the content, the religious content. The problem is with the \$20 that goes alongside the religious content.

**KAREN BOWLING:** When you're when you're charging a fee.

**DeBOER:** Yeah.

**KAREN BOWLING:** The other thing, my family has gone through this personally. So I am compassionate, and I will tell you in seeking pastoral care one of the things that we discovered is people that are trained for the ministry may or may not feel that their training is qualified enough to seek to, to cancel the need, and so will refer to a professional counselor. And there, there becomes a situation that where it's-- a pastor may not be able to meet that need. So you're limiting the scope of people that are trying to really think through difficult issues. They're not decided, and to have the opportunity.

**DeBOER:** I recognize that there's a lot of nuance here. And I think that one of the, the really kind of sad things is that, you know, when we reduce the kinds of statements we make about these cases to very

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simple kind of slogans, we miss so much of this nuance and the opportunity to talk and find the common ground that we might have. So I really appreciate the time to talk about the details and to not reduce these questions to, oh, I'm pro this and against that, and that sort of thing, but to look at the details. But I, I do wonder in the example that you gave, whether a pastor who doesn't feel as many-- I don't know if you know I went to seminary, so many of my pastor friends also don't feel as though they are qualified to perform extensive counseling, maybe they just don't have time. But then when they turn over that responsibility to someone else then we've sort of gone outside of the religious aspect of counseling that's being done and turned it over to psychological counseling. I mean, there is a distinction there, isn't there?

**KAREN BOWLING:** But I think it still comes back to the person seeking the counseling should be able to self-direct the counseling that best matches their personal therapeutic goals.

**DeBOER:** Well, then in that case, I don't, I don't see how LB167 would be a problem. Because if a person is seeking out a counselor and then self-directs the situation, then there's not been, you know, advertisement or something like that that's happening. Am I missing something here?

**KAREN BOWLING:** When you talk about advertisement, certainly it could be in a church bulletin to attend a conference. And there's a \$20 fee to attend.

**DeBOER:** OK. I suppose if the church bulletin said \$20 to come to, but it-- I suppose then it would it would have to be specific to what the content that was being offered was in order to run afoul of the statute. Right?

**KAREN BOWLING:** Restate that.

**DeBOER:** I think, I think if you have the church bulletin you'd have to have, in order to run afoul of this statute with a church bulletin, even if you're charging money, you would have to be very specific about what we're trying to do is change your sexual identity, is that right?

**KAREN BOWLING:** Well, if you look at the language defined here, it could be behavior, it can be romantic attractions.

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**DeBOER:** OK. So it's just too broad. Ultimately what you're saying is it's too broad and maybe if we made it narrower it wouldn't be so broad and it wouldn't be as much of a problem.

**KAREN BOWLING:** We can all agree, none of us, regardless of what side we are on, on this issue, think there is a place for shock therapy.

**DeBOER:** Hopefully we are.

**KAREN BOWLING:** Absolutely.

**DeBOER:** Yeah

**KAREN BOWLING:** And I will tell you if somebody is here opposing and still supports it, I am not that person

**DeBOER:** Yeah, no. I know.

**KAREN BOWLING:** Yeah

**DeBOER:** And I appreciate that.

**KAREN BOWLING:** And there's so many of us that--

**DeBOER:** That's why I--

**KAREN BOWLING:** Yes

**DeBOER:** I recognize in you the ability to talk about the issue. That's why I wanted to sort of talk through it with you.

**KAREN BOWLING:** Absolutely. Well, I appreciate the conversation, Senator.

**DeBOER:** All right, well, thank you.

**KAREN BOWLING:** Thank you. Thank you.

**LATHROP:** Senator Slama.

**SLAMA:** Just to clear up a point of confusion in the last line of questioning. To be clear, under Section 3, line (2) (a), it's also unlawful in addition to the advertising to "Provide conversion therapy to any individual of such person receives monetary compensation in

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exchange for such services." So that exchange of the \$20 would be, in my reading of the bill, would be in violation of the bill.

**KAREN BOWLING:** That would be my interpretation too.

**LATHROP:** Senator Pansing Brooks.

**PANSING BROOKS:** Thank you for coming today, Ms. Bowling. I am, I'm just-- Senator, Senator DeBoer asked a question, and I'm glad that we can all agree that shock therapy is not appropriate. And I presume murder is also in that realm and things like that. But I'm also, I mean, there are of course nuances, there's, there's mental stress by putting kids into a situation to say that, that we, that it's up to the to the clients, meaning the parents and the kids, and the kids and the counselor. Well, what 12-year-old child has the authority to be able to say no to their parents that they're not going to go and do this? And so, you know, I sit, obviously no child has that authority. And I think about a time when I was young and my dad was dying and there-- I was integrally involved in a, in a church. And you know that because we were friends at that point, and we're still friends.

**KAREN BOWLING:** Yes.

**PANSING BROOKS:** But at that point, as my dad was dying, I was told by this group that if I didn't go and make him confess that Jesus is his savior that he would be condemned to hell and that I had to live with that. I never had the courage to do that as a child that was 14 years old. Now that was a lot of pressure put on me. It wasn't put on me by my family, it was put on me by the people with whom I was organized in the church. So to act as if any of us believe that the church doesn't have certain powers over children or have the ability to, I mean, it took me quite a while to get over the fact that my father is not damned to hell. And to put that on a 14-year-old child is sinful. And when I think about what is being placed on these people that testified here today, that's sinful. And so, I mean, we can talk about the extreme, but then let's look back down to reality and just some of the prodding and psychological conversations that are placed on this child to make them feel guilty and shameful, make me feel guilty and shameful, is really something that I applaud Senator Hunt for bringing this. I tried to bring this as a legislative resolution this past year, and I could not get the people to come out because people were scared to speak. And so listen to these stories. I think because it was not a legislative res-- it was not a study and it was instead a bill, people thought, got some hope. But think of the courage that it

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has taken for people to come and say this. And so I've given you a long rambling discussion here. How would a child have the ability to say no, I'm not going to go to this, until they get to 18?

**KAREN BOWLING:** That's between the parent and child.

**PANSING BROOKS:** That's the problem, is that it is between-- and that's where the government needs to come in and protect the child.

**KAREN BOWLING:** But I'm-- Senator Pansing Brooks, I'm sympathetic to the conversation here. I know we're all, you know, we're on opposite sides here, but I think you also need to recognize that-- just think for a moment. When you remove a parent, we give kind of carte blanche a parent in being able to drive a child's well-being. Will there be abuses? Unfortunately, yes. But to craft a vague piece of legislation that potentially eliminates mom and dad, and as a counsellor, as a counselor-- and Matt will be able to address this from a legal standpoint-- they actually even if a, a child wants that, an ethical counsellor has to honor the child's wishes over the parent's wishes. There are self-protections there already.

**PANSING BROOKS:** We could discuss this off the mike some time.

**KAREN BOWLING:** That sounds good.

**PANSING BROOKS:** Thank you very much.

**KAREN BOWLING:** Yes, thank you. Thank you.

**LATHROP:** OK, thank you.

**KAREN BOWLING:** Thank you, Senator Lathrop.

**LATHROP:** Next opponent, please. We have a lot of people that are patiently waiting so.

**GORDON OPP:** My name's Gordon Opp, G-o-r-d-o-n O-p-p, I'm here from Lincoln. I'm just here and waited all this time just to tell my, my story. As a young adult, I experienced unwanted same-sex desires and I was very conflicted about it. I really wanted those feelings to go away. In those days there wasn't much written about homosexuality and it wasn't really talked about. I would go to libraries and try to get information, but rarely did I find anything helpful. I also searched for counselors, but found no help. Then I finally gave in and started accepting my attractions and began living as a homosexual for about

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four years. However, the gay life for me was not fulfilling and it certainly was very contrary to who I am and to the faith that I hold. Now I'd heard that there's everything in California, so perhaps I could find a counselor out there. So I hitched up a U-Haul to my car and drove out to southern California. I went out there looking for help, but I figured if that didn't work out it was probably the best place to pursue a gay life. In California, I found an awesome counselor at a large church. Finally, I had hope that I could work on resolving this issue that was so dominating in my life. I worked with this counselor for about a year. During that time, I met the woman that I've been married to now for 40 years. We have three grown children and five grandkids. I have absolutely, positively no regrets regarding the decision I made to work through my conflicting sexual orientation. I've had the life that I wanted to have. I spend a lot of time with my grandkids and I've been truly blessed. I'm so glad that I found a counselor who helped me move in the direction I wanted to go. I can't imagine that that help I longed for and received could now be illegal in Nebraska. I'm forever grateful for the counselor and others who helped me along the way.

**LATHROP:** Senator Pansing Brooks.

**PANSING BROOKS:** Thank you very much for coming. I just have to ask, so did you pay for the counselor? Did that counselor have training or was this a clerical person that--

**GORDON OPP:** Actually, he was just a youth counselor. He had no more psychological training than psych 101, and he was the youth counselor at that church. However, my understanding of the law now is that if, if as an adult now I could not pursue that type of a counselor and pay for it here in Nebraska.

**PANSING BROOKS:** Thank you.

**LATHROP:** That's it. Thank you, Mr. Opp. Next testifier.

**BRADY CONE:** Thank you. Good evening, senators. My name is Brady Cone, spelled B-r-a-d-y C-o-n-e. I've been born and raised and live in Nebraska my entire life, and I love the state. I grew up wrestling with my, with sexuality as a teenager. I found after I hit puberty that I was only attracted to other men, but being gay seemed to be a conflict with my faith. The message I received from society and the gay community was that if I was attracted to the same gender, I had no choice but to be gay and to live as gay. I tried to make that work. I

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tried to accept that identity and lifestyle. It seemed to work for so many people, but not for me. As a 15-year-old, 16, and 17-year-old, I tried to find other options. I searched libraries and the Internet but found no resources or options that would help me live a different life. I was depressed and suicidal at times and thought that there was no way out. I went off to college at Chadron State. As a freshman trying to figure out life, faith, and sexuality, I got involved in a Christian ministry on campus. The students I met there loved me in ways that no one else had ever loved me. They gave me a community where I could belong. And when I shared with them about my life as a gay man, they still loved me and they wanted to help me live a life that was in accordance to my faith and the best that God had for me. They led me and helped me find resources and stories of people with my background who had changed. I went to a conference and heard a speaker who used to be gay but he was no longer. For the first time in my life, I felt like I had hope that never been there before. With the help of various resources and professional licensed counselors here in Nebraska, which would be banned by this legislation, I am now able to live a life that's in accordance to my faith. They helped me understand my attraction, give me encouragement and help. Through this counseling I started to change how I live my life, and what followed was a change in my identity and it changed my attractions. I now live a life that the LGBT community says is impossible. I'm happily married to a wonderful woman. My life is full of peace and joy. Great attempts were made to silence people like me but there are thousands of us. Our stories are in our very existence threaten the narrative and the agenda behind the legislation before us today. We have come so far in society in helping all people experience dignity and equality, and that is something I celebrate with my LGBTQ friends, of which I have many. But don't take away that dignity, equality, and religious freedom from people like me by outlawing resources that are, that have been a lifeline to so many people such as myself. It grieves me so much to think that the resources that helped me, which I desperately needed as a teenager and as an adult, could be taken away. I almost lost my life to suicide because there is no place to find hope and the help that I was looking for. Please don't take away those sources of hope and help from a new generation. Thank you.

**LATHROP:** Thank you. Thank you for sharing that with us.

**BRADY CONE:** Absolutely. Thank you.

**LATHROP:** Yeah. Next testifier. Good evening.

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**MATT SHARP:** Good evening. My name is Matt Sharp, M-a-t-t S-h-a-r-p, and I'm an attorney with Alliance Defending Freedom. And I'm here to discuss the legal implications of LB167. This bill is a targeted restriction on the speech of counselling clients, licensed counsellors, and many others. It targets a specific message: that an individual can experience personal transformation to their sexuality or identity for censorship. This bill presumes that the government has broad power to regulate the speech of licensed professionals. But that premise was rejected just last year by the Supreme Court at *NIFLA v. Becerra*, which highlighted two cases involving state laws that banned so-called conversion therapy for minors as being erroneously decided for holding that counselling speech was afforded less constitutional protection. Relying on this significant new precedent, just last week a federal magistrate judge recommended that a similar law in Tampa, Florida be enjoined because the plaintiffs quote established a substantial likelihood of success on the merits of their free speech claims under the First Amendment. Thus, Nebraska legislators will likely expose the state to costly litigation if they choose to enact this bill. I want to focus on the two most problematic aspects. First, it censors constitutionally-protected speech based on its content and viewpoint. And second, that it relies on vague, entirely subjective terminology that leaves counselors and clients alike guessing at what is prohibited. The Supreme Court has long held that is impermissible for the government to regulate speech, including paid speech, based on its content or viewpoint. Quote, the government action that stifles speech on account of its message poses the inherent risk that the government seeks not to a jet-- to advance a legitimate regulatory goal but to suppress unpopular ideas or information. Through LB167, Nebraska seeks to dictate which counseling conversations are permissible and which are not based solely on the views expressed, regarding sexuality and gender identity. Speech that helps a person address unwanted attractions or behaviors is banned while speech that helps someone embrace those behaviors is permitted. And again, restricting certain views and ideas is impermissible under the First Amendment. Next, the First Amendment requires that laws provide clear guidance to ensure that ambiguity does not show protected speech. But LB167 is intentionally vague. Determining what speech or other activities violate this ban is an inherently subjective inquiry. The bill does not provide concrete guidance on what types of conversations, conduct, or other activities would be subject to this wide net. As a result, the counselor or other individual is required to guess at an entirely undefined line between services that permissibly provide acceptance, support, and understanding; and those

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that unlawfully seek to change the person's behaviors related to their sexual orientation or gender identity. So in conclusion, LB167 infringes the First Amendment rights of counselors and clients. It limits the freedom to explore all counseling options, kicking clients out of the driver's seat and putting the state in charge of what speech and counseling goals are permissible. Thank you.

**LATHROP:** Senator Slama.

**SLAMA:** We've heard reference today to several other states who have implemented conversion therapy bans. Is the bill proposed today different than some of those conversion therapy bans that are in place in states?

**MATT SHARP:** Absolutely. So the states that have enacted these laws, and in fact the law that was enacted in Tampa, Tampa, Florida that I referenced, all dealt with specifically licensed counselors being not allowed to provide this to minors. This one goes far beyond that because we're dealing with adults and their freedom to do this. The fact that it's paid or not is irrelevant because, again, compensation doesn't strip speech of its First Amendment protection. That would obviously frustrate a lot of authors. And so this bill is really going far beyond what any state has done. But even going back to those laws, that's what the court in Tampa was focusing on. And they said, look, if there is an issue that needs to be addressed when you're dealing with speech, you've got to be targeted towards it. And so because this encompasses a broad amount of protected speech of a confidential communication between a client and its counselor, the government cannot just jump in and say: We're gonna tell you what you can and cannot discuss. That's where the court said that particularity of, of regulation is required in all of this. And that's why even that law, that was much narrower than what's being considered here, the court said there's a likelihood that this law is unconstitutional based upon that.

**SLAMA:** Thank you.

**LATHROP:** Senator Chambers.

**CHAMBERS:** First of all, Florida law is not binding on Nebraska. An injunction is not a decision by the court on the merits of a case. Have you ever heard of the term "false advertising?"

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**MATT SHARP:** Yes.

**CHAMBERS:** Well, isn't that protected by the First Amendment to allow you to say anything you want to about any product that you're selling?

**MATT SHARP:** I believe in that context. And again, I'm not an expert on consumer law or anything like that. But again, we're dealing with speech. And so the first question is, is this a over-broad, vague regulation of protected, constitutional speech? When you're dealing with a transaction, I'm selling you a car, that's one thing. But when you're dealing with a conversation between two people, between an adult client and their counselor, that's an, a First Amendment issue that doesn't involve just sort of a pure sale of a product or something like that.

**CHAMBERS:** The reason I asked you the question, I knew what you didn't know from what you were saying. This is based on the exchange of money for a service. I'm sure you know enough about federal requirements when it comes to regulation of medicines, as opposed to these quack items that they sell in these stores called supplements? They're not subject to regulation by the FDA because they don't profess to be medicine. They cannot make any medical claims. It would seem from what you're saying, that that violates their right to free speech because they should be able to say anything about their product they choose; and if the public accepts it, they should be allowed to do it. But that's not the law. So when you read this law, you see that it's talking about a deceptive practice. Is that what you read in the law that we're talking about?

**MATT SHARP:** I do understand that it is telling--

**CHAMBERS:** No, I'm asking did you read that language in the law?

**MATT SHARP:** That this is putting these conversations under the Deceptive Trade Practices Act? That's correct.

**CHAMBERS:** OK. That's all that I have to ask you. Thank you.

**LATHROP:** Thank you.

**MATT SHARP:** Thank you.

**LATHROP:** Oh, I'm sorry. Senator.

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**DeBOER:** I just, I wanted to follow up with a question because sometimes my questions wander and it's not very clear what I'm asking. So I thought I'd ask again. Based on the testimony I heard from you today, would it be possible, since you're saying it's over-broad, would it be possible to narrowly tailor this law in such a way that your objections would go away?

**MATT SHARP:** I want to go to that Tampa case, because I think this is going to the exact question you're asking. And the court there looked at it, and again, it was an already a much more narrow law than the one being considered here. Not involving deceptive trade practices, not involving adults, just simply a licensed counselor cannot provide this to a minor. And the court looked at and said, the problems they're discussing, the abusive techniques, or the lack of consent on behalf of a minor, if that's the issue then you draft a law that says a counselor has to obtain informed consent from a minor before they can provide counseling on these issues.

**DeBOER:** So I think what you're saying is yes, that it could be narrowly tailored in such a way that it would overcome the objections that you have.

**MATT SHARP:** I think it could be narrowly tailored to address the vagueness concerns. I think there's always gonna be an issue when you're dealing with, with conversations and speech though. That there is limitations on what the government can ever do when it comes to conversations. And so I think it addresses one concern. But I think there's still other concerns that remain. And I think that's even what the court in Florida said is, what they said is we want to limit this to techniques, not to speech, not to conversations. But when you're doing a medical procedure or technique, and again--

**DeBOER:** Well, but in talk therapy the medical procedure is talking. I mean, that's how talk therapy works. So, I mean, that's kind of difficult to talk about how we limit talk therapy any other way than by talking about what speech is or is not clinically acceptable speech for. I mean, you know, certainly I can think of several examples of things that would not constitute clinically acceptable within the scope of practice speech within a talk therapy situation. Asking someone to go kill themselves seems to me like that would be outside of the scope of what a clinical or a talk therapist should be performing as a talk therapist. So there, there clearly is some speech. And what I'm hearing today is that there's some speech that falls into the category of things that can be properly regulated and

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can be properly regulated by a state, and there are some things that cannot be properly regulated by the state. Would you agree with that statement?

**MATT SHARP:** It depends. I'm sorry I'm giving the typical, stereotypical lawyer answer. What the court in Florida said is there's a difference between regulating conduct and speech. And if it is speech, the First Amendment applies. And if it is conduct then there is less protection to that. And so what the court was focusing on is when you're doing anything that deals with speech, the First Amendment applies. If you want to focus on regulating conduct, not conversations and not talk therapy, whatever form that may take, but conduct, that you can look at. And that's what the court ultimately focused on and said that's what it needs to be narrowly tailored because that seems to be the problems.

**DeBOER:** OK. So leaving that aside for a second, I mean, we do know that the first and limit, the First Amendment is not an unlimited protection. There are limits to the First Amendment. You've even discussed them, right? So if there are limits-- I mean, I'm just trying to go through this logically. If there are limits to the First Amendment and there are, for example, limits involving commercial activity, right? So commercial speech is regulated at a more restrictive level than say religious speech in so far as you cannot say: I'm going to sell you this red pill and it's going to make you into a, an elephant, or I don't know what. But you can't falsely advertise. We, we know that that's true because we have false advertising statutes. So those kinds of commercial speech have been regulated, right?

**MATT SHARP:** There are, even in the First Amendment context and even with speech, the Supreme Court has ruled that even false statements, there's, there's stuff dealing with, you know, people claiming to have earned certain service medals and things like that. And again, this is kind of getting beyond the scope, but even, even things like that the court has said are not stripped of their First Amendment protection. There's always this sort of strict scrutiny test is what the court calls it. So you have to say, is there a compelling interest? Is this narrowly tailored? Are there other least restrictive alternatives? That's the analysis that you have to go through. The court in Florida did that and said, it doesn't survive all of that. And again, that was a less restrictive bill than the one we're looking at here. When you're dealing with the adults being able to sit down and have a

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conversation, a consenting, informed adult they can say this is what I want. This is the goals I want to work for. And again, the compensation is irrelevant and all that to whether it's protected. But that is far outside of what the court is--

**DeBOER:** I think we're mixing the two parts of the bill, or at least maybe I'm mixing them as we're having this discussion. There's the first part, which deals with certification of clinicians, and there's the second part which deals with the false advertising.

**MATT SHARP:** Yeah. I do think, because I don't think that's exactly how the bill lines up. I think the first part says the-- any licensed individual in the state cannot provide this to a minor, period. And then the second part says it is going to be a deceptive practice for any individual to provide this to anyone, adult or child, for compensation, to provide advertising related to this or any of those things. So I think those are the two components. The Florida law I've been talking about was just that first part. This second part goes into all of that, the conversations, all of that is included under the Deceptive Trade Practices Act.

**DeBOER:** Yeah. And so then it would not really map very well with the Florida case. So we are sort of in a different territory here. I mean, I guess we're kind of at an impasse here, so we don't need to take up more time this late at night. But one thing I am hearing is that there is a very, very, very limited amount of protections that you think might qualify if they go through the strict scrutiny test so that they look for the compelling state interest and whether they're narrowly tailored to fit the particular circumstances that they're trying to avoid.

**MATT SHARP:** Well, that, that's again what a federal judge in Florida. That's not my opinion, that's what the federal judge in Florida said when it comes to restricting speech when involved in that counseling relationship.

**DeBOER:** Right. But that's the First Amendment analysis is that--

**MATT SHARP:** Right. Which, which would also apply to an adult paying a counselor to assist with these issues.

**DeBOER:** Well, the gist of it is it's too broad, it needs to be less broad. Thank you.

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**MATT SHARP:** Thanks.

**LATHROP:** Senator Pansing Brooks.

**PANSING BROOKS:** Thank you for being here for questions and waiting this long. So you keep mentioning this Florida case, but the Supreme Court, right, has, has twice decided not to rule on gay conversion therapy. And one was in 2014 and then the other, most recent one, was less than a year ago. So you're conveniently not talking about that, that fact. So would you like to respond to that?

**MATT SHARP:** I absolutely would. Thank you for the opportunity, Senator.

**PANSING BROOKS:** You're welcome.

**MATT SHARP:** So just last year, in the NIFLA case that I mentioned, this was a case dealing with a California law that sought to require pro-life pregnancy centers to basically provide advertising and referral for abortions. And part of the justification California said: You're engaged in a commercial practice. You are licensed professionals and we can restrict what you're doing or compel you what to do. The Supreme Court took up that case and ruled against the California law. And part of their ruling, they said the premise that you can, that professional licensed speech is subject to less First Amendment protection is problematic. And what we're going to do is those two cases you referenced, where the Supreme Court had previously been asked to take review and declined, which again is not a ruling on the merits or anything like that, the Supreme Court cited to both of those is pointing to these are instances where the courts problematically stripped away First Amendment protection for licensed speech. The court in Florida then looked at that and said, it's clear that the Supreme Court is giving us new direction and new precedent saying: The premise of those previous decisions is now called into question, and this whole idea that this speech is entitled to less protection is problematic. And that's why the court ruled that way based upon this most recent Supreme Court precedent on these issues.

**PANSING BROOKS:** Well, I will just say that that is not what I'm reading in the on-line. So we can discuss this off the mike again.

**MATT SHARP:** I'd be happy to.

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**PANSING BROOKS:** But that is nowhere near what I'm reading on-line about that. So thank you for that though.

**LATHROP:** Senator Chambers.

**CHAMBERS:** Counselor, I'm concerned about children. I'm concerned about people with power torturing weak people. Have you ever had electrical shock applied to your testicles?

**MATT SHARP:** No, I have not.

**CHAMBERS:** How do you think you'd like that?

**MATT SHARP:** I think anyone would be very opposed to that.

**CHAMBERS:** Are you aware that that is considered torture?

**MATT SHARP:** I'm not familiar with the international laws, but I do think that is abusive.

**CHAMBERS:** I don't just mean international law. In America.

**MATT SHARP:** I--

**CHAMBERS:** Somebody was found to have put a person in a position to electrically shock his or her, well, his testicles. That would be considered torture.

**MATT SHARP:** And that's what the court in Florida said. When you're looking at that, if that's what you want to address, you do a targeted law towards that. You do not do a broad prescription on all constitutionally-protected speech.

**CHAMBERS:** I'm not talking about what you said the Florida court ruled. I'm talking about conduct that is embraced and what these people want to do to children. Unless you think those testifiers were lying.

**MATT SHARP:** I do not.

**CHAMBERS:** That's my first. Do you think they were telling the truth when they talked about what they experienced.

**MATT SHARP:** I do believe.

**CHAMBERS:** OK. When one said that he was shocked with such a large jolt that he was unconscious, and when he woke up a large chunk of his

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tongue was missing. You approve of that being done to children, don't you?

**MATT SHARP:** No.

**CHAMBERS:** Do you have children?

**MATT SHARP:** Yes, I do.

**CHAMBERS:** Would you agree to let some people in a church tell you they should be allowed to apply electrical shock to your child's testicles?

**MATT SHARP:** I love my children and would protect them with my life.

**CHAMBERS:** And if somebody did that to my child, they wouldn't be here talking now. I'd be on trial someplace and I don't think a jury would convict me. Here's what I'm getting to. All of these side issues mean nothing to me. They can be handled in court. But when I know there are children right now with parents so foolish, preachers so lacking in concern that these children will be tortured for the sexual gratification of adults, then I'll do all I can to stop it. And see I'm not gonna beat around the bush and play. The schools that run black communities use corporal punishment against our children. So I got it outlawed in all the public schools in the state of Nebraska. I got a law that made it even before the U.S. Supreme Court said it could be done, that if somebody was under the age of 18 when they committed a murder they could not be executed. I didn't wait for the U.S. Supreme Court. I care about young children and I know how adults abuse children. Sex trafficking goes after children because they're vulnerable and a lot of these things happen in churches. Look at the one of the biggest churches in the world, the Catholic Church. And now they find out that the priests and the bishops were sexually assaulting nuns. So don't tell me what these churches are about. I think they are cesspools of sin. I think these scoundrels hide behind religion, and that's what I'm looking at. And I don't care if all the preachers hear me. I want them to know that I'm like the hound of heaven, I'm on their trail. And if I can find a law or enough senators, I will get a law to stop this torturing of children. Now we can discuss things like whether you're regulating speech too much, because that is not involving anybody currently facing torture. This stuff these people want to talk about in terms of this perversion therapy involves torture. Do you know with the letters, to get in your territory, do you know the letters FCC stand for?

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**MATT SHARP:** I believe the Federal Communications Commission.

**CHAMBERS:** Bingo. Now what is communication, does that involve speech?

**MATT SHARP:** Yes it does.

**CHAMBERS:** And the FCC regulates that, doesn't it?

**MATT SHARP:** And the Supreme Court has also recently called into question some of those regulations on the idea that commercial speech is entitled to less constitutional protection.

**CHAMBERS:** Counselor, if you don't mind answering the question. You don't have to obfuscate me. I understand the law. I don't dress like a lawyer but my brain operates like one. Just so, in the interest of disclosure, I'm, I have a law degree. Now, are you aware of why these big pharmaceutical firms who advertise their medications on television tell you all of the side effects, some of which are fatal? Do you think they do that voluntarily? They were told by the FCC that they cannot advertise products unless they tell all of the side effects. And what the "big pharma" as it's called will do is tell you these side effects. But since advertising on television they distract you from listening to what they're saying by showing things to engage your sight and you will not hear what they're saying. They might have children playing with an animal or two young people really enjoying each other's company, but speech is regulated in this country. It can be. But that is not the crux of what I'm looking at. I will let those arguments be carried through by you and others who have the time for that. But I'm serving notice to these brutal, torturous, cruel, vicious adults who will consent to children being tortured have my-- and it matters not to them-- contempt. But they need to pay attention because I'm in the Legislature, and unlike some politicians, I will try to get legislation to stop it. And I will use the floor of the Legislature as my bully pulpit to explain to the people in Nebraska what these people who practice perversion therapy are actually doing to these children. And sometimes shaming is used against children and weak people but the right shaming can bring politicians to heel. I've seen it done, I've done it. You're paid to be here today. You're paid to represent your client. You will say whatever needs to be said to win your client's case. That's what lawyers do. I don't fault you for that. That's what lawyers do. I'm one of those people who will say that Jack the Ripper is entitled to a zealous defense. Not that the attorney has to agree with what the person is accused of. But since the only time conduct is criminal is when a statute makes it so,

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accompanying that prohibition are rules of the game which will tell you what you must do as the state to be able to impose a punishment on this person for violating that rule. And the goal of the lawyer is to make sure that before the state imposes a punishment it follows its own rules. The state must cross every T. The state must dot every I. And if gathering information the state violates the law with an illegal search and seizure, then the lawyer's job is not to say that what was seized is allowable. That it's good. It might be pornography. What the lawyer is saying, you got it the wrong way. So those are arguments that I'm not concerned about here. I was outraged at what I heard from these people who were persecuted, and they've got so-called Christians running in here talking about that that's good and they want to be able to do it. If I can stop them by whatever forces there are, I will. And now I'm not going to interfere with your earning your living because you're doing it in more or less an honest fashion.

**MATT SHARP:** Thank you.

**CHAMBERS:** That's all I have.

**LATHROP:** Senator Wayne.

**WAYNE:** Just so I'm clear, because I kind of got lost for a second. The minor provision you believe is legal or not legal?

**MATT SHARP:** I believe in light of NIFLA and is the Florida case which was just focused on a virtually identical minor, a licensed counselor providing it to minor, there, the Florida court enjoined it. So I do believe, I would-- it's unconstitutional according to the Florida court.

**WAYNE:** Well, and again, injunction doesn't meet the merits, but we can look at a lot of district courts across the country and find the case that what ruled one way or another. But it is clear that the Supreme Court has twice declined to take the California case, and essentially the minor provision is still constitutional as it saves to California.

**MATT SHARP:** I don't believe so. I believe the NIFLA case provided guidance to say the premise of those previous cases is no longer valid because they were premised upon the idea that licensed speech gets less First Amendment protection.

**WAYNE:** OK. So are you talking dicta or are you talking overrule in the case?

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**MATT SHARP:** Well, it was, it was guidance from the Supreme Court that influenced this Florida court. And I think we take all of that into account. And again, that, that's my goal here is to provide this committee with the most up to date legal information of what the Supreme Court and others.

**WAYNE:** I'm also an attorney, and we're talking back and forth and we're talking around each other. Was the case overruled?

**MATT SHARP:** Well, it wasn't addressing those. It was addressing the floor, out of the California law.

**WAYNE:** So the California law is still legal in the United States.

**MATT SHARP:** No, the California law, it was again that was a law compelling pro-life pregnancy centers to promote and advertise abortion. It was struck down.

**WAYNE:** I'm talking about the provision for minors and conversion therapy.

**MATT SHARP:** Those previous cases are still on the books but there are new legal challenges in light of this new precedent from the Supreme Court.

**WAYNE:** So it still stands, right? Can you give me an honest answer here?

**MATT SHARP:** Yeah, as of right now. But again, there's new legal challenges being brought up.

**WAYNE:** So, OK, there's new legal challenges being brought up. But the second piece is where you think there's more of a gray area?

**MATT SHARP:** The second piece is obviously much broader because, one, we're dealing with adults and who can provide, you know, informed consent on all these things. We're dealing with advertising, we're dealing with far beyond a narrow interest in, in minors, but in the ability of an adult to sit down and have an honest conversation.

**WAYNE:** OK. And my last question is, as being a good attorney, you want to make sure you research both sides of the issue so you're not caught off guard. Give me a case that's on the other side.

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**MATT SHARP:** Well, I think you referenced them, the two cases that upheld California and New Jersey's law. But then the Supreme Court has now called into question. So again, I would strongly encourage everyone to pull a copy of the Florida decision. It analyzes all of those, it looks at those two previous cases from California and New York. It looks at the Supreme Court's decision in NIFLA, and it looks at another case involving regulation of attorney speech. And it took all of those together and said taking all of these, as things stand right now, we think there's a substantial likelihood that you're going to prevail on your First Amendment claims.

**WAYNE:** And that Florida decision, was that a district decision or a court of appeals?

**MATT SHARP:** It was a district decision, it's early in the case.

**WAYNE:** So for those who are not attorneys, where does a district decision work as far as persuasive authority versus a court of appeals?

**MATT SHARP:** I think it's relevant authority for this body to take into account when looking at this law. And I think it's-- is it binding on Nebraska? No. But again, it's part of the relevant authority to look at when deciding whether to enact a law.

**WAYNE:** Thank you.

**LATHROP:** Thank you for being here.

**MATT SHARP:** My privilege.

**LATHROP:** Next testifier.

**LARRY STORER:** Thank you, ladies and gentlemen. My name is Larry Storer, S-t-o-r-e-r, 5015 Lafayette Avenue, Omaha, Nebraska, 68132, District 8. Let me start from the front. I saw that movie. I didn't like that movie, I didn't like the depiction of it. And the word of conversion therapy. But I also didn't like the assault on churches. This is not about churches. This is about people that were able to help other people. And we have a United States Constitution that, State Constitution also, that covers most of these laws. I know you don't like to hear this. The U.S. Constitution is paramount to most of what we've heard tonight. You have no right to impose on me. Now, I don't hate any of these people that are "LBGTQWXYZ," and now we probably should add liberals and 501(C)(3)s, people that are paid to

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come here and lobby against me. I'm an elector in Nebraska. I am a homeowner, a taxpayer, and I really don't-- I really can't afford all this silliness. Absolutely can't. There's nothing in the constitution that says you should be doing this. Other people's job. Unfortunately, some of those are lawyers and judges. I wonder how many Douglas County Court judges have sent children out of the state. That's come up a few times. Did they get conversion therapy out there under a juvenile court judge's order? Quite possibly, but they didn't call it conversion therapy. I believe there was something like that possibly over in Clarinda, Iowa on sexual assault. Those children were sent out there without parents' involvement, without parents' OK. Some of these bills, that's that fool there talking about taking rights away from parents, converting children. Well, I have a grandson that's had a lot of conversion therapy and I'm having conversion therapy for my-- from my government. Is anybody going to help me? Can I scream for help and you expect tax dollars to pay for it. Thank you. I don't hate them. I'd like to help them. But unfortunately the powers fighting me have more say-so than I do and more money than I do, and I don't like it. I can't afford to pay for it with my tax dollars. Thank you.

**LATHROP:** Thank you, Mr. Storer.

**GLENN SMITH:** My name is Glenn Smith, G-l-e-n-n S-m-i-t-h, and honored members of the committee, thank you for this opportunity to express my concerns about LB167. I am the executive director of Camp Witness Bible Conference Association in north-central Nebraska, Long Pine, Nebraska. And I believe that this particular bill as it's drafted today puts my particular organization at risk for a number of reasons. We can talk about freedom of speech, we can talk about freedom of religion, we can talk about even how this might affect freedom of assembly. But in reality, I believe this particular bill, because of the fact that conversion therapy is so loosely defined, I agree completely with, with the senators and the people who've said electrocution, torture-- torture is not appropriate for children. But the way you read this bill, the only thing that a person is allowed to say is we agree with what you've chosen. You're not allowed to prevent-- to present an, an opposite opinion or a different opinion or even to guide them in a different direction. As a camp, I am annually required to license my organization with the state and we're inspected. I believe that LB167 could be interpreted to rechip-- prohibit us from teaching what we believe is a biblical view of human sexuality as a licensed organization within the state. I believe that God has created and spoken, and as the creator he has the authority to

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say things about his creation. And that's our position when it comes to his revelation. LB167 would limit us in these freedoms because we have our kids who pay to come to our camp. Do we do anything that's close to some of the abuse that's seen here? No. But we have young people who come to us who are struggling with decisions in their life, who are concerned about how they're going to fit into society. And our goal is to take them to the scriptures and to teach them what we believe the Bible teaches about a relationship with Him and about human sexuality. And based on this particular thing, I believe that we could be in violation of this because we take fees and because we do not necessarily encourage them to follow this lifestyle. By default, a discussion of human sexuality with a Bible perspective by our faculty, by our facilities, by our staff, some of which may be licensed counselors, some of which might be licensed some other way. That is another fault of this particular bill. It says, if you're a licensed practitioner or under this particular bill, if I am a licensed plumber who says I think you should reconsider what the Bible says about this-- it doesn't say what kind of clinician that this is, it just says a licensed person under this bill. There's lots of licensed people under this bill and they're all at risk if they have this discussion. I acknowledge the area of conversion therapy is something that, it saddens my heart when I heard today and the examples of these young people mistreated. So thank you for your time.

**LATHROP:** Thank you for coming down here. Did you come all the way from Long Pine?

**GLENN SMITH:** Yeah.

**LATHROP:** All right. Yeah. Well, thank you for being here.

**GLENN SMITH:** You're welcome.

**LATHROP:** Oh, I'm sorry. Senator Chambers has a question. Yes.

**CHAMBERS:** When you had mentioned you talked to them in terms of what the Bible has to say about it. Are you a minister?

**GLENN SMITH:** I am. My degree is in pastoral ministries, correct.

**CHAMBERS:** Say it again.

**GLENN SMITH:** My degree is in pastoral ministries and Bible, yes.

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**CHAMBERS:** But I'm asking do you consider yourself a minister? Do you consider yourself a minister?

**GLENN SMITH:** Yes.

**CHAMBERS:** OK. Then you know something about the Old Testament don't you?

**GLENN SMITH:** Yes.

**CHAMBERS:** You know about David and Jonathan don't you.

**GLENN SMITH:** They were good friends.

**CHAMBERS:** No, it said, it used the word love. Since you are a minister, look up the word that was used and you'll see it's the same word that is applied in terms of the love between a man and a woman. And I'm saying look it up and see for yourself because you study and check it out. And I'm not just talking about the English word. But that's all that I have. I like to challenge people's pure minds.

**GLENN SMITH:** Thank you for your time.

**LATHROP:** Very good. Thank you. Good evening.

**DAVID PICKUP:** My name is David Pickup, D-a-v-i-d P-i-c-k-u-p, I'm a licensed marriage and family therapist and 95 percent of my clients are boys and men who are successfully undergoing reintegrative therapy. This bill being considered is child abuse. These bills like this make it illegal for a, for children to receive therapy for unwanted homosexual feelings caused by sexual abuse, by older teens, or even pedophiles, or emotional abuse. Can you imagine a boy walking into a therapist's office to be told that it's illegal to give him the therapy that really does resolve his sexual attractions, homosexual attractions caused by an abuser? That happens in my office every week, except they get the help that they need. Do you know what it feels like to be heterosexual and sexually abused by a pedophile? I do. I do. I underwent authentic reintegrative therapy years ago for homosexual attractions because of sexual and emotional abuse that I experienced as a child. And just like many abused children in the U.S., some of the news for years, this sexual stimulation resulted in my unwanted homosexual attractions in puberty. Authentic reintegrative therapy helped save my life and my sexual feelings changed. And yet, with the documented cases of sexual abuse of minor boys even in Nebraska from the Nebraska Journal Star, somehow this bill is here.

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Evidently the sponsors of this bill have not thought or cared about all children. If they did, they would have at least amended this bill to account for the professional licensed therapy for unwanted attractions that truly does work. I can't imagine a parent who does not love and support their child by denying them these therapeutic needs for these particular issues. My colleagues and I, approximately 15 of us, are the leading experts in change therapies in the U.S. and in the world. The sponsors of this bill have not even bothered to ask professional therapists or testimonials of successful clients actually what goes on in these sessions. Real therapy, especially in my office, is about the rise of the authentic, secure gendered self. It's about resolving the emotional issues that cause-- that can cause homosexual feelings and gender dysphoria. For those who know that for them their feelings are not genetically inborn. It's about resolving inferiority, depression, and suicide ideation. This bill would have you believe that we do electroshock aversion therapy or shaming techniques. I'm almost having trouble expressing my anger, if I wasn't so sad.

**LATHROP:** Mr. Pickup, your time is up.

**DAVID PICKUP:** I'm open for any questions to describe to you exactly the misrepresentation all of you had made here today. I'm sickened in my heart, and I can prove it with documentation.

**LATHROP:** Sir, I don't see any questions. We appreciate you coming all the way from Texas.

**DAVID PICKUP:** Where's my hug?

**HUNT:** You want a hug?

**DAVID PICKUP:** Why would I, from someone who obviously hates me and doesn't know anything about me or my clients?

**CHAMBERS:** That's not Christian charity.

**LATHROP:** You know what, we're not going to do that tonight.

**CHAMBERS:** Well, he's not a Christian. That's why--

**GLENN SMITH:** This is about children, sir.

**CHAMBERS:** What did he say? Oh, I thought he said he'd kill me.

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**LATHROP:** Good evening.

**CHARLENE EDMUNDSON:** Good evening, Senator. My name is Charlene Edmundson, Charlene Edmundson. I'm just a grandma. And I'm a grandma with a family that has several homosexual children in it. And you know what, they're all cousins, they're all family, we love them all the same. Something's come to my mind, and I have heard so many people talking about it and I'm so troubled. The escalation of the number of children that are gender-confused and, you know, I really dug down and did some studying on that. And I'd like to go back to 2014 when the Lincoln School District hired a group called Gender Spectrum. And I'm sure they did it out of compassion, thinking how can we make all the kids feel equal? And what they did was, with this Gender Spectrum, they removed all of the pronouns, the he's and the she's, and they referred to them as-- and you can't make this up. They preferred to refuse-- to talk to them as groups of animals and color coded instead of by their DNA that they were born with. So fast-forward five years, what do we have but a bunch of kids, even though it was prob-- I don't know what they were feeling but I'm sure that their teachers they, you know, they love kids. Now we got kids that are escalating and they don't know who they are. And I, I just, I don't know what to say about that. Now this bill so, so some of our kids in our family like their lifestyle. They don't, they don't want to change. And some of them want therapy. And I want for those kids that want therapy, I want them to be able to get good, quality therapy. Thank you so much.

**LATHROP:** Thank you.

**KATHRYN RUSSELL:** My name is Kathryn Russell, K-a-t-h-r-y-n, Russell, R-u-s-s-e-l-l, and I live at 1721 South 108th Street, Omaha, Nebraska. I want to thank all of you for standing up to all of this today. I know you're tired, I can see it in your faces. But thank you for listening and thank you for listening to us. I'm gonna be simple but sincere. Tonight as I sat here and I listened to the heartbreaking testimony of those people who spoke tonight, I want to apologize to them and I know that every heart here, no matter what side they were on, feels terrible for them. That that the pain that they've suffered cannot be resolved by this committee, by this evening, by this group of people, only through God. But I am so confused by people defining or trying to define what conversion therapy is. You saw tonight how many cases were exemplified and they weren't, it wasn't conversion therapy. So when we look at this and we look at not paying people, not paying counselors over conversion therapy with the-- we don't even

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agree on the definition of it. It's going to be very confusing. It's going to be mind-boggling and it's going to be an insurance nightmare. And it's going to keep parents from seeking that help for their children. Now you don't want to create that. I know you don't. I'm afraid that you by doing this are taking the rights away from parents for getting them, their children therapy. And I know you don't want to do that, but that's what you're going to do. And I have a feeling that some people are doing this because they want to pass LGBT laws or regulations or destroy the family and promote LGBT lifestyle. I don't think you want that. I don't really think you want to have that happen. We need a family unit. Don't take parents' rights away to get their children help. There are many children who go through dysphoria and they don't know if they're a girl or a boy for a while. On the World-Herald, Dr. Stephen, Stephen Doran wrote an article and it says that: according to the World Professional Association for transition--transgender [PHONETIC], sorry, Health, only 6 to 23 percent of children with gender dysphoria persisted into adulthood with these identification, this identification and identified themselves with the opposite sex. Now if that's the number of people who have gender dysphoria and decide to go and become an LGBT, don't you think that though the other 75 percent need good counseling? And who are you? We're not-- we don't want, we don't want to go through shock therapy and castration. We're not talking about that. But there has to be good therapy for children. And you have to see to it that they get it. Don't take away the rights of parents. Please. Thank you.

**LATHROP:** Thank you for your testimony Ms. Russell. And it's been a long day for all of you that have been waiting for your opportunity to testify. Good evening.

**BARBARA GARD:** Good, it does move forward. Good evening. Chairman Lathrop, Vice Chairman Pansing Brooks, members of the committee, my name is Barbara Gard, B-a-r-b-a-r-a, my last name Gard, G-a-r-d. I live in north Omaha and I'm a professional educator. On the notes that you get, on my degrees, what I have and where they're from. I don't want to waste time with that. Senator Chambers. If you were to introduce a bill outlawing, outlawing conversion therapy that is identified as physical abuse, such as electric shock treatments, beatings, starvation, isolation. Any of these things, you would not have a single person who would be up here opposing that. We don't want that to happen to anyone. That is not why we're here in opposition to LB167. Under 167, basically what it says: This bill declares that the state of Nebraska encourages and allows only those counselors who will

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promote same sex attractions and gender identity that is contrary to physical reality. Anyone who is willing to talk, or more importantly, just to listen to someone who is struggling with these feelings who does not want to be struggling with these feelings, or they are experiencing gender dysphoria, they just need somebody to talk to. If they do not approve of these feelings and tell the person they should feel that way, if instead they try to encourage them that, yes, you can overcome these feelings, you can embrace your gender identity that you had at birth. That somehow they, to do that they are motivated by a desire to hurt these people and they should be forbidden from doing so. I want to call your attention to a report that was published in the journal The New Atlantis in the August 2016 edition that challenges everything the media is trying to tell us about sexual orientation and gender identity. It was co-authored by two of the nation's leading scholars on mental health and sexuality and summarizes over 200 peer-reviewed studies. And let me just, some of the highlights. Only a minority-- I'm sorry, I'm not going to have time for this. Only a minority of children who express gender atypical behavior will continue to do so into adulthood. But those who go through sex reassignment surgery, their chances of suicide jump by 41 percent.

**LATHROP:** Ms. Gard, we have your testimony. We can read it.

**BARBARA GARD:** Yes, please take the time to read it. It does-- it's important to know both sides of the story. And thank you so much for listening, and I'll be happy to answer any questions. But thank you all for your service to the people of Nebraska. You're here because you care about us. And I want you to know we appreciate each and every one of you, whether we agree with you or not. Forgive me for taking all the extra time.

**LATHROP:** That's OK. That's OK. Thank you, Ms. Gard.

**BARBARA GARD:** And welcome back to the Legislature, Senator Lathrop.

**LATHROP:** Thank you. Good evening.

**AMETRINE WOODARD:** Good evening. My name is Ametrine Woodard.

**LATHROP:** We just need to have you speak into the mike just a little bit more, so we can all hear.

**AMETRINE WOODARD:** My name is Ametrine Woodard.

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**LATHROP:** Perfect. Can you spell your name for us?

**AMETRINE WOODARD:** A-m-e-t-r-i-n-e.

**LATHROP:** Thank you. You may proceed.

**AMETRINE WOODARD:** Thank you for letting me speak my opinion. I oppose the law of LB167 and I ask that it not be passed. Because of these concerns. As a child, I was abused, and I personally believe that someone should have the right to want, should have a right to be able to seek help if they want help. I also have TBI, which makes it sometimes hard for me to speak. So being up here is hard. I'm not trying to judge anybody but I'm saying that it also is taking away the right for people to speak, have their right to speak because-- and speak their beliefs. And that they, if they don't want to feel a certain way, they should be able to get help. And I believe that God created us all man and female. And that we, that we all have fallen short of the glory of God. And I'm not judging one sin or another. There is none that are greater than another. I'm just saying that I, I needed Jesus and I wanted Jesus, and he saved me.

**LATHROP:** OK. Thank you for coming here tonight. We appreciate it. I'm sure that wasn't easy to stand up and talk in front of this many people.

**AMETRINE WOODARD:** No, it wasn't.

**LATHROP:** OK. Well, thanks for doing that. We appreciate your patience. Good evening.

**FAITH GAUTHIER:** Good evening. My name is Faith Gauthier, F-a-i-t-h G-a-u-t-h-i-e-r, I am here to testify as a Nebraska citizen and as a registered nurse. As a nurse, I have cared for many patients from the LGBT community but one in particular stands out in my mind. This patient had already lost both his father and brother to AIDS and his mother had died of cancer. He was HIV positive and in the hospital for surgery. As a result of his lifestyle he had developed venereal warts on his anus which prevented him from having bowel movements. As a result of his sexual activities his rectum had been perforated and he had an opening allowing feces out of his intestinal track. He had had several surgeries prior to this one to treat issues related to his lifestyle, and he was in agony. He was only 19 years old. After his surgery we gave him all the pain medications that we could safely give him, but still he was in a great deal of pain. He could not sit or lie

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down because of the pain, but it hurt to walk too. He was depressed and anxious. There was concern for his well-being when he was discharged. Possible suicide or choosing drugs or alcohol to numb his pain were very real concerns. If LB167 were to pass it would make it illegal to offer counsel to this young man should he come to me. Other medical professionals, counselors, or clergy who could help him leave this lifestyle. Essentially if he chooses to leave a lifestyle that is destroying his health, he must make that, those lifestyle changes alone without support or help from anyone. Where is his choice? Is his only choice to live a LGBT lifestyle but not leave it? He was only 19 years old and had been in this lifestyle for years. It is very likely he was abused as a child but at the very least had been sexually active in this lifestyle as a child. It is very sad to me to think of a world where no one could have ever spoken truth about what could potentially happen to his body as a result of this lifestyle choice. Many adolescents are confused and change their minds frequently during childhood and especially during the teen years. What if a confused child or teen asked and would like to get counseling in this area? Are they allowed a choice or only the choice of the LGBT lifestyle? I would like to say that I am completely opposed to any shock therapy or any physical therapy that would be considered child abuse. That is not what I'm talking about. But I am strongly opposed to LB167 and I would ask you to vote no on this bill.

**LATHROP:** Thank you for your testimony.

**RICHARD NETLEY:** Good evening, senators. My name is Richard Netley, it's R-i-c-h-a-r-d N-e-t-l-e-y. I am here today speaking as a concerned citizen. I would like to take issue I guess with the, some of the preliminary comments by the senator who introduced the bill, specifically regarding the fact that this-- the fact or the allegation that this bill has to do with medical therapy mental practitioners. I did not see that anywhere in this particular bill. It did appear in LB168 specifically. But in this bill, the definition of therapy is again a little vague. And I don't want to spend time because it's already been hashed. But the definition in this text for therapy is a sweeping def-- definition. The definition goes beyond trying to change sexual orientation, the inclination. It prohibits efforts to change behaviors, the act. This clause would limit a pastor's obligation as a paid professional to teach and preach a message of repentance, conversion, and abstinence. You can make an argument that on a given Sunday pastors are engaged in forms of therapeutic conversion. Or conversion therapy. As Jesus said: make disciples, teaching them to

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observe all things whatsoever I have commanded you. Unless you are converted you will not enter the kingdom of heaven. Go and sin no more. LB167 is overly-inclusive. It enjoins a parent or guardian who may also be an accredited professional, specifically a dentist, a chiropractor, a massage therapist, a cosmetologist, a podiatrist, a speech pathologist, a veterinarian, or a well driller. It subjects them to the potential loss of their license and livelihood if they attempt to influence their child's protected behavior. A notion that should be anathema to good parenting. Nebraska legislators should strive to-- for the demise of draconian and abusive reparative measures but reject these bills as the wrong way to do it. And in conclusion, I would just like to remind the senators that the rainbow also has significant sacred symbolism for Christians.

**LATHROP:** OK. I don't see any questions for you but thanks for coming out, Mr. Netley, and your patience tonight in waiting, for everyone that's waited this long to be heard. Good evening.

**KYLE GOMEZ:** Good evening, Chairman Lathrop and members of the committee. I'm Kyle Gomez, K-y-l-e G-o-m-e-z, from Rosalie, Nebraska. I come before you today to address this committee on LB167 and what was LB168. I was reading the other day, November, 1st, 2004 NBC news release about a young girl who was unable to feel pain. This condition is called CIPA, Congenital insensitivity to pain with anhidrosis. The disease makes the young girl incapable of feeling extreme temperatures, hot or cold, disabling her body in many ways. This is a quote from her mother: Some people would say that's a good thing. But no, it's not, says this young girl's mother. Pain is there for a reason. It lets your body know something's wrong and it needs to be fixed. I'd give anything for her to feel pain. Sometimes in our life we try to fix things and we want no pain involved, we will stay away from it and twist the meaning any way we can. It seems strange to some people that a mother would give anything for her child to feel pain. But the mother knows that in that pain she would be kept from many injuries and possible life-ending injuries. In the bills you're proposing today there is a misnomer that talk with an individual diminishing same-sex attraction is abuse. Sometimes we want to substitute a word like truth with a word like abuse, because it can be uncomfortable to hear the truth and even painful. But without it, we would have chaos and confusion. If two plus two were five to one person and three to another, then someone would always be getting more than they deserve or less than they deserve. Yes, truth is restrictive and it may be painful for a while. But the word of God says it will

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set you free. I agree that the truth can be parceled out with a hammer or in love. The problem with this bill is that it stops and condemns any truth. It stops free speech, free religion, and the ability for parents to do what is right in their sight. In summary, I come today to voice my opposition as these bills take away religious freedom and free speech. They also confine any parent to seek therapy they want for their children. These bills are limiting parental decision making based upon someone's opinion. Some people may agree, agree with that opinion but some may not. And I tell you today, I do not agree with it, but it is unfortunately trying to be cast upon everyone in this state as law. And I oppose these bills.

**LATHROP:** Mr. Gomez, thanks for being here.

**DONNA OWEN:** Good evening. I thought I'd be saying good afternoon. My name is Donna Owen, D-o-n-n-a O-w-e-n. I reside in Omaha and I am in the district of Senator Hunt. I-- you have my testimony but I want to preface it with something first. When I first started listening to Senator Hunt talk about her bill, I was horrified. Absolutely horrified. And I concurred with Senator Chambers. I believe that torture of any kind is barbaric, it does not belong in our country, it does not belong. It shouldn't be given to a person. Whether you agree with them, what their lifestyle is, if they are friend or foe of the United States. I do not abide torture. I'm the mother who thought a doctor was crazy when he said, let the baby cry, it will develop their lungs. No torture. So I really thought about not testifying because I, I want no torture. However, and this has been stated by you that perhaps the bill needs to be encompassed. Because of my respect for Senator Chambers, I would welcome him to work with Miss Hunt and get a bill that's concise, that deals only with barbaric tortures, isolation, anything like that. Because where I disagree with Senator Chambers because I've heard judge ad infinitum say: catch it on appeal. The things that this bill can do will result in future lawsuits. It will result in people having to defend themselves from what can come down the line. And having worked against things for over 50 years of laws being built, made, I know a small law intended to protect sometimes becomes evil incarnate 40 years later. We've seen it happen last week. So with that, I'm going to read my testimony. LB167 violates not only the U.S. Constitution, the Bill of Rights, but the Nebraska preamble and Constitution as well. The two most grievous violations are the freedoms of speech and religion. If, as the Bill of Rights and the Nebraska preamble plainly state that our unalienable rights are endowed by our Creator, Almighty God and therefore cannot

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be revoked by man or government, then that right when applied to freedoms of speech and religion must come from a source. That source referenced without exception by the Founding Fathers was the Bible. So when a counselor, teacher, pastor, or anyone listed in the proposed bill uses that foundational source of longstanding Judeo-Christian precepts that even the Founding Fathers used to, to frame our very government, some persons with loss of liberty will be charged with a felony conviction. It should be noted that these bills are a one-way street and no such restrictions are placed on atheists, atheistic dogmas. Supreme Court Justice Scalia wrote that: In all cases, religious beliefs override atheistic dogma. Sorry.

**LATHROP:** I know. We'd love to give everybody 10 minutes but--

**DONNA OWEN:** That's all right.

**LATHROP:** We have your testimony.

**DONNA OWEN:** Yes. Thank you.

**LATHROP:** Yeah, thanks, Ms. Owens-- Ms. Owen.

**TOM VENZOR:** Good evening, Chairman Lathrop and members of the Judiciary Committee. My name is Tom Venzor, the executive director of the Nebraska Catholic Conference. That's T-o-m V-e-n-z-o-r. The Catholic faith recognizes the supreme dignity of every person as made in the image and likeness of God. The only appropriate response to this reality is charity, willing the good of the other. Charity extends to every aspect of our lives, including the ways by which we counsel and assist those who present themselves with any number of life's problems. LB167 attempts to deal with the phenomenon of conversion therapy that has been utilized in counseling settings. Undoubtedly, conversion therapy is a loaded term. And like any such term, it includes a number of problematic definitions but also includes a number of benign dimensions. The task before us today is to make critical and necessary distinctions between those two things. It seems universally acknowledged, although I should say, almost universally acknowledged, that the problematic dimensions of conversion therapy are inappropriate, unhelpful, unsafe, and unethical, and disciplining those who utilize such practices is already appropriately handled by the relevant professional licensing body. And for some of the things that I think have been discussed today in terms of abusive and coercive methods, I mean, a lot of those sound like they would be subjected to criminal penalty as well and

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they should be roundly condemned. Unfortunately, despite the introducer's own comments about her bill, LB167 is not only restricted to this notion of harmful conversion therapy but also includes practices such as talk therapy, which helps clients choose a counseling and personal therapy goals best for them through the ability to explore the issues they present. The overly-broad definition of conversion therapy and LB167 is deeply problematic, which has been made clear by other testifiers. But I want to provide a few examples in light of a couple of the provisions of the bill. Section 3 (1) applies to this-- applies the definition of conversion therapy to licensed credential holders and with regard to minors. And I want to offer a scenario. Consider a 17-year-old male who experiences a sexual or romantic attraction for somebody of the same sex. He considers these attractions to be unwanted and desires not to act on these attractions and live chastely. He would not be able to see a mental health care provider to work through these attractions and find a way to seek his own goal of living a fully-integrated human sexuality that is consistent with his own moral convictions. As well, the scope of Section 3 (2) is harrowing, as it applies to any person who provides talk therapy. And again, to offer a couple of scenarios here, you can imagine the pastor who runs a support group for same-sex attracted individuals through a church-run ministry and they host a half-day conference where, you know, there's some advertising for the event, whether it be on Christian radio or Web sites, you know, Christian newspapers, etcetera. Such a half-day seminar would violate Section 3(2)(b) and be liable to the Deceptive Trade Practices Act. And again, consider an Orthodox Jewish temple where they, where they might have provided that, where they may provide access to members to a part-time counselor who's being remunerated by the, by the temple itself. And again, that counselor may be dealing with any number of issues, including relationship issues or human sexuality issues and an individual could come to that setting and be liable for that. So I've got a little bit more there but I'll end since I see the red light.

**LATHROP:** We do you have your written testimony.

**TOM VENZOR:** Sure do.

**LATHROP:** I do not see any questions, but thank you for your--

**TOM VENZOR:** Appreciate it, thank you.

**LATHROP:** ---being here late into the evening. Next testifier.

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**LOU SAFRANEK:** I don't have any copies.

**LATHROP:** Good evening.

**LOU SAFRANEK:** Good evening sir. I am Dr. Lou, L-o-u, SafraneK, S-a-f-r-a-n-e-k. I practice as a specialist in the treatment of infectious diseases, and have throughout my career afforded talented and concerned care to persons in the LGBT community. I see three principal questions surrounding the practice of conversion therapy. First, is the attempt to align the gender identity of a child or adult with their genetic sex worth pursuing? I spent a great deal of time in the past three years working with the Omaha Catholic archdiocese to review numerous curricula addressing the sexual formation of young people so as to select programs that we could recommend to teachers and parents. These curricula will serve to develop young people who will establish healthy relationships with members of the opposite sex, relationships that will regularly lead to marriage and family formation. The countless hours that teachers and parents contribute to develop and deploy these curricula clearly show how highly these efforts are valued. This leads to the second question. When an individual finds that their gender identity fits imperfectly with their genetic sex can this fit be restored? In fact, we know that most individuals who at some point have experienced a misalignment nevertheless have realigned their gender identity with their genetic sex in adulthood. Clearly gender identity can be malleable. Finally, can people or environments help align gender identity and genetic sex? Yes. Prior to my present service with the Omaha archdiocese I spent much of two years studying the sexual education curricula that were being considered by Omaha Public Schools. Among the roughly 20 curricula I've studied in the past five years, I can see clearly that some curricula have a vastly better chance of promoting an alignment of gender identity and genetic sex. We as parents, friends, and educators can facilitate that alignment. Let me address the present bill. Trained professionals might even better facilitate this alignment than particular parents, churches, or educational systems, and even better approaches will develop in the future. We should at this time not criminalize the efforts of professionals who are improving our means to help individuals align their sex and gender identity. Individuals or parents of children who wish to seek out such professionals deserve this opportunity. These professionals deserve support and not condemnation. I urge you to vote against the proposed legislation.

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**LATHROP:** Thank you.

**LATHROP:** Thank you, Dr. Safranek. We appreciate your testimony tonight.

**JOHN DOCKERY:** Good evening everyone.

**LATHROP:** Good evening.

**JOHN DOCKERY:** My name is John Dockery. That's J-o-h-n D-o-c-k-e-r-y. I live in Omaha. I'm married, we have five children and 12 grandchildren. I'm an opponent of LB167. This bill criminalizes well-established, effective treatment for children with unwanted same-sex attraction and gender confusion. They're an attack on the therapist's freedom of speech and families' basic, basic human rights and religious freedom. Even though some states have passed laws against conversion therapy, in the newest ruling last week, U.S. Magistrate Judge Amanda Sanderson wrote a recommendation to district court that Tampa ordinance 2017-- 17 banning conversion therapy and be rejected because it violates every test of the First Amendment. Legal experts have predicted these counseling bans would fall and eventually be ruled unconstitutional across the board. The goal is to move one of the multiple cases now pending onto the Supreme Court. The availability of conversion therapy is just as important as LBGT-affirmative therapy is for those who want it. Conversion therapy is talk therapy, talk therapy is much less invasive than LBGT-affirmative therapy which can include puberty blockers, hormone therapy, and even sex-reassignment surgery, with the potential surgical removal or a modification of body parts. Parents and their children often need help with the difficult reality of unwanted same-sex attraction and gender confusion. Children always need love and a sense of belonging from their families. Please do not criminalize safe, credible therapy options for families. There is no other health topic that a qualified healthcare provider is not allowed to get paid for or talk about. Silencing and censorship is an absurd attempt to limit parents' choice. Parents and children should always have a choice in this matter. Please vote no to these, to this bill. Thank you.

**LATHROP:** Thank you, Mr. Dockery. Oh, I'm sorry. Senator Wayne has a question.

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**WAYNE:** Not necessarily a question, just to thank you for coming. I know we live around the corner from each other, so I might need a ride home.

**AMBER PARKER:** Hi, my name is Amber. Good evening. Maybe good morning. A-m-b-e-r, Parker, P-a-r-k-e-r. I just want to say that all life matters. I'm an opponent to LB167 and LB168. I will first start by sharing some facts that have taken place in Nebraska. I believe in 2017 at an Omaha Public School Board meeting the Sherwood Foundation offered to pay to hire more social workers for the Omaha Public Schools for a certain amount of time and certain school districts for this, the Omaha, OPS. One of the board members, Yolanda, shared her concerns on this. I found myself asking the question to myself why would the Sherwood Foundation be willing to pay for more social workers and what is the purpose in having more social workers in certain school districts within Omaha Public Schools. The Sherwood Foundation is funded under the Berkshire Hathaway stock. Susie Buffett chairs the Sherwood Foundation and the Buffett Early Childhood Fund. Another organization that has connections to the Sherwood Foundation shows that State Senator Adam Morfeld is the executive director of Nebraskans for Civic Reform, a Sherwood-funded nonprofit. In 2016, the Sherwood Foundation's IRS 990 form reported donations to Nebraskans for Civic Reform totaling over \$269,000. You can go to [guidestar.org](http://guidestar.org) to see the IRS 990 private foundation form in the public domain to read more information in the nonprofit database. Civic Nebraska Senator Morfeld is the founder and executive director, and they also had over 100 hundred poll watchers, I know, this last election. A couple of years ago Senator Morfeld introduced a LR334, it was heard in the Education Committee on September 10, 2015. It was a study, the integrate-- the integral link between academic achievement and risky health behaviors. Many voiced their concern on this study and felt was a push for comprehensive sex education and Planned Parenthood to be pushed on Nebraska schools. Even past Nebraska State Board of Education member Patrick McPherson personally shared his concerns and was an opponent on LR334. Girls Inc. of Omaha has a director of counseling, Christian Hoeger, as well as a counselor. Girls Inc. of Omaha's director of sex education is a licensed clinical social worker who has served on the Friends Board of Planned Parenthood of the Heartland. She is also an international speaker who speaks at times to the Omaha Public Schools. Kristen Lilla, L-i-l-l-a is a member as well for the Center for Sex Education, which is based in Morristown, New Jersey. It is the national education division of Planned Parenthood of central and greater northern New Jersey. Girls Inc. is a national

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organization and has a board of directors which includes Susie Buffett. The director of counseling at Girls Inc. in Omaha is Christian Hoeger, and the director of sex education and Girls Inc. Omaha's Kristen Lilla. Both are co-authors to helping write chapters on Unequal Partners, which is a Planned Parenthood book. It's concerning to see legislation with the purpose to quiet adults and children who are seeking help by way of bullying pastors and counselors into silence. Oh sorry, I didn't see.

**LATHROP:** We have your, we have your written testimonial. We can read the balance of it.

**AMBER PARKER:** Yeah.

**LATHROP:** I do not see any questions, but thank you for your testimony.

**AMBER PARKER:** Thank you.

**LATHROP:** And your patience tonight.

**AMBER PARKER:** Absolutely. And thank you for your patience.

**ROBERT KLOTZ:** Robert Klotz, R-o-b-e-r-t K-l-o-t-z. First, I would like to offer my sincere empathy for those who are harmed by any conversion therapy. This should never have happened. Secondly, I challenge psychology and its position that it takes on these matters. What I want to say here is if a child is mentally ill it would be child abuse to say they could not have a counselor help them. If a child is abused, they can hate their own natural sex and become confused sexually due to the abuse they received by an adult or an old, older child. Sadly, this happens far more often than we would like to think. The poor child would obviously need help, and then to arbitrarily and capriciously deny them conversion therapy would be in itself child abuse. Senators, if you sew the wind, all of Nebraska will reap-- will have reaped the whirlwind.

**LATHROP:** Thank you.

**ROBERT KLOTZ:** Have a good night.

**LATHROP:** Thank you. Senator Hunt to close. Oh, we do have a number of e-mails and letters. Oh, anybody here in the neutral capacity? OK, it's late. We do have a number of e-mails, too voluminous, too voluminous to read other than to note that we have many, many, many emails and letters on both sides and, and literally too many to read.

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So we'll just let the record reflect a great number of e-mails and letters. And Senator Hunt to close.

**HUNT:** Thank you, Chairman Lathrop. Thank you, members of the Judiciary Committee. Let's bring it on home. I think it, I think it needs to be said on the record, and I would like everybody in the audience to know that if, if anybody is dealing with processing sexual abuse, sexual assault you need trauma-informed, compassionate care by a licensed therapist, not conversion therapy. And after hearing this testimony today, I have a message for all of the people here and all the people who could vote on this bill. Every lawmaker in this whole state. That it is brave and it is courageous and it is revolutionary to be yourself in a world that contains a chorus of people that tells you you should not exist. And I stand with you, regardless of your sexual orientation or identity. You should not be erased. You deserve a safe and supportive environment where you can achieve your full potential. And that is not a controversial thing to say. People have told me from the beginning with this bill that this was going to be a heavy lift, that this could never happen in a red state. But I think they're wrong. And I think that we are a law-making body of compassionate people. And I think that we'll take the testimony that we heard today to the floor of the Legislature and move as a body to protect and affirm all of the people in the state of Nebraska. And that's it. Thank you.

**LATHROP:** Thank you. And with that, we'll close the hearing on LB167 and our hearings for today. Thank you.