

# Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

**Testimony on LB 1164  
Before the Judiciary Committee  
Nebraska Legislature  
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Good afternoon Senator Lathrop and members of the committee. For the record my name is Brad B-R-A-D Meurrens M-E-U-R-R-E-N-S and I am the Public Policy Director at Disability Rights Nebraska. We are the designated Protection and Advocacy organization for persons with disabilities in Nebraska, and I am here today in strong support of LB 1164.

Disability Rights Nebraska supports this bill for a few reasons.

1. It rectifies what we believe is an oversight in the statutes—the omission of “disability” as a protected class under Nebraska statutes 20-132, 20-134, and 20-139. As it stands now in statute, people with disabilities are protected from discrimination in employment and housing, but not public accommodations. LB 1164 would ensure that there is no question that people with disabilities are a class that should have discrimination protections regarding public accommodations on as much as any other individual “on the grounds of race, color, sex, religion, national origin, or ancestry” and protections as strong as those already included for employment and housing. LB 1164 would make it clear, and in writing, that Nebraska is committed to ensuring the rights and equality of Nebraskans with disabilities. For, reading Nebraska statute 20-134, discrimination in public accommodation based on race, creed, color, sex, religion, national origin, or ancestry, is punishable—but not if discrimination is based on disability.
2. We support changing the static definition of disability and replacing it with a reference to the definition of “disability” in the federal Americans with Disabilities Act. This is the definition that is most used when defining “disability” and if referenced, Nebraska does not have to go back in and re-write statute if it were to change at the federal level. Plus, there is extra language in the federal code that helps establish definitional parameters that are not included in the state definition; this language might not get accessed with the definition written into statute. I have included a copy

with my testimony. Referencing the federal statute, we believe, will force the additional context to be considered.

3. LB 1164 replaces old, outdated language and terms with more contemporary language. Much like what this legislature did with LB 343 (2013) with Senator Coash—replacing “mental retardation” with the more contemporary “intellectual or developmental disability-- and with LB 684 last session, replacing “hearing impaired” with “deaf or hard of hearing”. The term “handicapped” and “physically disabled” are antiquated terms that have gone out of fashion and are not generally used (or supported) within the larger disability community. We support the updated language proposed in LB 1164.
4. We also find it unnecessary that the Nebraska statutes contain a commandment that the public “offer assistance to disabled persons upon appropriate occasions”. How does one enforce that? Does that really need to be in statute? We read this as the state giving permission to individuals without disabilities to “help” people with disabilities (e.g., pushing their wheelchair) without that individual’s permission.

Disability Rights Nebraska strongly supports LB 1164 and would recommend that it be advanced.