

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee February 7, 2025  
Rough Draft

**SANDERS:** Good afternoon. We're going to go ahead and get started. Welcome to the Government, Military Veterans Affairs Committee. I am Senator Rita Sanders from Bellevue, representing District 45, and I serve as the chair of this committee. The committee will take up bills in order posted. This public hearing is your opportunity to be part of the legislative process and to express your position on the proposed legislation. Did you say you can't hear me? Please note that due to the number of testifiers, we will follow the standard guidelines of an annotated hearing. This is to ensure that everyone who wants to testify will have the opportunity to do so. Annotated hearing procedures will be followed by large-- will be followed for large attended public hearings. This all-- also can be decided by the chair at the beginning of the hearing for unexpected large crowds. Otherwise, prior notice will be on the printed hearing schedule. Individuals who will be testifying will be guaranteed three minutes to present their testimony. One hour of proponents, followed by one hour of opponents to testify, followed by, by some in the neutral. Then we cycle back through one hour of proponent, opponent, and neutral. Seating in the hearing room will be divided with proponents and opponents, on one side and the other. Seats here in the back are reserved for the neutral testimony. Sergeant at Arms will serve as ushers to indicate the next testifier. Overflow attendance to be seated in the overflow room and managed by the Sergeant at Arms. If there are testifiers waiting in the overflow room, we will take a break for an hour and allow those in the room to move forward to those seats that are available in this room. In the-- if the hearings-- if this hearing is to run long, we will take a 30-minute break at 5 p.m. If you are planning to testify today, please fill out the green testifier sheet that are on the table in the back of the room. Be sure to print clearly and fill it out completely. When it is your turn to come forward to testify, give the testifier sheet to the page or to the committee clerk. After you have testified, you will need to exit the room. If you do not wish to testify but would like to indicate your position on the bill, there are also yellow sign-in sheets at the back of the room on the table. These sheets will be included as an exhibit in the official hearing record. When you come up to testify, please speak clearly into the microphone. Tell us your name, and then spell both your first and last name to ensure we have an accurate record. We will begin the hearing today with the introducer's opening statements, followed by one hour of proponents, then one hour, one hour of opponents, and one hour in the neutral. We will finish with a closing statement by the introducer if they wish to give one. We will

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be using three-minute light system for all testifiers. When you begin your testimony, the light on the table will be green. When the yellow light comes on, you have one minute remaining. The red light indicates your time has ended. Questions from the committee, though, may follow. Also, committee members may come and go during the hearing. This has nothing to do with the importance of your testimony or the bill. It's just part of the process. Senators have other bills in other committee hearing rooms. A few final items to facilitate today's hearing. If you have any handouts or copies of your testimony, please bring 12 copies and give them to the page. If you do not have enough copies, the page will make sufficient copies for you. Please silence or turn off your cell phones. You may see committee members coming and going. You may see committee members using their electronic devices to access more information. Verbal outbursts or applause are not permitted in the hearing room. Such behavior may be cause for you to be asked to leave the hearing. Finally, committee procedures for all committees state that written position comments on a bill-- be included in the record must be submitted by 8 a.m. the day of the hearing. The only acceptable method of the submission is via legislative's website, legis-- nebraskalegislature.gov. Written position letters will be included the official hearing-- for the official hearing record, but only those testifying in person before the committee will be included on the committee statement. I will now have the committee members with us today introduce themselves, starting on my far right.

**McKEON:** Dan McKeon, District 41, Central Nebraska.

**WORDEKEMPER:** Dave Wordekemper, District 15, Dodge County, western Douglas County.

**LONOWSKI:** Dan Lonowski, District 33.

**ANDERSEN:** Bob Andersen, District 49, northwest Sarpy County in Omaha.

**J. CAVANAUGH:** John Cavanaugh, District 9, midtown Omaha.

**GUERECA:** Dunixi Guereca, downtown and south Omaha, LD 7.

**HUNT:** Megan Hunt, and I represent District 8 in the northern part of midtown Omaha.

**SANDERS:** Thank you. Senator Bob Andersen is the vice commander of this committee. Did I say commander? Vice Chair, thank you. Also assisting that committee today, to my left is legal counsel, Dick Clark, and to

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my far right, our committee clerk, Julie Condon. We have two pages with us today, if they could please stand and introduce themselves.

**LOGAN WALSH:** I'm Logan Walsh. I'm a junior finance major at the University of Nebraska.

**ARNOV RISHI:** Hi. I'm Arnov. I am a junior political science major at UNL.

**SANDERS:** Thank you. With that, we will begin today's hearing on LB89. Welcome, Senator Kauth.

**KAUTH:** Thank you very much, Chairwoman Sanders. And congratulations on your promotion, vice commander. Good afternoon, Chairwoman Sanders and members of the Government, Military and Veterans Affairs Committee. My name is Kathleen Kauth, K-a-t-h-l-e-e-n K-a-u-t-h, and I represent Legislative District 31 in the Millard area. I come to you today to present LB89. LB89, also known as the Stand with Women Act, is a crucial piece of legislation that aims to protect the integrity of athletic competitions and ensure the safety and privacy of women and girls in schools and state agencies. This is not a political issue. This is an issue of common sense, adherence to biology, and the established protections for women and girls. Here are several key reasons why LB89 deserves our support. Biological differences and athletic performance: Scientific research consistently shows that biological differences between males and females can significantly impact athletic performance. LB89 acknowledges these differences and seeks to create a level playing field where female athletes can compete fairly. By ensuring that athletic-- opportun-- pardon me-- athletic competitions are organized based on biological sex, we can preserve the opportunities for girls and women to excel in sports and receive the recognition they deserve. There's a substantial body of evidence that suggests participation in sports can help women excel in their professional lives. Many successful women credit their athletic backgrounds for helping them develop critical leadership skills. A number of female CEOs and executives were college athletes. The discipline, focus, and perseverance they developed on the field or court translated well into their professional lives. This is the original intent of Title IX legislation that passed more than 50 years ago. It's astounding that women are having to reignite this discussion to hold on to these hard-fought rights. As many of you know, President Trump signed an executive order protecting women and girls in athletics. This provides a supportive framework for states like Nebraska to implement the Stand with Women bill to protect women and

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girls in all areas the state has a responsibility. The NCAA subsequently enacted similar provisions maintaining female sports, but that policy does not address private spaces like bathrooms or locker rooms. That's why we need this bill. Safety and privacy in facilities: LB89 addresses the use of restrooms and locker rooms in schools and state agencies. The bill aims to protect the privacy and safety of all individuals by ensuring that these facilities are used based on sex. This approach can help prevent potential situations of discomfort or vulnerability, particularly for young students who may feel uneasy about sharing intimate spaces with individuals of the opposite sex. No one knows the baggage that any individual carries with them. Forcing women to give way to having men in their single-sex spaces where there should be an expectation of privacy is wrong. Full stop. We see this dynamic being played out at its extreme across the country in prisons, with males claiming gender dysphoria and being placed in women's prisons, causing significant harm to those women who have no choice or voice in the matter. I urge you to read the report, *Cruel and Unusual Punishment*, included in your packet. And I must apologize to Senator Guereca for providing him with paper. He requested things digitally. Prior to President Trump executive orders-- prior to President Trump's executive orders, there were 1,500 men in female federal prisons, half of whom are sex offenders. So especially in this instance, women are being silenced and they're being harmed. The Stand with Women Act is a testament to the ongoing fight for women's rights and equality. By recognizing and addressing the unique challenges faced by female athletes, LB89 reaffirms our commitment to supporting and empowering women. It ensures that the progress made in women's sports over the years is not undermined and that female athletes continue to have equal opportunities to thrive. LB89 provides clear and consistent guidelines for schools and state agencies to follow. This clarity can help prevent confusion and ensure that policies are applied uniformly across the state. This is one of the principal reasons guidelines published by the NSAA are well-meaning, but not effective. Each school district is allowed to implement the guidelines as they see fit, leading to confusion when different districts compete against each other. By having a standardized approach, we can create an environment where everyone understand the rules and expectations, leading to a more harmonious and respectful community. Through many hours of discussion and consultation with my colleagues and attorneys in several organizations, there are a few modifications to LB89 that make it better. Those are listed here on the amendment, AM188. One of the questions that frequently gets asked is, is this really enough of a problem? Yes. If one girl or woman is made to feel threatened, unsafe,

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or loses an opportunity, it is by definition a problem. Ultimately, LB89 aims to strike a balance between fairness, safety, and equality. It is a thoughtful and necessary measure that reaffirms the rights of women and girls in Nebraska to opportunity, privacy-- privacy and safety. I encourage you to listen to the recent-- to the testimony of those proponents following me. Read through the materials included in the packet provided, including the websites providing information and support, and make clear your commitment to protecting women and girls in the state of Nebraska by voting yes on the Women-- Stand with Women Act. And I wanted to point out, again, back to the question of is this really a problem? When polled, more than 75% of Nebraskans say they do not want boys in girls sports or in their spaces. This is a poll from-- and it is in your packet-- Democrats for the Informed Approach to Gender. Polls find a strong majority of the public, including majorities of Democrats, support protecting sex segregation in female sports, including a January 2024 YouGov poll found 59% of voters, including a plurality of Democrats. A September 2023 poll found 84% of all voters, including 75% of Democrats. A May 2023 Gallup poll found that 69% of voters, which was a 7-point increase from 2 years prior. A December 2022 Washington Post KFF poll found 66% of voters. This is something that is needed and is something that is wanted. And unfortunately, it is something that is often silenced. So I would like to, first of all, take a moment to commend the brave testifiers who are coming after me. We have several athletes. We have young women who have dealt with this, and I am grateful for them having the courage to come and stand before this committee, because this is something that's very, very difficult to talk about. The recent executive orders provide a framework for Nebraska to get this bill passed into law. Executive orders have the ability to be turned over. We need to make sure that going forward, all women and girls in Nebraska know that they are protected. Thank you. And I'll stay for close.

**SANDERS:** Thank you for the introduction of LB89. Let me see if there are any questions from the committee. Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair. Thanks for being here, Senator Kauth. Well, the first question I have, you said that the bill is going to provide clarity and consistency and uniformity across the state. So I read the bill. I read your amendment. How do you see this being implemented in Millard, in your school district?

**KAUTH:** That they will have signs designating or they'll have a policy saying, boys, go into this locker room, girls go into this locker room

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and keep those separate. I guess I don't understand what the question really is.

**J. CAVANAUGH:** Well, so when the rubber meets the road--

**KAUTH:** Mm-hmm.

**J. CAVANAUGH:** --this will actually-- if this bill passes, schools will have to take some action.

**KAUTH:** Right.

**J. CAVANAUGH:** So under what you just said, is they're going to be required to put up signs.

**KAUTH:** Right. So there's a part in the bill that says designated or otherwise indicated. They will have to make it known that boys are only allowed in boys' restrooms and locker rooms and girls are only allowed in girls' restrooms and locker rooms.

**J. CAVANAUGH:** OK. And they have to make it known that they're only allowed. So what does it mean to be allowed? What's the school's obligation to take action if somebody uses a bathroom that you disagree with?

**KAUTH:** So, so they would follow any policy that they have. Right now, schools already have policies. If a student disobeys a school policy, they have a penalty phase. They have a way to work with that student. They either get a warning, a detention, there's already a policy in place.

**J. CAVANAUGH:** So the school districts will get to decide how they deal with somebody who doesn't adhere--

**KAUTH:** If someone is--

**J. CAVANAUGH:** --to the sign as you, as you would like it.

**KAUTH:** Correct. Just like if they were smoking or bringing pot into the school, the school district would say, hey, you can't do that.

**J. CAVANAUGH:** So the mandate of the bill is the sign.

**KAUTH:** Correct.

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**J. CAVANAUGH:** OK. And then there's a part about a nonretaliation clause. So somebody can't be retaliated against for making a report under this bill?

**KAUTH:** Correct.

**J. CAVANAUGH:** What if somebody maliciously is reporting people?

**KAUTH:** Can you explain that?

**J. CAVANAUGH:** Well, somebody reports someone who they have no belief is in violation of this, but they report them anyway.

**KAUTH:** Well, I would trust the school to investigate and determine that.

**J. CAVANAUGH:** OK. But the bill specifically says they can't retaliate.

**KAUTH:** They can't retaliate against an actual report that is accurate.

**J. CAVANAUGH:** It doesn't say that.

**KAUTH:** Would you like to amend it for that? I'd be happy to look at that.

**J. CAVANAUGH:** Well, I'm asking your intention of how this is going to be implemented. I'm asking you your intention, how you envision this to be implemented.

**KAUTH:** That the school district will make the determination.

**J. CAVANAUGH:** OK.

**KAUTH:** Now, if you think that should be clarified further, I would, would welcome working with you on that.

**J. CAVANAUGH:** Well, this isn't my proposal.

**KAUTH:** Right.

**J. CAVANAUGH:** Right? I'm asking you. The purpose of my-- my understanding and the purpose of this hearing is for us to elicit information about how this bill, if it became a law, were going to work. So I'm trying to understand how you think it's going to work. So that's my question. So under that circumstance, even though there's a

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nonretaliation clause, your vision would be that the school would be able to retaliate.

**KAUTH:** Define retaliate in your, in your situation, in, in what you're saying?

**J. CAVANAUGH:** Well, I'm asking you a question. You define retaliate.

**KAUTH:** So-- but, but you're saying that someone who says something maliciously would be then being retaliated against if the, if the school says, hey, that's not accurate?

**J. CAVANAUGH:** The bill says that no one could be retaliated against if they report under this.

**KAUTH:** Right.

**J. CAVANAUGH:** So first off, what's retaliation?

**KAUTH:** That's a good question. That is-- we see that everywhere, with silencing, with punishment, with moving students from different classrooms.

**J. CAVANAUGH:** OK. So the bill says you can't do any of those things.

**KAUTH:** Not because they reported someone in the incorrect bathroom.

**J. CAVANAUGH:** Right. So if someone reports falsely, with no basis--.

**KAUTH:** Correct. OK.

**J. CAVANAUGH:** The school cannot discipline that person, under your bill.

**KAUTH:** I'll have to look at that further.

**J. CAVANAUGH:** OK. I have a lot more questions, if anybody else wants to go.

**KAUTH:** I'm sure you do.

**SANDERS:** Senator Andersen.

**ANDERSEN:** Thank you, Chairwoman. Thank you, Senator Kauth, for being here.



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**KAUTH:** Thank you.

**ANDERSEN:** Just kind of following up when Senator Cavanaugh was asking you about-- I think the differentiation is between retaliation and discipline. Retaliation for false-- for making false accusations is one thing. But if somebody does something wrong and they become disciplined, like they would-- I think you can use the example of smoking in the wrong area, bringing pot into school or whatever.

**KAUTH:** I think that would make sense.

**ANDERSEN:** So applying discipline is different than re-- than retaliation. If I could have a followup question?

**SANDERS:** Please.

**ANDERSEN:** Thank you. So this is a emotionally, politically-charged issue to many. This is the governor's executive order, and this is the one that President Trump just signed. I see a remarkable resemblance between this bill and these two executive orders. Isn't this simply an administrative function that articulates into law, which [INAUDIBLE] established as the policy of both the great state of Nebraska and the great country the United States?

**KAUTH:** That's how I view it. That's-- and that's why this is the best time to get this passed. Because, like I said, we have a framework at the federal level that supports this. And so if we can get it passed now, then I think we will be doing very well for our female athletes and our women and girls.

**ANDERSEN:** Thank you.

**SANDERS:** Are there any other questions? Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair. Interesting questions from Senator Andersen. I appreciate that. So, all right. I want to go back and talk a little bit about the findings, legislative findings. So what purpose do the legislative findings serve?

**KAUTH:** To put in the intent-- put into law, to clarify the intent of what we're doing.

**J. CAVANAUGH:** To clarify the intent. So are they justification for the subsequent statutory changes?

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**KAUTH:** I don't know if I would say justification. I would say it's, you know, findings of fact. These are things that, that this is why it is necessary to put this bill in place. All of these things are, are factual, but yet we're acting against them.

**J. CAVANAUGH:** OK. I have two follow-up questions to that. One is--

**KAUTH:** I'm sure you do.

**J. CAVANAUGH:** --one is justification-- the reasons we're putting this in. I said justification, you said reasons. Is there a difference between reasons we're passing this and to the justification for it?

**KAUTH:** I love the lawyering, Senator Cavanaugh. I don't know, and I will ask an attorney to respond to that.

**J. CAVANAUGH:** OK. But you wrote the bill.

**KAUTH:** I did.

**J. CAVANAUGH:** What's the reason you included them?

**KAUTH:** I included them so people would understand the intent and why this is important.

**J. CAVANAUGH:** And that's different than your opening statement here. And it's necessary to put these into the state statute and not your opening statement?

**KAUTH:** What's different?

**J. CAVANAUGH:** Well, I'm asking.

**KAUTH:** I don't see a difference.

**J. CAVANAUGH:** OK. And then you said there are findings of fact. And so that triggers in me, of course, the lawyer in me, as you say. Findings of fact, including words like "may, in some circumstances." Is that a fact, "may, in some circumstances?"

**KAUTH:** Which line are you looking at?

**J. CAVANAUGH:** Line-- well, on the original bill, lines 7 and 8 on page 2, I mean, that's an equivocation-- an equivocal fact, right?

**KAUTH:** Yes.

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**J. CAVANAUGH:** OK. Lines 15-16 on page 2, "on average." Also an equivocal fact.

**KAUTH:** Yes.

**J. CAVANAUGH:** OK. Line 22, "on average." Also equivocal fact.

**KAUTH:** Yes.

**J. CAVANAUGH:** Line 24, "significant." Equivocal fact, right?

**KAUTH:** Sure.

**J. CAVANAUGH:** Line 26, "Studies have shown." Not all studies? Some studies? How many studies? Do you have an answer to that one?

**KAUTH:** What is the actual question?

**J. CAVANAUGH:** What does "studies have shown" mean?

**KAUTH:** It means there are some studies that have shown that this information is correct.

**J. CAVANAUGH:** OK. Are there studies that have shown the opposite?

**KAUTH:** I'm going to let Dr. Greg Brown respond to that.

**J. CAVANAUGH:** OK. And I know you provided us with some studies. OK. And then line 27, "significantly." Again, an equivocal fact.

**KAUTH:** Mm-hmm.

**J. CAVANAUGH:** Right. Then on to page 3, there's "reduces chances" [SIC] on line 1, another equivocal fact, "chances." Oh, and then line 10, "inconsistencies in court rulings." Which court rulings?

**KAUTH:** So you're saying you would like more clarification on these? Would you like me to get you a list of the court rulings where there have been inconsistencies?

**J. CAVANAUGH:** I-- you anticipated my next question. Could we get a list of the court rulings that both rule in support of the argument and as opposed to that argument? So to circle back, the findings and declaration is a set of equivocal facts that support the reasons for the changes in the law-- in the proposed law.

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**KAUTH:** Is that a question or a statement?

**J. CAVANAUGH:** That's just what we went through. Is that, is that a clear recitation of the conversation you and I just had?

**KAUTH:** I believe it is.

**J. CAVANAUGH:** OK. That was-- just trying to put a pin on it for people. Obviously, I have more questions, if anyone else wants to jump in.

**KAUTH:** I was gonna say, you're, you're very good at lawyering.

**SANDERS:** Senator Guereca.

**GUERECA:** Thank you for being here, Senator. Turning to Section 4, and I'm going to add-- I'm looking at the original copy, but I'll add some of your amendments. The governing body of a public school shall designate each group restroom and locker room within each school building as either use by female or by males. Are these permanent or temporary designations?

**KAUTH:** So the-- and, and actually, that was one of the things that as you noticed, there are going to be changes to that. That was one of the things that, speaking with other senators about the question of what happens if a visiting team comes in. And so, that designation can be at the moment. And so by changing it to "or otherwise"-- adding the phrase "or otherwise indicated," the schools can develop a policy that states specifically if a school comes in, here's how it's to be viewed at that time.

**GUERECA:** Aside from athletic competition and the day-to-day operation of the school, there needs to be--

**KAUTH:** Designated, or, or clearly explained to people-- indicated.

**GUERECA:** OK. And also, there's-- are we going to differentiate between adult and adolescent spaces then?

**KAUTH:** Say that again.

**GUERECA:** Is there going to be a designation between adult female, adult-- adolescent female, adult males, adolescent male?

**KAUTH:** No, we didn't put that in the bill.

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**GUERECA:** So, I mean-- OK. Shouldn't that be part of the bill?

**KAUTH:** What would-- I mean, I'd like to hear more about that.

**GUERECA:** If, if, if, if, if the intent of the bill is to protect children, right, would there-- should there not be spaces? I know there's rules later on about who gets to enter a, a juvenile space later on. And I'm assuming because there is a delineation between adult and adolescent, that that's your intent, right, to create a sort of barrier-- and-- a barrier to entry to those spaces.

**KAUTH:** The barrier for entry is for sex-based, so male, female. So I'm willing to entertain if you have concerns about adults versus youth.

**GUERECA:** Well, I-- they're, they're not my concerns, Senator. The further on down the bill we talk about who can enter, a coach--

**KAUTH:** Right.

**GUERECA:** --the parent of-- the guardian of a minor, so you're already, you're already delineating who can enter in those space.

**KAUTH:** Correct.

**GUERECA:** So there is already that, that separation between adolescent and adult space. Is that meant to be permanent outside of athletic competition?

**KAUTH:** No, and it's, it's not really a separation on adult/minor. It's a separation more, again, on the sex-based spaces. But the, the--

**GUERECA:** Sure.

**KAUTH:** For an adult of someone with a developmental disability or an, an adult who needs to bring a minor into the restroom, the, the adult would go into their sex bathroom.

**GUERECA:** Even though there's minors in there. OK. All right.

**KAUTH:** OK.

**SANDERS:** Senator Lonowski.

**LONOWSKI:** Thank you, Chair. And thank you, thank you for bringing this bill. I coached wrestling for 35 years. I think I know something about this. We had girls trying to wrestle in our boys wrestling programs

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for years. We welcomed them. We let them practice, every one of them. There was only 5 over the 35 years-- actually, 30 years, because we changed things. None of those girls ever made it through. They got hurt, they got injured, or they said, can I be a student manager? So 5 years ago, I was part of the board of wrestling coaches that started women's wrestling. Three years ago, I had an eighth grade girl. She's very good at wrestling. She beat 3 eighth grade boys that all weighed a little bit more than her. So now, she's an undefended-- undefeated junior. She was a state champ last year. She's 34-0 now. She can't beat any 3 of those boys that have now reached manhood, and it would be, and it would be silly to even ask her to, to try this. The fact is they have grown in their testosterone. It has, has helped them grow muscles that no matter how hard she works out, she will not be able to attain. So what we're really doing after only 4 years of, of implementing wrestling for girls, is we're going backwards with those kinds of deals. The other part is in the shower room. I-- for the last 3 years, I had girls. In the shower room, I had trouble getting girls to shower. So when they came out or when somebody complained about them, I asked them, told them, hey, hey, you have to take a shower. And they were like, I really don't like to undress in front of the other girls. I'm just shy. I said, OK, well, promise me when you get home, you take a shower. So it was promised. So the fact that now we want to say it's OK for a biological male to enter that, that locker room is, is a terrible mistake. So I appreciate this bill. And I, and I think I have a lot of knowledge and expertise in this area because I've had to deal with it before any of these types of situations even came up, so thank you. And if you have any questions of me, please let me know.

**KAUTH:** Thank you.

**SANDERS:** Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair. Thank you, Senator Kauth. OK. I-- so kind of just taking off of what Senator Lonowski was saying. There is a part about the sports specifically, right. So banning-- saying you can't have a boy playing girl sports and a girl playing boy sports. And the findings say that there's-- reasoning for this is that there's a physical advantage and there's the risk of injury.

**KAUTH:** Correct.

**J. CAVANAUGH:** OK. And so, the, the potential risk of injury on a sport-- and I'm not great at sports, we'll say, but soccer has 11, 10 people on a field?

**KAUTH:** I don't know I'm not a soccer--

**J. CAVANAUGH:** We'll say. Yeah, I'm not great at this. But, but anyway, so we'll say soccer has 10 players on the field. In a game of soccer, where it's a, a females team and you have a girl who's trans on that team, you're saying that that girl presents a health and safety risk to the other 20 players on the team-- on the field?

**KAUTH:** Yes, because that's a boy.

**J. CAVANAUGH:** OK. And so you have a soccer team that's a boys soccer team. You can have a, a girl play on that soccer team. How is she not at risk of injury against 20 boys?

**KAUTH:** First of all, it's only if there is no corresponding female team. And secondly, she is taking an understood risk and she is making that choice. The female soccer team who has a boy playing does not have any choice in the matter. They're not the ones taking that risk, but they are the ones who are being impacted by that action.

**J. CAVANAUGH:** So the personal choice aspect overrides this, this stated health and safety risk of the intention of the bill.

**KAUTH:** If you are undertak-- if there is no other-- if there's not a female equivalent team. So if you-- that's the original intent of Title IX was to give women a chance to play. But they understand that when they're playing on a men's team, it is a higher risk.

**J. CAVANAUGH:** OK. And one of the stated reasons for the bill is opportunity to get scholarships--

**KAUTH:** Correct.

**J. CAVANAUGH:** --and go forward. Why does the bill address intramural sports then?

**KAUTH:** Because they are also at risk if they are-- safety risk. You just need to know who you're playing with.

**J. CAVANAUGH:** You need to know who you're playing with. OK. And so the bill affects--

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**KAUTH:** Be-- because it does say that coed-- and coed is fine, as long as everybody is aware of it. Part of the issue is some of these girls are not aware that there are boys on their team until they get very badly injured.

**J. CAVANAUGH:** So the bill addresses how universities, as well-- colleges and universities. So how do you envision that working?

**KAUTH:** How universities would-- say that again.

**J. CAVANAUGH:** Implement this bill. How is the University of Nebraska-Lincoln going to implement this bill?

**KAUTH:** They're going to make a statement saying we are going to follow the law.

**J. CAVANAUGH:** That's it? They make a statement?

**KAUTH:** Well, you're going to hear from a student who has had to deal with this, with a man in her restroom. There are going to have to be ways that they follow their school policies. If a student is breaking the law on campus, there are policies in place to deal with that.

**J. CAVANAUGH:** But my question is, how do you envision it being implemented on campus? You've proposed this law. You proposed-- so the university, in your opinion, will have to follow this law.

**KAUTH:** Correct.

**J. CAVANAUGH:** How are they going to be able to follow the law if you can't articulate the way in which their actions would follow the law?

**KAUTH:** I guess I'm un-- not understanding what you mean, the way they would follow the law. Do universities not follow the laws now?

**J. CAVANAUGH:** I guess my question is, is the university's only obligation under this law to put up a sign?

**KAUTH:** The university's obligation is to protect the women and girls in those restrooms.

**J. CAVANAUGH:** OK. And this would apply to both the University of Nebraska-Lincoln and private universities--

**KAUTH:** Yes.



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**J. CAVANAUGH:** --like Wesleyan? And they would-- under the amended language, that would also apply?

**KAUTH:** Yeah. And that, that was-- we separated it out, private and public.

**J. CAVANAUGH:** Separate out private and public for the bathroom part.

**KAUTH:** Well, we, we defined private very specifically and separated out public.

**J. CAVANAUGH:** OK. So my question is then in the amendment-- this is my read of the amendment-- that you separated clear-- definit-- separate definitions of private schools and public schools, and then the bathroom and locker room portion then only applies to public schools.

**KAUTH:** It should apply to the private. I will let our-- the attorney who worked on that language answer that.

**J. CAVANAUGH:** OK. So your intention is that the entirety of the bill applies.

**KAUTH:** If, if the private school is participating in any state agencies or if they're participating in any state organizations that they practice athletics, then it would apply. So if they are in an association if they're participating with the academics-- or, i'm sorry--

**J. CAVANAUGH:** So you're--

**KAUTH:** Not academics, the athletics.

**J. CAVANAUGH:** So your intention is that parochial schools in Omaha, Catholic grade schools, we'll say, would have to comply with the bathroom and locker room component if they participate in interscholastic sports?

**KAUTH:** Yes.

**J. CAVANAUGH:** But not if they don't.

**KAUTH:** Correct. And that's because if they're a private school and they are not actually participating in anything the state has the ability to influence, then they can do that. You could have a private school that says we're not, we're not par-- competing against other

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schools that are public. We're not taking funding. We're not doing anything like that. We want to run our school exactly the way we see fit. So, yes, you could still do that.

**J. CAVANAUGH:** And did someone ask you, because that is a departure from the original bill.

**KAUTH:** Mm-hmm.

**J. CAVANAUGH:** Did someone ask you to make that change?

**KAUTH:** Yeah. Actually, I worked with Alliance Defending Freedom to make those changes.

**J. CAVANAUGH:** Alliance Defending Freedom asked for that change?

**KAUTH:** No. We worked on it together, so.

**J. CAVANAUGH:** OK. It wasn't in the original proposal.

**KAUTH:** Correct.

**J. CAVANAUGH:** You made that change after talking with somebody else.

**KAUTH:** Correct.

**J. CAVANAUGH:** Was it your idea to make that change?

**KAUTH:** It was through discussion. We talked through it, and it made sense.

**J. CAVANAUGH:** You were convinced of it.

**KAUTH:** I-- you bet.

**J. CAVANAUGH:** OK. I, again, could keep asking, if anybody wants to jump in.

**SANDERS:** Senator Cavanaugh, we have Senator Hunt that would like to ask a question.

**HUNT:** Thank you, Chairwoman Sanders. Thank you. I have a question about, you know, the findings and the declarations in the bill that Senator Cavanaugh was kind of touching on that a little bit, too. So on page-- mostly 2, a little bit on 3, there are all these findings about the biological differences between the sexes and the advantages

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that males have. And my question is, legally, if we're defining women as weaker in our statutes, what kinds of implications does that have for-- oh, thank you. What kinds of implications does that have for equal employment or fair pay or workers comp?

**KAUTH:** I think that's quite a stretch to say that physical differences would have an impact on equal employment or fair pay. I understand the intent of it, but saying that physically, biologically, women do not develop in the same way-- and you'll hear Dr. Greg Brown talk about this-- that should have nothing to do with merit and being able to do a job.

**HUNT:** Although it does have all this kind of equivocal language, like on average, significant, studies show, but not all studies. So I would have a concern legally about putting in statute that women are weaker when we know not all women are weaker than all men, and what legal implications that could have for other litigation and other cases down the road, regarding those topics like fair employment, NEOC, fair pay, equal opportunities, stuff like that.

**KAUTH:** Again, I do believe that's a reach, and I-- those are your words to say women are weaker, and that's disappointing.

**HUNT:** OK. Do you think I think women are weaker?

**KAUTH:** You seem to be making that point.

**HUNT:** I'm, I'm just trying to understand the points you're making in the bill. So if that's not your intention, I'm, I'm happy for you to correct me right now.

**KAUTH:** Physically and biologically, women and men grow differently, and women are consistently less strong than men.

**HUNT:** OK, so you're saying women are weaker. Thank you. I have another one. I'll, I'll come back into it. I got to remember what I was going to say.

**SANDERS:** I just want to take a moment to remind all of us here, we can ask questions of Senator Kauth, but the public is here for a hearing.

**HUNT:** Yes.

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**SANDERS:** They each want to speak and they only have 3 minutes. And it's already been a half an hour. So I'll just take a couple more questions if that's OK. Senator Hunt.

**HUNT:** I think we-- you know, our purposes here are to get information from the introducer. And everybody will have a chance to speak. But since this is our time on the record to get these answers, I will ask as many questions as I need to ask.

**SANDERS:** OK.

**HUNT:** I wanted to ask by way of example, during the HVAC project here in the Capitol, I was up on the ninth floor, I was up on the twelfth floor for quite a while. And there were gender bathrooms, of course, in the Capitol. But during the HVAC project, they had to change a lot of the bathrooms to be unisex, even though they were multi-stall. It was just sort of-- the system we had on my floor was you have to hang up like a little do not disturb thing on the, on the thing to show that someone's in there and-- even though there were multiple stalls. Like, we just didn't all use it at the same time. Under your law, would something like that be prohibited in a state building?

**KAUTH:** No, because you indicated it. You designated it.

**HUNT:** What if you didn't do that?

**KAUTH:** Then that would be prohibited.

**HUNT:** OK. So under this law, if there was a multi-stall bathroom or, or even a single stall, any bathroom at all, that was for, for any gender to use, that would be illegal under this law?

**KAUTH:** No, because that's part of the amendment, to add single and family bathrooms.

**HUNT:** OK, but if it was a multi-stall?

**KAUTH:** Single use.

**HUNT:** If, if it was a bathroom with multiple stalls, would that be--

**KAUTH:** You would, you would do what you did.

**HUNT:** --permissible? Well, what if nobody put a sign?

**KAUTH:** Then it would be not permissible to have mixed.

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**HUNT:** Then it would be illegal. So then would it be in charge of the state troopers, or who would have to come up to the ninth floor and arrest me?

**KAUTH:** If someone had a complaint that you were in the wrong bathroom, they would notify the state-- the Capitol Police.

**HUNT:** Thank you.

**SANDERS:** Senator Andersen.

**ANDERSEN:** Thank you, Chairman Sanders. And thank you for your patience, Senator Kauth. Out of respect for the people that are waiting, I'll be, I'll be brief. From page 3, line 23, it states, a female be-- means a person whose biological reproductive system is organized around the production of ova. Female includes a woman and a girl. Two lines later, it says, male means a person whose biological reproductive system is organized around the production of sperm. Male includes a man and a woman [SIC]. Now, the way I read these 2 entries, there's no delineation of age, whether it is a child, a teenager or an adult. Is that an accurate interpretation?

**KAUTH:** That is correct. And also, we expanded that def-- definition slightly in the amendment. And it now reads, an individual who naturally has, had, will have, or would have, but for a congenital anomaly or intentional or unintentional disruption, the reproductive system that at some point produces, transports, and utilizes [INAUDIBLE] sperm for fertilization.

**ANDERSEN:** Thank you, Senator.

**KAUTH:** So we expanded it.

**ANDERSEN:** Thank you.

**SANDERS:** Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair. Again, thanks, Senator Kauth, for answering my questions. I know I ask a lot of questions. I get that a lot. So we were talking about how this is going to be implemented at the university, the University of Nebraska in particular. The University of Nebraska-Omaha is in my district, University of Nebraska Medical Center, also in my district. Are you familiar with the Supreme Court case, Board of Regents v. Exon?

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**KAUTH:** The-- that says the state cannot tell the university what to do, basically?

**J. CAVANAUGH:** Cannot tell the university what to do.

**KAUTH:** But the university has to follow the laws. So I, I don't think that this applies here.

**J. CAVANAUGH:** Well, the Board of Regents v. Exon case specifically speaks to the fact that the university system, the Board of Regents, is a separate political subdivision created under the constitution, and that the State Legislature can't direct them on the minutiae of things. And one of those particular things is facilities. So this bill directs the university to put up signs, which is a pretty minute act of facility management.

**KAUTH:** So you believe that the university would not follow the law?

**J. CAVANAUGH:** I'm asking you if the university would be obligated under the Exon case--

**KAUTH:** I would say yes.

**J. CAVANAUGH:** --to, to--

**KAUTH:** Well, I don't know. I've not read the Exon case. And so, again, you could ask some attorneys to weigh in on that, but I would say yes.

**J. CAVANAUGH:** OK. Well, kind of changing gears. I know people are sick of hearing from me, but I've got other questions. Section 8 is a part that is a little bit different than everything we've been talking about. It says that each state agency in the adoption and promulgation of administrative rules and regulations, the enforcement of administrative decisions, and the adjudication of disputes by administrative agencies shall define a person's sex as such person's biological sex, meaning either male or female. What are the instances where this is going to apply in the context of the legislative findings of this bill?

**KAUTH:** So in state agencies?

**J. CAVANAUGH:** That, that section. Section 8. What is Section 8 going to do?

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**KAUTH:** So first of all, that covers everything that the state is responsible for. So, the specific example should be the prisons, so making sure that in our prison system, we don't have males and females who are mixed.

**J. CAVANAUGH:** And that-- that's the only one that comes to mind, though?

**KAUTH:** No. Apart-- Department of Economic Development, Department of Health and Human Services, basically anywhere the state has authority and responsibility we need to have this implemented.

**J. CAVANAUGH:** The state-- so the Department of Economic Development.

**KAUTH:** If there is a, a grant, or if there are special things that the Department of Economic Development does for women specifically, to develop more female-owned businesses, support women in business. If you say a man can believe that they're a woman, they could actually apply for that grant. So this bill says that they cannot. It has to be based on biological sex.

**J. CAVANAUGH:** OK. So there are any number of places in state statute that make references to gender and things like that. So this-- the intention of this bill is to change how that's the law in all those other sections deal with--

**KAUTH:** Correct.

**J. CAVANAUGH:** --individuals. OK. That's a pretty expansive thing in--

**KAUTH:** It is.

**J. CAVANAUGH:** --that one little paragraph.

**KAUTH:** It is.

**J. CAVANAUGH:** OK. And we're here having a conversation. I apologize for laughing. But I'm asking these questions, and we're trying to get rushed along and say we got to move on. This section has the-- fundamentally, has the opportunity to change the entirety of the state statute.

**KAUTH:** Correct.

**J. CAVANAUGH:** OK. Maybe we shouldn't be rushing into this.

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**KAUTH:** I don't think we're rushing into this. And I do think that's what the debate on the floor is about.

**J. CAVANAUGH:** Well, the debate on the floor is the debate. I'm trying to elicit information. And I just found out that the intention of this bill is to have sweeping changes as to how it affects state statute.

**KAUTH:** Correct.

**J. CAVANAUGH:** OK. So the-- this conversation has value.

**KAUTH:** Oh, absolutely.

**J. CAVANAUGH:** Fantastic. Next question, Section 10. An individual born with a diagnosis of a disorder or difference in sex development shall have the relevant legal protections and accommodations afforded under the federal Americans with Disabilities Act of 1990, as amended. Why is that in there?

**KAUTH:** Because if you have someone who's born with an intersex dis-- a medically verifiable difference of sex development, then they would be given ADA accommodations. So under ADA, you would say, OK, if you are born with both genitalia, then they would be the ones who would be accommodated, because it's medically verifiable.

**J. CAVANAUGH:** And so the Americans with Disabilities Act would provide what accommodation for someone like that?

**KAUTH:** Depends on what, what it is they're trying to do. If they're-- if they've got both genitalia or XXY, depending on where they're trying to go or how they're trying to live their life, that would be taken into consideration.

**J. CAVANAUGH:** And the Americans with Disabilities Act is a federal act.

**KAUTH:** Correct.

**J. CAVANAUGH:** It was passed in 1990. When was it last amended?

**KAUTH:** I don't know.

**J. CAVANAUGH:** OK. And as the bill is written, if it were amended in 2028, then those amendments would be integrated into this act?

**KAUTH:** Possibly. That's something we should look at.



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**J. CAVANAUGH:** OK. And is-- any of these things you just mentioned, are they currently covered by the Americans with Disabilities Act?

**KAUTH:** I don't know. I'll have to ask our attorney.

**J. CAVANAUGH:** OK. And is it your opinion that people with-- that trans people have, have a mental disorder?

**KAUTH:** Yes.

**J. CAVANAUGH:** OK. Thank you.

**SANDERS:** I see no other questions-- wait. Senator Hunt.

**HUNT:** Thank you. I wanted to ask-- I think it's in one of the amendments. And I was trying to kind of put one of these together with like, a track changes, because I have, you know, the original bill and then several amendments. I'm trying to like kind of put them together in the right way. But there's one part of the bill, or maybe it's an amendment, that talks about who is allowed in the locker room for what reason-- like, there's some exceptions. Do you know what part I'm talking about? That's what I'm looking for. Oh, I have it. I have it.

**KAUTH:** It's in the original bill.

**HUNT:** Yeah, it's in the original bill, page 4, starting around line 17-- line 13. So it says that, you know, the restroom and the locker room will be designated as for use by males or by females. And then under subsection (2) to Section 4, there's some exceptions, which include allowing a male to enter or use a locker room designed for use by females or allow female to enter a locker room designed by the use of males. And one of-- the exceptions, I don't see any exceptions for-- well, it includes this inspection [SIC] for custodial maintenance or inspection purposes. Why do you think that it's permissible under, under the logic of your law-- of your bill, for a custodial worker to enter for inspection purposes a locker room while women are present?

**KAUTH:** Well, it doesn't say while women are present, but--

**HUNT:** Yes, it does. Under section 2, it does say-- so it's Section 4, and then subsection (2).

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**KAUTH:** That-- that's put in there to make sure that we are allowing custodians who are not female in. But you're right. That could be clarified better, so I appreciate that.

**HUNT:** You're so welcome. Let's see. I think that's all I have right now. Thank you. Thank you.

**SANDERS:** Thank you. See no other questions. Thank you, Senator Kauth.

**KAUTH:** Thank you very much.

**SANDERS:** We will now go for our public hearing. Governor Pillen, if you please. And welcome.

**JIM PILLEN:** Good afternoon, Chairwoman Sanders and members of Government, Military and Veterans Affairs Committee. My name is Jim Pillen, J-i-m P-i-l-l-e-n. I have the incredible privilege to serve as the 41st Governor of Nebraska. I mean, maybe before I start, I want to take two seconds to say thank you to everybody in the Unicameral. I had to become governor before I realized just how incredibly hard everybody works to do the people's work, so I'm really grateful that-- for that. I'm here to testify in support of, of LB89, brought on my behalf of Senator Kauth. Since I've been your governor, I've focused on four words: Kids, taxes, agriculture, and values. This legislation hits on two important priorities, our Nebraska values and providing necessary protections for our kids. Just this week, on National Girls and Women's Sports Day, I had the privilege to join President Trump as he signed the executive order prohibiting transgender women from competing in women's, women's sports in the East Wing of the White House. Senator Kauth's Stand With Women Act builds on the executive order I issued last year. And I won't dive into the details, but I will tell you from my seat, this issue is incredibly, incredibly simple. We need to ensure that girls and women are not treated unfairly, especially in sports, where men certainly have a physical and competitive advantage. Additionally, we need to afford girls and women the privacy and protection that they expect and deserve when they're in spaces where they could be most vulnerable. As a grandfather to granddaughters, it's really, really important that we would never, ever put a child in a position where they'd have to worry about their own personal safety. Who are we if we're not willing to create protection for girls, young women, and women by simply acknowledging that they deserve the courtesy of having privacy in a bathroom or a locker room? It doesn't make any other sense, for crying out loud. I don't think that I need to go into the data of different

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polls, other than just simply to say this is obvious. Nebraska commonsense values. Nothing more. Nothing less. Nebraska common sense values. Let me just conclude, the highest calling in government is to keep us safe, keep all of our citizens safe. That's why I feel very strongly about Stand With Women Act. It's necessary. It's kind of hard to believe we have to have this conversation, but that's where we're at today. It's, it's really, really important. I'd be happy to take any questions.

**SANDERS:** Thank you, Governor Pillen. Let's see if there are any questions from the committee. Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair. Governor, always a pleasure. Thanks for being here.

**JIM PILLEN:** Thank you.

**J. CAVANAUGH:** Well, I mean, to me, Section 8 is the part I need to ask you about. And you probably don't have the bill in front of you, so I'll read it again. Section 8 is each state agency in the adoption and promulgation of administrative rules and regulations, the enforcement of administrative decisions, and the adjudication of disputes by administrative agencies shall define a person's sex as such person's biological sex, meaning either male or female. So you wrote-- you had an executive order that you did some time ago. What is not-- what is that accomplishing, first off?

**JIM PILLEN:** Well, it's simply, it's simply putting forth what I believe in when we talk about an executive order. It is simply saying men use-- boys use boys' restrooms, men use men's restrooms, girls use girls' restrooms, women use women's restrooms, boys go in boys' locker rooms, and women go in the women's locker room. Ain't any more complicated than that.

**J. CAVANAUGH:** OK. So this bill was brought at the request of the governor.

**JIM PILLEN:** Yeah.

**J. CAVANAUGH:** You're, you're the governor. Did you have-- did you participate in the drafting of this bill?

**JIM PILLEN:** No.

**J. CAVANAUGH:** OK.

**JIM PILLEN:** Participated in the vision of it.

**J. CAVANAUGH:** In the vision. So this Section 8 basically directs all agencies of the gov-- the government to interpret every rule in light of this. What are the-- what are some of the examples of interpretations that need this statutory change, in your, in your mind?

**JIM PILLEN:** Well, again, I can't make it any more clear. I think may-- maybe I'm, maybe I'm too long in the tooth, but we just need to move back a generation and have common sense. It wasn't very long ago, if you went into a women's restroom, you had a major problem on your hands. That's where we need to go.

**J. CAVANAUGH:** So your position is this bill is only about restrooms and sports?

**JIM PILLEN:** It's about, it's about protecting. It's simply about protecting girls and women, both in public domains of restrooms and it's-- so that their space is private and safe. And it's about competition, where boys compete against boys and girls don't have to compete against girls. It's-- you know, you, you don't have to reach very far where there's extraordinary atrocities, where, you know, boys, boys competing in volleyball and crushed a shot, hit, hit a girl in the head, knocked her out, blane bre-- a brain bleed, and has, has severe problems from it. We have to protect our kids. We have to protect women. If we're not going to do that, what-- what's the purpose?

**J. CAVANAUGH:** And I appreciate where you're coming from on all of that. But I guess my question is, is not-- this bill has a number of factors in it. It has the bathroom parts, and it has the locker room parts, and it has the sports, both intramural and interscholastic. But this part--

**JIM PILLEN:** Three, three-- if I may, three really commonsense parts.

**J. CAVANAUGH:** But the part I want to talk to you about right now is the part where it directs every state agency in every action they take to interpret men and women this way. And so that-- you're not-- with respect, Governor, you're not answering that question and you're not addressing that issue. You're not talking about what that's going to be. Senator Kauth did point out the Department of Economic Development, as it gives grants that are designed for women, will

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discriminate in such a way or distinguish if you want to be less hot of a, of a characterization. I guess my question is this bill's brought at your request. This is a portion of this bill. You are only talking about the sports and spaces part, but the part that's going to affect your job as governor is going to be implementing Section 8. And so I guess my question is, how do you see Section 8 being implemented and what value does it bring?

**JIM PILLEN:** Yeah. Well, to be really honest there, I'd, I'd have to study and, and understand it. So, obvio-- I'm not a politician. When I say I don't know, I don't know.

**J. CAVANAUGH:** OK. Well, honest answer. I appreciate that. Well, thank you for your time, Governor.

**JIM PILLEN:** Thank you.

**SANDERS:** Thank you. Are there any other questions for Governor Pillen? Senator Hunt.

**HUNT:** Thank you, Chairwoman Sanders. Hello, Governor.

**JIM PILLEN:** Hi, Senator.

**HUNT:** So I also just, you know, kind of had the realization about Section 8. And I wasn't planning to ask a question about it because I didn't realize what this section does until Senator Kauth's opening. But I know you were listening to her opening and the questions that we were having back and forth. So a question I had for you-- if you can't answer it now, maybe to think about it, is for example, in the Department of Economic Development, if someone is applying for a grant that's meant for women, like women in small business grant or something like that, how is the department going to ascertain the gender of that applicant?

**JIM PILLEN:** I think that-- I, I just have to tell you, I, I, I don't know the answer to that.

**HUNT:** OK. Thank you.

**JIM PILLEN:** Thank you.

**SANDERS:** Senator Andersen.

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**ANDERSEN:** Thank you, Chairwoman. Thank you, Governor, for being here. Kind of continuing on the whole Section 8 discussion, I'll refer back to the executive order that you, that you authored. And in there, sixth paragraph down, 1a, says a person's sex is defined as his or her biological sex. And it talks about the promulgation of administrative duties, enforcement, administrative decisions. Haven't you already given the direction to the agencies that here is what the policy is, and that Section 8 really just reiterates the same thing?

**JIM PILLEN:** I think that maybe when we have all the very detailed questions about Section 8, it gets-- again, it gets commonsense laws and gets in the, in the we shall, may, maybe not, and it's a more complicated than-- discussion more complicated than it needs to be.

**ANDERSEN:** All right. Thank you, sir.

**SANDERS:** Any other question from the committee? I see none. Thank you, Governor Pilleen, for coming in today.

**JIM PILLEN:** Thank you, Senator. Thank you.

**SANDERS:** Other proponents? I think we have Gregory Brown, who will be next. I'm sorry. Dr. Gregory Brown. Welcome.

**GREG BROWN:** Thank you, Senator Sanders and members of the committee. My name is Greg Brown. I am from Kearney. I'm sorry. Let me spell my name, G-r-e-g B-r-o-w-n. I'm a professor of exercise science, a fellow at the American College of Sports Medicine and an American College of Sports Medicine certified exercise physiologist. As an exercise physiologist, I have spent the past three decades studying and teaching about the anatomical and physiological factors that influence health and human performance. I have previously provided expert reports for numerous legal cases and before numerous state legislative bodies, and I've published papers in peer-reviewed scientific journals and made presentations at scientific meetings on the importance of limiting participation in girls and women's sports to those who are female. My comments today represent my own analysis of the available science and do not represent a statement from my employer. You will likely hear people, even healthcare professionals and scientists, claim that sex is complicated and confusing. But that's not true. And they are being intentionally disingenuous about a universal and simple truth. That simple truth is that human beings are either male or female. Every human being that has ever existed owes their existence to the unification of the male gamete, sperm, with the female gamete,

ova. There is no other option when it comes to human procreation. The differences between males, meaning boys and men, and females, meaning girls and women, are blatantly obvious in 99.98% of humans and can be easily observed and accurately recorded at birth. For the 0.02% of humans in which sex is not obvious, they are still either male or female, but suffer from a disorder of sex development that requires further laboratory testing to determine their sex. There are important biological differences between males, meaning boys and men, and females, meaning girls and women. These differences give males inherent, biologically-based athletic advantages when compared to similarly aged, trained, and talented females at all ages and all levels of sports. You will likely hear some people say that sex does not influence sports performance before puberty, and that is also untrue. There are many peer-reviewed scientific papers demonstrating that before the onset of puberty, boys outperform girls on physical fitness tests. In the past year, I've published research demonstrating that boys outperform girls in sports competition, even as young as eight years old. LB89, the Stand With Women Act, is commonsense legislation that affirms the scientific truth that males and females are different and that females have a right to sporting competitions, bathrooms, locker rooms, prisons, and other opportunities that are free from the intrusion of males. I hope you will approve this bill. Thank you.

**SANDERS:** Thank you very much, Dr. Brown. See if there are any questions from the committee. I see none. Senator Andersen.

**ANDERSEN:** Thank you, Chairwoman. And thank you, Dr. Brown. Since there are only just a few men with gender dysphoria competing in women and girls sports, why do you believe that a law is needed to allow only females in women's and girls sports?

**GREG BROWN:** Well, thank you, Senator Andersen. I appreciate you saying that. And you will hear lots of people say that, that it's only a few trans women competing in women's sports, or trans girls competing in girls sports. That acknowledges that there is, in fact, a difference between males and females, and that males have inherent, biologically-based athletic advantages. Secondly, when people say that or ask that question, what they're saying is that we should be willing to tolerate a little bit of unfairness in our sports-- a little bit, but they won't define how much. And when you think about all the efforts that we go to to try and make sports fair-- we have women's wrestling state-- or districts coming up this week, boys the next week. You have to make weight. If you are half a pound overweight, you

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don't get into that weight category, and we don't make exceptions because you're a nice person or because you identify as having a lighter weight than what the scale says. We go to a lot of effort to make sure that athletes comply with all sorts of rules and regulations to make sports fair. And so when someone says, well, it's only a few trans women, they are asking us to accept unfair male advantages in the female sporting category.

**ANDERSEN:** Thank you, Dr. Brown. Thank you for being here and for your testimony.

**GREG BROWN:** Thank you. I appreciate it.

**SANDERS:** Any other questions for Dr. Brown?

**LONOWSKI:** Just real quick. Sir, you said--

**SANDERS:** Senator Lonowski. I need to say your name--

**LONOWSKI:** Thank you, Chair. Thank you.

**SANDERS:** --for the record. Senator Lonowski.

**LONOWSKI:** Thanks, Chair. You said you've been studying this for 30 years?

**GREG BROWN:** Yes, sir.

**LONOWSKI:** So in that time, have you seen any type of physiological differences or even bone structure, muscle structure, between the sexes?

**GREG BROWN:** So thank you, Senator Lonowski. I want to make sure that I'm asking-- or answering the question correctly. Are you asking has there been a change in which women are coming closer to men, or just overall, is there a difference?

**LONOWSKI:** The first part.

**GREG BROWN:** OK. Thank you. No. We have not seen anything where, in the last 30 years-- in fact, if we look back at the athletic records, the differences between males and females in terms of athletic performance have been very consistent since the 1980s. So in 1972, Title IX was passed, greatly increasing the opportunities for women to participate in sports. Before Title IX, maybe 4% of high school girls were



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participating in sports. Now, we're getting over 40% of high school girls participating in sports. So in those initial decade, from 1972 to the mid-80s, the gap between males and females narrowed because many more women were participating in sports. But if we look from 1985 or so to today, the difference between males and females in sports performance has stayed the same, consistently 10-15% faster for males-- talking after puberty. Consistently, when we're talking about running, a 10-15% difference. When we're talking about strength, anywhere from 30-60%. If we look before puberty, boys run 3-6% faster than girls. I've recently published a paper showing if you look at shot put, if you look at javelin before puberty, boys are throwing 20-30% further than girls, all right? We have not seen changes in human anatomy and physiology in 40 years suggesting that something is happening with human evolution or whatever to make women more like men or make men more like women, in terms of anatomy and physiology.

**LONOWSKI:** Thank you.

**GREG BROWN:** You're welcome. Thank you.

**SANDERS:** Are there any other questions for Dr. Brook? Right, Dr. Brown.

**GREG BROWN:** Dr. Brown. Yes.

**SANDERS:** Thank you.

**GREG BROWN:** All right.

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

**GREG BROWN:** Thank you for your time.

**SANDERS:** Thank you. Now calling up Selina Soule. Did I say that correctly?

**SELINA SOULE:** Soule.

**SANDERS:** Soule. Please. Welcome.

**SELINA SOULE:** Thank you. Hi, everyone. My name is Selina Soule, S-e-l-i-n-a S-o-u-l-e, and I am a former elite track and field athlete from Connecticut. I started competing in track and field after my mom introduced it to me when I was a little girl. Track was my passion. I couldn't wait until I got into high school and could finally be a part

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of an organized team. I spent countless hours training to shave fractions of a second off of my time so I could be the best, so I could win. However, my chances of being first, of being the best, were shattered. During my 4 years of high school track and field in Connecticut, I was forced to compete against 2 males identifying as girls. In that time, these 2 males won 15 women's state championships and broke over 17 meet and state records. I raced against these athletes dozens of times throughout the years, and usually had to compete against at least one of them every single weekend. I remember what it was like to line up for the race and get into my blocks wanting to win, but knowing the outcome long before the start of the race. Those 2 male athletes would dominate the field, and female athletes would be left to compete for third place and beyond. No matter how hard we trained and how far we pushed ourselves, they won time and time again. Even if we ran a personal best or broke a school record, it was never enough to get that gold medal. I lost countless opportunities during my time as a high school athlete. I lost opportunities to compete on world class tracks and opportunities to win titles. During my junior year, I was denied the chance to compete at the New England Regional Championship. I missed advancing to the next level of competition in the 55-meter dash by just 2 spots, 2 spots that were taken by males. Because they are permitted to participate in a girls division, I was forced to become a spectator in my own sport. Even worse, female athletes throughout Connecticut and New England also missed out on chances to compete in front of college coaches and compete for college scholarships. I worry about how many college recruiters across the country who only have a limited number of scholarships and slots on college track teams to award will skip over the names of female athletes and only look at the names on the top of those results-- a name that belongs to a male. Boys will always have a physical advantage over us girls, and that's why we have women's sports in the first place. Science and common sense tells us that men are, on average, stronger and faster than us girls. They have bigger and stronger organs, more muscle mass, and different skeletal structures, which leads to them having a significant performance advantage over us. That's why it's fundamentally unfair to let boys who identify as girls come in and dominate women's sports. Women are also put in a highly uncomfortable position when forced to share locker rooms and bathrooms with male athletes. Having males in women's spaces where we are most vulnerable is terrifying. I had to share bathrooms with these athletes at meets, and I felt my privacy was invaded and I chose to leave the bathroom and come back later. And I can't imagine what the girls have to deal with when sharing a locker

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room with these male athletes. It's, quite frankly, unsafe to have young girls changing next to a fully intact male. Not only was it frustrating, heartbreaking, and demoralizing to know I could not win, it was even more concerning to see how it was facing girls track, and we are facing the complete eradication of women's sports if this continues. Female athletes deserve the same opportunities as males to exceed and chase our dreams. Allowing males to compete in girls sports shatters those dreams and strips away opportunities so many of us have spent years working to obtain, because sports are about biology and not identity. I encourage you to pass LB89 because women's sports need to be protected and kept for women only. I don't want other girls to experience the same pain, frustration, and discouragement that I went through my 4 years of high school. Nobody thinks it's fair, but everyone is afraid to speak out because they're afraid of retaliation, and many have been warned by school administrators to remain silent and not speak publicly on this issue. And I'm here today to speak for all those girls and for the future of women's sports. And I urge you to pass LB89 to guarantee girls in Nebraska a level playing field and to save women's sports for girls across this great state. Thank you.

**SANDERS:** Thank you for your testimony. Let's see if there is any questions from the committee. I see none. Thank you, again.

**SELINA SOULE:** Thank you.

**SANDERS:** Next, we will have Erica Steinmiller. Welcome. Please, go ahead.

**ERICA STEINMILLER-PERDOMO:** Good afternoon, Chairwoman Sanders and distinguished members of the committee. My name is Erica Steinmiller-Perdomo, S-t-e-i-n-m-i-l-l-e-r-P-e-r-d-o-m-o. I serve as legal counsel with Alliance Defending Freedom. We represent girls like Selina Soule and the courageous girls who recently challenged the Biden administration's unlawful rewrite of Title IX. And we applaud President Trump's recent executive order keeping men out of women's sports. And even though the executive branch has taken these crucial actions and even though federal courts have already ruled that it's un-- an unlawful interpretation of Title IX to allow men in women's sports, the reality is that it's critical for Nebraska to enact this legislation, LB89, to protect the women and girls in, in Nebraska to ensure equal athletic opportunities for girls, to ensure that they have the full experience of educational opportunities, and also to ensure that people are protected in their private spaces. And it's critical to take these steps now because in 4 years, under a new

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administration, with the swipe of a pen, we can be back to where we were during the previous 4 years, with the Biden administration pushing the-- gender ideology in every, in every government agency and trickling down to the schools. So 25 states have already enacted laws to protect women's sports, and many have also taken steps to ensure privacy, like what is spelled out in LB89. This bill advances critical protections and ensures equal opportunities. And this leg-- this legislative body has the authority to legislate on public welfare and on civil rights. And so, they have the, the ability to inform the schools. And in fact, doing so will keep it in line with that directive of the federal government for what schools need to be doing to ensure compliance with Title IX, to ensure compliance with other federal laws like the ADA so that their funding is not in jeopardy. What's required of LB89 is that the schools must designate the sports, so that's either male, female, or coed. And then they must prohibit the men from competing on the girls teams. It says the same for girls competing on the boys team, unless there is no equally available opportunity to them. For the sport-- for the restrooms and locker rooms, again, it requires that designation, but then it requires the schools to implement policies to prohibit the use of the restroom or locker room by, by someone of the opposite sex based on the designation. And there are, there are exceptions. There's important exceptions for custodial, custodial maintenance purposes or for rendering emergency assistance, certain circumstances that would, that would require a person of the opposite sex to need to gain access to a restroom that is not designated for their sex. And that comes into play, like the bill allows for a parent of a minor child of an opposite sex to be able to take their child to the restroom, or a caregiver of a person with disabilities. If they are the opposite sex of that person requiring aid, they would be allowed to gain access to a space. For, for coaches, for example, it would require a coach to take reasonable steps to ensure that no one of the opposite sex is in a state of undress before entering the locker room. So that would apply to a male coach, for example, of a female volleyball team. And, and what really is important about the amendments to this is that it states the biological reality that there are only two sexes, either male or female, and it provides clear definitions that take into account the complexities of human biology and circumstances affecting the natural function of the human reproductive system. And so we're confident that this type of legislation, which, again, has been tested in 25 states, is legally defensible and is constitutional, and would help ensure protection of women and girls in Nebraska. Thank you.

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**SANDERS:** Thank you for your testimony. I'm going to check to see if there are any questions from the committee. I see none. Thank you for your testimony, Ms. Steinmiller-Perdomo.

**ERICA STEINMILLER-PERDOMO:** Yes.

**SANDERS:** Thank you very much.

**ERICA STEINMILLER-PERDOMO:** Thank you.

**SANDERS:** And I will ask the next speakers following, please stay to three minutes. There are, are a lot of you that want to speak, and I don't want that to happen where you aren't able to speak. So remember, we have others to follow. So next is Emma. No. Yes. Emma Fee? Please, come forward. Welcome.

**EMMA FEE:** Thank you. Dear Chairperson Sanders and members of the Nebraska Legislature Government, Military and Veteran aff-- veter-- Veterans Affairs Committee. My name is Emma Fee, E-m-m-a F-e-e. I am a student at UNK, and I live in Kearney. My comments are my own and are not a statement from my university. Based on my education and personal experiences, I know that there are differences between boys and girls and between men and women. I know those differences are based on biology and not gender identity. Men can never be women, regardless of the hormones and surgeries that attempt to mask that fact. As a student and a, and a natural observer of society, I have noticed that many people are confused as to their so-called gender identities. These confused men truly believe that they are women and deserve to be treated as such. They take opportunities, scholarships, and awards from deserving female students. I believe that the inclusion of men in women's spaces is harming women in what should be their safe places, and the opportunities that women have in sports, as well as in their university experiences. We should not be rewarding delusion in our universities. Transgenderism is a harmful concept, and I strongly urge you to consider the potential implications on men's inclusion in women's sports, spaces, and activities. It is important that girls and women have bathrooms, locker rooms, sports, scholarships and other opportunities that are for females only. This is not only for my safety, but for the safety and opportunities of every single female student and athlete attending my university. I encourage you to support LB89, the Stand With Women Act. Thank you.

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**SANDERS:** Thank you for your testimony. Let me check to see if there are any questions from the committee. I see none. Thank you. Appreciate it.

**EMMA FEE:** Thank you.

**SANDERS:** Next, Leslie Roe. Welcome.

**LYSLE ROE:** The name is Lysle. Sorry. Everybody does that

**SANDERS:** Is it--.

**LYSLE ROE:** Yeah. No, it's a weird spelling.

**SANDERS:** Thank you very much.

**LYSLE ROE:** No, I get it, and trust me.

**SANDERS:** Go ahead and say it and spell it again for me, please.

**LYSLE ROE:** Hi. Members of the committee. My name is Lysle Todd Roe Jr., Lysle, L-y-s-l-e, Roe, R-o-e. I am from Brady, Nebraska, and I am currently a senior at the University of Nebraska-Kearney, majoring in exercise science. Over the last two years, I've taken several courses discussing human anatomy and physiology and the science behind athletic performance. I want it to be known my comments today represent my own analysis of the available scientific literature regarding this matter and do not represent a statement of the University of Nebraska-Kearney. Through my education and analysis of the literature, it is conclusive that there are only two sexes: Male, both boys and-- men and boys, and female, both women and girls. It has been brought in the modern world to make this discussion seem more intricate and complicated when it is clearly black and white. This is a common understanding among biologists and a known concept in the procreation of human beings. This topic has gained popularity recently, based on conclusions that defy biology, the study of all living organisms. This brings me to the matter that brought me here today, LB89, the Stand With Women Act. Along with the concepts learned through science and literature, we can begin to look at athletic performance. Males tend to have more muscle mass, larger skeletal frames, and more of the hormone testosterone, known for its role in the sexual development of males. With these known biological factors, males run faster, jump higher, and overall achieve greater athletic feats when compared to women. This is not to demean female athletics and their athletic achievements. Biologically, when compared to males

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of similar age, body weight, training status, and talent, they can not replicate, replicate the performance of males. We do not only see this at the elite level, though. We observe this difference in male and female athletic ability, before-- from before puberty, all the way to the elite levels of athletics. Women athletes, both past and present, have made leaps and bounds to be able to compete in their respective sports. We have all heard of the several cases where a trans woman that is a male identifying as a female has competed in women's athletics and ruining the experience for the female competitors. It is abundantly clear that allowing biological males to compete in women's athletics is the exact opposite of what female athletics stands for. The female competitors deserve to compete against fellow females who have worked their whole life for the chance to show off their great talent, hard work, and God-given ability. Letting biological males strip these female athletes of that chance defeats the whole purpose for which female athletics stands for. LB89, the Stand With Women Act, should be accepted legislature [SIC] which affirms the scientific truth that males and females are biologically different. Females have earned their right to their own athletic competitions, bathrooms, locker rooms, prisons, and any other opportunity free from the intrusion of males. I hope you approve this bill. Thank you.

**SANDERS:** Thank you, Lysle Roe, for your testimony. Let's see if there are any questions from the committee. See none. Thank you. Thank you, again.

**LYSLE ROE:** Thank you, guys.

**SANDERS:** Hannah Holtmeier. Welcome.

**HANNAH HOLTMEIER:** Hi. Dear members of the committee, thank you for the opportunity to testify on Nebraska LB89, the Stand With Women Act, which I urge you to support. My name is Hannah Holtmeier, H-a-n-n-a-h H-o-l-t-m-e-i-e-r. I'm a senior here at the university, as well as an ambassador for Independent Women and a member of Kappa Kappa Gamma. In the fall of 2022, my sisters and I were forced into a situation I can confidently say none of us wanted to be in. Without our consent, we were forced to share a sorority house with an adult male. Since this horrible situation, we've been working to tell our story and help women in similar situations across the country. I believe that everyone deserves a safe space where they can relax and open up to others who understand them. For me, that space is my sorority house. For other girls, it's in a locker room or on the court with their team. When men start to infiltrate these spaces, women are exposed to

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and forced into uncomfortable situations. I imagine every one of you has a female or woman in your life which you care deeply about. Now imagine you get a call from that woman, saying she's just been forced to share her college housing or any intimate space with a fully-grown adult male, because that's the call my dad got back in 2022, one call he never imagined he'd be getting from me. We were just college girls who were promised a female-only sorority experience, and were suddenly forced to share our private space with a male. I share my experience, my experience today to qualify why it's so important for this committee to pass the Stand With Women Act. If passed into law, this bill will protect women's spaces and hard-earned rights by defining common sex, sex-based words like woman and female, which is already used in 149 Nebraska state statutes. This bill will safeguard female opportunities and private spaces from attack by those who seek to manipulate the definitions of words to achieve policies which lack public support. You must support this bill and stand with the over 900,000 women and girls in Nebraska. It's the right thing to do. Thanks.

**SANDERS:** Thank you, Hannah Holtmeier, for your testimony. Check to see if there are any questions from the committee. I see none. Thank you very much.

**HANNAH HOLTMEIER:** Thank you.

**SANDERS:** Next, we will have Amelia [SIC] Comiskey. Welcome.

**AMALIE COMISKEY:** Before I begin, I would like to thank the committee and everyone present today for giving me the opportunity to speak. My name is Amalie Comiskey, A-m-a-l-i-e C-o-m-i-s-k-e-y, and I'm a student at UNO, as well as high school lacrosse coach for women. I'm testifying today in support of the Stand With Women Act. This bill was created to help protect women and girls in sports, bathrooms, locker rooms, and is essential in upholding women's safety in Nebraska. During my high school years, I played lacrosse and can attest to the significant difference between males and females sports. During my junior year, my lacrosse team played against the men's team for a fundraising event. Due to the biological difference in muscularity and strength, I sustained severe injuries to my knee after a male charged into me. The incident not only proved the risk that men have in women's sports, but also significantly changed my life. I was taken out of the rest of my season and dealt with a year-long recovery of surgery and physical therapy. Those who try to normalize biological males in women's sports tell these girls and women to just deal with



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it or to get over it. However, it's impossible for me to just deal with it when I felt the significant weight of someone who weighed more than me, and felt that tear in my knee. It was impossible for me to just get over it as I was limping off the field, knowing that was going to be the last lacrosse game I ever played. Still, I chose to play in that game and I was incredibly blessed and lucky because I knew who I was playing against and the potential consequences that could follow. Younger girls, however, won't have that opportunity. If this bill is blocked, these women and girls will have to play in games against males and females and the same increased risk, risk of injury as I had. These girls will not only be put in serious harm's way on the field, but will also have to share vulnerable spaces with these males against their choice. Now, as a lacrosse coach for a high school team, it's my biggest priority to keep these girls safe and make sure that they are able to feel comfortable in their spaces and sports. It's with significant fear that I now have to worry about these young girls who might not have the ability to have female-only locker rooms, bathrooms, and who may have to play against males in sports. Even now, the issues of males in women's spaces is incredibly prevalent. Last week, while on campus at UNO, the University of Nebraska-Omaha, I entered one of the clearly labeled women's restrooms. Upon entering, I was met with a transgender biological male standing at the sink. It was in that moment that I ultimately failed not only myself, but the entire female student body at UNO, because I backed down and left a space, a space meant for women, due to a male being present. Not only did I feel unsafe, but incredibly frustrated that the one designated place for women and women only was eradicated on a campus that I had to spend every day at. Nebraska will blatantly be putting women and girls at serious risk of physical and mental trauma if we do not stand up for girls in their sports and spaces. We as their mentors, coaches, guardians, and teachers are responsible for their safety and well-being. We will be failing them in what matters most-- in protecting them. If we as women have fought so hard for the rights to women-only sports and safe spaces, then why would we throw all that progress away? How can we say that we care for our youth when we're openly putting them in dangerous situations? It is with much pain that I have to ask for those who hear me today to pray for the safety of so many young girls and to pray for these girls' spaces to stay female-only spaces. Bills like the Stand With Women Act should be passed without hesitation. As Governor Jim Pillen had said, it's a commonsense bill. So today I ask each of you, please have common sense and protect the women and girls of Nebraska from unnecessary injuries and trauma. Thank you.

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**SANDERS:** Thank you. Amalie Comiskey. I'll check to see if there are any questions from the committee. Senator Hunt.

**HUNT:** Thank you, Chairwoman Sanders. Thanks for being here today and for sharing your experience. I just want to ask a question, which is how, how can you be sure that someone's transgender when you see them?

**AMALIE COMISKEY:** When you enter the restroom and see a six-foot male with an Adam's apple and the build of a man. Clearly an Adam's apple, I think it's pretty evident when a man is a man.

**HUNT:** What do you think about the possibility that you are around trans people all the time and don't know it?

**AMALIE COMISKEY:** It's different when it's in a restroom designated for women in an intimate space that's meant for women only.

**HUNT:** I, I mean in the restroom. When-- what about times you can't tell?

**AMALIE COMISKEY:** That would be incredibly unfortunate, but I think usually I can tell. I would not want to share a restroom-- I would not want to share a restroom with men.

**HUNT:** OK. Thank you.

**SANDERS:** Thank you, Senator Hunt. Thank you, Amalie. Thank you very much. Now we'll have Rebecca Allick-- Allick-- Allick? Welcome.

**REBEKAH ALLICK:** Hello. Thanks for having me. Good afternoon, Chairwoman Sanders and members of the committee. My name is Rebecca Allick, R-e-b-e-k-a-h A-l-l-i-c-k, and I'm here to testify in support of LB89, the Stand With Women Act. I'm here standing-- sitting now-- before you as a woman. A woman is someone with a uterus and ovaries that produces eggs. I have the sex chromosomes of XX, which again, determined my sex. They are responsible for my reproductive health, sexual development, and many more amazing, womanly things. As a female, I have a wide pelvis versus the male pelvis, which is narrow. Why does that matter, you may ask? Well, it aids me in my God-given ability that when pregnant, I can deliver that child. Isn't that neat? Sorry, I thought that was funny. I say all of these things in the name of common sense. I come before you because this is, quite literally, one of the most ridiculous conversations I thought I'd ever have to have. Why are we arguing over basic knowledge? There are children dying. I work with a sex trafficking organization to help women who

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are actually being hurt here in Lincoln. Homeless are going hungry every single night on our own streets in Lincoln. Real world problems, and what we've been gathered here today is to talk about why boys shouldn't play with girls. Forgive me for my abrasiveness and insensitivity to this right now, but women have fought too freaking hard to have space in politics, doctors' offices, classrooms, and sports for it all to be taken over yet again by men. Those that suffer from gender dysphoria need our compassion, but we will not sacrifice safety and opportunities for women. The fact of the matter is, I don't want to see a penis while I'm changing in a locker room. I don't want to have to maybe run into an erection while I'm in a locker room. I do not want to have to shower with a man in the locker room. My locker room is a safe space. It is a place of sisterhood, a place to talk about love lives, hardships, period cramps, things that women talk about and only women can relate to. My locker room is my locker room. And there is one across the hall provided for men. What's crazy is some will hear this and believe that I come in hate. That's not true. I come out of love, but I am angry because we should not have to wait for a girl to be raped, assaulted, violated, in order for a law to pass or protect her. One person is one too many. Assaults of this kind, I understand, they already happen every day. But now some of you are willingly going to invite them into young women's spaces, as if protecting ourselves isn't hard enough. Who knows what kind of atrocities will become of this if we let it happen? My brothers in Christ, you are wonderfully, beautifully, and purposely made. And I mean it, and I'm not just blowing smoke. The experience that you're having of believing you are a woman is not invalid. But to believe that it is true, that's where you're wrong. Your experience is confusing and we are here to share the truth with you. Your, your mental illness is not the end of your story. God calls you and he loves you and I, Rebekah Allick, love you. I want to see you well. Please pass LB89. Thank you.

**SANDERS:** Thank you very much, Rebekah Allick, for your testimony. Are there any questions from the committee? I see none, but I do have a comment to make.

**REBEKAH ALLICK:** Yes.

**SANDERS:** A few years ago, I was traveling between Italy and Germany. And you were on the field playing volleyball, and the world was watching. Europe was watching. Every airport monitor, bar, they were watching Nebraska foot-- Nebraska volleyball-- women's volleyball, breaking the world record for spectator sport--

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**REBEKAH ALLICK:** Yes.

**SANDERS:** --female sport. I don't know if you have heard the feedback, but the world was watching, and it was very proud to be a Nebraskan on that day. And I'm proud that you're here testifying today.

**REBEKAH ALLICK:** Thank you.

**SANDERS:** Thank you. Next, we'll have Elizabeth Nunn-- Elizabeth Nun-ly-- Nunnally. Did I say that--

**ELIZABETH NUNNALLY:** Last one was correct.

**SANDERS:** Welcome. Thank you.

**ELIZABETH NUNNALLY:** Thank you.

**SANDERS:** Welcome.

**ELIZABETH NUNNALLY:** Thank you. Good afternoon, Chairman Sanders and members of the committee. My name is Elizabeth Nunnally, E-l-i-z-a-b-e-t-h N-u-n-n-a-l-l-y, and I am here testifying in support of LB89 on behalf of Nebraska Family Alliance and the thousands of families we represent who believe that women and girls in Nebraska deserve to feel safe while competing in sports and using private spaces. Across the country, girls have lost scholarships, missed championship titles, and suffered serious injuries because they were forced to compete against men. This is unfair and dangerous, and Nebraskans have been waiting for our lawmakers to uphold the privacy and safety of girls in our state. Women deserve fair competition and privacy. LB89 takes a commonsense approach to protect the privacy of students and citizens in restrooms and locker rooms, and preserve the integrity of female sports. No girl should lose her chance to compete, feel unsafe at school, or be forced to share bathrooms and locker rooms with males. LB89 is a proactive bill to address growing concerns from parents and athletes about fairness and safety in female sports and the protection of private spaces. Protecting our girls' sports and privacy isn't just about fairness. It's about standing up for the truth and preserving opportunities for the next generation of Nebraska women. I have personally seen the benefit of girls sports in my own life and in the lives of my friends and former teammates. Participating in sports helps girls develop important character traits like perseverance, hard work, confidence, and teamwork. No girl in Nebraska should lose that opportunity to a man. We applaud Senator

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Kauth for introducing this bill and urge the committee to stand with women by advancing LB89. Thank you for your time and consideration.

**SANDERS:** Thank you for your testimony. Are there any questions from the committee? See none. Thank you for being here.

**ELIZABETH NUNNALLY:** Thank you.

**SANDERS:** Now we'll have Melissa Money-Beecher. Welcome.

**MELISSA MONEY-BEECHER:** Thank you. My name is Melissa Money-Beecher, M-e-l-i-s-s-a M-o-n-e-y-B-e-e-c-h-e-r. Dear members of the committee, I coordinate a local volleyball league in Lincoln, Nebraska, and I'm a member of the Independent Women's Network. And I'm here today to share my story in support of the Stand With Women's Act. Discrimination against women and girls is happening everywhere, even here in Nebraska. Other than my incident, I know of four more that has happened, just that I know of, in Lincoln, Nebraska. As a coordinator, a captain, and a player in a volleyball league, I'm committed to fostering a spirit of fellowship and fairness in our league. After taking off a season due to injury, I discovered that a captain had passed off a male player as a female to gain a competitive advantage for his team. This violated the rules of our league, which maintain specific male and female player slots for each team to ensure fair competition. The male player, who could jump double his height-- and he was a little guy and he could literally jump above the net and block male players. It took me one second of watching to know which player was a man playing as a woman. I knew I couldn't ignore the situation. I addressed it directly with the captain of the team, reminding him of the league's rules and definitions of male and female. Why the confrontation was difficult, I felt a deep responsibility to stand up for fairness and integrity of our league. This issue is not about my league. It's about allowing males to compete in women's categories. Even in low-stakes recreational sports, it sets a dangerous precedent. If we turn a blind eye in small leagues, it becomes easier to justify similar actions in parks and rec programs, high schools, colleges, tournaments, and beyond. The ripple effect undermines the opportunities and spaces that women have fought so hard to protect and put female athletes at risk for injury. The discrimination and erosion of female rights to play sports and have safe spaces, such as in prisons and locker rooms, keeps me up at night. Our state needs to do something about it so my grand-- granddaughter and all girls have the same opportunity I had to play sports. This bill is essential to preventing this kind of erosion. By

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defining sex, the bill ensures that spaces and opportunities designed for women remain fair and inclusive for women. This clarity is crucial. In some-- some in my community have asked why I would take such a strong stance. My answer is simple: It's the right thing to do. Fairness matters, no matter the stakes. Allowing males to take female spots compromises the person-- purpose of having a female division in the first place. We must do everything we can to protect and preserve women's rights or Nebraska will lose them forever. I urge this committee to pass LB89 and protect the fairness and ensure that women have-- opportunities are not diminished. This is about more than sports. It's about standing up for the principles in fairness and equity that should guide all of our communities. Please stand for women. Thank you.

**SANDERS:** Thank you, Melissa Beecher. I'll check to see if there are any questions from the committee. I see none. Thank you for your testimony.

**MELISSA MONEY-BEECHER:** Thank you.

**SANDERS:** Will now have Kathy Wilmot. Welcome.

**KATHY WILMOT:** Thank you. Thank you for the opportunity. And I'm here to represent Nebraska Eagle Forum, and also myself. And I want to talk about what has this perversion of Title IX done to us? In '22, Payton McNabb-- I think the governor was referring to her. She-- playing on a team, transgender on the other side spiked a ball, hit her, knocked her unconscious, and it changed her whole trajectory. She was looking forward to eventually being with college sports. She ended up with a concussion, neck injury, two black eyes. A young lady who was at the head of her class prior to that, now has long-lasting cognitive issues and requires extra tutoring for memory loss and retention issues. In '23, female athlete, injured by trans-identified male opponent during a field hockey game in Massachusetts, when he hit a ball and knocked her teeth out. During a 2024 game between the Collegiate Charter School of Lowell in Massachusetts and a KIPP Academy player, a trans-identified, six-foot-tall male player with facial hair injured multiple players, and eventually forced the Collegiate Charter School to forfeit. One result of the Title IX mandates from the previous administration has left women with physical injuries, and we have no way of knowing exactly how many. And we don't know how many young women have been robbed of success in high school sports, college scholarships, titles, trophies that they spent years and years training for, striving for. These are heartbreaks, thanks to Title IX.

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Unfortunately, physical injuries aren't the only price that women have paid. How about young ladies who have been sexually assaulted in restrooms where males have been allowed by Title IX, because supposedly they have a right to use women's restrooms? Those injuries go beyond the physical realm. They leave young women with scars that they will carry for the rest of their lives. The impact of Title IX has forced young women to endure fear, humiliation, the stress of being confronted with fully intact, naked males in their locker rooms and shower areas. Title IX has undermined women's and girls' privacy rights, their athletic prospects, their educational opportunities. In '24, Louisiana Attorney General Murrill stated that Title IX change is aimed to remake American societal norms through our classrooms, lunchrooms, bathrooms, and locker rooms. And just this week, I personally received a message from a student who had to be in a women's restroom where she encountered a male. That restroom was clearly designated. The student expressed feelings of fear, feeling she wasn't safe, and now we know with that particular incident, we do need the protections of the bill in Nebraska that you're looking at today. Let girls and women of Nebraska know that you care, that you have their backs. I urge you to vote yes to let LB89-- and please, send it to the floor.

**SANDERS:** Thank you, Kathy Wilmot, for your testimony. Checking to see if there's any questions from the committee. See none. Thank you.

**KATHY WILMOT:** Thank you.

**SANDERS:** We'll now have Wes Wilmot. Welcome.

**WES WILMOT:** Thank you. Good afternoon. My name is Wes Wilmot, W-e-s W-i-l-m-o-t, And thank you all for the, the work that you do. I know what you put in. It was a little difficult for me to prepare this. I'm not a biologist or a lawyer or anything like that. I'm a father. And so it was kind of hard for me to wrap my mind around the fact that we're down here fighting for a bill that says that boys and girls should act like boys and girls. It seems, as we heard earlier, common sense. But anyway, we'll give it a go. I know we've heard about some of the physical harm caused by Title IX and a little bit of the other, too, which stole a little of my thunder. But I want to speak about some people that we've let down. They depended on us to protect their privacy and provide them a safe, decent environment to live and learn. And we've denied that. And here's an example. Not so long ago, I was privileged to hear a very talented athlete and student speak about her experience. And I know there are some fathers on this committee and

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probably have some daughters. I'm also one of those. I have seven reasons for this. The young lady's name was Riley Gaines. And she began her speech-- she talked about the first time, quote, a fully intact male strode naked through their dressing room. And she was, you know, degraded, humiliated, disgusted. But she thought, well, it's not going to be a big problem because the next day, there's going to be some fathers down here at the door and this, this will get taken care of. But as she reflected on it, she thought, well, that'll just put dad in jail and it won't solve anything. So that's when she began her battle. And I think you all well know about her battle. And also, if you do some research, you will find out that most of these young men were fair to poor athletes competing against other men and found they would do a better job against the girls. You know, that at least explains it, but not justifies it. And again, on the restroom issue. If men and women are afraid of the same biological sex seeing them in a restroom, they merely need to go into the correct restroom and use the stall with a privacy door. There's no reasonable excuse for people being allowed in the wrong restroom. I'm sure there are many other situations, people being subjected to humiliation and unsafe situations. And I would just like to finish with a couple of quotes, if I have time here. One of them was from a very wise old man that I knew. And he said, it's one thing for you to think you're a girl. He said, it's another thing for you to ask me to think that. And also the last quote was from a very, very wise man. And some of you may have heard it here. If not, you probably will. This is a little philosophical on the subject, but he said that he learned from a very wise man himself that what you do as leaders of the society will affect seven generations down. So remember, this is not a personal battle. This is something that will affect grandkids, your great grandkids, your great great grandkids. So take that into account and please move this out of, out of committee. Thank you.

**SANDERS:** Thank you, Wes Wilmot. I'll check to see if there are any questions from the committee. See none. Thank you for your testimony. Now we'll have Marion Miner, and Marion Miner is our last invited guest on the proponents side. Welcome.

**MARION MINER:** Thank you. Excuse me. Thank you, Chairwoman and members of the Government Committee. My name is Marion Miner, M-a-r-i-o-n M-i-n-e-r, and 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. And I'm here today to express the conference's support for LB89, the



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Stand With Women Act. As you've heard from many people today, but it bears repeating, men and boys are different from women and girls. The law should respect those differences and in some important circumstances, reserve programs and spaces for men and boys or women and girls. Sex is a bodily material reality. This is starkly apparent in the context of intimate spaces and on the athletic field, court or track, and denying that reality has a disparate and potentially very dangerous impact on especially women and girls, hence the name of the act. As a matter of law, separating males and females in intimate spaces serves the important governmental objective of protecting their privacy in such spaces and shielding their bodies from exposure to the opposite sex. Likewise, barring males from competing in sports reserved for women and girls serves the important objectives of fairness and equality of opportunity for female athletes in competition and protection of those athletes from heightened risk of injury. Numerous courts have examined these principles under both Equal Protection and Title IX claims. Federal courts in several jurisdictions have found both policies with identical questions and interests at stake to be constitutionally sound under both the Equal Protection Clause and with regard to Title IX. We have every reason to be confident that this trend will continue up to and including the Eighth Circuit Court of Appeals and the U.S. Supreme Court. And in any event, as we heard before, both national policy and the governing administrations of college sports have recently aligned themselves with the same policies-- many of the same policies advocated by LB89. Although the overlap isn't entirely complete, it's also not contradictory. It's clear these policies are not only constitutional but also aligned with federal policy and with public opinion. The reality of sex matters. And the consequences of that reality are not theoretical, but concrete, immediate, and important to acknowledge. Respecting girls' right to compete on a fair and safe playing field and to enjoy equal opportunity to win and receive athletic scholarships is compellingly important. So is respecting and protecting a person's right not to be compelled-- excuse me-- or pressured to share intimate spaces with persons of the opposite sex. The conference urges you, therefore, to advance LB89 to General File. I'll stop there.

**SANDERS:** Thank you for your testimony. We'll check to see if there's any questions from the committee. I see none. Thank you, Marion--

**MARION MINER:** Thank you.

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**SANDERS:** --for your testimony. We will now-- we have reached our one hour of our proponents, and we will move to opponents. However, our clerk needs a five-minute break. She has no, no backup. So please take a five-minute break, but get right back in the same seats. If you need to go to the restroom, now's a good time. Thank you.

[BREAK]

**SANDERS:** So if you're opponent, you're on the right-- my right. Are you-- they did? OK. So then stay right there. He'll, he'll bring some proponents to the front. And we need everybody to sit down. And we have scheduled our first testifier, Dr. Erin Feichtinger. Welcome. Thank you. Hold on just a second. We need the clerk to be able to start.

**ERIN FEICHTINGER:** That's OK. It's cooler up here anyway.

**SANDERS:** Is it?

**ERIN FEICHTINGER:** Yeah.

**SANDERS:** OK. That's what they already did. Thank you. Let us know when you're ready, Julie. OK. There you go. The floor is yours.

**ERIN FEICHTINGER:** Chair Sanders, members of the Government Committee, my name is Dr. Erin Feichtinger, E-r-i-n F-e-i-c-h-t-i-n-g-e-r, and I'm the policy director for the Women's Fund of Omaha. There are many policies that protect and advance the well-being of women and girls in our community. LB89 is not one of those policies. We would respectfully ask that this Legislature not use women in a professed concern for our equality to oppress others. States that have transgender-inclusive sports policies demonstrate increased participation of girls in sports, unlike those states that exclude transgender youth from sports. Nothing in this bill directs K-12 or post-secondary schools to equally fund women's sports at the same levels as men's, to provide equal training spaces and facilities, does not direct them to promote women to athletic leadership positions, promote women's sports in headlines and programming. If we cared about ending discrimination against women, we would address the growing gender wage gap, focus intensely on the childcare crisis and implement family leave policies, just to name a few. This isn't about sports. This is about who gets to belong in our communities. In fact, policies like LB89 increase surveillance of women's bodies and make them less safe. When reductive definitions like this are put into statute,

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increased surveillance of everyone's bodies becomes an inevitability. This puts all women, transgender or cisgender, at increased risk for harassment, exclusion, and even violence. Cisgender women athletes have been accused of being transgender because they were too good at their sport or because they did not look feminine enough. This has happened to young students all the way through to college and even Olympic sports-- Olympic athletes who female athletes look up to. And this is exactly what will happen if our ability to interact with any sports or bathrooms is reduced to a statutory definition of biological sex that will necessarily have to be interpreted according to each person's subjective view of what is appropriately female. On a personal note, my daughter is having her fifth birthday party tomorrow and she'll be entering kindergarten this year. This bill does nothing to protect her. It does nothing to address any of the very real concerns and fears and hopes I have for her growing up in this state. It doesn't address gun violence in her school or public spaces, doesn't address the fact that 25% of women will experience rape or attempted rape in their lifetimes, doesn't address that no matter how hard she works, she will be paid less than a man. What it does do is turn every adult and authority figure in her life into someone who models that certain kids and certain people are too different to be valued equally. What it does do is make her less safe by increasing scrutiny and surveillance of her body by all the other adults in her life: Teachers, administrators, even the parents sitting on the bleachers as she competes. And frankly, that's really disturbing to me as a mom. It is my job to protect her. It is my job to stand for her, not yours. Across all of our differences, we want to be treated with dignity and respect, but bills like this restrict all of our freedoms based on how we look or who we love. By rejecting these divisive attempts, we can ensure each one of us has the freedom to be ourselves, pursue our dreams, and have a good life, no exceptions. And I would be happy to answer any questions to the best of my ability.

**SANDERS:** Thank you. Dr. Vice Chair. Let's check with the committee if there are questions. See none. Thank you for your testimony. Next is Abbi Swatsworth. Good aft-- good evening. Welcome.

**ABBI SWATSWORTH:** Thank you, Senator Sanders and senators of the Government, Military and Veterans Affairs Committee. My name is Abbi Swatsworth, A-b-b-i S-w-a-t-s-w-o-r-t-h. I'm the executive director of OutNebraska, a statewide nonpartisan nonprofit working to celebrate and empower LGBTQ-plus Nebraskans. Every Nebraskan values the opportunity to go about their daily lives without fear, including transgender, nonbinary and intersex people. LB89 will hurt LGBTQ-plus,

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plus folks, but also all Nebraskans. It opens the door for politicians to meddle in all of our lives. Every student, from kindergarten through college, deserves the opportunity to participate in sports, to challenge themselves, improve fitness, and be part of a team. LB89 would exclude transgender, intersex, and nonbinary young people from participating in sports and would deny young people these benefits, ignore nuance, and overlook established policies here in Nebraska. Transgender athletes vary in athletic ability, just like everyone else. All students are different, which is why different students are-- excel at different sports. The same is true for transgender athletes. Testosterone levels do not predict athletic performance or overall athleticism. Under this law, any person, including a woman, could be forced to show her ID or otherwise prove her gender before entering a restroom. This bill is impossible to enforce and dangerous to all women. The law is an invitation for abuse and harassment, and it makes all people less space-- less safe, especially LGBTQ-plus people, who will be unable, unable to access facilities safely. Redefining sex solely on a body's-- persons body opens the floodgates to potential discrimination on the basis of sex-based stereotypes. Farming and ranching women who don't present feminine enough could be gender-policed in communities across the state. This issue is not a rural-urban issue. It is an everyone issue. Truthfully, LB89 reminds me of the deeply discriminatory and hurtful laws of America's terrible Jim Crow era. Transgender and nonbinary people have always existed and always will exist. They are our friends, family neighbor-- family members, neighbors, and colleagues. If Nebraska truly wants to protect women, we need to focus on gen-- on legislation that ends gender-based violence and those things that Dr. Feichtinger spoke of. We strongly urge you not to advance LB89. Please, please allow trans, nonbinary, and intersex Nebraskans to have the full opportunity that our great state offers. Equality before the law means that Nebraska is for all of us. And I'm happy to answer any questions to the best of my ability.

**SANDERS:** Thank you very much for your testimony. See if there's any questions from the committee. See none. Thank you, Abbi Swatsworth--

**ABBI SWATSWORTH:** Thank you.

**SANDERS:** --for your testimony. Next, we'll have Jane Erdenberger. Good afternoon. Welcome.

**JANE ERDENBERGER:** Good afternoon to you, too. Thank you.

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**SANDERS:** Please.

**JANE ERDENBERGER:** Good afternoon, Chairperson Sanders and members of the Government, Military and Veterans Affairs Committee. My name is Jane Erdenberger, J-a-n-e E-r-d-e-n-b-e-r-g-e-r, and I'm the president of the Omaha Public Schools Board of Education. I'm here today on behalf of the Omaha Public Schools in respectful opposition to LB89. The Omaha Public Schools is the largest district in the state of Nebraska, serving a diverse population of more than 52,000 students who speak 119 different languages and are in families that reflect a myriad of lived experiences. We pride ourselves on embracing each and every one of our 52,000 students and their families as they are when they come to us, without judgment or criticism. We know that many children and parents choose to attend Omaha Public Schools because they know that we treat every child with the dignity, the respect, and the acceptance they deserve. We oppose LB89 because it discourages student participation in sports and activities that keep them engaged in their educational journey. We oppose LB89 because we believe that all students come-- should be able to come to school feeling welcome, safe, secure, and supported by their peers and respected by their teachers and school administrators and staff. We oppose LB89 because it seeks to divide our students by telling some of them they are either not welcome in our schools or are not allowed to participate in all of the enriching activities we offer to their friends. In our experience, local school communities can best identify how to support the young people they serve without the need for the one-size-fits-all approach set forth in LB89. This is particularly true since LB89 seeks to solve a problem that we do not see in our hallways, and duplicates the transgender participation policy of the Nebraska State Athletic Association that is already in place. We believe that all of our children, especially the most vulnerable and sometimes the least protected, deserve to know they are welcome at school with open arms and that we, as educators, will stand up for their rights. We appreciate your time and thoughtful consideration, and encourage you to oppose LB89. Thank you. And I'm more than happy to ask-- answer any questions you might have.

**SANDERS:** Thank you. Let's check to see if there are any questions. Senator Guereca.

**GUERECA:** Can you expand a little bit on the NSAA's gender participation policy?

**JANE ERDENBERGER:** Thank you. Hopefully there will be someone that will go into greater detail with it. But I do know that our participation of trans children in activities governed by the NSAA, they've got a transgender policy with several steps involved, in terms of for how long a student needs to be presenting as a member of their trans sex. They need to have medical information provided. They need to have their parents' involvement. I went to a presentation-- this whole process can take up to two years before a student would be able to participate in Nebr-- NSAA activities. Most of our students will have graduated before that two-year period occurs. And I just find it hard to believe that someone would go through the challenges and the frankly, disrespect in being called mentally ill and whatnot of being trans, to be able to play volleyball. So the-- there is a policy already in place. This law duplicates it. Thank you very much.

**GUERECA:** Thank you.

**SANDERS:** Thank you. Check to see if there are any, any other questions. See none. Thank you for your testimony.

**JANE ERDENBERGER:** Thank you very much.

**SANDERS:** Next testifier is Scout Richters.

**SCOUT RICHTERS:** Members of the Government Committee, my name is Scout Richters, S-c-o-u-t R-i-c-h-t-e-r-s, and I'm here on behalf of the ACLU of Nebraska in opposition to LB89. Under the guise of, quote, standing with women, this bill instead mandates discrimination against transgender Nebraskans and attempts to erase transgender Nebraskans from the law and public life. I first want to address the offered justification for the law, which is found right in its text that, quote, inconsistencies have led to the endangerment of single-sex spaces, end quote. This assertion rings hollow because, to the contrary, courts have consistently made clear that single-sex spaces can and should continue to exist. Transgender people have a right to access these single-sex spaces consistent with their gender identity, just the same as cisgender people do. Based on United States Supreme Court precedent and Eighth Circuit court-- circuit precedent, of which Nebraska is part, LB89 constitutes impermissible discrimination based on sex and gender identity. Further, LB89 invites invasive and humiliating gender policing on anyone who may not meet sex stereotypes, implicating constitutional privacy rights. LB89 includes legislative findings about how females are smaller, slower, and weaker than males, and by doing this only re-entrenches the very same gender

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stereotypes that have been used to shut women out of educational, economic, and civic opportunities. Despite proponents of LB89 pitting transgender women and cisgender women against one another, advances in trans rights tear down barriers based on gender stereotypes, creating the opportunity for each of us to chart our own course. Further, Section 3 of LB89, which Senator John Cavanaugh alluded to, includes the University of Nebraska. This is inconsistent with Article VII, Section 10 of the Nebraska Constitution and the case, Board of Regents v. Exon, in which the Nebraska Supreme Court held that the management of the university is under the authority of the Board of Regents and not the Legislature. LB89 violates the Equal Protection Clause of the United States Constitution and the Nebraska Constitution. LB89 attempts to erase transgender Nebraskans from the law and public life, and LB89 would make Nebraska less safe for all of us. For all of these reasons, the ACLU of Nebraska opposes the advancement of LB89.

**ANDERSEN:** Thank you very much. Are there any questions from the committee? Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Vice Chair. Thank you for being here, Mr. Richters.

**SCOUT RICHTERS:** Yeah, thank you.

**J. CAVANAUGH:** And since you mentioned me, I can't, I can't resist the attention. So is-- you-- did I correctly recite the-- what-- Board of Regents--

**SCOUT RICHTERS:** The Exon case?

**J. CAVANAUGH:** Yeah.

**SCOUT RICHTERS:** Yes. And I think-- how you mentioned that it is regulating a facility. That is part of the Exon case, so I think that would be a concern with LB89.

**J. CAVANAUGH:** OK. Thanks.

**SCOUT RICHTERS:** Thanks.

**ANDERSEN:** Any other questions? Senator Guereca.

**GUERECA:** Thank you for your testimony. You cite here the-- under Supreme Court precedent and Eighth Circuit Court of Appeals precedent that--

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**SCOUT RICHTERS:** Mm-hmm.

**GUERECA:** --LB89 constitute impermissible discrimination based on sex and gender identity. Would that-- if this, if this pass-- if this law passes, and it's heard before them, would that potentially open up our political subdivisions to harassment suits and discrimination lawsuits?

**SCOUT RICHTERS:** That I don't know, necessarily. But what I can tell you is that under current law, the Eighth Circuit, which Nebraska is part, has held that laws that make classifications on the basis of sex and gender, gender identity are subject to heightened scrutiny, and thus, more likely to be found unconstitutional.

**GUERECA:** OK. Thank you.

**SCOUT RICHTERS:** Thanks.

**ANDERSEN:** Thank you. Any other questions? Thank you for your testimony.

**SCOUT RICHTERS:** Thank you. Thank you.

**ANDERSEN:** Next, we'll be hearing from Jesse McGrath. Welcome to the committee.

**JESSIE McGRATH:** Good afternoon, Senators. My name is Jessie McGrath, J-e-s-s-i-e M-c-G-r-a-t-h, and I am a resident of LD 31. I last testified in front of this committee almost 38 years ago. My, how time flies. Why is my freedom and trans joy so scary to so many of you people? I really would like to know that. Last December, I sat in the United States Supreme Court, where I am licensed to practice, and watched arguments in the case of Tennessee v. Skrmetti, involving the gender-affirming care ban out of Tennessee. I pray that none of you ever have to sit in a room and watch the Justices of the Supreme Court make a determination on whether you have a right to healthcare. I had to do that. I'm a Christian. I was baptized as a child and again when I was 16 in my hometown church of Max, Nebraska. I brought my children back to Nebraska to be baptized in that same church. I struggled with gender dysphoria for so many years and I was able to keep it mostly at bay, but at a great expense to my mental health. Ten years ago tomorrow, I had my first appointment with a gender therapist and I became-- or began what was a long, lengthy, and legal process to change my gender. It's a decision that I have never once regretted. And why? It's because I know of my existence. I know what the plan



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that God had for me and my life. It took me a long time to realize this, but I know. I consider my being trans to be an incredible gift from God. I am blessed because I am able to see things through the world in two completely different ways. I lived half of my life as a man and I have lived the last 10 years as a woman. I have got to see my life and the loves and the other things through two completely different lenses, and I am better for that. I have repeatedly heard from supporters of measures like this that this-- that God does not make mistakes. I am not a mistake. I have heard that trans people don't exist. Well, I'm here. I exist, and I am speaking to you. I have heard that you can't change your sex. Well, I have legally, lawfully changed my sex. I am dumbfounded as-- to how you believe that it's OK for you to attack and legislate my sincerely-held religious belief that I was created by God as a trans woman. Over the past 10 years, members of the trans community have been subjected to a massive attack from right wing, right wing political and religious forces. This last election saw over \$215 million spent on anti-trans legislat-- or anti-trans negative disinformation ads. In the last two weeks, we have been the subject of five separate presidential executive orders that attack our ability to receive medical care, to serve in the military, and to participate in sports, all on the basis of our sex. These executive orders use language that claims transgender individuals are dishonest, untruthful, unpatriotic, and un-American. Laws such as LB89 and these executive orders are meant to "other" those of us in the transgender community, and to trample on our rights. In the blood lust to attack trans people, this country-- you're all willing to trample over our constitutional rights, and that should be extremely disturbing to every American. This section-- this bill also violates, I want to say Article IV, Section 1 of the United States Constitution, at least as it applies to me, because you have to give full faith and credit to the laws and legal judgments of other states. Legally, I am female. I have a birth certificate from the state of Colorado that lists me as female. I have a court order from the state of California that changes my name and gender, and there is nothing that you can do to legislate that against me. We are here and we will not be erased.

**ANDERSEN:** Thank you.

**JESSIE McGRATH:** And I would answer any questions that you may have.

**ANDERSEN:** Are there any questions from the committee? Senator Cavanaugh.

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**J. CAVANAUGH:** Thank you, Vice Chair. Thanks for being here. Ms. McGrath. I-- you brought up the Skrmetti case, and I listened to parts of the oral argument. Refresh my recollection. Has that case been decided yet?

**JESSIE McGRATH:** That case will not be decided until June. The United States Supreme Court, on controversial cases, generally holds those opinions back until they get to the end of the term, which is usually middle or late June.

**J. CAVANAUGH:** OK. And what are the possible implications of that decision?

**JESSIE McGRATH:** The decision that's going to come out of there is going to determine what the standard of review is for reviewing cases such as this, such as this on transgender issues. It's going to determine as to whether you have to have just a rational basis to make a law like this, as we just think it's a good thing, whether that's going to be subjected to intermediate scrutiny that's going to require a heightened level of, of review. And potentially, it's going to come down and say that there is strict scrutiny, which requires there to be a compelling governmental interest with no less-- what is it-- less restrictive means to accomplish that goal. So you're sitting here trying to legislate on an issue and you don't even know what the standard of review is going to be. And I find it absolutely funny. Last year on LB575, in the floor debate, Senator Kauth, the author of this bill, did a shout out to you, Senator, and I believe she said that-- something about a compelling state interest. And she said, I was not aware when I came to the Legislature that we-- I would have to-- that there were some rules for the type of bills that you can bring, and that there's a compelling state interest and that's the bar you set. She said, I don't think that's my job as a legislator. My job is to do what my constituents want. Well, I'm sorry. You, like me, swore an oath to defend and uphold the Constitution of the United States of America. And if you as a legislator don't understand what those rules are and what the Constitution says and what it means, God help you.

**J. CAVANAUGH:** Thank you.

**ANDERSEN:** Thank you. Are there any other questions? Thank you for your testimony.

**JESSIE McGRATH:** Thank you.

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**ANDERSEN:** The next testifier will be Amos Sobotka. I hope I pronounced that correctly.

**AMOS SOBOTKA:** It's a good [INAUDIBLE].

**ANDERSEN:** Thank you. Welcome to the committee.

**AMOS SOBOTKA:** Thank you, Senators. Good afternoon. My name is Amos Sobotka, A-m-o-s S-o-b-o-t-k-a. I am a Nebraskan and a private citizen expressing my own views and representing no group or entity. I was born and raised in Nebraska and have lived and worked among the good people of this great state my entire life in Lincoln, Kearney, Hastings, Columbus, and Omaha. My friends and family span this entire state, rural and urban. For over 40 years, I have worked alongside people who represent every facet of the cultural and political spectrum and have come to appreciate them all. Somewhere in there, I came to realize that I needed to transition in order to obtain peace. It worked. I continued to live and work as a productive, taxpaying citizen. Friends have complimented me on my bravery in transitioning. That took me aback and I had to think on that. I finally told a friend that it felt like they were complimenting me on rushing into a burning building to save someone. When in reality, I was escaping a burning building. Make it out or perish. That was what it was like before I transitioned. It improved my mental health. LB89 will have an immediate and direct effect on Nebraskans all across the state, which includes endangering me, my livelihood, my family, and my community. Although I am finally living true to myself, I will be, I will be subjected to humiliation by being forced to use a restroom, not in line with my looks or gender. My livelihood will be threatened when I am reprimanded for not following such a ludicrous demand. My humiliation will be compounded by coworkers who will then know I transitioned. This bill will force me into a space I have not occupied in many years, and I don't even have words to express how unrealistic that would be. Right now, every day, I run the risk of being threatened in places where I have minimal to nonexistent protections. LB89 will, on top of that, create an actively hostile environment for myself and my family. Most people don't understand what it means to transition, and I get it. What's not OK is creating legislation that is so blatantly hostile. I was raised to believe that all people have value here. I did not come all this way to be degraded and dismissed, and I refuse to accept this travesty. I urge you, Senators, please do not consider this bill. Thank you. I'll take any questions.

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**ANDERSEN:** Thank you for your testimony. Are there questions? Thank you very much. The next testifier will be Mike Hornecek. Mike, welcome to the Government, Military and Veteran Affairs Committee.

**MIKE HORNACEK:** Thank you. This desk is always so tall. Dear Chairperson Sanders and members of the Government, Military and Veterans Affairs Committee. My name is Mike Hornacek, M-i-k-e H-o-r-n-e-c-e-k, and I'm here to testify in opposition to LB89 as the father of a child who is transgender. As a man of faith and a father, it has always been important to me to instill the values necessary for my children to grow into caring, capable adults with a strong relationship with God. My wife and I have always tried to lead our children towards a life of service, towards a life of integrity, towards a life filled with dignity, hard work, and devotion. But most importantly, we have strived to instill one of the most important values of our faith, love. I lost my spot. We have taught our children that the most powerful and holy thing you can do is listen earnestly, believe wholeheartedly, and love unselfishly. This is why, when our children tell us who they are, we believe them. We love them and accept them not in spite of their differences, but because of them. Because that's what faith is: Navigating the world and the challenges it gives us with an unconditional love and reverence for our fellow human beings. But most importantly, I am a father, and my job as a father is to protect my children. It is my job to teach them. It is my job to guide them. It is my job to support them. I know that there are those in this body who think I am evil. The introducer has said as much over the years. But I am just a father, like so many fathers before me, who want to protect my child, who wants to make sure their path is easier than mine, to give everything I can to make sure their lives are happy and that they are prepared for the future in front of them. That's my job. Your job is to help me as a parent to make sure that my kids' lives are full of promise and there aren't barriers in their way. Your job is to not tell me how to do my job, because it's mine and not yours. Bills like LB89 attempt to use the power of government to enshrine arbitrary and unchristian values into our law. They attempt to circumvent the very real, very personal choices made by parents who love their children. This bill is not only unchristian, but it infringes on the fundamental rights of what it means to be an American. LB89 bypasses the fun-- foundational American values of individual liberty, parental choice, and freedom of religion. Thank you.

**ANDERSEN:** Thank you, Mr. Hornecek. Are there any questions?

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**MIKE HORNACEK:** Thank you.

**ANDERSEN:** Thank you for your time. The next testifier will be Taylor Givens-Dunn.

**JOSEPHINE LITWINOWICZ:** I'm not doing this for any other reason. I need to go. And I'm, I'm invited, too, because I'm a citizen. I'm coming-- I'm going to give-- my name is Josephine Litwinowicz, J-o-s-e-p-h-i-n-e L-i-t-w-i-n-o-w-i-c-z. And, you know, this is-- I don't know what to say. You know, I'm definitely-- when somebody calls me mentally ill, oh yeah, I actually have taken medication but it's not for this. I feel more comfortable inside myself, and I don't know how-- you know, nothing is black or white. And even if you only have a small gray reason, I guess, you know, some people are going to get screwed. The bigger clubs pound the little clubs. You know, just like the apes, a group, when they get bigger, they split off and then they'll fight and kill each other. And so it's just-- the problem is, is we're starting from a premise that we're mentally ill and-- or a mistake. And, and that's, that's ridiculous. I don't understand why I would do this, why I would cause myself all this freaking heartache just to, you know, feel more comfortable? Well, you know, there's definitely diminishing returns. But, you know, I still-- I do it because it's me. And you see, all these people do it because it's them. And as far as-- I don't care about going into women's bathrooms, you know? But if I was in one, any woman in there would be safer, because I, I would put my life on the line if somebody else came in. So, I mean, whatever. I don't believe these trends. And trans is-- hell, I'm, I'm not-- I'm a woman-- transcendent, maybe. But this transit-- this, this transgender crap pisses me off. I guess it's just language. But there's no trans about me, except transcendent. And I'm a very loving, tender-hearted person. You know, I have-- I'm tough. You know, I-- through my life. You know, I had my, my mom and dad's wedding band, you know? Fifty-- married in 1955. And my brother cuts stones, so I have a tourmaline in there. And so I think about, when I look at that, it's my dad's ring. You know? I think about him. I'm the same person, no matter what the fuck Trump says. And that guy-- you better-- Republicans, you better have your open letter ready, and have-- I'll write it. If you want, I'll write an open letter that's going to be necessary for you to dismiss Trump and all he's done. He's-- he frees cop killers. I mean, Christ, he is ruining people's careers, even if he's-- you know, giving buyouts. I never thought of that. So we can all-- I mean, hell, I don't know. I just-- leave me alone. Let-- you know, as far as playing sports, I don't know about that, because, you know, I played-- I was really-- I played serious

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sports as a guy. But I, I you know, I, I, I don't know that. I just-- there's, there's got to be some inclusion. Because when you have this-- and you have this, you know, men and women and you have a small gray area, so somebody-- a few people always get hurt. So just don't pass this assuming that we're-- it's based on any mental illness. And then just realize when you look at this and reconsider, that you got to accommodate somehow. Let these-- I don't know how you do it because I don't know how to do it. Somebody has got to think about it, some of the people that are here today. Because this is ridiculous. And, you know, thanks for letting me speak. And, and it wasn't exactly what I was going to say, but it was good enough. Thanks.

**ANDERSEN:** Thank you for your time. Taylor Givens-Dunn. Please, welcome to the Government, Military and Veteran Affairs Committee.

**TAYLOR GIVENS-DUNN:** Thank you so much. Good afternoon, Vice Chair Andersen and members of the Government Committee. My name is Taylor Givens-Dunn, T-a-y-l-o-r G-i-v-e-n-s-D-u-n-n, and I am the policy and power building manager at I Be Black Girl. Our mission at I Be Black girl is to ensure that black women, femmes, and girls can actualize their full potential through autonomy, abundance, and liberation. We are here today in strong opposition to LB89, a bill that does not protect Nebraskans but instead weaponizes the language of women's rights to justify the exclusion and erasure of trans, nonbinary, and gender-nonconforming Nebraskans. You know, in her opening, Senator Kauth said something, and I want to respectfully disagree. She said that this is not a personal issue. This is a political issue. And I want to be abundantly clear that the personal is political, and it is about time that we start considering that. At IBBG, we know that black women have been at the forefront of the fight for justice, not just for ourselves, but for all people who experience systemic oppression. We know that when policies are designed to harm the most vulnerable among us, those policies will inevitably harm all of us. LB89 is a direct attack on trans and nonbinary people who already face disproportionate levels of violence and discrimination. It is a part of a long history of state-sanctioned attempts to control and define who is worthy of dignity, protection, and recognition under the law. This bill claims to stand with women, but let's be clear. Standing with women means standing with all women, including trans women. It means recognizing that gender justice is inseparable from racial justice. It means understanding that black women, femmes, and gender-expansive people have always existed in a community together, holding each other through oppression, resistance, and joy. The same systems that have tried to police our bodies, our reproductive

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choices, and our existence are now being used to strip rights and recognition from our trans siblings. And we refuse to allow our identities to be weaponized against each other. Trans Nebraskans and especially black trans Nebraskans, are already at extreme risk of violence. Instead of protecting us, LB89 furthers that harm, creating a legal framework to deny basic rights and dignity to people who are already among the most marginalized. If we truly care about protecting women, we should be focusing on policies that provide real safety: Access to housing, economic opportunity, quality healthcare, and reproductive justice. Instead, we are spending time debating a bill that does nothing but divide our communities. We need policies that uplift and support, not those who just fit within a narrow, state-defined version of identity. I Be Black Girl is unwavering in our commitment to gender justice, and that includes trans justice. To our trans, nonbinary, and intersex family, to our gender-expansive family listening, we see you. We love you. We are so sorry. We will continue fighting alongside you for a future where you can live freely and fully. We'd like to urge this committee to not advance LB89, and I thank you for your time and consideration. I'm happy to answer any questions.

**ANDERSEN:** Thank you very much for your testimony. Are there any questions?

**TAYLOR GIVENS-DUNN:** Awesome. Thank you so much.

**ANDERSEN:** See none. Thank you very much. Our next testifier will be Gina C. May. Gina, welcome to the Government, Military and Veteran Affairs Committee.

**GINA MAY:** Thank you. OK. Hello, everyone. Senator Sanders and members of the Government, Military and Veterans Affairs Committee, thank you for your time and attention today. My name is Gina May, G-i-n-a M-a-y, and I appear before you today in opposition to LB89. I'm a doctoral student in psychology at the University of Nebraska-Lincoln, and I'm here testifying on behalf of the Nebraska Psychological Association. I'm speaking as an individual, and this testimony is not necessarily reflect the views of the University of Nebraska. I'm speaking today as a member of the Nebraska Psychological Association in opposition to LB89. This bill harms some of our most vulnerable citizens while also creating additional risks and challenges for the Nebraska workforce. LB89 seeks to defend gender explicitly, exclusionarily of transgender youth and adults, a blatant discrimination. We know that trans kids already deal with discrimination and assault and that there's a real

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impact on mental health and well-being because of these experiences, such as higher rates of depression and suicide. Research also shows that legislation such as LB89 negatively impacts youth well-being. For example, in Nebraska, 85% of LGBTQ-plus youth report that their well-being is negatively impacted by these policies. We also know that kids having access to environments that allow, rather than erase them, for example, bathrooms and locker rooms and sports teams that match their gender identity, lead to more safety, belonging, and better mental health. LB89 seeks to exclude transgender youth from school sports across the board and without exception. Participation in athletics benefits all students, and research shows that trans students athletes have improved academics and lower rates of depression, among other things. Studies also show that overall rates of participation in athletics are stable or even increase when trans athletes are allowed to participate. LB89 seeks to restrict bathroom access through-- although research shows that access to school bathrooms that match a student's gender identity protects the health of transgender youth and presents no risk to their cisgender peers. In fact, restrictive school restroom and locker room policies have been associated with 2.49 higher-- times higher risk of sexual assault for transgender girls, as well as other harmful mental health indicators like depression and suicide. A common solution for kids, for example, is to avoid using the bathroom throughout the day, and this can lead to more health problems as a direct result. Therefore, professional organizations stand clearly on this issue in support of the use of accessing restrooms in line with your gender identity, such as the American Psychological Association and American Medical Association. Additionally, because teachers, staff, and other professionals would be affected by these proposed restrictions, the state's workforce would also face increased risk. Laws such as LB89 directly affect the recruitment and retention of talent in our state. In particular, higher education programs should be aware of the impact of these laws on their ability to recruit students. Similarly, the workforce in Nebraska is also directly impacted by these laws. For example, within psychology doctoral education, applicants and trainees are expressing significant concern and disapproval of policies such as these. This also applies to behavioral health and medical workforce, for example, in which trainees are expressing no longer planning to live and work in the state of Nebraska due to policies like LB89. Further, research shows that nearly half of transgender and nonbinary youth and their families consider moving to a different state due to these policies and laws. Therefore, LB89 would be pushing people out, limiting recruitment, and decreasing access to mental health during a



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crisis. I will conclude by saying that LB89 will significantly harm transgender youth while doing nothing to enhance the lives of their cisgender peers. We know that when transgender children are supported by their schools, communities, and affirmed by support of adults and policies, they do well. We also know that when they're not able to use appropriate bathrooms and are excluded from sports, transgender youth are at even greater risk of poor outcomes. To promote well-being of youth in our state, the Nebraska Psychological Association urges you to not advance LB89. Thank you.

**ANDERSEN:** Thank you very much for your testimony. Any questions?  
Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Vice Chair. Thanks for being here. Ms. May. I just-- you-- something you said really perked up my ears here. Restrictive school restrooms and locker room policies have been associated with 2.49 times higher risk of sexual assault for transgender girls. Can you elaborate on that at all, or do I need to go read the study myself?

**GINA MAY:** Yeah. Yes. I mean, I will definitely encourage everyone to read the studies, and I did list them there so that we can all be evidence-based in our decision-making. And I can talk a little bit to this one. There is budding research that shows that trans youth are at risk of sexual assault and at significantly higher rates than their cisgender peers. This study sound-- this study, in particular, found that among these youth, 2-- about 2.5 per-- were more likely when they were trans to experience sexual assault. We already know that youth are experiencing high rates of sexual assault. That's actually my personal area of research and clinical work. And so I think that this type of finding is so powerful and important for us to really recognize, so I appreciate you pointing it out.

**J. CAVANAUGH:** Yeah. Well, thanks for being here.

**GINA MAY:** Thank you.

**ANDERSEN:** Any other questions? Thank you for your time.

**GINA MAY:** Thank you.

**ANDERSEN:** Next, I'd like to invite the, the person in a wheelchair, if you'd like to please come up and testify.

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**LIA POST:** Appreciate that. Yeah. Thank you for your accommodations. I'm always physically, mentally and emotionally, spiritually Lia, L-i-a, Post, P-o-s-t. I live in Springfield, Nebraska, and I'm speaking in opposition. Senators, I have always been physically, mentally, emotionally and spiritually more like my father than my mother. My mother had a very narrow role of what a lady was supposed to look like, and I was not a good student of her indoctrination. In grade school, I was always one of the biggest in my class. I was often asked, are you a boy or a girl? I was often teased, are you a girl, are you a boy? The same question persisted as I became an athlete and dared to succeed in a sport where women have been the parody for generations. I was a female shot putter. I was a national all-American, yet society continued to make me uncomfortable in my own skin. I am against LB89. As a cis white woman, I don't need your protection and I don't want your protection, especially if it's at the detriment of the transgender community. Who in this room is going to lay hands on me? Who is going to lay hands on me and defent-- and determine my femininity? What violence will your judgment impose on others? Keep your hands off our bodies, Senators, and out of our pants. None of you have the right to judge how someone fits into your narrow-minded definition of masculinity and femininity. Thank you for your time.

**ANDERSEN:** Just gonna see if there's any questions, if you would. Any questions from the committee?

**LIA POST:** Anybody want to know how it feels like to be a girl that's called a boy? Happy to tell you.

**ANDERSEN:** Thank you for your time.

**LIA POST:** Thank you for your time.

**ANDERSEN:** Next testifier will be Julie McKeown [SIC].

**JULIA KEOWN:** My name is Julia Keown, J-u-l-i-a K-e-o-w-n. I am a critical care and sexual assault and domestic violence forensic examiner in Nebraska. And I can certainly back up what the psychology student said about trans people being sexually assaulted. I come to you on behalf of the Nebraska Nurses Association, the NNA, which represents the more than 30,000 nurses in Nebraska. All nurses in Nebraska and the United States of America are bound by our code of ethics and position statements delineated by our overarching parent organization, the American Nurses Association, or the ANA. It's

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probably worth mentioning that the ANA had-- has also taken part in writing an amicus, amicus brief with about 20 other United States medical associations and healthcare associations for a case that made it all the way to the Supreme Court, called Gavin Grimm, G-r-i-m-m, v. Gloucester County School Board, regarding the issue of trans kids in bathrooms. As far as the NNA position statement goes, we took it from the ANA position statement on nursing advocacy for LGBTQ-plus populations. Quote, nurses are expected to lead in the development, dissemination, and implementation of changes in public and health policies that support protection against discrimination due to sexual orientation, gender identity, and/or expression. LB89 appears to discriminate against several populations, including those who are transgender and gender nonconforming. LB89 places all humans in a binary system of either boy/man/male or girl/woman/female by incorrectly equating biological sex and gender, which are actually two separate phenomena in nature. OK. So according to the American Psychological Association's Dictionary of Psychology, sex refers to the biological status of being male, female, or intersex, whereas gender implies the psychological, behavioral, social, and cultural aspects of gender, such as masculinity, femininity, femininity-- excuse me-- nonbinary, nonconforming, things like that. Hence, biological sex is male, female, intersex, and conversely, boy, girl, woman, man are actually examples of genders. OK. So again, they are separate phenomena, biologically. Not all males will use the men's restroom and not all females will use the women's restroom. Forcing these separate entities into one definition and basing the ability to utilize restrooms and locker rooms based on an incorrect definition hurts people who do not fit into that new definition. This is clearly discrimination based on gender identity. Moving on to the ANA Code of Ethics for Nurses. That states the nursing profession holds that physical and mental health are universal human rights. Legislative bills that negatively affect the lives of transgender and gender-nonconforming individuals have increased rapidly in the United States in recent years. There have been 1,600 plus such bills in the U.S. in the last three years. According to the American Psychological Association, these bills have been directly associated with a drastic increase in psychological distress among this population, including anxiety, depression, and suicide risk. It is therefore likely that LB89, which will result in some Nebraskans being forced to use restrooms and locker rooms incongruent with their gender expressions, will be associated with a precipitous increase in distress for many of our transgender and gender-nonconforming patients in Nebraska. For these reasons, the Nebraska Nurses Association opposes LB89 and, in

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accordance with our ANA Code of Ethics provision, 9.1, quote, condemns dehumanization in all its forms while simultaneously affirming the intrinsic dignity of all people through advocacy and allyship. We humbly and respectfully ask the committee to stop the advancement of this bill.

**ANDERSEN:** Thank you for your testimony. Are there any questions? Thank you very much. Next testifier will be Michelle Jud.

**MICHELLE JUD:** Good afternoon, members of the committee. My name is Michelle Jud, and I am here on behalf of the Rainbow Parents of Nebraska. We are a parent-formed organization that focuses on the well-being of LGBTQ-plus youth and their families by advocating for intrusive legislation in our state. I am here today to talk about effects of legislation like this on our kids. As parents of queer kids, we knew from the moment that our children came out to us that they would face more challenges than most. What we didn't know was how hard we would have to fight to protect their basic rights. All parents worry about their kids, but we must worry 100 times more because our children are targeted, targeted by bullies, targeted by ignorance, and most recently, targeted by our government. Our kids are just kids, and their first bully shouldn't be their own state's Legislature. We have the same hopes and dreams for our kids as any parent does, that they grow up, that they will be happy, develop confidence, learn where their talents lie, and enjoy their lives. As my friend and fellow Rainbow parent likes to say, being queer is the least interesting thing about my kid. Our kids are artists, singers, and poets. They are multisport athletes and leaders in their student governments. They aspire to be teachers, medical professionals, and even politicians. Above all, queer kids are just like any other kids. They just want to go to the bathroom in peace and play sports with their friends. When Rainbow parents began to form two years ago, we had to fight for our kids' right to healthcare. Now, we have to fight for them just to live their everyday lives. LB89 is a bill that ignores the reality that transgender children are just children, and tries to paint them as dangerous predators. I can promise you that a trans person entering a bathroom or locker room has much more fear for their personal safety than most cisgender people ever would. This bill singles them out for being different and would result in our children being ostracized or worse. It tries to bully our children into hiding who they are and to not fully participating in school and community life. We know that bills like this stem from ignorance. People are afraid of what they don't know or understand. I wish that everyone would just get to know our kids. I wish that everyone had the privilege of knowing and loving

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a transgender, non-binary, or gender-nonconforming person. While this world is a difficult and scary place for them, their journey of self-discovery is also beautiful to witness. Seeing their resilience and watching them become the person that they were meant to be is such an honor. As I close today, I would like to leave you with this. Bills like LB89 do not solve any existing problems. All it does is make it harder for any child or teenager to navigate today's already frightening world. The discriminatory treatment of our children is not in keeping with what most Nebraskans value, and the good life should not exclude our LGBTQ-plus youth. As parents, we firmly stand against LB89 and the irreparable harm it could cause. And thank you for your time, and I will answer any questions if you have them.

**ANDERSEN:** Thank you, Ms. Jud. Are there any questions for the testifier?

**MICHELLE JUD:** Thank you.

**ANDERSEN:** Thank you very much for your time. Next testifier will be McKenna Hornacek.

**McKENNA HORNACEK:** Thank you, Senators. My name is McKenna Hornacek, M-c-K-e-n-n-a H-o-r-n-a-c-e-k, and I oppose LB89. My younger sister is transgender, and it has always been the most important thing in the world to me to support her and protect her. Almost any older sister can tell you that you feel responsible for your siblings and you will always want them to be happy. That has been true for me my whole life. I can tell you this bill does not protect me. It only causes harm and distress to my sister. I am not just here to talk to you as a sister, however. I am also here to talk to you as a Nebraska woman. LB89 fails to address the real issues facing Nebraska women and girls. Transgender people are not a threat to Nebraska women and girls. Women and girls in Nebraska are concerned with shootings at school, of being the 1 in 4 women who experience rape or attempted rape in their lifetime, of working hard and being paid less, and of dying from restricted access to reproductive healthcare. These are the real threats to safety and well-being of women in Nebraska. This policy will only increase surveillance of women's bodies and make women feel less safe as a result. Fear and division are the foundation of this bill, not concern for Nebraska women. I oppose LB89, and I encourage you all to do the same. Thank you.

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**ANDERSEN:** Thank you very much. Hold on a second. Let's see if there are any questions. Are there any questions from the committee? Senator Cavanaugh.

**J. CAVANAUGH:** Thank you for being here, Ms. Hornacek. I don't really have a question. I just feel like I couldn't let you go without asking or saying something. So you're a college student. Do you-- this is potentially going to apply to your university.

**McKENNA HORNACEK:** Yes.

**J. CAVANAUGH:** I mean, are there currently problems on campus with trans students using bathrooms?

**McKENNA HORNACEK:** I will tell you, I am a student at UNO, and I am in classes right now for about six hours a day. Of course, I have to use the bathroom during those six hours. And I have never once recognized a trans person in a restroom. I wouldn't always recognize a trans person. As we know, they're just everyday people so I wouldn't necessarily know, but I have never had any problems. I do not see this as an issue that is prevalent in anyone's life. This is not something that needs to be discussed or brought up. It's not happening. And it's not the issue that Nebraskans are worried about right now.

**J. CAVANAUGH:** Thanks for being here.

**McKENNA HORNACEK:** Thank you.

**ANDERSEN:** OK. In accordance with the, the rules as articulated by the chairwoman in the very beginning, we'll take a five-minute break. We're right at an hour. And then we will reconvene with those in a neutral position. And then after that, we'll go for an hour and same thing. We'll take a five-minute break, and then we'll go back to the proponents.

**Speaker 1:** [BREAK]

**SANDERS:** Through the proponent invite, invite list and the opponent invite list. And now, we are going on to neutral. Is there anyone here that would like to testify in the neutral? I see none. So we'll go on back to proponents. So first testifier for proponents on this side here. You pick who's the first. We can go left to right. Welcome.

**TIM McCOYLE:** Thank you. My name is Tim McCoyle. I am a gay man.

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**SANDERS:** Go ahead and please spell your name.

**TIM McCOYLE:** M-c-C-o-y-l-e.

**SANDERS:** Please.

**TIM McCOYLE:** I am a gay man. I am not welcomed by the LGBT community because I don't play their games. I'm here in favor of this. I am the victim of rape. I was pulled in, when I was at school, to a bathroom and I was raped. So now you tell me a boy in a dress can't do that to a girl. There comes a time LGBTQ can't be all about you. We have to have a little common sense. I have been with children who have been raped. I have counseled. I have been with kids who have been molested. And there comes a time when common sense needs to cure it all. We don't need to pander to everything under this God's green sun. I am a Christian, and my partner and I have been together for years. We live in a small community. I have never experienced anger and I have never experienced hate from one right-wing person. But by God, I get it constantly from LGBTQ, because I dare to stand my ground. I am here to say that until you have held a child or you have went through rape yourself, you don't understand what it does to you. And when I found out a little girl was raped in my neighborhood, [INAUDIBLE] what I went through, and she killed herself. So let's get some real "allegedly" here. I'm not here to say, oh, boys shouldn't play sports. I'm here to say boys don't belong in dressing rooms. Boys don't belong in bathrooms. Boys don't belong in intimate situations where little girls belong. Three things-- NAMBLA. Familiar with it? North American Man Boy Love Association of the 70s tried to push that men could have sex with boys. Did you know that? MAPs, Minor Attracted Persons, is the now new NAMBLA. Familiar with that? Let's all change the word so we can get our sexual kicks. Dr. Kinsley [SIC], familiar with that name anybody? Performed sexual experiments on infants, and his researches used to benefit MAPs. Little twisted, don't you think? So how about we do with some common sense back there and we protect the little girls? That's who I'm worried about, the little children that will get raped because some pervert in a dress pretending to be a trans wants to get in her pants. Now, for anybody who wants to play the word game, I'll play it. I'm now identifying as a woman. You can't doubt me. I was raped. I don't pander. And I'm hoping that my testimony today will bring a lot of gay people out who will stand with me but are scared because they get "castrized" by their own community. I'm not even welcome in the Republican Party because I dare to speak up. We don't want a gay voice representing us. But you know what? I don't, I don't need a title. I don't need the word gay, LGBTQ, and I don't need no

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alphabet shit to say who I am. So there comes a time, common sense, and that-- today's that day. Make sure this bill gets passed, because I would hate to think that one of you people have to live and hear-- we're-- hear about a little girl who is raped or murdered. Any questions?

**SANDERS:** Thank you for your testimony. Are there any questions from the committee? I see none. Thank you, Tim Malloy [SIC]. Are there any other proponents? Welcome.

**ALLIE BUSH:** Thanks. I got her to sleep finally. My name is Allie Bush, A-l-l-i-e B-u-s-h. I am the founder and leader of the grassroots group Nebraskans Against Government Overreach, and we stand absolutely in support of LB89. I won't take the time to reiterate the past hours of testimony that you guys have already heard. We just want to express that we support this. This is commonsense legislation, and it's apparently necessary in a day and age where one day you can be one gender and the next day you can be another gender. We need definitive lines where you will be-- stay in one, one lane, one lane throughout your public school-- or any schooling, education, and participation in sports. If you one day are playing in girls sports and tomorrow you decide you're a boy, and so you want to play on the boys team, but then a week later you decide, nope, never mind. I'm a girl again. How many times do you get to switch which team you're playing with? I think there needs to be some consistency there, which I was-- why I believe this legislation makes sense. And I'll close out with my own personal experience. I was a wrestler. Wrestling was my absolute favorite sport. I loved it. I did it all throughout middle school. I got second in districts. And this was before there were girls teams. So I was playing on an all-boys team. And it was-- I mean, for me, when I was in middle school, not a huge deal. I was friends with more boys than I was girls. I did very, very well on the team. My coach was amazing and he supported my participation. And there were absolutely steps in place when it came time for weigh-in. I had to go into the girls locker room by myself. All the rest of the team was in the boys locker room. When it came time for weigh-ins, they ensured that all boys were completely dressed before I was allowed to go in where they were doing weigh-ins. I did weigh in and then I left. Nowadays, girls are so fortunate. I tell you what, I would have continued wrestling all throughout high school if we had had a girls wrestling team when I was in school. There is a reason that we are creating girls teams, because we are different. Everybody knows we're different. And I know people have very big feelings about this, but it's very black and white. There is XX and XY. There are girls teams and there are boys



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teams, and there needs to be some consistency. With the recent executive orders, this should obviously be a no-brainer that supports what our nation has already made very clear is the way to go. Thank you.

**SANDERS:** Thank you for your testimony. Any questions from the committee? I see none. And thank you and your baby for your patience.

**ALLIE BUSH:** Absolutely. Thank you, all.

**SANDERS:** Any other proponents? Welcome.

**SCOTT THOMAS:** Good afternoon, Senators. My name's Scott Thomas, S-c-o-t-t T-h-o-m-a-s, for Village in Progress Nebraska. We're here to stand in support of Senator Kauth's LB89. God made man in his own image. In the image of God, he made him. Male and female, he made them. And I believe in God. So I believe that God gives us objective reality. But let's take objective reality for a minute. This is the most fundamental of baseline axioms from which we build out our functions. All behavior is predicated on what are known as axiomatic presuppositions, and these are the guidelines informing our behavior. Every single clinical psychologist knows this, and they should all be in here testifying today. But base conservatism is under attack in America. Our district senators turned out last cycle and five of us ran. It was a crowded primary. All three of the pro-life candidates got pushed out in the primary, even a Democrat who said life begins at conception. It's about base conservatism. Why can't Tulsi Gabbard just say what she thinks about Edward Snowden, if Republicans control the House and the Senate? She's brave and articulate. So why can't she just say he's a traitor to the American government, but a patriot to the American people. And whistleblowers are grassroots heroes. It's a semantic distinction, and the only people offended by him are the people who have something to hide, but there are a lot of those people in that room. RINOs, but they build themselves out as moderates and agreeable. It's all about base conservatism. Kyle Rittenhouse, Daniel Penny, Donald Trump, and the list goes on. There is an attack on base conservatism. When we debase ourselves, we devalue ourselves and we devalue our humanity. Men and women of courage must speak the truth in these trying hours and rely on God for the strength to do that. In the peace that surpasses all understanding, to guard your hearts and minds in Christ Jesus. Amen. I'm willing to take any questions from the Senators.

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**SANDERS:** Thank you for your testimony. Let's see if there are any questions from the committee. I see none. Thank you, Scott, for your testimony.

**SCOTT THOMAS:** Thank you very much.

**SANDERS:** Any other proponents? Welcome.

**JOHN ROBINSON:** Thank you.

**SANDERS:** Please, go ahead.

**JOHN ROBINSON:** OK. Creation was made as a platform for spiritual government warfare. Man was created as the agency of expression for only one of two governments.

**SANDERS:** Excuse me.

**JOHN ROBINSON:** There is the government of the--

**SANDERS:** Could you please say your first and last name and spell your first and last name for the record.

**JOHN ROBINSON:** John Robinson. I'm sorry, ma'am. I've got bad, cheap hearing aids. Go ahead.

**SANDERS:** Go ahead and spell your name now. Spell it.

**JOHN ROBINSON:** Spell my name?

**SANDERS:** Uh-huh.

**JOHN ROBINSON:** J-o-h-n R-o-b-i-n-s-o-n.

**SANDERS:** Thank you. And please continue.

**JOHN ROBINSON:** Thank you, Senator Sanders. Creation was made as a platform for spiritual government-- governmental warfare. Man was created as the agency of expression for one of only two governments. There is the government of the Lord and there is anything else, a counterfeit of deception. We have been instructed to seek first his righteousness, and then follow with compassion. If we choose compassion over righteousness, we enable rebellion to the Lord. No matter how kind and loving such seems in the situation, without repentance, there will not be a kind and loving eternal destiny for them after the last breath. Let's look at the governmental pattern

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established by the Lord for mankind to follow. From Genesis, in the beginning, Verse 3, and God said, let there be light, and there was light. Verse 6, and God said. Verse 9, and God said. Verse 11, then God said. Verse 14, and God said. Verse 20, and God said. Verse 24, and God said. Verse 26, then God said. Verse 27, so God created mankind in his own image, in the image of God he created them; male and female he created them. Verse 31, God saw that all he had made was very good. And then we have the thief, the one who, per John 10:10 comes only to steal, kill and destroy the serpent. From Genesis Chapter 3, now the serpent was more crafty than any of the wild animals the Lord had made. He said to the woman, did God really say-- this is the basis for the majority of our cultural government disagreements. I have to wonder when people offer the, offer the challenge of did God really say, have they thought about being forever in the realm of heaven, where the only things that are done are according to exactly what God said? You in the Nebraska government have the fiduciary responsibility of-- for promoting a government that emulates the principles of what God said. Do not be deceived any longer by the false gospel of DEI or the need to accommodate sexual identity confusion at the expense of sustainable human community government. The nation by democratic process has already repented, come to their senses, and voted no, no, no, to the continuation of these dysfunctional ideologies. I hope you will do the same. Support the national attitude of reformation and vote to support for LB89. Thank you all for your time.

**SANDERS:** Thank you for your testimony, Mr. Robinson. I'm going to check to see if there are any questions for you from the committee. Are there any questions for Mr. Robinson? See none. Thank you.

**JOHN ROBINSON:** Thank you again, ladies and gentlemen.

**SANDERS:** Thank you. Any other proponents? Welcome.

**ELIZABETH DAVIDS:** Thank you. My name is Elizabeth Davids, E-l-i-z-a-be-t-h D-a-v-i-d-s. We're now over three hours into this hearing, and I just can't help but thinking that I think we can help struggling people and have healthy boundaries for society as well. I want to tell you about a neighbor I have, a sweet young lady, fully grown adult who struggles with anorexia. She weighs approximately 86 pounds. She drinks water and exercises every day. Her parents have spent hundreds of thousands of dollars trying to get her help so that she can be a healthy weight, she can have a nutritious lifestyle, and have the energy and vivacity that she should have as a young woman. If

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they agreed with her anorexic perspective on her life, if they told her that yep, 86 pounds is just too fat, get back to the gym, they would be killing her. And if society encouraged her in that, it would not be good for her nor for any of us. We would be guilty, as well. Is this really a problem? I would ask you, how many uninvited men do I have to put up with in my private spaces? I think one uninvited man in a personal space is too many. I have two daughters. How many uninvited young men do they have to welcome into their personal spaces? I think one is too many. They play sports. They play volleyball. How many boys do they have to play against? I can tell you that my 18-year-old daughter worked really hard for years and years on that volleyball court. And my 16-year-old son, who's 6 inches taller with a much wider wingspan and much-- just different body structure. He, he took up the game and didn't have a problem. He would have beat her team solidly, just because he can. They're that different. We could talk about Loudoun County. We could talk about the East Coast volleyball team. We could talk about the prisons. Families will not stay in Nebraska if they feel their children are in jeopardy. They will pull their children out of our schools. They will move to other states to protect their children. That is the most basic fundamental duty of a parent. And we take that duty seriously. And to close, I would just like to say how severely disappointed I am in Senators Cavanaugh and Hunt, that you would ask so many questions at the beginning, knowing full well you have time at the end of this hearing to ask your questions. I have green sheets from people who could not stay. And I know over 10 people had to leave because you took your leisurely time at the beginning of this hearing. This is the people's house. The second house should be able to be here in, in a timely fashion.

**SANDERS:** Thank you, Ms. Davids. Let me check to see if there are any questions from the committee. Senator Hunt.

**HUNT:** I actually will respond to that. We have members of the Legislature that bring incredibly controversial bills that-- and they should expect to be asked questions. I'm sorry for the people that have to wait, but I think that you should direct your anger about that to the introducer, not to those of us on the committee who are trying to represent our constituents and do our job.

**ELIZABETH DAVIDS:** And you don't bring any incredibly controversial bills?

**HUNT:** That was not a question. Thank you.

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**SANDERS:** Thank you very much.

**ELIZABETH DAVIDS:** Thank you.

[APPLAUSE]

**HUNT:** That is not helpful.

**SANDERS:** So I think we have a, a, a change of-- I don't want to say audience, but testifiers here today. When we started three, four hours ago, we have hour for proponents, hour for opponents, and then we have neutral. Then we, we start again with proponents and then we're going to go-- I think we-- how many more proponents do we have? Just one? OK. So we're on-- how many neutrals in the room? So everyone in the room is an opponent. So we'll take a break in an hour. And if you don't want to stay but you want to be on the record, fill out the yellow sheet and leave it with, with the clerk or a Red Coat. But there are to be no outbursts or applauding in the hearing room. And we want to respect every testifier. They only have three minutes. If we can keep it quiet amongst the testifiers so we can listen-- this is a hearing, and we are here to listen and gather information. So we will begin the next hour for the opponents. And I believe we start over on this side. They're all pointing to you, so welcome. Oh, here? OK. And then, do we go down this way? OK. Keep me straight. Thank you. Welcome.

**FELICITY ELIZABETH MINER:** Thank you.

**SANDERS:** Go ahead.

**FELICITY ELIZABETH MINER:** Thank you. Members of the committee. My name is Felicity Elizabeth Miner, F-e-l-i-c-i-t-y E-l-i-z-a-b-e-t-h M-i-n-e-r. I have been a Nebraska resident nearly my entire life. I moved to Nebraska when I was three years old. My mother raised my brother and I as a single mother while working full time for the railroad. I graduated from Norris High School, and I went to the university here in Lincoln, where I received my bachelor's degree in cultural and physical anthropology. I then went on to law school in Kansas and returned to Nebraska after finishing law school, where I have practiced law now for 25 years. During college, I served in both the Nebraska and the Kansas Army National Guards for a combined 10 years. I'm a woman who is transgender, and I am here in opposition to LB89. This legislation is discriminatory and is based on prejudice and bigotry. This bill is not narrowly tailored to meet any specific

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public problem, but instead is broadly worded to encompass a wide discriminatory swath, ranging from participation in youth sports, to youth changing facilities, to adult access to public bathrooms, and suggestive of legislating state agencies charged with providing appropriate ID with corresponding gender identifiers, in Section 8. This bill would put the well-being and physical safety of all transgender persons at serious risk. There has been no showing of a single specific instance, much less a pattern of incidents that justify any public threat by persons like me, necessary to support the need for the plethora of provisions contained in LB89. I am anatomically female and I have female genitalia. I have no business being forced to use the men's restroom, changing room, or shower facility. This would pose a serious risk to my mental well-being and certainly my physical safety. Denying me identification that indicates my gender is female endangers my mental well-being and my physical safety, when required to show ID to businesses and other entities while not knowing the prejudices and the hate the person seeing my ID may harbor, all of this while serving no legitimate need by the state to force women like me into men's spaces or men who are transgendered into women's spaces, nor should I be forced to have ID that does not comport to the gender that I live as and clearly am by all outward appearances. Any state purpose for doing so would be minuscule when compared to the likely harm it would impose against persons like myself. This bill is not representative of the Nebraska that I grew up in. The Nebraska-- that Nebraska is filled with neighbors and friends that help and support one another and respect each other, regardless of whether we look different or think differently. I have helped thousands of people during my career as an attorney all across the state. I have served Nebraskans and the United States as a member of the Nebraska Army National Guard. I have donated my time to charities, the church, the VFW, just to name a few. I have been a good Nebraskan, a good citizen, and a good person, and I do not deserve to be treated the way that LB89 would dictate. Nebraskans do not go out of our way to hurt each other or make each other's lives harmful or difficult. And I ask this committee to please be better than LB89.

**SANDERS:** Thank you for your testimony. We'll see if the committee has any questions. Thank you for your patience and waiting all the hours. Thank you very much, Felica-- Felicity Miner. Welcome.

**RON CUNNINGHAM:** Good afternoon.

**SANDERS:** I think it's evening.

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**RON CUNNINGHAM:** Chair-- Chairman Sanders and committee members, Ron Cunningham, R-o-n Cun-n-i-n-g-h-a-m. Is LB89 needed or just wanted? Although some Republicans find grabs are acceptable. They told me I need to fear land grabs, voter fraud, gun grabs, and now it's come to transgender kids. Supporters of LB89 would have you believe that schools are overwhelmed with people wanting to play. That simply is not true. An NSAA representative told me that they had eight applications over eight years. Secondly, they make it sound like a trans girl has the skills of Caitlin Clark with the body of LeBron James, another falsehood. They tell us we need to protect our daughters from trans girls in bathrooms. For a granddaughter, I fear a loaded gun in a bathroom far more than a trans. They stress biological girls will suffer serious physical injuries. I would think young women suffer far more injuries from a boyfriend, a spouse, or sadly, from a caregiver than ever from a trans. Now let's address the level playing field. I agree, a biological male does have an advantage in some areas physically. So what? Life's unfair, but why can't it be kind and compassionate? Do you think a 6-5 girl has an advantage over a 5-6 girl in some sports? But that may be reversed in another sport. I admire and respect the young ladies for voicing their opinion, one who was here today and testified as a proponent. But those girls need to recognize they had a bully pulpit at the news conference. They have an extreme advantage over other young females at the university. They have-- they're on the high side of an unlevel playing field, and their names emulate power. My life experience tells me that money, power, and greed often determines how truly level a playing field is. Do the-- people of-- really believe that the pay-for-play of our governor, when they pay \$10,000, is that to make the playing field level? Some Nebraskans contribute hundreds of thousands of dollars to buy an election. Is that fair? The NSAA has guidelines, but now politicians want to interfere. Is that government overreach? The bathroom and locker room issue is the most difficult part for me to understand. As some have said, it won't happen over their dead body. Yet this person's leader, the President, has boasted that he entered young females' dressing areas and inspected topless and half naked girls. How can that behavior be acceptable to LB89 supporters? The only thing I can figure out, they must think the president is a biological female. Using the Republican talking points, common sense. Common sense would say our goal in educating our children should be everybody, every time, everywhere. Thank you.

**SANDERS:** Thank you for your testimony. Are there any questions from the committee? Senator Hunt.

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**HUNT:** Thank you. Sir, would we be able to get a copy of your letter?

**RON CUNNINGHAM:** Yes.

**HUNT:** Thank you. You could just email it to us or anything. That would be great.

**RON CUNNINGHAM:** OK.

**HUNT:** Thank you.

**SANDERS:** Thank you. Any other opponents? You're next. Good evening. Welcome.

**JESSYCA VANDERCOY:** Good evening. My name is Jessica Vandercoy, J-e-s-s-i-c-a V-a-n-d-e-r-c-o-y. And I'm the executive director of the National Association of Social Workers, Nebraska Chapter. There are over 700,000 social workers in the United States, making us the largest provider of mental health services and services to veterans in our country. NASW Nebraska opposes LB89, a bill that undermines the ethical foundation and mission of social work-- of the social work profession while jeopardizing Nebraska communities. Religious principles, science, and social workers agree: Humans are designed to exist in community. Thriving communities are built on the foundation of thriving individuals, and thrive-- and individuals thrive when they feel safe, valued, and included. That is true regardless of anatomy. Our Legislature has always depended on these hearings to listen to impacted individuals and to consider research that guides decision making for life in Nebraska. In this current political cli-- climate, I question whether or not storytelling meant, meant to activate morality and research to instigate evidence-based decisions, when the goal of this bill is to redefine what it means to exist and, and thrive in Nebraska will be effective. LB89 is a bully's bill. It disturbingly aligns with tactics outlined in the power and control wheel, which I have provided, a long-standing tool used to help survivors of domestic violence identify patterns of abuse and reclaim their autonomy. What we know about abuse is that if we restrict, exclude, and harm others long enough, you gain control over their movement and their existence. LB89 is not the survivor of violence, but the abuser. The 109th Nebraska Legislature, wielding power not to protect but to harm for agenda gains. As a clinical social worker, I often remind people that feelings are never wrong. However, what we do with our feelings can have consequences. You are allowed to feel, feel fear about what you do not understand. You are allowed to experience



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and name the anxiety that comes from clinging to a narrow and oversimplified understanding of gender and expression. You are allowed to feel anger when a broader, scientifically supported understanding of gender challenges your perception of masculinity. Feel all the feelings and please validate them, but making laws based on feelings is what bullies do. Easing your discomfort by enacting laws that cause harm is abuse. The inability to oppress others through state-sanctioned power is not an injustice, especially when stories of impact and research clearly define best practice. Passing laws that limit the autonomy, safety, and existence of some is an injustice. You have no evidence that women are less safe because of the existence and movement of trans people, as the title of this bill suggests. Voting in lockstep with those who share your feelings is not leadership. It's a club. Each of you hold a position of public trust, which means prioritizing the well-being of all constituents, not centering personal feelings in decisions that could harm Nebraska. With compassion for your feelings, I ask that you step out of the club and back into leadership. A vote to oppose LB89 says I refuse to use my power to advance an agenda because it harms others. I stand against bullying, abuse, and the erosion of dignity for anyone, including trans people. And I can want safety for women and oppose LB89.

**SANDERS:** Thank you for your testimony, Jessica Vandercoy. Let's see if there are any questions for you from the committee, I see, see none. Thank you. And thank you for your patience.

**JESSYCA VANDERCOY:** Yeah.

**KIM ERWIN:** Good evening.

**SANDERS:** Welcome.

**KIM ERWIN:** Thank you. Good evening, senators of the Government, Military and Veterans Affairs Committee. My name is Kim Erwin. K-i-m E-r-w-i-n. I was born and raised in Omaha, Nebraska. I'm a mother, daughter, and military veteran that served in the Army for eight years and the Navy for four. I started serving my country at 17 and went to boot camp the summer before my senior year in high school. I would like to share a story about how I was treated in an Islamic country 30 years ago, because I was mistaken for a man in the women's restroom. And Senator Hunt, Hunt did address Senator Kooth-- or Kauth, about how this would be enacted or handled in, in Nebraska. And I think she said she would call the Capitol Police. Well, here's how it works in another country. In 1991, when I was serving in the Navy, my ship

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pulled into port in Dubai. My friends and I had a day to explore the city and decided to go to the mall. At one point, we had to use the restroom and walked into a women's public restroom with three stalls. As we entered, we saw three Islamic women in there. They were just finishing up and looked at us and left sort of swiftly. Less than two minutes later, three male police officers barged in with their guns removed from their holsters, shouting, there is a man in here. My heart dropped into my stomach with fear because I knew they were talking about me. I happened to be standing by the sinks then, and responded in my obviously high-pitched voice, oh, there is? And thank goodness I was blessed with a rather feminine voice for that moment. The men did not respond, but obviously realized I was a woman and left with their guns still drawn from their holsters. My friends and I were shocked and startled. I spent my entire life being mistaken for a man. I am fully a woman inside and out and have been all my life. I may have expressed more masculine qualities throughout my life, but that is just me. And it's not something that needs to be fixed or cured. And honestly, I have never taken issue with it. I do, however, take issue with Nebraska becoming a state where I no longer feel safe just because of the way I look. From my experience, this bill would create the type of environment that I stepped into in Dubai in 1991. I served my country proudly and was willing to lay down my life for the freedom to be ourselves. I am asking for you in return that you also fight for the freedom for us to be ourselves. This bill would not protect women because it would not protect me. Thank you.

**SANDERS:** Thank you for your testimony. Senator Hunt.

**HUNT:** Thank you. Thank you for sharing this story with us. And thank you very much for your service to this country.

**KIM ERWIN:** Thank you.

**HUNT:** You shared that all your life you've been mistaken for a man. So has that happened in the United States, as well?

**KIM ERWIN:** Always, in the United States.

**HUNT:** OK.

**KIM ERWIN:** Always.

**HUNT:** All right.

**KIM ERWIN:** And in the service, yes.

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**HUNT:** OK. Thank you. Thank you for--

**KIM ERWIN:** Thank you.

**SANDERS:** Thank you. Are there any other questions from the committee?  
I see none. Again, thank you for your--

**KIM ERWIN:** Thank you. God bless.

**SANDERS:** --service, and your testimony and patience. Thank you.  
Welcome and good evening.

**SCOTT BARKER:** Good evening to you. My name is Scott Barker. It's S-c-o-t-t B-a-r-k-e-r. I'm the bishop of the Episcopal Church in Nebraska. We are 52 churches across the entire state. I looked you all up yesterday and discovered that there is an Episcopal Church in every one of the communities that you represent. I'm grateful for your service, as I know are the people of my congregations and the communities that you all represent. I'm an opponent of LB89. The bill seems to be motivated by political grandstanding at best and prejudice and ignorance of Nebraska's trans community at the worst. It targets a small community of Nebraskans that I think it is your job to protect, not to legislate discrimination against. Because the Episcopal Church embraces the LGBTQ community and celebrates the lives and gifts of all God's children, I meet trans folks all over Nebraska. And I mean all over. This is not just a big city or blue dot population. I am certain there are trans and non--nonbinary Nebraskans in each of your districts. The trans people that I know-- and that includes family members and close friends-- are healthy and deeply sincere people who have discerned and sacrificed in extraordinary ways to come to terms with having been assigned the wrong gender at birth, and have had to accomplish the difficult work of building new lives where their sense of identity is congruous with how they live in the world. Nobody chooses this for themselves or for their child. It is a hard life. You will make it much, much harder, especially for trans youth and their parents, if you pass this bill. Schools know how to address these issues. We've heard a couple stories today of wrestling teams being able to accommodate young men and young women. These aren't new, and accommodations can be reasonably made for trans kids to use the bathroom, play youth sports, and all the rest. Pass this bill and you simply make life still more difficult for kids and parents who are already living with an extraordinary challenge. This bill is offered as said to protect women. That's a laudable goal and an end for which I will fight every day. But it makes no sense to protect the dignity

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and well-being of one group of Nebraskans by attacking the dignity and well-being of another. I know that most of you are Christian. Christ's call upon the lives of his followers includes caring for those who have been cast out to the margins, and loving not just family and friends and those whose lives and values look like ours, but loving, too, those whom we do not understand or even like as a way of honoring the image of Christ in all persons and of giving back to the God who loved us first. By no reasonable stretch is LB89 a piece of legislation about loving or protecting your neighbor. It is a culture war volley that is unnecessary, unkind, and inflammatory. And I think you all can do better. Thank you.

**SANDERS:** Thank you, Bishop Barker. Let me see if there are any questions for you. Senator Hunt.

**HUNT:** Thank you. And I won't have questions for every person. Thank you, Bishop Barker. May we also have a copy of your testimony? When you get a chance, just email that to us?

**SCOTT BARKER:** Certainly.

**HUNT:** Thank you. And I would extend that to everybody testifying. Your words and experiences are important as we deliberate this incredibly consequential bill. So if you haven't shared them or don't have copies, please just send an email after the hearing. Thank you.

**SCOTT BARKER:** Thanks all, for your attention.

**SANDERS:** Hold on. Are there any other questions, committee members? See none. Thank you. Have a good evening. Welcome.

**MARY KELLY:** Hi, I'm Mary Kelly, M-a-r-y K-e-l-l-y, with the League of Women Voters of Nebraska. The League of Women Voters of the United States believes that all levels of government are responsible to provide equality of opportunity for education, employment, and housing to all persons of the United States, regardless of their race, color, gender, religion, national origin, age, sexual orientation, or disability. The history of restrooms in the United States is mired in discrimination. Prior to the Industrial Revolution, public restrooms were primarily only available to men because women were not expected to be outside the home long enough to need such facilities. During the Jim Crow era, bathrooms and water fountains were one way to keep black citizens out of certain public areas. A Tuskegee Institute student, Samuel Young, Jr., was killed after trying to use a white-only

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restroom. In 1991, the Americans with Disabilities Act finally mandated that there be public restrooms accessible for wheelchair users. The impact of restricted access to restrooms is real. Whether or not there is a bathroom available to you determines where you can go and how long you can stay at a location. It communicates whether or not you are a welcome member of society who can and should be out in public. Attempting to enforce this type of policy in bathrooms and locker rooms is more likely to encourage crime than protect women. According to the National Crime Victimization Survey, in 2017-18, transgender people experienced criminal victimization at a rate four times greater than their nontransgender counterparts. The conclusion of the American Journal of Public Health is that public policy and administration need to consider the unique vulnerabilities transgender people routinely encounter, resulting in disparities in criminal victimization. And it's not always easy to determine who is transgender. Michelle Peacock was murdered by her neighbor because he said she was a man acting like a woman. A Utah student athlete was falsely accused of being trans and bullied online by a school board member. It is also important to take into account the existence of trans men. According to this bill, a person who is indistinguishable from someone assigned male at birth would be forced to use a women's restroom and face the danger of retaliation for doing so. In general, enforcing this type of law is prohibitively expensive, time-consuming, and invasive. If enacted, this bill will invite the threat of violence, discrimination, and bullying on not only trans men and women, but also cisgender women and girls, as well as anyone who does not strictly adhere to all expectations of femininity or masculinity. Policing gendered standards of appearance does not protect women and in some cases, may do exactly the opposite. Please do not advance LB89 to General File. Thanks.

**SANDERS:** Mary Kelly, hold on just a moment, just in case there might be some questions. Any questions for the committee? Thank you for being here. Have a good evening. Opponent. Welcome.

**CAROL WINDRUM:** Thank you. My name is Carol Windrum, C-a-r-o-l W-i-n-d-r-u-m. I live on North 39th Street in Omaha. There are probably people on this committee or in this room who are left-handed. If you are, and of a certain age, you may be intimately aware of being judged and often punished because you did not conform to what the dominant group thought was right or normal or acceptable. From an AI overview, I quote, left-handed people have been persecuted throughout history, with some cultures considering left-handedness to be inferior, unlucky, or evil. This persecution has included corporal

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punishment, forced conversion, and accusations of witchcraft. Today, we understand better and we know that those notions had no basis in science. Lefties just are-- are just as normal as the rest of us. It was our ignorance that fueled the discrimination. Today, there is so much ignorance about transgender people. And with ignorance comes fear, judgment, and efforts to exclude. I'm almost 75 years old. And thanks to the younger folks in my life, I am learning more about people who identify as transgender, and I still need to learn more. But the bottom line is, even if I don't completely understand the complexities of our human makeup, I am called to listen. I'm called to respect those who are different than me. And that brings me to my role as a clergyperson in the United Methodist Church. My spiritual path follows the way of Jesus. And he walked this earth continually breaking down barriers between groups of people. Jesus stood up against those in power who wanted to control and exclude. He saw in each person uniqueness and beauty, especially in those who didn't fit the norm, who didn't look right, who didn't have the right nationality. And when Jesus did take sides, it was always for the most vulnerable who often were not safe in that culture. Those of us in the dominant group are much more likely to promote unsafe situations for trans kids than the other way around. Safety? Safety? Whose safety? This bill will only increase potential violence and harm to our transgender friends. Please do not support LB89. Thank you.

**SANDERS:** Thank you for your testimony. Are there any questions from the committee? See none. Thank you. Have a good evening. I believe we're-- you're self-managing here. I'm counting on you. Thank you. Welcome.

**JULIET ROSENTHAL:** Hey. My name is Juliet Rosenthal, J-u-l-i-e-t R-o-s-e-n-t-h-a-l, resident of Omaha, Nebraska, District 49. I oppose LB89 because it affects me personally. I was one of those transgender kids that you hear about on the news. I started my transition journey when I was a teenager. And I grew up to be a transgender adult, the one you see here today. I assert that I never changed my gender. I just set it free. So in any case, I attended MMA boxing gym five days a week. I've been doing it for the last two and a-- two and a half years. Everybody in the gym knows I'm trans. It's not a secret. I did not think that being trans in the gym was an issue. But then in April 2024, the owner of the gym wanted to talk to me. He requests a quick private conversation in his office. And he says to me, hey, Juliet. I want you to know, all the women in this gym have your back-- Melanie, Eliza, Ruby, Isabelle, Darcy, Chloe. All of them had your back. If anybody harasses you for being trans in the gym, we will back you up

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no matter what. And I said, fine. I joined this gym so I could be the strongest version of myself. I didn't join it just to be the trans person in the bathroom. And it-- what is-- what is this all about? Did somebody complain about me? And he says, no, but if somebody does-- and I interrupt him. And I say, Ryan, with all due respect, if a transphobe follows me in a bathroom with a power fantasy of hurting me, I will shatter them. I will break them into pieces. I will beat them within an inch of their life. All that said, we can build a civil society that includes the contributions of transgender people like me. I know that's true because I was living in a trans-inclusive society for decades. The problem here is that conservatives don't want to live in that society. They don't want to let me live my quiet life in peace. They just have a private, personal prejudice against me. And in order to rationalize that prejudice, they call me a public danger. They call me mentally ill. They legislate me out of society. And I've got to wonder, what's going to happen when you enforce this law? What happens to me? What's going to happen to me? Come on, seriously. What's going to happen to me? You asked that question, and Pilleen said, I don't know. You asked that question. Kauth said, I don't know. What's going to happen to me when you enforce this law? What are you going to do to me? What are you going to do to me? What are you going to do to these people? My God, I'm so scared right now. I'm so scared right now. Thanks for your time.

**SANDERS:** Thank you for your time, Juliet.

**JULIET ROSENTHAL:** Any questions?

**SANDERS:** Thank you for your testimony. Any questions? See none. Thank you.

\_\_\_\_\_ : Don't forget your phone.

**JULIET ROSENTHAL:** Phone. Thank you so much.

**SANDERS:** Welcome.

**JACK BURCHESS:** Good afternoon, everyone. Thank you, Senator Saunders-- Sanders. Excuse me. My name is Jack Burchess, J-a-c-k B-u-r-c-h-e-s-s, and I'm a sophomore at the University of Nebraska-Lincoln. And as a senator in the Association of Students of the University of Nebraska, I'm here on behalf of the 24,000 Huskers who live, learn, and work in our state. On Wednesday evening, the ASUN Senate overwhelmingly passed a resolution condemning LB89. That vote was not political. It was not

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controversial. It was a simple and resounding statement, a statement that Senator Kauth and Governor Pillen clearly do not understand, that LB89 does not reflect Nebraskan values. This bill does not reflect fairness, equality, or common sense. It does not create fairness in sports. It creates exclusion. At its core, LB89 does not protect women. It weaponizes their safety to justify discrimination. This bill does nothing to make Nebraska stronger, but rather makes our state less welcoming, less competitive, and less compassionate. This bill isn't about safety. It's about fear. It's about-- it isn't about fairness. It's about exclusion. And it isn't about protecting Nebraskans. It's about punishing them for existing. By explicitly banning transgender youth from using the restrooms and locker rooms that align with their gender identity, you are not protecting them. You are outing them, isolating them, and making them targets for harassment and violence. I want each of you to think about this for a moment. Imagine being forced to walk into a restroom where you know you will be humiliated. Imagine having no choice but to enter a space where you will be harassed, stared at, or even assaulted, not because of anything you've done but because of who you are. That's what LB89 does, and it doesn't stop there. Senator Cavanaugh alluded to this in his questioning of Senator Kauth, but this bill forces schools to police their students' identities, turning administrators and teachers into enforcers of discrimination. That is not safety. That is not fairness. That is not Nebraska. And Nebraskans face real issues. Our farmers and ranchers continue to struggle with absurd property taxes across the state. Our schools and universities face major budget deficits. Yet instead of addressing these challenges, Senator Kauth, the governor, and other sponsors of the bill have chosen to attack a group that contributes to a problem that does not exist. At a time when Nebraska is struggling to retain young talent, you all should be asking, how do we attract the next generation of innovators, educators, and leaders? But this bill does the opposite. It tells potential Mavericks, Lopers, and Huskers that they are not welcome. It tells businesses that we don't value inclusion. It tells the country that Nebraska is stuck in the past. So I want to close with a simple question. What kind of state do we want Nebraska to be for our transgender children, grandchildren, and great grandchildren? Do we want to move forward or fall behind? Do we want Nebraska to protect the good life or promote a hateful one? And I hope this resonates with some of you, but it was Reagan who said man is not free unless government is limited. And LB89 is classic big government intrusion. Stand with the Cornhuskers, stand with what Nebraska ought to be, not with what Nebraska is, and vote no on LB89.



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**SANDERS:** Thank you for your testimony. Let's check to see if there are any questions from the committee. See none. Thank you, Jack. Next opponent. Good evening. Welcome.

**VELMA LOCKMAN:** Good evening, Senators. My name is Velma Lockman. That's V-e-l-m-a L-o-c-k-m-a-n. Senators, when you're considering this bill, you should think about three key issues: animus, cruel and unusual punishments, and safety. First, the sports ban provisions of this bill are purportedly meant to ensure safety and fairness, but it's easy to see that behind the facade of rationality, these provisions are rooted in animus. As reported by 10/11 Now in 2023, the sponsor of LB575, the precursor to the present bill, stated as follows, quote, social transitioning makes it less likely that a child will be able to desist. Every step you take down the path further cements a child into that identity, end quote. This statement gave the entire game away. This is not about fairness, safety or any of the purported rational bases asserted in favor of a, of a trans sports ban. This is about ensuring that trans children are othered and marginalized, that they are denied meaningful opportunities to partake in social activities, including sports with other members of the gender in which they identify. Trans kids in sports are not trying to obtain a competitive advantage. They just want to enjoy the same opportunities to build teamwork, camaraderie, and friendship with their friends that their cisgender peers enjoy. The sports ban is rooted in animus, and no amount of obfuscation will conceal the fact that this is born of a bare desire to socially isolate and harm those who dare to step outside of a rigid gender binary. Turning now to the issue of cruel and unusual punishments. Section 8 of this bill would force a trans woman to be placed in a male prison, regardless of the nature of the offense for which she is incarcerated or the extent to which she has medically transitioned. This provision will place every trans woman put in prison at extreme risk of continuous sexual violence. V-coding is an incredibly common practice in prisons, wherein trans women are housed with violent men and subjected to continuous sexual violence throughout their prison sentences. Senators, passage of this bill will be tantamount to the Legislature condemning every trans woman sentenced to any term in prison or jail to perpetual sexual violence as an informal criminal sanction. It's hard to think of a more cruel or unusual punishment. Finally, it is important to think about issues of basic safety and privacy. Brandon Teena was a 21-year-old transgender man who was raped and murdered after his transgender status was revealed as a direct result of the kind of transphobic administrative policies that Section 8 of this

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bill requires. After Brandon was arrested for forging checks, he was housed in the female section of a jail in Richardson County. The details of his arrest were published in the local newspaper under Brandon's dead name. After two of Brandon's associates discovered that Brandon was transgender, they raped and murdered him. It has been just over 30 years since Brandon Tina was, was brutally murdered after he was outed as a trans man because of just the kind of anti-trans administrative policy that this bill requires. If you want your names to be remembered alongside those of his murderers, then go ahead and advance this bill. But if you want-- but if you see trans people as human, as people deserving basic human dignity and respect, then reject this abhorrent bill. Thank you.

**SANDERS:** Thank you for your testimony. See if there are any questions from the committee. See none. Thank you very much. Did I get that right, Velma Lockman?

**VELMA LOCKMAN:** Yes.

**SANDERS:** Thank you. Next opponent. Welcome.

**BROOKE LEDFORD:** Good afternoon, Senators, and thank you, Chair Sanders. My name is Brooke Ledford, B-r-o-o-k-e. I want to begin by saying, as a disclaimer, I'm a-- I am an incredibly nervous public speaker, so forgive me in advance.

**SANDERS:** Take a deep breath. And, and then, you spelled your first name. Please spell your last name.

**BROOKE LEDFORD:** Yes. B-r-o-o-k-e L-e-d-f-o-r-d. As you can tell, incredibly nervous. Sorry. I want to begin by speaking directly to trans youth and my trans siblings here in the state of Nebraska. The overwhelming majority of people in this room right now stand with you, support you, love you, and will fight for you. And I don't want you to forget that. I am a third-year law student at the University of Nebraska College of Law. I am from rural western Nebraska, Senator Ibach's district. And I am a trans woman. I've lived in Nebraska since I was 14, splitting time between both sides of my family. I came to law school with the intention of setting down roots in Nebraska permanently and being closer to my family. I've met the love of my life here, and I have plenty of opportunities to stay in Nebraska post-graduation. Bills like LB89, however, make it difficult for me to justify staying in the state of Nebraska. The brain drain in Nebraska is a well-documented phenomenon. Nebraska loses thousands of college

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educated workers every year, and bills like LB89 serve to signal to an entire section of the population queer Americans, LGBTQ-plus Americans, that they should think twice about moving to or staying in Nebraska. The-- Senators, both of the stated reasons for bringing this bill forward fail to be convincing upon closer examination. Many have already talked about the sports issue, and I don't want to waste too much time covering that again, so I will talk about the bathroom issue. Trans individuals like myself are four times as likely as their cis peers to be the victims of sexual assault or physical violence. Specifically sexual assault, I believe the number is 2.9%. I myself, Senators, have been-- I have been sexually assaulted by a man here in Nebraska, a memory that is etched and burned into my memory to this very day. He saw me as a trans woman, saw me as a target, and decided that I should be the victim of sexual assault for whatever sick fantasy he had. Senators, trans people aren't the danger that we're made out to be. There are no links between trans-inclusive bathroom policies and sexual assault. In fact, the opposite is true, particularly for trans youth. LB89 doesn't protect anyone. It puts people in harm's way. I'm reminded of Brandon Teena, a trans man who was born and raised here in Lincoln. And a little over 31 years ago, he was murdered. Policies like those mandated by LB89 are what led to Brandon's death. He was forcibly outed by a local newspaper after being booked into a local jail, where his transgender status became, became known. His murderers and rapists found this information and used it to commit a hate crime against him. Senators, I will finish this with-- I will finish with this. Yes, I am trans. Yes, I am the current political football that politicians nationwide and here in Nebraska use to fundraise and stoke division. I've been called slurs while out in public here and even Lincoln. But Senators, I am a daughter. I am a sister. I am a partner. I'm a coworker. I am a neighbor. I am a Nebraskan. And most importantly, I am a human being. I've cited to certain studies and policies in my testimony. They are linked in the study, and I'm open for any questions at this time. Thank you.

**SANDERS:** Thank you very much, Brooke Ledford, for your testimony. Well done. Take a deep breath. Let me check to see if there are any questions from the committee. I see none. Thank you.

**BROOKE LEDFORD:** Thank you.

**SANDERS:** Next opponent. Welcome.

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**ZACH BAKER:** I am Zach, Z-a-c-h; Baker, B-a-k-e-r. In a couple months, I'll graduate from the University of Nebraska-Lincoln law school and begin practicing. I've listened carefully to the testimony of the proponents today, and, frankly, it's been underwhelming. The proposer stated that she intends her bill to bring about a more respectful and harmonious state of affairs. That statement is too ridiculous to be believed. What respect? Didn't she testify shortly after on record that she believes all trans people suffer from a mental disease? Wasn't there a parade of proponent speakers who used whatever odious and demeaning language they could summon up to describe trans people? There seems to be no respect there. How about harmony? Does this bill invite a more peaceful way of handling our public accommodations? It does not. Instead, it creates the color of law to invite vigilantes to police gender-segregated areas on the basis that they can always tell who is supposed to be there and that they're acting with the Legislature's authority in ejecting people that they don't like. That should be very concerning to all of you. If the proponents' rationales do not stand, you should not supply them with additional evidence. I want to conclude by highlighting how petty the reasoning of the proponents has been at this hearing. Each speaker has had an opportunity to articulate what their personal stake is in the outcome of this bill. Some relevant examples include: I saw a trans person one time; I lost a recreational volleyball game. Is that what commands your respect? Is that all it takes to move the great state of Nebraska to pass sweeping civil rights legislation? Would-- if a person goes to a sorority-- a place where you live with strangers-- and discovers that one of them is trans because they're a stranger, that's the harm that this Legislature will condone, will elevate against the lives of trans people? It should not. Trans people deserve the same amount of dignity as anyone else. And if this is truly a balancing test between all of these different groups of people, why should this incredibly shallow testimony prevail? Even Governor Jim Pillen, who came to testify, clearly did not understand this bill at all, what its implications are. He appealed to common sense, a part-- and a particularly childish version of it. Square block, square hole. Circle block, circle hole. Uh-oh. Triangle block, square hole. Trapezoid. What is this geometry insanity? That common sense is an embarrassment, and it-- you should not endorse it today. Thank you.

**SANDERS:** Thank you, Zach Baker. Check if there are any questions. See none. Thank you for your testimony. Next opponent. Good evening. Welcome.

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**LEVAI ALLES:** Good evening. My name is Levai Alles, L-e-v-a-i A-l-l-e-s. I pay taxes in Nebraska and have lived here all my life. I myself am trans as well as am the sibling of a trans student. I believe the implementation of LB89 would be harmful in numerous ways. LB89 is an attempt to further a personal agenda that spreads hate of transgender people. Trans people make up a small minority of the population. Regardless of society's view on it, gender identity is deeply personal and important to each individual. The need for bathrooms is universal. Trans people view their gender as an inherent part of their identity that may not entirely align with the sex they were assigned at birth, so sorting people by their genitals is disgusting, dehumanizing, and a complete invasion of personal privacy. Forcing trans women into male spaces puts them at a high risk for being assaulted. For a bill that claims to stand with women, it is villainizing and endangering an entire group of them. Additionally, how can the bill claim to keep men out of women's spaces when it'd be forcing trans men into these spaces? If the goal is to make cis women more comfortable with the absence of individuals assigned male at birth in these private places, how would the presence of a masculine-presenting individual such as myself not make them equally if not more uncomfortable? Any biological male that would pretend to be trans to get into female spaces is a predator, not a trans woman. LB89 would create more opportunity for this, as these individuals could simply pose as tras-- trans men. This distrust would encourage bathroom policing that would be detrimental and dangerous to trans and cis individuals alike. I fear what this would mean for my little sister who is starting college. This should be the time in her life where she can step into the person she'll become, find her path in life, and make friends like everyone else. She should be able to focus on schoolwork and not on the anxiety around which bathroom she'll be allowed to use and what invasive process she'll have to go through for someone else to determine that. She should be having the time of her life, not wondering if she'll even feel comfortable enough to shower on campus. Trans women are not men trying to steal women's accomplishments. They want their successes and endeavors to reflect their most authentic selves, as does everyone else. This bill is not aimed at protecting anyone. Its purpose is to endanger trans individuals and take away students' right to privacy of their own bodies. In vulnerable places where the goal is to make people feel safe, it would only cause more tension. Everyone deserves respect despite our differences and to feel safe, especially in places where privacy is expected. The bigotry of LB89 should not be tolerated. Please say no to LB89.

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**SANDERS:** Thank you for your testimony, Levai Alles. We'll see if there's any questions from the committee. I see none. Thank you very much.

**LEVAI ALLES:** Thank you.

**SANDERS:** Next opponent. Welcome.

**JACKLYN ALLES:** Thank you. Good afternoon. My name is Jacklyn Alles, J-a-c-k-l-y-n A-l-l-e-s. And I am a transgender Nebraskan. There is not a rampant and immediate crisis of transgender individuals committing cases of harassment in bathrooms like some may have you believe. Trans people are not your enemy. We are not here to cause hurt or pain to anybody. We simply want to live a respectable, normal life like any other member of society. As a trans woman, my journey has included years of therapy and medical treatment to feel comfortable as my authentic self. I am not interested in causing problems in the women's bathroom. In the unlikely event that you and I are in the restroom at the same time, you can count on me doing my business and getting out, just like you. A man simply dressing to look like a woman for the purpose of gaining access to the women's bathroom to cause problems is not a transgender woman. That is a predator. That is who bills should be pushed against, not transgender women and girls such as myself. By forcing transgender women like me back into male spaces, you are increasing the chances of hate crimes or violent acts being enacted against us while also making men uncomfortable with the presence of us there. Even with this bill into law, there would be nothing stopping predatory men from entering the women's bathroom with malicious intent. You would not only put trans women at risk, but also biological women, who are the exact grouping of people this bill claims to be protecting. You are putting a target on us while at the same time increasing the chances of biological women being subject to the societal preduji-- prejudice that we experience daily. Biological women may and have been perceived as trans and can be subject to transphobia when they themselves are not even trans. How will the enforcement of this bill play out? In the ways I envision it, it is a clear invasion of everyone's privacy and will only create more fear and anger in a world where fear and anger are already running hot. Creepy behavior can be experienced by anyone from anyone regardless of biological sex. Criminal behavior should be handled accordingly by the proper authorities no matter who the perp-- perpetrator is when the situation presents itself. I know what it is like to live as a transgender person, and please believe me when I say we are not the monsters and dangerous people that we are often painted to be. We are

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not trying to invade sacred places or damage privacy. We want a chance to thrive and be authentically us, just like everyone else. I ask for you all to please take a moment to review with an open mind and to please consider the rights of your trans neighbors and fellow Nebraskans like me and vote against LB89. Thank you for your time today, senators.

**SANDERS:** Thank you, Jacklyn Alles, for your testimony. See if there are any questions from the committee. I see none. Thank you for being here.

**JACKLYN ALLES:** Thank you.

**SANDERS:** Next opponent. Welcome.

**TRACIE ALLES:** Hello. Thank you for the opportunity to testify. My name is Tracie Alles, T-r-a-c-i-e A-l-l-e-s. I live in Nebraska and pay taxes here. I oppose LB89. The bill is based on fear and misunderstanding. LB89 uses a lot of words to define someone's opinion of what male and female is. As a parent of transgender children-- whom you just met-- I'm here to share what I've learned about who a transgender person is. My kids have attended public schools, and my youngest is a graduating senior with plans to go to college here in Nebraska. Through their formative years in school, my children learned who they are. When they first came out as trans, I was afraid. I feared the challenges they would face, that their life would be harder than it needed to be. But I've learned that their struggles began long before their transition. They were already suffering from the disconnect between their true selves and society's expectations. Through years of medical care and therapy, I've watched them grow happier as they've found some peace in living as their authentic selves. A transgender woman is not pretending to be a woman. A transgender man is not pretending to be a man. They are simply being who they are. Bathroom access is a fundamental issue of human dignity. Contrary to the fear this bill is based on, transgender individuals typically go to great lengths to avoid discomfort-- others and their own. They often seek out gender-neutral or private facilities and, in many cases, actively avoid public and school restrooms altogether. I've heard plenty of reasons why they do this. I have never heard someone was assaulted by a transgender student, only their own stories of fear and avoidance. The best way to solve a problem is to make things better for everyone. LB89 creates problems where none exist. It has already created a new set of fears for me. I fear the threat to privacy, civil liberties, and human dignity. I fear the risk that it

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will create bureaucratic systems that could potentially target and track individuals based on their gender identity. And then I fear what's next. The real issue is simple: transgender people deserve the same rights as everyone else, to live authentically, to feel safe, and to be treated with respect. Nebraska senators, I ask you, stand against discrimination. Stand for inclusion. Reject LB89. Transgender people are not a threat. They are our children, our siblings, our friends, human beings seeking nothing more than the right to be themselves. Thank you.

**SANDERS:** Thank you, Tracie Alles, for your testimony. See if there's any questions from the committee. See none. Thank you.

**TRACIE ALLES:** Thank you.

**SANDERS:** Next opponent. Welcome. Good evening.

**SUNNY DESY:** Good evening. I am Sunny Desy, S-u-n-n-y D-e-s-y. And pardon me, I am also a terrible public speaker.

**SANDERS:** Take a deep breath.

**SUNNY DESY:** I am a transgender adult who is approaching two years into transition. Although I grew up with enforced gender stereotypes, I wanted a Barbie. I wore my grandmother's heels, got into her makeup because it made me feel pretty. It made me happy. I always wanted a sister so I could have an excuse to do those girly things more often. And throughout middle school and high school, I just wanted to be one of the girls even though that got me bullied relentlessly and even assaulted on numerous occasions, including in the bathrooms of my assigned birth gender. I didn't know what being transgender meant until my senior year, which kind of made everything make sense. But it wouldn't be until I moved to Omaha and had a proper support system that I would start my transition. Pre- and post-transition, all I've wanted is to live a simple and authentic life, go to work, come home, and participate in my community. I go out of my way to help people if I have the means to do so. And I care for my fellow human beings. I can look in the mirror and say that I am a good person. However, there are many that would like to believe that me and those like me are not. I have never once thought about using my feminine side nor my transition to peep on people in a bathroom or any other shared spaces. I have never used my transition to gain an advantage. And quick side note: I would like to talk about how none of the professionals that came up as proponents talked about the effects on hormone replacement



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therapy on a person's physical fitness. Despite all that, I get to see people calling me and those like me predators and other disgusting names. I've been called these names by my own part-- partner's parents, who refuse to even try and get to know me now. I don't think many could relate to what that feels like. And a few even in there would never even try to relate to that. All I ask is that you let us live our lives and stop letting us be a boogeyman when there are much larger things to worry about. If someone is genuinely causing a problem, deal with them. Some of us just need to pee. Others just want to play sports. Please vote against LB89 and especially-- ah, she is back. I was going to say a bill where somebody could not be here for their entire hearing. And last thing, I promise: I commend Senators Cavanaugh and Senators-- or, Senator Hunt for asking the import-- important questions about this bill that could harm thousands. Thank you.

**SANDERS:** Thank you, Sunny Desi, for your testimo-- oh. Hold on. There might be questions.

**SUNNY DESY:** Oh, my bad.

**SANDERS:** Any, any quest-- questions from the committee? Nope. Got off easy. Have a good evening.

**SUNNY DESY:** You too.

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

**SUNNY DESY:** Thank you.

**SANDERS:** Next opponent. Good evening. Welcome.

**CASSONDRA OPAL:** Thank you. Thank you for this time. Thank you, senators. My name is Cassondra Opal. That is C-a-s-s-o-n-d-r-a; Opal, O-p-a-l. I am the parent of two gender-nonconforming children. I am also a member of First United Methodist and a certified candidate for ordained ministry. The argument is always presented when arguing against transgender individuals in the bathroom of their lived genders, but what about the men who will dress up as women and sneak into the women's bathroom? Which offels baff-- which always baffled me because it is still cisgender men we are afraid of, but it is transgender humans who pay the price. Honestly, not allowing transgender men to use the men's room and forcing them into the women's restroom not only outs them, but it allows cisgendered men to just walk into the women's restroom, no effort to dress up needed,

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call himself a transgender man. Frankly speaking, if a man is going to attempt to assault me in the bathroom, I would prefer he put some effort into it. Find a nice dress. Match his shoes. Style his wig. And try some lovely makeup. Make him work for it. Show me he cares. I know that the "I can always tell" crowd thinks they can make these distinctions, but I have watched that crowd fail time and time again, especially when transgender men are involved. There are some beefier and way more tra-- manly transgender men than there are cisgendered ones. You can't tell, but you want to put people in a position to have their genitalia inspected by strangers. Which brings me to my second point, which is that there is no basis for who enforces this bathroom law. Will random strangers be checking genitalia now? Will young girls who are not in the transgender community but look a little more boylike be opened up to adults looking down their pants? Who enforces this in schools? Do adults get to look at the genitalia of young children? How will we keep sexual predators out of these spaces? How will we protect our children from the very real assault from authority figures that this bill opens all children up to? And if you ask me if that's a problem, well, to use Kathleen Kauth's own words: if even one child is assaulted due to this bill, that's a problem. Finally, the piece of this bill that-- aimed at transgender athletes. We have heard over and over again about the increased injury, harm, and that, but we have-- what we have not heard is-- sports are dangerous. They just are. According to a Schwebel and Breziak [SIC] study, 37 sports injuries are in the emergency room every hour across the United States. That's 324,120 injuries every year due to sports, regardless of gender. Biodiversity of hormone levels exists in humans, and there are many cisgender young women and men whose hormones more closely mimic that of their opposite-sexed counterparts. Quite simply, sometimes women look manly. This legislation does not stand for women. It opens us up to assault and ridicule if we do not fit a certain gender standard, whether we are transgender or cisgender. This opens our children up to greater opportunity for assault from authority figures. This bill will harm not only the transgender communities, but also the cisgender ones as well. Opening our genitalia up for inspection throws the door wide for assault to women to increase and bullying of both communities to increase in the name of trans panic. Do better. We have more important things to take care of in Nebraska like taxes, health care, and education. This bill should never make it out of committee. Thank you for your time.

**SANDERS:** Thank you for your testimony. See if you have any questions from the committee. See none. Thank you. We are just about at the hour

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of proponent/opponents. And then we were going to take a break. And we were supposed to do a 30-minute dinner break. However-- I don't know if some of you been watching your phones, but I think we have some winter weather coming in at 9-- 9 p.m. So I think we should take a five-minute break and organize who-- what row is next. If you would come forward. And we'll just take five minutes. And we'll be right back.

[BREAK]

**TIFFANY WEISS:** Members of the Government, Military and Veterans Affairs Committee. My name is Tiffany Weiss, spelled T-i-f-f-a-n-y W-e-i-s-s. And I live in Kearney, Nebraska, District 37. And I am here today to oppose LB89. This bill is very personal to me as I have two transgender children and my partner is also transgender. I want to go back and say Piller said that, never, ever, ever should we put a child in danger. And Governor Piller also said we need to keep all citizens safe. And as I go forward, I want to think about, what about our trans kids? Since the day I first held my baby in my arms, I've had one priority: to keep them safe. And this bill makes it impossible for me to do that. Take my son, for instance. My son went on puberty blockers when he was 11 years old and showing signs of puberty starting. The blockers caused him to never go through female puberty. He never developed breasts. He's never menstruated. He's never gained the extra weight around his hips. At the age of 13, he started cross hormones. He grew bigger muscles. He developed facial hair. And his voice dropped. He has the same testosterone level as other 13-year-old children. Well, now he's 15 and I-- 15-year-old children levels. Whatever. In short, he went through male puberty. Now, under LB89, he would be forced to use the women's bathroom. My son with a mustache and a flat chest would be using the girls' room. This is a huge problem. First of all, it's going to out him or tell everyone else that he's trans. And if he uses the girl-- if he uses the girls' room. And secondly, some dad is going to throw a major fit about a boy being in the girls' room with their daughter. It embarrasses him and it embarrasses the other ladies in the restroom. And then I think about my transgender daughter. She's also on blockers, so she is not going through male puberty. She will never have the levels of testosterone in her blood-- or, in her body that her cis male peers do. She will develop breasts and she will develop the weight around her hips. And I think about, what does she has to do if she has to go into the men's restroom? Would you let your daughter use the men's room, your daughter with breasts use a men's changing room? This law is directly targeted at transgender folk. No matter how feminine or masculine a

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person appears, they should use the restroom that aligns with their gender identity. I know that we always look for places that has unisex bathrooms so that our children are not put at risk simply because they need to empty their bladder. But there are many places, including the State Capitol, where there are not gender-neutral bathrooms. Please, I beg of you, do not vote this bill out of committee. And if it does get out of committee, please do not vote for it. In the meantime, talk to a transgender person and get to know them. See the human in them. And look them in the eyes and tell them what bathroom they should use. Thank you for your time. Do you have any questions?

**SANDERS:** Thank you for your testimony. Let's check to see if there are any questions from the committee. Thank you for being here.

**TIFFANY WEISS:** Thank you.

**SANDERS:** Next opponent. Good evening. Welcome.

**ALEXANDER WEISS:** Members of the Government and Mili-- Military and Veterans Affairs Committee. My name is Alexander Weiss, spelled A-l-e-x-a-n-d-e-r W-e-i-s-s. And I live in Kearney, District 37. I am 15 years old. LB89 will affect me greatly in my day-to-day life, especially at school. If the law passes, I will have to use the women's bathroom. Look at me. Do you think I belong in the women's bathroom? If you-- if I go into the women's bathroom, the women inside will think, why is he here? At school, if I go into the women's bathroom, the girls inside will be rude to me and then spread it all over the school I'm transgendered.

**SANDERS:** Thank you very much for your testimony.

**HUNT:** Are you-- were you finished?

**ALEXANDER WEISS:** No.

**SANDERS:** Oh, OK. Con-- please continue. And could you do me a favor and speak a little bit louder so we can hear and the back of the room hear as well?

**ALEXANDER WEISS:** OK.

**SANDERS:** Thank you.

**ALEXANDER WEISS:** When I first came out, all my classmates knew I was transgender. If we-- if I-- if-- was-- it was really bad. People

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bullied me and made fun me. High school is hard enough without everyone knowing I am transgender. The bullying will just be worse in high school. I want to do sports this year at school. I wasn't allowed to because my school board already made a policy that I would have to play on the girls' team. This isn't fair or safe. If I played on the girls' team for wrestling, what do you think the parents of the girls-- girl I'm wrestling would think? Do, do-- wrestling against girls? It would be awkward. If I, if I played basketball on the girls' team, the, the parents of the other players would be upset if I accidentally brushed against them when I was trying to block the ball. And can you imagine me if a girl lock-- in a girls' locker room? The truth is that the less people that know I am transgender, the safer I feel. I should get to pick who knows I'm transgender. It's my private business, and I should be-- not be outed because I had to pee. Thank you for your time. I'm also wondering how this bill will be enforced.

**SANDERS:** Thank you, Alexander, for your testimony. Check to see if there are any questions from the committee. I see none. Thank you for being here. Welcome. Please.

**ARIANA WEISS:** Members of the Government, Military and Veterans Affairs Committee. My name is Ariana Weiss, spelled A-r-i-a-n-a W-e-i-s-s. And I live in Kearney, District 37. I am 12. And I want to ask you, have you ever considered how it feels to wake up as the wrong gender, to go through school or work and wonder why does this not feel right and to-- then to have it all click and make sense when you figure out that you are in the wrong gendered body? Before I came out as transgender, I really felt like something was wrong. From the blue of boys to pink of girls, it made me think that this was a black-and-white world. But imagine watching your favorite TV show in black and white and then suddenly seeing it in color for the first time. The color really makes it itself. And color makes me myself too. I never really-- I was never really a boy. Then I learned that transgender people exist and I suddenly understood myself. Imagine knowing that you are a girl but people call you him or he or sir over and over again, like a type of bullying that only you knew about. When I came out as trans, though, everything changed. Everything just clicked. For the first time, I felt like me. You know yourself as who you are, and I know I am a girl. LB89 is a bad bill. I try to use the gender-neutral bathrooms, but oftentimes there isn't one. This bill expects me to go against who I know I am and use the boys' bathroom. If there is no gender-neutral bathroom, this bill gives me two choices: to follow the law and use the boys' bathroom or to follow who I know I am and use the girls' bathroom. How would you feel if you were made to use the bathroom

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opposi-- of the opposite gender? Would you be comfortable? Because I sure would not. LB89 is also bad in how it defines girls and boys. Gender is a spectrum, and you cannot simply define boys and girls and leave it at that. That does not account for many people. I was not given enough time to describe how awful this law is or how hard it makes things for gender-diverse citizens. Thank you for your time.

**SANDERS:** Thank you for your testimony, Ariana. Some of us grew up with black-and-white TV. I don't know how many are in the room, but I grew up with black-and-white TV, so I appreciate a little color. Thank you for your testimony. See if there are any questions from the committee. I see none. Thank you for being here. Next opponent. Good evening. Welcome.

**CHRISTINE NEWELL SNYDER:** Good evening. I too am very nervous and feeling a bit emotional from all these very personal stories. My name is Christine Newell Snyder, C-h-r-i-s-t-i-n-e; last name, N-e-w-e-l-l S-n-y-d-e-r. I am not a trans person. I don't come here with lived experience. I'm an ally. LB89 is a discriminatory bill that attempts to limit individuals' civil rights and uses people in the transgender spectrum as a red herring in this latest moral panic. This bill and similar national bills are being manufactured not from a position of good faith, but from a scapegoating cultural ecosystem that subsists on ignorance, fear, and conjecture. I tell my children all the time, just because someone says something doesn't make it true. And not surprisingly, introduced at the request of the governor, the only truth in this bill is its foundation of prejudice and lack of foresight. Have you thought of how this broad-reaching sexual monitoring bill will be enforced? Who will be tasked with scrutinizing children in Nebraska's K-12 schools? Under LB89, it's not very specific. As Senator Cavanaugh was getting at earlier, anyone is empowered, emboldened, and legally protected without retaliation to say to your daughter, I don't believe you. Prove it. Show me your vagina. Or to your son, I don't believe you. Prove it. Show me your penis. Not only that, but how will these random people decide who to stop? That girl with short hair? That boy with a pink backpack? What if they don't believe the person or can't understand the kindergartner? This has not been thought through. Think about it, and let your mind run wild with all the possible invasive questions, escalating scenarios, and likely violence that LB89 not only opens the door for but pats itself on the back for. LB89 perpetuates the myths that trans people need to be feared for their nontraditional identity when the reality is trans people are far more likely to be the victim of a crime than the victimizer. They're four times more likely to be

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the victims of violent crime. Four times. LB89 doubles down on further stigmatizing, marginalizing, and dehumanizing people on the transgender spectrum while also laying waste to all Nebraskans' rights to privacy, body safety, and protections from harassment. Do your part in preserving Nebraskans' civil rights. Please oppose LB89.

**SANDERS:** Thank you, Christina [SIC], for your testimony. Are there any questions from the committee? Thank you. Have a good evening. Good evening. Welcome.

**KANDRA KING:** Hello. My name is Kandra King, K-a-n-d-r-a K-i-n-g. When I was thinking about talking today, all I could think about was the impact this bill has on my 16-year-old child. I want to share the letter I wrote to her. Dear Sage, we are so proud of the young, amazing person you are, and we want you to always know we love you fiercely and unconditionally. We want you to always know that you are a bright, beautiful light that shines regardless of harmful bills that are being proposed in legislation and regardless of other people's actions, opinions, and judgments. Today I'm speaking in front of a legislative committee and we are discussing a bill that, if passed, would create harm to you and the gay and transgender community here in Nebraska. This LB89 bill is targeting the gay and trans people under the false pretense that it is protecting children. Sage, as a teen athlete, a girl who rocks a modern mullet and wears clothes that do not conform to typical female attire, this bill is not trying to protect you. I am worried, as your mom, what the bill means for you, as it encourages people to play gender interrogation. You shouldn't have to worry about being confronted in the bathroom and pulling out your bra strap to explain your gender. This bill would open the gates for more discrimination, more harassment, and more emotional and physical violence to occur because of restrictions, policing, and dehumanizing of the gay and transgender community. Unfortunately, you've had your fair share of people bullying you in your 16 years of life. You've endured physical violence from a child because you are gay. You have experienced adult bullying in the YMCA locker room thinking you were in the wrong bathroom. You have been called a fag way too many times to count. People have asked out loud, why is there a boy playing on a girl's soccer team? People have said very hateful things to you because of your identity. The list goes on to the adversity you have endured by living your true, authentic self. I admire the way in which you take the high road, offer grace, and continue to have integrity in the face of oppression. Despite what is said, we know you are not confused about who you are, your gender identity, and your sexuality. You are living your divine truth in

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God's light. What a beautiful gift to share with the world. We want to live in Nebraska, belong, thrive, live without fear and anxiety. We want our differences not only to be acknowledged, but celebrated. We want equality above law. And that's why we strongly oppose LB89. I just want you to know, Sage, that you are seen, loved, and celebrated by so many people. For that, we are very grateful. We love you to the moon and back infinity times. Next right thing, one thing at a time. Love, Mom.

**SANDERS:** Thanks, Mom, for your testimony.

**KANDRA KING:** Questions?

**SANDERS:** Any questions? See none. Thank you for your testimony. Good evening. Welcome.

**TAYLOR BOGUS:** My name is Taylor Bogus. That's T-a-y-l-o-r B-o-g-u-s. And I oppose LB89. This bill is aiming to solve a problem that just doesn't exist. If this bill becomes law, however, schools will start facing some very serious problems that they will have no solutions for. I'm here as a mom of an eight-year-old son who is transgender. He started strongly and consistently voicing his gender identity and displaying distress from his gender dysphoria-- dysphoria at the age of four. He then started kindergarten as a boy, the gender that he's consistently identified as now for over four years. He's in second grade and isn't out at school. Most people outside of family don't know he's transgender. He's like every other kid at school in that he simply wants to have fun with his friends, be himself, and belong. When it comes to transgender students, currently schools and school districts have the ability to work with students and their parents on an individual case-by-case basis to determine a plan that will be best for the student. This bill would completely take that away from the schools, who are actually the ones who know what's best for the welfare of their students. My son has been using the boys' bathroom since he was in preschool and has been using the boys' bathroom for all three years in elementary school. This has never been any-- there's never been any issues with this. If this bill becomes law, however, there will be many issues that the school and school district will have to deal with. Our eight-year-old son, who everyone knows as a boy-- since that's the gender he fully identifies as and fully presents as-- would start using the girls' bathroom. Something that has been a nonissue would suddenly become a very big issue at this elementary school. Not only would this be traumatizing for my son, it would be very confusing and upsetting for the other students. Because



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of the bill that comp-- claims to protect kids, my child would be forced to be outed to the other students in school against his will and use the girls' bathroom with his peers who have always known him as a boy for the past three years. If the Legislature takes it upon itself to take control of something that is handled and should be handled by the schools who actually work with these kids da-- every day, I want to make it very clear the disaster that will result. When a student every kid knows as a boy is using the girls' bathroom, there will be countless questions and concerns from upset students, calls and emails from upset parents. My child's gender identity, something that's been a nonissue for three years, will become a huge issue. And elementary school students-- who I'm guessing the author of this bill aren't promoting to be taught gender identity at school-- will suddenly be asking a lot of questions about being transgender and their transgender classmate and why he's being forced to use the girls' bathroom. This would take away the ability of schools to work with each student and fam-- family individually to determine a plan that is best for them and their situation and would leave them to clean up the mess with these terrible problems. Please oppose LB89. I'm scared. My child's scared. He asks-- you know, when I told him what I was doing today, I tried to protect him from a lot of this. He said, what if this passes? And I didn't know what to say, so. Please oppose LB89. Thank you for your time.

**SANDERS:** Thank you for your testimony. Are there any questions from the committee? See none. Thank you. Next opponent. Good evening. Welcome.

**RYAN SALEM:** Hi. My name's Ryan Salem, R-y-a-n S-a-l-e-m. I'm a Nebraska high school head coach and teacher. This is my 26th year of coaching and my 25th year of teaching high school in Nebraska. I was born and raised in Lincoln. This is also where I coach, I teach, I raise a family. I'm speaking to you in opposition to LB89. My testimony is my own. LB89 is an unnecessary bill. The Nebraska Schools Activities Association, NSAA, is the governing body for all high school athletics in Nebraska. The NSAA already has a policy in place for transgender athletes. This bill, LB89, is unwanted legislative overreach. But more importantly, I wanted to remind you of the joy of playing sports. Trans kids and young adults want to play sports. This bill makes it nearly impossible for them to do that as themselves. I teach my athletes the value of hard work, how to set goals, and how to be a good teammate. I've coached thousands of Nebraska runners and track athletes in my coaching career. I've coached champions and championship teams, but it is the love from a team and the camaraderie

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amongst teammates that all levels of athletes should have the opportunity to experience. This is what makes sports so meaningful to athletes. The connections between athletes and their teammates, as well as their coaches, can also become the through line for success in the classroom and in life. This bill doesn't let trans kids and young adults have that. OK. I'd like to ask the committee if they could remember a coach, a fellow athlete, or a team that enreach-- enriched your life as a young person. I'm sure you can [INAUDIBLE]. Remember someone who taught you that the team means more than yourself or just brought you joy? Remember how much fun it was to make a new friend? I see that joy every day at practice and at competitions and on the bus. I'm here today to fight for that joy. I am the coach. And I promised my runners that they all matter. Trans joy is real, and it matters. LB89 would take opportunities away from trans student athletes. Kids and young adults want to play sports. Just let them play. I ask you to oppose LB89. Thank you.

**SANDERS:** Thank you for your testimony. We have one question for you. Senator Hunt.

**HUNT:** Thank you, Chair Sanders. Thanks for being here. It's good to hear the perspective of a coach.

**RYAN SALEM:** Thanks.

**HUNT:** Have you coached any trans student athletes that you know of?

**RYAN SALEM:** Yes.

**HUNT:** OK. That's my question.

**RYAN SALEM:** OK. And also, just not to take over, but--

**HUNT:** Sure.

**RYAN SALEM:** --gender diverse in every color of the rainbow. I'm--

**HUNT:** Sure.

**RYAN SALEM:** That, that's just the reality of large high school teams, is the-- there are all kinds of kids. And they all want to play.

**HUNT:** Mm-hmm. Thank you.

**RYAN SALEM:** Yeah.

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**SANDERS:** One more. Senator Guereca.

**GUERECA:** Coach, thank you for your testimony today. Kind of a tehcnical question. You've been a coach for 25 years. Any of your athletes gone on to college?

**RYAN SALEM:** Oh, for sure. I mean, I could name off four or five Huskers that are running tomorrow at the track meet.

**GUERECA:** Excellent. So when a, when a collegiate athlete at the-- within track and field is determining whether or not to act-- allow them and give them a scholarship, is it generally how many league championships are won or their actual individual speed, their times, and kind of what their splits are?

**RYAN SALEM:** Yeah. So track might be-- and cross-country might be slightly different in that. In a team sport, you might have to win the championship. But for individual sports-- like now, we're talking about swimming and track and trapshooting and all of those things. It could be measured, you know, numerically by the time or by-- so you can compare apples to apples. Trans athletes-- I think I know what you-- where we're going. Trans athletes don't take anything away when it comes to college recruiting. If I'm-- if, if you set the state record and I'm second, we are both incredibly fast. And so then we would both have opportunities from college coaches. Does that make sense?

**GUERECA:** Yup.

**RYAN SALEM:** OK.

**GUERECA:** Thank you, Coach.

**SANDERS:** Any other questions from the committee? See none. Thank you for your testimony, Ryan Salem. Next opponent. Good evening. Welcome.

**RACHEL MURPHY:** Hi. My name's Rachel Murphy. That's R-a-c-h-e-l; Murphy, M-u-r-p-h-y. I'm here to testify in opposition of the bill claiming to create more protection for women but is actually a dog whistle bill to encourage harassing women who don't appear feminine enough. I'm going to testify on the bathroom portion and not even touch on the sports piece because I'm not as educated on it as others-- as I assume most of our legislative body is not either-- though I do also oppose that portion of the bill. And I did want to just mention, I personally think locker rooms in general are very

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uncomfortable places to be no matter who is in there. And I would support a bill with individual changing spaces and shower stalls. As a cisgender woman, I have never once been frightened or hurt by a trans woman in my space. I have, however, experienced a cisgender friend being asked if she was actually a real woman because she has a stronger jawline than a lot of other women. What is she to do if she's confronted in a restroom the next time she comes to the Capitol? Do you need to check her genitals? Who is to enforce these bills? And who is to stand up for women if they don't look feminine enough to pass someone's personal judgment of who is allowed to relieve themselves in the stall next to them? Who is to enforce this for children in schools? Is this even a problem in schools, children being assaulted by their transgender peers? What's the importance here? And what is being solved for? If you look at the numbers and facts, transgender people are assaulted at a higher rate than men entering women's restrooms to assault people relieving themselves. In fact, there's no data suggesting that even occurs that I was able to find. Sexual assaults are largely committed by people that the victims know, such as romantic partners, family members, family friends in places where those people usually interact, like home, church, and other places that are usually considered safe. Does this bill address that at all? This bill does not place an officer in each restroom to gender-check people walking in. All it does is give a license to the general public to make judgment calls on how people look and assume what is between their legs. Who's going to help a trans woman from being assaulted in the men's room if she tries to comply with the law and men target her? Who's to protect a trans man when he walks into a women's restroom and an upset father or husband charges in after him not knowing that he has a vagina and is mandated to be there? Looking at the statistics, did you know that less than 1% of people are even transgender? Did you know that around 2% of people are born intersex? Are you aware of what intersex means? How does this law apply to intersex people who are assigned female at birth but have testes, lack a vaginal canal, or have one testis and one ovary? Is this law protecting them? Where do they use the bathroom? And I know it mentions the disability thing, but who is determining that before someone enters a restroom? People are going to see something and react. Does this legislative body care about facts, statistics, realities that people face and the actual safety of the public or just fringe conspiracy theories that look to target minority groups? I encourage you to realize the amount of questions and dangers that come with putting out guidelines that people don't know how to verify or enforce when facing these situations.

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**SANDERS:** Thank you, Rachel Murphy, for your testimony. I'm going to check to see if there are any questions from the committee. See none. Thank you for taking the time.

**RACHEL MURPHY:** Thank you.

**SANDERS:** Thank you. Next opponent, please. Good evening. Welcome.

**JAIMIE CERRETTA:** Hello. My name is Jaimie Cerretta, J-a-i-m-i-e C-e-r-r-e-t-t-a. And I am here to oppose LB89. I would like to establish, as I have looked around the room, that there is nobody here who is intimately familiar with my body's reproductive system. There is no one here who could speak with expertise on if my biological reproductive system is currently or will ever produce sperm or ova as deg-- as designated in the text of this bill. You can make guesses, certainly, but they're just guesses. This bill will encourage people to act on such-- assumptions and biases based on what they perceive to be feminine or masculine. This bill is called the Stand with Women Act. But as a cisgender woman, I can tell you that this act does not make me feel safe at all. This protects me from absolutely nothing and will only make it possible for others to decide that I am not feminine enough to use a restroom based on individual ideas of what feminism looks like. What if I cut my hair or wear baggy clothing? That's perfectly legal for me to do. Then why is it allowable for someone to accost me and tell me that I can't use the women's restroom? Whose image of woman are we going to hold up as feminine enough? As far as children's sports is concerned, if, as the text implies, you are worried about advantages, we should be organizing kids by ability, not gender. This would allow all students to challenge themselves and have fun, which is really all that should matter to us. Restrictions like these do not make me feel like we are living in the land of the free. If I am not free to choose how I display my womanhood, if the children in my community are barred from happily participating in sports because they are othered, we cannot pretend this is a free country. Thank you.

**SANDERS:** Thank you for your testimony. Jaimie, spell your last name again, please.

**JAIMIE CERRETTA:** C-e-r-r-e-t-t-a.

**SANDERS:** Cerretta?

**JAIMIE CERRETTA:** Yes, Cerretta. Two R's, two T's.

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**SANDERS:** Thank you very much for your testimony. Check to see if there are any questions from the committee. See none. Thank you for being here. Good evening. Welcome.

**JAIMEE TROBOUGH:** Hello, senators. My name is Jaimee Trobough, J-a-i-m-e-e T-r-o-b-o-u-g-h. I am a constituent of District 7. And I am opposed to LB89. I'm a lifelong Nebraskan going back many generations. I'm the youngest of six daughters, raised, raised by a single mother. Nearly all of my sisters have experienced physical and/or sexual violence, and it has never once been at the hands of a trans person. I come from a long line of strong women, and I know what it means to stand for women. I am also the mother of a trans child. Senator Kauth's misleadingly named Stand with Women Act does absolutely nothing to help the women of Nebraska. Instead, LB89 seeks to equate definitions of gender and sex, prohibit trans students from participating in school-based sports in Nebraska, and restrict trans people from using their preferred bathrooms in schools and facilities across our state. Setting aside the unhelpful, reductive definitions of sex and gender, setting aside access to school sports, I want to focus on the bathroom restrictions contained in this bill. If my child cannot use their restroom while away from home, what are they supposed to do while at school or at after-school activities? My kiddo is already afraid to use the restroom in their school, and they restrict food and drink intake in order to avoid the need to use the restroom. If my child were forced to use a restroom that doesn't match his gender presentation, he would be even more unlikely to use the restroom while at school. This literally affects my child's day-to-day health and restricts his ability to meet his basic physical needs. What about when he goes to college? Is my child not welcome at Nebraska's universities? And what about participation in civic life? Would my child not be welcome in our state's Capitol building? If this bill is advanced, my child would no longer be able to attend legislative hearings or floor debates. Without the ability to use their restroom, trans people would effectively be barred from participating in public life in Nebraska altogether. Don't be fooled. LB89 does nothing to stand with the women of Nebraska. It only seeks to harm transgender people in our state. On Tuesday, immediately after the president issued an executive order seeking to limit the rights of trans youth, I received an emergency text from my kiddo. My heart dropped, and I worried about his current mental and emotional state, assuming he had heard about the executive order. Instead, he said, Mom, I'm really going through it. This is awful. We're out of ice cream and Takis. Those are the kinds of things our kids should be

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worried about, not whether they will be able to use the bathroom at school. I'm here to say that trans people exist, they are here, and they deserve the same basic rights afforded to all other Nebraskans. I implore you to keep my child safe by not advancing this harmful attempt at legislation. Thank you.

**SANDERS:** Thank you, Jaimee, for your testimony. Let's just see if there are any-- yes, Senator Guereca.

**GUERECA:** Jaimee, I just want to thank you for coming in today. And I'll give OPS a call about the Takis and the ice cream--

**JAIMEE TROBOUGH:** Thank you. Thank you.

**SANDERS:** Are there any other questions? See none. Thank you for being here. Next opponent. Good evening. Welcome.

**LAURELEI SPILINEK:** Thank you. Committee chairperson and members. My name is Laurelei Spilinek, L-a-u-r-e-l-e-i S-p-i-l-i-n-e-k. I use she/her pronouns. And I am from here in Lincoln. Today I'm asking you to oppose LB89. Now, I grew up in small-town Elba, Nebraska. Most of you probably haven't heard of it. I was stuck between cornfields and cow pastures, and it wouldn't be until I went to college where I would learn of the concept of being transgender or gender nonconforming. But suddenly the nights where six-year-old me would pray to God to wake up as a girl would make so much more sense. Since coming out as the woman I was always meant to be almost five years ago, I have fought and faced many hardships as suddenly those who I grew up with who always preached the loving word of God were suddenly spewing hateful things about me and how somehow I was what was wrong with the world. But the true joy and purpose I have found over the last five years has been working with parents of young trans kids. In the last five years in the various jobs I have held, I have had dozens of trans kids feel safe enough to come out to me, many not out to their parents. And you know what was the same between all of them? They wanted to know that the adults who said that they loved them actually meant it. And yet it is this bill and the onslaught of others like it that tries to tell these kids that they are not loved, that the adults don't actually care to listen or believe them but instead demonize what they are. It is hateful rhetoric around these bills that led to 12-year-old me wondering if life was worth living if I could not be myself. And after so much fighting to try and make it easier for those who will come out after me and will come out after me, I find myself here fighting again. And for those here who have children or grandchildren, I beg

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you to contemplate what message are you sending to them in case they might be trans. And I actually want to close with talking about my mom, who has been watching all day to watch her little girl speak. Mom, thank you for being the closest ally in the last five years that I have had. Thank you for standing up to your church that kicked you out when you said you were going to love your child because that is what you believe God intended. Thank you, Mom, for telling me the day after the election she will go into debt to get me out if that is what I need. But I am here to fight for every kid who will come out because we have broken the closet and we are not going back. I accept any questions that you may have.

**SANDERS:** Thank you, Laurelei, for your testimony, for being here. Are there any questions from the committee? See none. Thank you. Next opponent. Welcome.

**DYLAN SEAMAN:** Good evening, committee. My name is Dylan Seaman. That's spell D-y-l-a-n S-e-a-m-a-n. And I'm from Lincoln, Nebraska. I'm here today speaking in opposition to the LB89, misleadingly named the Stand with Women Act. We know from previous attempts to enforce similar laws across the country these bills only spread fear and sparked witch hunts against women and girls. The shallow attempt to demonize transgender people as dangerous is completely unfounded. This bill relies on far-fetched notions of a radical politica-- political agenda, an agenda that has brought verbal and sometimes physical assaults against the very groups that this bill claims to protect. By framing these issues around sports fairness, the true intentions of this bill are obscured by a premise that is already a nonissue. There are currently less than ten transgender athletes particing in a-- participating in NCAA sports, and yet 21% of collegiate female athletes have reported being sexually abused by male coaches and trainers. By leaving specific carve-outs for individuals like coaches and trainers to freely enter gender-segregated spaces, it is clear to me that the intent of this bill is not to protect women and girls. It is simply to harm the transgender community. As the parent of a young daughter, I do not wish for her to grow up in a-- such a toxic and hateful environment where adults would quest-- would question her gender and ask invasive questions about her body from such a young age. The lack of enforcement mechanisms in this bill opens the door for adults to make blind accusations about children who do not fit the narrowly defined boxes that this bill seeks to place them in. In states where similar bills have been passed, people have been empowered to make disgusting claims and ask inappropriate questions to children. And this bill represents a threat to all children,



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especially young girls. There are many threats that young people face today, from hunger and homelessness, gun violence and school shootings, and abuse from adults in positions of power. But let me be very clear: transgender people are in no significant way a threat. This bill is nothing more than an extension of Washington, Washington extremists seeking to further their own agendas and gain power. The extreme and often violent rhetoric being used to push the anti-trans agenda has led to countless examples of cisgender women and girls facing harassment and violence at the hands of radicalized individuals fueled by hate and propaganda seeking to cause harm to a perceived trans woman. We will continue to see a further increase in hate crimes against transgender individuals, which has doubled over the last four years. The only agenda that the trans community has is live our lives free from fear and persecution because, despite the attacks of-- on our rights and our lives, we will still continue to exist. This bill is a part of a larger attempt to erase transgender people fro-- like myself from public life. But in today's digital age, it will take more than burning our books to erase our existence. We have always been here, and this bill will not change that. Transgender people are first and foremost people, with our own hopes and dreams, friends and family who love and care for us. And as you weigh the impacts of this bill, keep in mind the real people that this bill hurts. These measures are violent, extreme, and hurt the very people they claim to be protecting. So for the sake of the transgender community and all women and girls in our state, reject this radical vill-- bill. Vote no on LB89.

**SANDERS:** Thank you so much for your testimony. Are there any questions? I see none. Thank you, Dylan, for your testimony.

**DYLAN SEAMAN:** Thank you.

**SANDERS:** Next opponent. Welcome.

**MATTHEW JEFFREY:** Hello. My name is Matthew Jeffrey, M-a-t-t-h-e-w J-e-f-f-r-e-y. I want to take LB89 at face value and ignore the national anti-transgender push and culture war. I want to believe this bill is meant to protect females, but I don't see how it does. In Section 4(4), this bill allows adults to have one-on-one contact with students in secluded spaces. Nebraska just had a principal take his own life after getting caught physically touching a student. This sadly isn't a one-off situation, and this bill does nothing to prevent that from happening again. In Section 3, the bill defines males and females by what reproductive cell they produce. What invasive testing

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are students going to have to undergo to prove this? And who's going to pay for it? Also in Section 3, the bill defines boy and girl as adolescent humans. Adolescence is the period between childhood and adulthood. This means the bill does not apply to pre-pube-- pre-pubescent students. Who's going to violate students to see if they are going through puberty or not? If this bill wanted to stand with all females, it wouldn't limit itself to certain ages. This bill also defines women as adult female. So calling it the Stand with Women Act is ignoring kids. This bill doesn't define locker rooms or restrooms. When I ran track and played soccer in school, where we had 11 players on our teams-- John-- our locker rooms had restrooms inside of them. Does this bill see those restrooms as different from standalone restrooms? In Section 4, the bill says that locker rooms are designated for use by male or female except when they are used by someone other than that designated gender. Why even force locker rooms to be designated if they can so easily switch gender? Sections 8 and 9 do nothing related to claims in Section 2 of this bill. If you make the case that Section 2(8) saying governmental objective of protecting the privacy of individuals is why Sections 8 and 9 are necessary, I think it actually makes a better case for the removal of group restrooms and not requiring an ID to have social media. This bill does close a massive loophole. In 1997, the Warriors and Timberwolves were playing in a basketball championship game. The Warriors were up at the half and looked like they were going to win. The Timberwolves had an injured player and were able to sub in Buddy because the rules didn't say anything about not letting dogs play. This bill clearly defines males and females as human and closes the Airbud loophole. Despite closing the Airbud loophole, I oppose LB89 because it does not stand with nor protect my loved ones. Thank you. And I'll answer any questions.

**SANDERS:** Thank you for your testimony. Are there any questions from the committee? Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair. So just so we're clear, it's 11 that play on the field on each side each time?

**MATTHEW JEFFREY:** Correct. Yes.

**J. CAVANAUGH:** OK. Thank you.

**MATTHEW JEFFREY:** That's for on the field. There's also indoor, which has different rules, but.

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**J. CAVANAUGH:** Don't-- I'm-- too much in the weeds. Thank you. Thanks for being here.

**SANDERS:** Are there any other questions? Thank you for your testimony.

**MATTHEW JEFFREY:** Thank you.

**SANDERS:** Appreciate it. Next opponent. Welcome.

**SHERI SHULER:** Hello. My name is Sheri Shuler, S-h-e-r-i S-h-u-l-e-r. I am from District 9 in Omaha. Senators, families with transgender kids, we were just minding our own business. We didn't come here to Lincoln to rally and push an agenda for trans kids. No. We were busy parenting. We were supervising math homework and screen time and putting dinner on the table. Before the nasty anti-trans bills of 2023 dropped, frankly I have not paid that much attention to what you all were doing. I had never driven to Lincoln on a workday to try to talk to senators. I had never testified in a hearing or watched you work from the gallery. And I certainly never sat and listened with a straight face to grown adults spouting horrible lies about innocent children, who I love. I'm not a transgender woman. I was declared female at birth, and it stuck. So I have some 50-plus years of experience as a woman. And I did some math and conservatively estimate that I have made over 40,000 public bathroom trips in my life. I can go over the math later if you want. Most trips to the bathroom are unremarkable, but there is 1 of those 40,000 trips that does stand out. When visiting Worlds of Fun recently, my transgender teenage son came with me into the bathroom because I was worried for his safety in Missouri. This is what LB89 requires, by the way, that he use the women's bathroom. On that day, a little girl asked loudly, Mom, why is there a boy in the girls' bathroom? Here we go, I thought. And I got ready to protect him. But do you know what that mom said? She said, shh. Mind your business. As all of us should do in the bathroom. Never once in my 40,000 bathroom trips has a transgender woman posed a danger to myself or my children. So let's work on real dangers to women. I mean, does LB89 ban straight men from bars? That actually would keep women safer, statistically. Now, I have not been to 40,000 bars, but I know I have encountered dozens of dangerous men in them. I do not need LB89's protection from trans women. I've tried to shield my children from recent news, but desi-- despite my efforts, they know what's going on. They know that some people want to hurt them. For years, my middle schooler, Clara [PHONETIC], has been afraid at school because every intercom buzz might mean an active shooter. The past few weeks have brought worries that ICE was going to burst in and take

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some of their classmates. But the biggest gut punch was when my sweet, nonbinary 13-year-old child said, Mom, what if Trump decides to round up queer kids next? Our kids should not have to have this fear when sitting in algebra class. Senators, you can choose to calm and counter the bluster from Washington with a kinder, gentler side of government. You can choose to dispel fear and keep Nebraska kids safer rather than stoking misinformation and piling new fears onto your kids. I urge you to put a stop to this cruel bill. And, shh, mind your business.

**SANDERS:** Thank you, She-- hold on, Sheri. Let's check to see if there are any questions. Are there any questions from the committee? See none. Thank you. Next opponent. Welcome.

**JODY KELLAS:** Good evening.

**SANDERS:** Good evening.

**JODY KELLAS:** My name is Jody Kellas, J-o-d-y K-e-l-l-a-s. And I'm here today to speak in my role as a mother against LB89, particularly about the sections associated with restricting restroom use based on biological definitions of sex. I moved here 21 years ago for work and stayed to raise a family in large part because of what we have come to know as Nebraska nice. I couldn't believe how nice people were here. When I was here on my job interview, the United agent left the gate after my flight was canceled twice to run across the Lincoln Airport and find a couple I didn't know to see if they would drive me up to Omaha for another flight. And they did. Another time, a woman gave up her seat on the airplane because my husband was sick and she didn't want him to have to fly alone. Talk about Nebraska nice. Fast forward a few years and I have raised two beautiful, smart, funny Nebraska sons, age 18 and 15. My oldest, who is transgender, has always struggled because he was different. During his high school years, he was barked at, videotaped, laughed at, and pushed by boys at his Lincoln High School. Between 6th and 10th grade, he was hospitalized for suicidal ideation, self-harm, and suicide attempts seven times. After his last suicide attempt, we sent him for seven months of intensive treatment and were advised by experts to allow him to transition from female to male and start hormone replacement therapy, a decision that saved his life. I don't expect any of you to fully understand or embrace our decisions, our love for our son, or what many of the families like us or in this room go through. I'm guessing most of you have not lived this. And that's an important point. This bill targets a vulnerable minority. As of 2024, the transgender population is 0.33% of Nebraskans. When people go to the

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bathroom, there are stalls which ensure privacy. I know few people who care about who pees next to them, but I can tell you that my trans son was forced to leave his junior prom and walk to a gas station to use a bathroom because the student bathroom monitors wouldn't let him use the boy or the girls' restroom. And like other people, he has avoided going to the bathroom at school. I don't worry about my cisgender 15-year-old son or any of my friends' daughters being made uncomfortable by a trans boy or girl using their bathroom. I worry about my trans son being barked at, harassed, or harmed further by anyone who is fortified by a bill like this one that legalizes government discrimination against a vulnerable minority of Nebraskans. Barring people who are different from bathrooms is not Nebraska nice. Ignoring the voices of people like me who truly understand the harm this bill will cause is not Nebraska nice. Making UNL a place where my son is finally happy and thriving an institution of restricted bathroom access is not Nebraska nice. This bill is not who we are and should not be advanced out of committee. Thank you.

**SANDERS:** Thank you for your testimony, Jody. See if there are any questions. See-- thank you for being here. Next opponent. Good evening. Welcome.

**AVA MANHART:** Hi. My name is Ava Manhart, A-v-a M-a-n-h-a-r-t. And I'm here opposing LB89. I'm a senior graduating in May. And I've lived in Nebraska my whole life. I had planned to stay here in Nebraska for college, but if this bill is passed, I will feel unsafe and it will make me really consider-- really reconsider staying in this state. This bill will put countless women at risk of being assaulted. Anyone could be accused of being too strong or too good at their sport to be a woman, which, frankly, is insulting to all women. Have you thought about the amount of professional volleyball players or basketball players who are tall and strong and great at their sports that will be accused of being trans? Who are you suggesting will check what genitals they have? It sure as heck better not be a man. You all know what men in positions of power do. They assault women. We have seen that happen time and time again. Such as with the U.S. women's gymnastics team. This bill will still allow male coaches into female locker rooms. And frankly, I'm much more afraid of being sexually assaulted by a male coach than any of my trans classmates. Not to mention the bathroom policing. When have politicians given a crap about women who have been assaulted? If you want to stop women from being assaulted, have greater consequenti-- consequences for the men that are assaulting them. You could help women living in poverty. You can make childcare more acsec-- accessible. You could help women get

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out of dobe-- domestic abuse situations. There's so many ways that you could be helping women, but instead you have decided to focus on excluding an extreme minority out of sports and public restrooms. I'm on the JV swim team at my school, and it's one of the most supportive and embracing communities I've been in. Sports are good for everyone. They allow you to be a part of a-- part of a group and stay physically fit. States that passed anti-trans laws aimed at minors saw suicide attempts by trans kids increase as much as 70%-- 72% in the following years. If you pass this bill, it'll just make kids want to kill themselves. And I don't think that's what you're trying to do, but that's how it'll end up. Thank you.

**SANDERS:** Thank you, Ava Manhunt. Man--

**AVA MANHART:** Manhart.

**SANDERS:** Manhart. Thank you for your testimony. Check to see if there are any questions, comments from the committee. See none. Thank you. Next opponent. Welcome.

**SOPHIA MASON:** Hi. My name is Sophia Mason, S-o-p-h-i-a M-a-s-o-n. I reside in District 13. And I oppose LB89. The Stand with Woman Act is a highly misleading title, as it is directly threatening the rights of trans women and the greater transgender community. The Human Rights Campaign has identified the violent deaths of 372 transgender individuals since 2013, and 83% of these fatalities were transgender women. And this doesn't even address all the discrimination, assaults, and suicides of transgender people. It is extremely dangerous to be transgender in the United States. And bills like these do not help with any of these statistics. LB89 is not protecting women. It is rather forcing a strict category for what a woman should be. It's apparent in both children's sports to Olympic-level sports. Dutee Chand, Caster Semenya, Olympic woman athletes who naturally have a higher level of, of testosterone underwent questioning and ridicule because they did not fit into the narrow Western standard for how a woman should be. Semenya and Chand were barred from playing and had to fight for their rights to play in their own sport. I know we aren't talking about the Olympics here, but I bring this up because people such as Chand and Semenya show us that both gender and biological sex isn't black and white, but rather a complex mosaic both scientifically and culturally. Now, my-- I myself-- I'm a member of a college women's ultimate Frisbee team. I've been at many tournaments where I play against transgender players on other teams. I've guarded other transgender players. And never have I felt threatened or at a

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disadvantage because of this. I play ultimate because of the inclusive nature of the sport and the ultimate community's commitment to making the sport safe for transgender players. Seeing transgender players being uplifted on my team and other teams makes me feel incredibly happy and thankful that there are spaces being made in sports that are so welcoming of trans people. I only wish that this carried to other sports as easily. Trans people deserve to play on the teams that aligns with their gender identity. Trans people deserve to feel joy. Trans kids deserve to be kids, to wait with their friends before getting picked up by their mom after soccer practice. This bill is not supporting woman. I, as a woman, am extremely disturbed not only by the contents of this bill, but that it has such a misleading title. I do not stand with this bill. I stand with the transgender community, with my transgender sisters and siblings. I am urging you to do the same. Please oppose LB89.

**SANDERS:** Thank you for your testimony, Sophia. Let's check to see if there are any questions from the committee. See none. Thank you for being here. Welcome.

**ISA MANHART:** Hi. My name's Isa Manhart. I-s-a M-a-n-h-a-r-t. I'm a lifelong Nebraskan. And I'm one of the bright young people you hope will stay in this state When you talk about the issue of brain drain. I'm studying to be a teacher at the University of Nebraska, Omaha. I'm representing myself. And I'm planning to stay in Nebraska and teach in our schools because I care about our students and the teacher shortage that's impacting them. I'm also trans. That doesn't make me less than anyone else. But this bill challenges my ability to work in our schools and stay in our state. It makes my college campus less safe for me to attend and makes schools less safe for my siblings and friends. This bill really isn't determining about-- isn't about determining what sex and gender are. That's a job for scientists. This bill is about how we legally define sex and gender across a broad spectrum of public and private institutions. And I would like to suggest that this body isn't equipped to do that. We had LB575 last session, the Sports and Spaces Act, and in that bill gender was defined by chromosomes. But this bill is different because they realized that chromosomes aren't a clear-cut way to define gender. So in the first draft of this bill, it was defined by how a person's biological structure is organized, whether it's producing eggs or sperm. Of course, a person who has ova is not producing them. Any basic fourth-grade lesson on menstruation will tell you that people with ova are born with a set number of them that are released over the course of their life. And I recently read this new amendment from

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Senator Kauth when-- which the definition of gender has been changed yet again. So I would like to suggest that, though the senator may feel very strongly about regulating gender in a certain way, she doesn't have as strong a definition of it as she thinks. And in fact, it's much more complicated than this body is able and willing to regulate. She's changed the definition three times. And who's to say in the next few years that definition won't change again when we have different ways to look at it? There's not one perfect way to define someone's gender. And it's not just trans people. It's all people. You can't tell from the outside how a person's biology is structured. And this bill-- to enforce this bill without charges of discrimination would require that we inspect every person who tries to use a bathroom in every school or state building. I don't know how we'll police bathrooms or how this will be enforced, but in my mind this is an unfunded mandate because, according to the senator, we're expected to have all the schools print out new signs to put up. Then we're going to have lawsuits based on civil rights with-- when people are asked not to use certain bathrooms just because of how they look. I just don't see this being good for taxpayers. I don't see it being a reflection of the conservative values many people in this committee profess to have, because it's a government overreach. It's an unfunded mandate. And as a teacher, I'm really scared. As a trans person, I'm really scared. And as an older sibling, I'm scared because I want to be able to stay in this state and I want to be able to teach and help the students in our state succeed. So I think that you really have a choice with this bill: whether you want to stand for a Nebraska with good schools and good jobs and young people like me who want to stay and start families in the state or whether you want to advance a bill that would push our state further into debt, brain drain, and harm towards families. To the kids-- trans kids across Nebraska, you're amazing, you matter, and you belong anywhere and everywhere that you want to be in our state. No matter what happens, we'll always be here fighting alongside you. To the committee, please abstain from voting on LB89.

**SANDERS:** Thank you, Isa, for your testimony. Appreciate it. Check if there any questions from the committee. See none. Thank you. We are just now at the hour of the last segment, but I think we're going to go ahead and finish this row. So we'll finish at the end of this aisle and then take a break. We have to take a break. Everybody stand up. Stretch it out. Welcome. Go ahead.

**CIARA STUEVE:** Dear Chairperson Sanders and committee members. My name is Ciara Stueve. That's C-i-a-r-a S-t-u-e-v-e. And today I am urging



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you not to allow LB89 to make it outside of this committee. I stand with so many other Nebraskans in strong opposition. As an athlete myself, I find this bill shocking and harmful. There has never been a time in parci-- in, in my participation in athletics where I'd ever thought to act on or question the genitalia of any fellow teammates or competitors. As a swimmer, we all practice together, and all that I can remember is the friendships, teamwork, and friendly competition that went into participating in the sport. I want to call attention to the implications of legislating such rigid gender guidelines.

Excluding women who are trans hurts all women. It invites gender-policing that could subject any woman to invasive tests or accusations of being too masculine or too good at their sport to be a real woman. Furthermore, this def-- this bill defines female as a person whose biological reproductive system is organized around the production of ova. And although we've heard amendments made, I still urge you to consider the implications of this definition, particularly for intersex individuals and people whose sex characteristics may not align with traditional male or female classifications. People have no control over their biology, and this bill unjustly excludes.

Furthermore, what about women who cannot produce ova? Would they no longer be considered women under this law? I think gender is a complex, evolving field of study, and rigid definitions fail to reflect biological diversity that exists and cannot be ignored. I appreciate your time and service. This bill doesn't represent women, and it certainly doesn't protect us at all. There are real threats that we all face every day, and waging a war on transgender children and the community is not one of them. Please don't let this terrible bill get out of this committee. Thank you.

**SANDERS:** Thank you, Ciara, for your testimony. We're going to check to see if there are any questions from any of our members. See none. Thank you. Welcome.

**MELISA BECERRA:** Hello. Thank you so much for being here. I know it's been a long day, but thank you all for being here as well. It really speaks to this. Dear Chairperson Sanders and committee members. My name is Melisa Becerra, M-e-l-i-s-a B-e-c-e-r-r-a. And today I'm urging you to not allow LB89 to make it outside of this committee, the so-called Stand with Women Act. I stand in firm opposition, as so many Nebraskans do. As a former student athlete, for UNK, actually. I'm not with the crowd-- I'm not with Professor Brown and his crowd. I find this bill extremely disrespectful and harmful. For all my fellow Lopers, I see you and you are loved. I would like to know the quantitative da-- data on how many girls have felt threatened before

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in the athletics sphere here in Nebraska. During my athletic career, circumstances never allowed me to even question my opponent's genitalia or gender. If I remember something from my college experience was the joy of connection with other humans. It is so miserable to own and proliferate these fears against innocent people that, just like you and me, deserve to be in spaces that nourish our existence. Take, for instance, the disinformation campaign against Algerian boxer, Imane Khelif, during the Olympics. This legislation doesn't only deviate Nebraska's-- Nebraskans' attention from real problems that we face every day, but it also disproportionately targets a minority that rep-- as we heard, represents less than 1% of the U.S. population. I believe there are only ten public-- publicly transgender athletes at the NCAA. Trying to exclude folks from the legal channels of society never works. I'm not here to give you a roundup about gender or sex. These are not supported by ideology, hatred, or religious beliefs, as we have heard. Instead, they are supported by experts and scholarly research. I-- attached, I have some references, but I mean, I-- we've had pretty good testimonies with experts and a lot of resources. Imposing such a discriminatory ban and redefining sex from extremely reduced viewpoints that lack evidence and arguments is detrimental for all Nebraskans. We all belong here. We want a world where many worlds fit. What if I'm an individual whose reproductive system doesn't function the same way as this legislation describes? What if I'm not physically capable of producing ova and eggs? Why do these people get to tell me if I get to be part of society or not? This bill is targeted, extremely political, and created to spread fear, confusion, and, most importantly, hate towards a minority, especially children that has-- that have been testifying today. They will never cease to exist. I also urge you to pay attention to the fact that this legislation is a major assault on our reproductive health and privacy. Thank you so much for your time and consideration. I urge you to be compassionate and apply your humanity to stop this bill from moving forward. Nebraska is for everybody, and under your judgment and service and leadership, you shall uphold and defend our values because every single person deserves a dignified opportunity to exist. Cheers to trans joy and queer joy. And I'm open to any questions as well.

**SANDERS:** Thanks, Melisa, for your testimony. Any questions from the committee? See none. Thank you again for being here. Came to the end of this row, which means we are going to take a break. Five minutes. And then-- you know how to move up and organize yourself and to get-- we, we'll get started right away in five minutes.

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[BREAK]

**SANDERS:** Thank you, everyone, for being here again. I don't know how many hours some of you have been here, but it is greatly appreciated. We're going to go ahead and get started. And welcome to the Government Committee.

**NATALYA ERICKSEN:** Thank you, community members, senators, everybody from the state of Nebraska. Thank you to all the people in this room for coming and testifying today. I appreciate each and every one of you, and all the people that have testified spending countless hours here today at this Capitol building. So I am-- my name's Natalya, N-a-t-a-l-y-a. My last name is Ericksen, E-r-i-c-k-s-e-n. I'm a lifelong Nebraskan. I'm 37 years of age. I'm in here for about as long as I can fathomably count and remember inside of my brain that is filled with so much information. I've seen multiple different bills pass through legislation throughout my years. I'm also-- I will fully disclose here that I'm a former state of Nebraska Department of Health and Human Services, Child and Family Services Division employee. So I, I, I've spent a lot of countless time in my career representing families and children across Nebraska. I'm also a trans woman. And, and I think that each person that is in this room has a voice, as, as every family and child who is transgender and who deserves to have health care, who deserves to have a voice in school, who deserves to be able to play sports, who deserves to be able to have the same equal rights as every other student. I think that's critically important to the mission in Nebraska, is ensuring that we're pret-- we're protecting those students and their abilities to, to be able to compete as well, equally and fairly with everyone. I have seen a lot of things online in social media. Very specifically, two days ago where a person was contemplating issues of self-harm. And that person is a Nebraskan resident. And they are a trans person. And that is serious to me. That speaks volumes. Speaks a massive amount of volumes that I'm seeing those, those things online. And the reason why that they consider that is because they feel and fear that they would not be accepted, that they wouldn't be eligible to participate in school programs, they wouldn't be eligible to have the same equal fairness at a college level, a collegiate level. And, and I think that's unanimous all the way across between K and-- K-- K-12 schools. I have been a subject of discrimination personally and professionally. And here in this binder sits hundreds of sheets of paper in here when I was a state of Nebraska employee and my employment was terminated because I'm a transgender person. And that-- and, and, and, you know, and-- I, I was working for all of you. And working for all the communities

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across Nebraska, all 93 counties. And I, I fear that LB89, that we continue down this rabbit hole with these bills, including this particular bill, and we're going to end up with more situations and resulting in damage to our transgender youth and adults across the state. And I ask all of you that you really reconsider this. And please don't vote for LB89. Please do not. Thank you. I appreciate each--

**SANDERS:** Thank you, Natalya, for your testimony.

**NATALYA ERICKSEN:** You're welcome.

**SANDERS:** Let's see if there are any quest-- questions from the committee. Thank you for being here and your patience.

**NATALYA ERICKSEN:** Thank you, Senator. I appreciate it. Thank all of you. Have a great night. Get home safely. I hear it's getting icy out there. Thank you.

**SANDERS:** Thank you.

**ANDERSEN:** Next opponent. Welcome to the Government, Military and Veteran Affairs Committee.

**MARY ENSZ:** My name is Mary Enszt. That's M-a-r-y E-n-s-z. And I'm from Omaha, Nebraska. I'm in 7th District. So I believe in a Nebraska that's free of discrimination. That's why I'm urging you to oppose LB89. It's a harmful bill that targets transgendered Nebraskans and their ability to use public facilities and resources. It takes the defeated Sports and Spaces ban from the last legislative session and expands it to affect all K-12 schools, colleges, and state agencies. This Stand with Women-- and I put that in quotes-- bill is supposed-- supposedly in the name of my safety as a woman, but it really has nothing to do with it. In fact, it is insulting to me as a woman that this is somehow protecting me. I don't feel like I need to be protected. There are a multitude of conditions that defy biological sex as beyond binary-- as other people have said better than me-- as well as gender being something entirely different than biological sex. And so I have a, a transgender child. She's six. And you want to tell me that I am somehow going to feel safer with my six-year-old trans daughter going to a men's bathroom where she's scared, alone, and doesn't feel like herself? At school, she could get in trouble for using the bathroom she's always used or bullied using the boys' rooms because it's outing her as trans. And for what, my supposed safety?

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Her supposed safety? Her classmates that she's gone to the bathroom all of her school career's safety? I don't think so. This feels a lot like control and governmental overreach. I'm a mother of three children, two of whom are gender-expansive. The 16-year-old is cisgender. He likes cars, wears athletic shorts and T-shirts. The nine-year-old's artick-- art-- artistic, loves to run, wears whatever they're comfortable with. And the six-year-old is assigned male at birth, plays with dolls, stuffed animals, loved-- loves mermaids, and wears dresses and sparkly shoes. These are not things we've encouraged or discouraged. It is who they are. And they've been created absolutely beautifully. My spouse and I want them all to have rights and opportunities and abilities to express themselves. But with bills like LB89, we're going to have to teach them that each of them has different access based on their expression, their body parts, their basic humanity. And that seems an awful lot like separate but equal. Do we really want to go down that road? It's simple and it's not fair. You senators are making choices on a systemic level that affect our intimate families and how our children see themselves and how others are forced to look in-- at and police their bodies. That doesn't stand with women. It stands against humanity. So I want you to consider what family values and government overreach really, truly mean to you. Those are supposedly Republican values, right? LB89 will actively force me and my family to treat my children unfairly. One gets all the rights and bodily autonomy because of his body and gender alignment and the other two treated like objects with no agency because their gender doesn't align with their sex assigned at birth. So we want to make educated, loving choices for our family. We want our children to make choices about their own bodies. And this bill would greatly harm myself, my friends, my children, and my community. So please oppose this bill. Thank you for your time.

**ANDERSEN:** Thank you, Ms. Ensz. Are there any questions from the committee? Seeing none. Thank you very much for your time. Welcome to the committee.

**JILL MANHART:** Thank you. Good evening, senators of the Government, Military and Veterans Affairs Committee. My name is Jill Manhart, J-i-l-l M-a-n-h-a-r-t. I'm sure that almost everyone in this building can agree that we want to support the well-being and safety of children here in Nebraska. Where some of us start to see things differently is the who we are looking to be deserving-- the who we look at as being deserving of that support and safety. The Let Them Grow bill was passed two years ago under the appearance of protecting children. I heard senators talk about how they needed to protect our

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children and how our families could not make decisions with our own health care providers on medical decisions to support our children's well-being. Now we are here again saying that the same children that they were trying to protect cannot participate in sports or use the restroom, for they are a threat to others. Now we are not interested in protecting those children anymore. So again, where some of us begin to differ is who we see as deserving and valuable human beings, who we feel deserves to have their well-being and safety protected. When I picked up my son last year after the defeat of Sports and Spaces bill, he told me he had watched some of the floor debate at school. It was during his free time, and he, an elementary student, was concerned over what was happening in the Nebraska Legislature, concerned over something that would have significant impact on his life and well-being. My heart sank as I thought about him listening to the debate being-- the debate being ha-- about his ability to belong in school with his friends. I found myself searching my brain as to what he may have heard about trans kids and that debate that day. Can you imagine a child having your mere existence debated about by senators in the Legislature? The following day, I took my son to a soccer game. I had the experience, as many parents of athletes do, of watching my son score a goal. I know many of you out there know what that feeling is like, of watching your child on the field or court when suddenly they make a basket or score a goal and you see them beam with pride and somewhere in you because they are your child you feel soar inside you as well, filling your heart so full. You experience that joy, that pride right there with them in that moment. That is how I feel when I watch my son play sports. I see his joy, his pride, his confidence, his sense of belonging and exhilaration of being part of a team, something bigger than himself. But that goal on that particular morning meant so much more to me than any other goal. It made me tear up, for it was the first game that season that I did not have fear hanging over my head, fear that this experience was going to be stripped of my son. And I knew he felt the same way. We can all agree that sports provide discipline, courage, resilience, focus, determination, and physical and mental well-being. We also know that athletes' performance depends on so many factors, from height, weight, genetic mutations, and, more importantly, access to things like skill building, facilities, coaches, status, and so much more. There is no playing field-- there is no level playing field. For those who know me, I'm a cautious and measured person who thinks thoroughly about decisions I make. I'm asking each of you to please stop and do the same. This is not what we need to focus on in Nebraska. Our children deserve safe schools, plenty of teachers, access to mental health, and

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access to food and housing. I'm asking you as a mother to give us a world where our children can feel they belong, a world where they are safe, a world where their mere existence is not up for debate. I ask you, where does this end? Thank you.

**ANDERSEN:** Thank you, Ms. Manhart. Are there any questions? Seeing none. Thank you very much for your time today and patience. Next opponent. Welcome to Government, Military and Veteran Affairs.

**HEATHER RHEA:** Thank you. Hi. My name is Heather Rhea. It's spelled H-e-a-t-h-e-r R-h-e-a. It's a lot of the same letters all in a row. I reside in LD 27. And I'm here today to encourage you to just let LB89 die. And please let it die forever, not just for this session. I am a long-- lifelong Nebraskan. I have a professional job as a department head in a thriving local longstanding business. I pay my taxes, property included. I volunteer to various organizations when I, when I can. I'm also a mom. I have a daughter. She's brilliant and she's funny and she's kind. She just started her second semester in college, where she's been double-majoring in economics and sociology before hoping to go to law school. While it's only her second semester, she's actually a sophomore because of the credits she accrued through the International Baccalaureate program and that testing. She started a new club at her university. She secured all the funding and faculty sponsorship herself. She is thriving. She is also trans. Typically, she's the picture of who we're talking about when we talk about brain drain: intelligent, kind, motivated, and full of potential. She would qualify for tuition forgiveness here due to her high ACT scores and her National Merit status. She opted to go to a university in a safe state because the repeated attacks on people like her by this very body. Prior to 2023, we ran into very few issues with her transition. No bullying or name-calling. She spent her transition surrounded by support and by being seen and valued for who she is and what she could accomplish, not what junk she has in her pants. I understand her decision to leave, although it breaks my heart. I miss her terribly. And I know what potential-- her loss is to our state. Speaking about brain drain-- which we all know is about only property taxes-- LB89 does nothing to address that either. There are still plenty of trans and nonbinary people here in Nebraska, obviously. They're active members in our communities with professional jobs, thriving and contributing without hurting anyone at all. Some are little kids, and my heart is broken for their families who are just trying to protect those kids. I tried to search this week for any recent instances of sexual misconduct or assault in public spaces by someone who was trans in Nebraska and didn't find any. I found teachers, coaches, an

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athletic trainer, family members, church leadership folks, but not a single trans person. I think it's interesting that some of those groups have a protected presence in these spaces in LB89 while painting trans and nonbiar-- nonbinary folks as dangerous. I also note today that the suicide hotlines are spiking with people who this bill hurts by incorrectly grouping them as villainous. Please do not advance LB89. It does nothing to protect anyone but rather perpetuates a false narrative that trans folks are to be feared and further alienated. We as Nebraskans are better than this.

**ANDERSEN:** Thank you, Ms Rhea. Are there any questions? Seeing none. Thank you very much for your time and your patience. Please. Welcome to the Government, Military and Veteran Affairs Committee.

**SYDNEY BROWN:** Thank you. Think after seven hours I would have figured out the process. My name is Sydney Brown, S-y-d-n-e-y B-r-o-w-n. And as a grade-schooler, I was often taunted that, that's a boy's name. And I had to stand there on the playground and I'd be like, no, it's not. I'm going to-- I'm going to punch you if you don't stop saying that. Because I was a skinny kid, a skinny girl that didn't have a lot of girl features. And I was faster with-- than anyone in my class. And so I put up with a lot of, oh, you can't be a girl, as a fourth-grader. And so when I started reading through this, I got angrier and angrier because I remembered all of that and remembered what it was like. And I started thinking about my trans friends, my non-gender-conforming friends and think of what they already put up with in the bathroom when they don't go in and look like what somebody else thinks they ought to look like, whether that's somebody else's idea of a man or somebody else's idea of a woman. And then I kept reading and I got to Section 8 and Section 9, and I was like, whoa. Wait. What? I work in an office that's on a hallway by a large enrollment classroom on campus. And I am supposed to be somebody where any student that is in distress can walk into our office and know that they're in a safe place. And so I thought, huh, if this bill goes through, I could have one person feeling like they were unsafe because they thought somebody of the wrong gender was in their room and they're in there complaining. And I could have someone else who was feeling accused wrongly at the same time. What am I going to do? This, this is a travesty and puts people like me in, like, the enforcement of this? It's ludicrous. So not only are you subjecting a vulnerable minority to an empowered bullying-- I mean, imagine that. It already happens. Now they've got-- you know, if this passes, they would have the law behind them and-- oh, you can't be here. How does somebody prove they can be there? How big do your boobs need to be? Do you have



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to take your pants off to prove you can be in there? Or do you just quick get out while you're still safe, while you-- nobody has bludgeoned you yet? They've just hurt your feelings. Maybe for 50 years. This must be stopped, and you have to stop it. It's not Nebraska. Thank you.

**ANDERSEN:** Thank you very much for your testimony. Any, any questions for the testifier? Seeing none. Thank you very much for your time. Welcome to the Government, Military and Veteran Affairs Committee.

**CLEO ZAGURSKI:** Good evening.

**ANDERSEN:** Good evening.

**CLEO ZAGURSKI:** My name is Cleo Zagurski, C-l-e-o Z-a-g-u-r-s-k-i. And I am a constituent in Nebraska Legislative District 18. And all views are my own. I'm here testifying in firm opposition to LB89, a bill that seeks to use biological sex to dictate who has access to public life. I find this bill incredibly problematic. First, LB89 is a form of government overreach. LB89 seeks to utilize biological sex to determine who should and shouldn't have access to various spaces. I want to live in a state where people are able to live fulfilling and happy lives regardless of their gender identity. I was raised to treat others the way that I would want to be treated, and I would never want someone to exclude me or discriminate against me based on my gender. Further, LB89 was introduced by Senator Kathleen Kauth to protect women. As a cisgender woman, I can tell you that this bill does nothing to protect me. I have never feared for my safety because I was around someone who was transgender. Rather than taking away people's rights, I would recommend working on policies that would actually better the lives of Nebraskans. Finally, I am incredibly concerned by how this bill will impact brain drain in our state. I have a vested interest in ensuring that Nebraska is a place where my generation wants to live and work. By introducing LB89, you are forcing our postsecondary institutions to discriminate against their students. I am a proud Creighton honor student, and I am surrounded by incredibly bright out-of-state students. These students would make wonderful additions to our workforce, but LB89 makes Nebraska a hate-filled state where they are subject to discrimination. I do not want to lose potential colleagues due to discriminatory policies like LB89. How are we supposed to retain prospective students in a state that is outwardly discriminatory to gender-nonconforming individuals? Let's prioritize keeping great minds in our state and avoid discriminating against Nebraskans. As a fourth-generation Nebraskan, this state is my

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home and the place where I hope to raise a family someday. I was raised to love all people and to make my community a safer place, especially for those on the margins. LB89 tells gender-nonconforming Nebraskans that they are not loved or supported. I want this state to be one where all people can live the good life. I urge every member of the Government, Military and Veterans Affairs Committee to vote against this bill. Let's make Nebraska a safe and loving place for all people. Please do not send this bill to the floor. Thank you.

**ANDERSEN:** Thank you for your testimony, Ms. Zagurski. Are there any questions? Seeing none. Thank you very much. Welcome to Government, Military and Veteran Affairs Committee.

**LESLIE DVORAK:** Thank you. My name is Leslie Dvorak, L-e-s-l-i-e D-v-o-r-a-k. I'm here today to firmly oppose LB89. I am a 21-year-old-- or, 21-year veteran from the Air Force. I've been a nurse practitioner for 23 years. I own Pride Health Clinic and provide gender-affirming care to all Nebraskans as well as people in ten other states. I'm also mother of six amazing kids. LB89 discriminates against transgender children and adults. All children seek to belong. Playing sports is part-- and being part of a team with their friends and their peers allows them to be-- belong [INAUDIBLE]. Making children play on a team that they were assigned at birth is telling these children that they don't belong, that something is wrong with them. Regarding the argument of the higher testosterone levels giving players a better advantage in sports, let's talk about that. Children up to age ten, boys and girls have the same testosterone level. Children can be on puberty blockers as young as age eight, and this lowers their testosterone levels even more. Trans girls on estrogen and testosterone blockers often have lower T levels than their female counterparts. So when you're looking at age 10 to 18, cisgender boys, testosterone levels are 100 to 970; trans boys, 300 to 1,000; cis girls, 15 to 38; and trans girls, less than 20. Tell me how that gives them an advantage in sports. So talk about trans boys. Their testosterone is 300 to 1,000. What team do they play on? Do you want them playing with other cisgender girls? Someone testified that children often flip-flop weekly as to whether they're trans or not trans. This is not true. Research shows that when children choose to say they are now the sex they were assigned at birth, it's not because that's who they are. It's because of lack of support and social pressure. What threat is it to have a trans girl use the girls' restroom? She is just there to use the restroom and leave. I was thinking today as I was in the restroom, Big Bird can be in the next stall and I wouldn't even know. You're making the gross assumption

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that because someone is trans that they are predators. Statistics shows that cis males account for an overwhelming percentage of child molesters and sexual abusers. Making a trans girl use a men's restroom puts that adult or child at great risk for assault. Trans men using the female restrooms would cause confusion. Should we allow our children to have people ask them about their genitals? 99-- or, 96% of people who sexually assault children are cis males. 77% of these abusers are adults, not children.

**ANDERSEN:** Thank you, Ms. Dvorak. Please finish your, your thought.

**LESLIE DVORAK:** OK. I just want to say, again, our children just want to thrive and grow. They just want to be themselves, have friends. Giving them [INAUDIBLE] space. Don't force them to be somebody else just because you are not comfortable with who they are. Thank you very much.

**ANDERSEN:** Thank you very much for your testimony. Are there any questions? Seeing none. Thank you very much for your time and your patience. Welcome to the Government, Military and Veteran Affairs Committee.

**KENNETH MORTON:** Thank you, Senator. Thank you, everybody, for being here. My name is Kenneth Morton, K-e-n-n-e-t-h M-o-r-t-o-n. And I'm here on behalf of my seven-year-old transgender daughter. In the past few weeks, groups like the Trevor Project have been sending press releases to remind trans and nonbinary youth and adults that they are worthy of love, peace, and belonging. They are also reminding them that they are worthy of living. That's the type of fear and destabilization bills like LB89 serve. The bill solves no real problems, is virtually unenforceable, and puts the civil rights of not only those in marginalized groups, but every woman and girl in this state in even more peril. In Washington, D.C. recently, Congresswoman Lauren Boebert accused someone in a women's restroom in the U.S. Capitol building of being Sarah McBride, the first transgender member of Congress, who by rule is now not legally allowed to enter a woman's bathroom on capitol grounds. The woman Boebert accused was not McBride and was in fact a cisgender female. How many of these occurrences will happen in Nebraska if LB89 is passed? We've heard this. We've seen this be-- there are trans men that look like me. Where should they be going to the restroom? Senator Hunt past-- or, mentioned earlier that, how do you know? It doesn't matter. We don't know. We really don't know. I look up at all of you and I don't see a single biologist or geneticist. I'm neither of those things either, but I do know that the

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vast majority of experts in those fields understand that gender is more complicated than XX, XY, and I defer to their expertise, as we all should. Those in support of this bill decided that fighting culture wars is more important than protecting all Nebraskans from discrimination and persecution and solving real problems this state faces. I was, I was having a discussion with a parent the other day about, about messaging for what we believe. And we talk about proponents of bills like LB89 have short, catchy phrases that people remember like, we're protecting women; or, there are only two genders; or, it's just common sense. They're simple. They're effective. I, I think they're inaccurate, but effective, as most propaganda is. Sure, we have our signs, we have our slogans. But when it comes to the issue of gender identity, we often find ourselves trying to explain genetics and biology to people who barely remember the high school class where they think they learned gender theory. I suggested something like, we just love our kids and want to see them happy, accepted for who they are. If we keep going down this road of persecution, if you keep telling the people we care about, you don't matter. You are not important. I think I may need to change that phrase a little and I may have to start saying, I just want to keep my child alive. Thank you.

**ANDERSEN:** Thank you, Mr. Morton. Are there any questions? Thank you very much for your time. Welcome to the Government, Military and Veteran Affairs Committee.

**JUNIPER COOPER:** Thank you. Hello, senators. My name is Juniper Cooper, J-u-n-i-p-e-r C-o-o-p-e-r. I am here to stand in opposition to LB89. And if I'm so allowed, I'd like to give some reasons why you should as well. To start, I myself am transgender. I have taken-- it has taken so much work and courage for me to even get this far with how our current world is structured. And to see a bill denying my very existence is disheartening. Before we get any definitions mixed up, this bill is denying my existence. That's exactly what it's designed to do. You cannot stand with women while invalidating and criminalizing womanhood for those who don't meet your standards. It's simply un-American. But I digress. This bill-- although again a blatant attack on trans rights-- claims to protect two main things: women's bathrooms and women's sports teams. Let's go over both of these issues to see if trans women are really an issue here. To start with bathrooms, the National Institute of Health, a government institution, states that arguments in favor of banning trans people from this universal basic necessity are unsupported and that this is an act of gendered violence. I would have to agree. By making women use a bathroom designed for men, is that not infinitely more violent

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than allowing them to use the bathroom of their social presentation? The basis of this bill is the idea that trans women are violent predators who seek to endanger women at every opportunity. But I imagine you can all see how hateful that view is. Moving on to athletics. There's a biological advantage that comes of undergoing male puberty, but there's a few angles through which you can look at this. The first is the natural advantages that are present throughout the same sex. In 2024, multiple South African women were barred from competing in the Olympics due to naturally high testosterone. I ask, do these women who meet your arbitrary definitions of womanhood deserve to be held from their sport? Maybe I'm getting ahead of myself. After all, these women are outliers compared to the scary trans women who all undergo male puberty. But do they have to? This is where I'll let you know that Cedars-Sinai, a reputable health care organization, says that puberty blockers are overwhelmingly safe when used appropriately. While side effects do exist, these typically only occur when prolonged past puberty. What if the kids change their mind? According to physiology.org, puberty blockers are easily reversible and cause no long-term damage to the recipient. More research is still being done, but my point is pretty clear. Trans people aren't a threat. I grew up in rural Wood River, Nebraska, and it took me 19 years to start coming out because I've seen firsthand how trans people were demonized. I had a woodworking teacher who openly advocated for the hunting of my people. This bill only serves to further this demonization and legitimize this baseless hate. When do I get to be a part of the land of the free? With the last of my time, I would like to thank Senators Cavanaugh and Hunt and all of you for being here today and making me feel safe and comfortable in Nebraska for the first time in my life. Thank you.

**ANDERSEN:** Thank you for your testimony. Any questions? Thank you very much. Welcome to Government, Military and Veteran Affairs Committee.

**DANIEL RICHIE:** Thank you. My name is Daniel Richie, D-a-n-i-e-l R-i-c-h-i-e. I would like to thank you senators for your time, especially Senator Sanders, which I've been trying to meet since the spring of 2023. I'm not going to go into too much, but I wrote a little poem to kind of break the monotony of statistics and, and personal lived experiences. I live in a state. I live in a state that I am not from. A place where I purchased my first home. Where my second child was born. A place we planted our, our family roots. I live in a state that I have encouraged family and friends to move to. A place that has immense beauty. Where roads connect small-town America with the, the, the hustle and bustle of the big city. I live

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in a state that belie-- where the state believes that I as a parent am a groomer. A place where my child does not exist. Where he must hide who he is. A place that he is not safe to be himself. I live in a state where my state legislator refuses to speak with our family. A place where decisions are made with preconceived notions. Where different thoughts and experiences are not valued. A place where the smallest minority is under constant attack. I live in a state that says equality above the law. It's on our flag. A place that claims to be the good life. Where it's not for everybody. A place called Nebraska. If you have any questions, you're more free to ask.

**ANDERSEN:** Thank you, Mr. Richie. Senator, Senator Hunt.

**HUNT:** Thank you, Vice Chair Andersen. Thank you for waiting so long today to share this poem with us. Who was your state representative [INAUDIBLE]?

**DANIEL RICHIE:** Senator Sanders.

**HUNT:** OK. Thank you.

**DANIEL RICHIE:** It's, it's a pleasure to finally meet with you. I've been trying since 2023.

**SANDERS:** And you've contacted my office and you live in Bellevue?

**DANIEL RICHIE:** Yes.

**SANDERS:** And we've not met?

**DANIEL RICHIE:** We have not met.

**SANDERS:** We will make sure that happens. Moving on to our next--

**DANIEL RICHIE:** Yup. Thank you for your time.

**SANDERS:** Thank you. Welcome.

**HOLLY RICHIE:** Hi. Thank you for having me. My name is Holly Richie, H-o-l-l-y R-i-c-h-i-e. I'm here to speak in opposition to LB89. Here we are, year three discussing bills that impact the lives of trans people in Nebraska. And we have yet to have an issue in our schools, sports, bathrooms, or locker rooms. You are hear-- you're going to hear many things that will be blatantly unfounded and harmful. You will hear heartfelt pleas and stories to make you compassionate and

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understand them. I am here to make three simple statements. First, to the trans youth and adults in this room, across the state, nation, and world, thank you for allowing us to love you. Thank you for trusting and knowing that there are people out there that are, that are safe for you. You are wanted, you are valid, and you exist regardless of what executive order or law says about you. To the parents that are raising or have raised trans and nonbinary kids, it is a testament to us of great parents that our kids trusted us. They let us into their hearts and confided in us their feelings and thoughts. They knew that we were safe and we would always love them. Lastly, to those that support this bill, it is disappointing that you are incapable of having a big enough heart to love and-- the queer community. You will never be able to understand the joy of accepting these wonderful people into your lives. You choose willfor-- willful ignorance and judgmental viewpoints based on your own bias. I leave you with this. The Nazis came for the LGBTQ+ community first, destroying clinics and research, killing the people of this community. Do you want to be part of that same history? I have-- any questions?

**SANDERS:** Thank you for your testimony. Any questions? See none. Thank you for being here and being patient. Next opponent. Welcome.

**LORI ASHMORE:** Hi. My name is Lori Ashmore, L-o-r-i A-s-h-m-o-r-e. I come before you today as a resident of Nebraska, a woman, and a mother. And I'm here to oppose LB89. As a resident of Nebraska, why are we spending a third year being involved in a culture war? We have real issues that address the majority of Nebraskans, like property tax, education funding, and health care. Trans Nebraska adults make up 0.39%. 0.39%. That's it. Transgender children 13 to 17 across the United States as a whole is 1.4% of the population. 1.4%. We are Nebraska nice, but are we if we choose to discriminate against a small minority of our population? As a woman, this bill is called Stand with Women Act. I find it ironic when there are senators that have signed on to this bill to protect women. Right? But they also voted to take a woman's right away to choose what to do with her body when they voted for a six-week abortion ban. That would be Clements, DeKay, Dorn, Dover, Lippincott, Murman, Sanders, and Kauth. And also senators who signed on to dismantle DEI, which is Murman, Clements, and Lippincott. The equity and inclusion of DEI allows women to have a seat at the table. As a woman, a transgender female are not the threat in the locker room. The stories of abuse come from the hands of coaches, doctors, and administrators. As a mother, the discrimination on transgender folks need to stop. Not only does this bill affect my transgender son, but it also affects my cisgender daughter. Because if

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she doesn't meet the qualifications as to what a woman is supposed to look like, she is going to get called into question. A person should not be judged on their gender or sexual orientation but on the amazing person that they are and what beautiful contributions they bring to the world. We need more empathy in the world. And as-- you as senators have a big role in making sure that happens. Thank you.

**SANDERS:** Thank you, Lori, for your testimony. Are there any questions? See none. Thank you. And thank you for your patience. Next opponent. Good evening. Welcome.

**AUTUMN HAWKINS:** Hi. Good evening. My name is Autumn Hawkins, A-u-t-u-m-n H-a-w-k-i-n-s. I'm a 24-year-old transgender woman and resident of Lincoln. I'm here to testify against LB89, the Stand with Women Act, which is not only discriminatory and harmful to transgender athletes, but also a dangerous precedent for the right and treatments of all transgender Nebraskans. This legislation is a solution hunting down a problem that doesn't exist. We already have a system established by the Nebraska School Activities Association to facilitate trans athletes participating safely and fairly. While I believe that process isn't perfect, a kid shouldn't need to go through such an arduous process to prove they're trans-- transgender for grade-school sports, it's preferable to a statewide ban on all trans athletes. Trans kids have a right to participate in sports, the same as any other kid. Sports foster community, personal growth, and just a place to have fun. Barring children from their preferred sports because of their gender identity is cruel and unnecessary. This bill also claims that it's protecting women by keeping trans students from using bathrooms of their preferred gender identity. However, according to a study conducted by the American Academy of Pediatrics in 2019, barring trans kids from those bathrooms actually puts them at a much greater risk of assault and harassment than nontransgender adolescents. This bill isn't protecting anyone. It's putting more kids at risk. I would also like to point out that a very similar bill, the Sports and Spaces Act-- also introduced by Senator Kauth three years ago-- had very similar goals and failed. Taking a second swing at this discriminatory legislation under the guise of protecting women is appalling. There are lots of ways to uplift and support women in sports, but attacking a small subset of transgender kids is not one of them. Finally, I believe this legislation sets a dangerous precedent for the greater transgender population of Nebraska. Our existence should not come with caveats and asterisks. Trans youth and adults deserve the same treatment as anybody else. People under 19 already have had sweeping bans on any kind of hormone therapy. Now you're



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attempting to ostracize trans kids from sports who can't access that medication even if they wanted to. Where does this kind of legislation end? If you wish to do what's best for the Nebraskan people, I believe the best course of action is to kill this bill where it stands. Thank you.

**SANDERS:** Thank you for your testimony, Autumn. See if there are any questions from the committee. See none. Thank you. Next opponent. Good evening. Welcome.

**HANNAH POEHLING-WRIGHT:** Thank you for having me. Good afternoon. My name is Hannah Poehling-Wright. That's going to be H-a-n-n-a-h P-o-e-h-l-i-n-g-W-r-i-g-h-t. I want to thank you for giving me a platform today to speak about the injustice threatening the trans community in Nebraska. I'm a 33-year-old proud trans woman, chef, devoted wife, and valuable community member. I was born in Omaha, Nebraska and raised by my wonderful parents, one of which is sitting right next to me. My mom and dad always taught me to love and respect everyone no matter what. For much of my upbringing, I believe that Nebraska also shared those same values. Equality before the law. That's our state's motto. It's on our flag and it's on our seal. Ironic, don't you think? Especially considering the circumstances that led me here today. LB89 goes directly against Nebraska's core values. As it stands, only approximately 1.7% of the United States identifies as transgender. Of that number, only less than ten people in the NCAA are trans athletes are known to be within the sporting community. That's not a very large number. In fact, there were more people in person watching Trump sign the executive order banning trans athletes than there are-- than there are legitimate trans athletes. It's sad to see how much blatant discrimination be praised. Barring transgender youth from sports that they want to play is just-- is detrimental to their growth and development. Everyone should have access to grow up in an atmosphere they feel safe in. I played sports in-- for a majority of my upbringing. That helped shape who I am today. Had I come out sooner, I may not have had the same experiences. It's unfortunate to think that there are youth-- there are young, bright youth athletes that may never be able to see those same experiences. LB89 does not just limit its discrimination to the youth of Nebraska. It also threatens the trans adults that live and thrive here. LB89 proposes the idea that it's not every-- excuse me. LB89 proposes the idea that not everyone is allowed to go into the bathroom they align with, that it is OK to segregate a population just based on the assumption and not facts. A Harvard study in 2019 found 36% of transgender and nonbinary students with restricted bathroom access

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reported being sexually assaulted. We are the vic-- we are the victims of these crimes and not the ones who commit them. Sorry. Trans people have been using the bathroom they align with for longer than you can imagine. If we were the problem, we would see this on every national news channel. If LB89 were to pass, we expect this number to climb. This not only endangers with-- the lives of many like me, but cause even greater divide in our nation. If LB89 were to pass, it would have to pa-- it would pave way for even more legislation separating us from the public. If we separate our bathrooms, what's next? Our water fountains? Our health care? Our schools? Our restaurants? Where will this end? The trans community deserves the same basic needs that everyone else is entitled to. So I stand here today in opposition of LB89. The journey that I, that I have taken to be where I am now has been hard enough. Passing more anta-- anti-trans legislation will continue to make our lives harder. And for what, gratification of suppression? We're strong and resilient. There's not a single thing that will stop our community from continuing to thrive no matter how many laws you try to lay down. No matter how many restriction you put on us, we will thrive. I challenge you, everyone in this room, to sit down and have a face-to-face conversation with a member of the trans community with an open mind. You will find that they're every bit as same as you. We are doctors, artists, CEOs, Uber drivers, stay-at-home parents, teachers, politicians, police officers, and, most of all, human beings. Ne-- Nebraska deserves better than this. We deserve better than this. No amount of legislation will make us disappear. And to all my allies here today, you are heard, you are valid, and you are essential. No one can stop us from thriving. Thank you.

**SANDERS:** Thank you for your testimony, Hannah. Let's check to see if there are any questions from the committee. See none Thank you very much for being here.

**HANNAH POEHLING-WRIGHT:** Thank you.

**SANDERS:** Thank you for your patience. Welcome. Good evening, and welcome.

**KATHY POEHLING:** Good evening. My name is Kathy Poehling. You should never testify after your kid because-- too emotional. K-a-t-h-y P-o-e-h-l-i-n-g. I'm here today as the President of the Omaha Education Association and also a board member at NSEA. I come here today to address you on a matter of profound importance: the wave of anti-transgender legislation sweeping across our nation, these bills which seek to undermine the rights and dignity of transgender

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individuals. They're not just legal documents. They are attacks on the very essence of human identity and freedom. Transgender people, like all of us, deserve to live their lives authentically and without fear. They deserve the same rights and protection that every other citizen enjoy. Yet in recent years, we've seen an alarming increase in legislation aimed at stripping away these fundamental rights. In 2024 alone, over 500 anti-LGBTQ bills were introduced across the United States. This year, we've already seen over 120 such bills. And I could go on and on with my speech, but I'm going to tell you, as an elementary school teacher, I saw many students. I never separated them for the restroom by what I thought they should be or where I thought they should go. I cared about who they were. I loved all of my students no matter where they came from or how they identified. I am appalled to think that we are here today talking about LB89 when we have so many bigger issues in our schools. We have homeless kids coming to school. They're hungry. We have kids that want to come and just learn how to read and write and do math. And that's where we should put our money. We have special ed students who deserve more funding. We have preschool that needs to be established for all students, who deserve it. We should not be wasting our time, effort, money on bills like these to attack individuals. Our students deserve more. Our youth deserve more. And all of these people sitting here deserve so much more. Everyone has the right to be accepted. Everyone has the right to use the restroom, for God's sakes. Let's pay attention to what really matters: human beings, children who deserve to live and just be loved. Thank you. Are there any questions?

**SANDERS:** There any questions from the committee? See none. Kathy, thank you for your--

**KATHY POEHLING:** Thank you.

**SANDERS:** --testimony. I'm going to-- hold on just a minute. So in this row, who, who still needs to testify? OK. Because we've gone already over the hour where we take our break, everyone takes a stretch, so. I think things are going smooth, so how about when we get to the end of this aisle then we'll take a break? OK. Welcome.

**SHERRIE CAMPBELL:** Hello. My name is Sherrie Campbell. It's S-h-e-r-r-i-e C-a-m-p-b-e-l-l. My family moved to Nebraska, where my father was stationed at Offutt Air Force Base. After residing in a variety of places around the world, I chose to make Nebraska my home, and like many of you have lived most of my adult life in public service. I'm a special education teacher, and my job is to care for

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your children during some of their most vulnerable years. And I not only teach the standard curriculum, but also offer techniques to overcome a large array of learning challenges, wipe away tears as they struggle, and inspire them to keep trying. These children and I work incredibly hard each day to catch up to their class so their future is not limited. Public education is one of the most amazing systems our nation has built, and it takes our country's youth from the-- from all socioeconomic backgrounds and puts a blank canvas in front of them from which they paint their lives. From 20 years of experience teaching hundreds of students, I know the most telling trait of success is simply confidence. I'm here pleading that we do not take measures to strip away that confidence as well as human dignity from one of our most vulnerable members of our Nebraska family, family: children who may be transgender. I'm not asking for special rights, just basic human rights to help our children make it through the school day safe and with enough confidence to learn. The anti-transgender bill, LB89, deprives them of both. The number of trans children-- transgender people around the world is around 1%, most of whom do not transition until they're adults. We are attacking this tiny population with a massive hateful law. In my tenure, I'm aware of-- I'm unaware of even one situation of men competing on women's teams in Nebraska. And all of our bathrooms have stalls with doors and locks on them. Each day, I and my fellow teachers abide by thousands of laws, procedures, and codes of conduct. We do not need a law that we have no way to legally monitor and one that creates a garden bed for bullying and hate. To my knowledge-- to my knowledge, I have taught two children who have later transitioned. When I had them, they were shy, scared, but kind. And later, when they came out, they began to express themselves in, in ways that they truly meant to be. And I saw more joy and light in them. These children are already trying to not be seen, to make themselves invisible, to make it through the day without injury or cruelty. Let's not push them to the next step, which is nonexistence, where they have no hope or confidence that life is worth living. We have so many grave issues to deal with. Creating laws attacking the weakest is not one of them. Missionary and writer Peel [SIC] Buck quotes, the test of a civilization is the way it cares for its helpless members. Today I stand here to ask you-- ask each of you to make a wise, measured, and compassionated decision. I'm asking you for your help to make Nebraska one of the greatest civilizations. Thank you.

**SANDERS:** Thank you for your testimony. Any questions from the committee? See none. Thank you, Sherrie, for your testimony. Welcome.

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**CATHERINE STANTON:** My name is Catherine Stanton, C-a-t-h-e-r-i-n-e S-t-a-n-t-o-n. I apologize. I don't have any papers for you. I-- this is my first go-round. I was-- my friend emailed me and said, you want to go with me and help me figure out what I'm saying? And I said, yeah. And then I got here and said, no, I'm going to talk also because I'm angry. I'm angry that this state continues to take complex situations and make them black and white. It is not that simple. Have you met children with ADHD, autism, anxiety, OCD-- I can't even name any more-- that all exists in my house. I do not understand any of those things in my own personal life, but I will tell you they exist and they are real. When my child came to me and told me that she was not a boy, I believed her because she is honest. She is-- never not been her. She has never, ever been afraid to tell anyone that comes near her who she is, what she believes in, and how she feels about life. So when she told me, I am a girl, I said, OK. And we started from there. And how-- the people that wrote this, how dare you assume that my child would be a predator simply by using the restroom? How dare you? My child has told her friends in middle school, you don't have to date that boy simply because he tried to convince you to. Don't let him guilt you into dating you. That's not OK. She would never, ever treat anyone like that. She stands up for her friends. She refuses to allow other people to be abusive to the people that she loves. And yet, in this legislation, you want to assume her to be the predator. That makes me angry. Simply because she exists. She is 15. How dare you say that she is going to be a predator because she needs to use the restroom? Thank you.

**SANDERS:** Thank you, Catherine, for your testimony. Let's check to see if there are any questions from the committee. See none. Thank you. Thank you for your patience. Welcome.

**AMANDA KLOKE:** Hi. My name is Amanda Kloke, A-m-a-n-d-a K-l-o-k-e. I'm a mother, an aunt, a teacher, and a Nebraskan. All the way back to sod houses, one of which is still standing, was built by my great great grandfather. As a mother, I have three boys who attend public schools. They are 16, 10, and 5. As an aunt, I have several nieces and nephews by choice, by marriage, and directly related. One of my nieces is trans. As a teacher, I teach hundreds of students. My elementary school has around 870 students, but we have reached up to 1,000 in past years. As the music teacher, I teach all of them. I have taught thousands of students over the last 19 years of teaching in Omaha and before that in Iowa. I have had several students come out to me as trans or nonbinary, as I always wear a badge that says I am a safe person. I love them no matter what. Calling them by a different name

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is no different than the kids who ask me to go by their middle name or a shortened version of their name or, or even their initials. I want to specifically address my niece. She has asked that I do not use her name to tell her story. She was assigned male at birth. When she was 12, she came out as trans and told her mother that she believed she was a girl. At first we weren't quite sure how to feel about that. We weren't sure if it was a real thing or done at the suggestion of a friend. We tried using they/them pronouns for a little while, thinking maybe those pronouns would fit better. But it wasn't long before she insisted that she/her were the correct pronouns and asked that we start calling her by a more feminine name. At the time, my oldest accepted this without question. He talked to her about how she had been feeling and said, Mom, this is the right thing for her. I understand where she's coming from. And that was it. We had a discussion with our younger too about how she had a new name now and we were going to try our best to call her by her, her preferred name and pronouns. And that was all the discussion it took. Any mistakes after that were corrected by our three-year-old, who is now six-- or, almost six, and doesn't remember her as anything other than who she is. It's now been nearly three years and she has never wave-- wavered from her insistence that she is a girl. And my children have never questioned it again. They accepted her unconditionally as her authentic self. The only people in her life who struggled with this were the adults. Adults who have never questioned their own existence, their own identity have a hard time wrapping their head around something like this. But we don't have to understand it to accept it. Recently, the number of bills react-- restricting the rights of trans people, specifically girls, to be themselves or use the bathroom have skyrocketed, this one included. Trans people make up a tiny amount of the population but have a huge amount of restrictions ris-- placed on who they can be, how they can exist, and what they can participate in. How many of you on this committee would be comfortable with me asking you to see your genitals? How many of you would be comfortable with me asking your chi-- to see your child's genitals? Because that's what you're asking schools to do. It's sick, and I should never be looking at a person's genitals. I should not know what is in my student's pants. It's not my business. What if their genitals don't look like something that I've seen before? What do I do? Where do I put a child who has an enlarged clitoris that appears to be a penis but it's not? Now what? And why do I know that? I shouldn't know that. That's disgusting. As a mother, I'm horrified that this would have also affected my kids. And as a human being, I ask you to exist-- to know

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that trans people exist and they are simply people. The rest of my comments are on my sheet I handed out.

**SANDERS:** Thank you for your testimony, Amanda. We'll see if there's any questions. Senator Hunt.

**HUNT:** Thank you, Chairwoman Sanders. Thanks for this. We have your full testimony, even though you didn't get to read it all, so. We'll all take a look at it. But I wanted to also flag for my colleagues this paragraph about intersex people. We have not heard a lot of testimony in these six-plus hours about the intersex experience. So I just wanted to encourage my colleagues to look at that. And, and thank you for flagging that for us.

**AMANDA KLOKE:** My best friend who spoke before me is a NICU nurse, and she has seen it all.

**CATHERINE STANTON:** Any questions you have, I can answer some of them.

**HUNT:** Thank you.

**AMANDA KLOKE:** It is a thing.

**CATHERINE STANTON:** They do in fact exist.

**SANDERS:** Thank you. Next opposition. Good evening. Welcome.

**ELIZABETH KOCHER:** Good evening. And thank you so much for the time after a very long day and what is becoming a long evening. I am Reverend Elizabeth Kocher, E-l-i-z-a-b-e-t-h K-o-c-h-e-r. And I serve as pastor at the Lutheran Center, a campus ministry just a mile north of here, at the University of Nebraska-Lincoln. I'm here today to testify against LB89 as a person of faith, a professional leader in a faith community, and a leader who serves young adults at a school this law will directly impact. The premise of this law that only two biological genders exist and are manifest prior to birth is counter to the reality of biology, the reality of lived experiences, and the witness of Scripture. It is to this last point that I speak. In my tradition Christianity, our creation tells of a God who created not just the binaries of night and day and land and sea, but also dawn and dusk and twilight and marshes and wetlands and tides. An understanding of the original Hebrew points to the first human creations, Ish and Ishah, not with the intention of a biologically distinct binary, but as two beings co-created from one another, the Hebrew language pointing to the ways they both reflect the image of God. People

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throughout Scripture experience tremendous identity changes, such as Jacob to Israel and murderous Saul to evangelical Paul. And one of the first to be baptized as the faith spread beyond Judea was a person whose gender identity defied categorization-- a person who, by the way, the law of the land discriminated against. And yet the disciples were sent by God to include them too. See the story in Acts 8. My faith compels me to speak as Jesus commanded Scripture that I'm sure many of you all have heard in your churches that the greatest law is that we love the Lord, our God, with all our heart and soul and mind and that we love our neighbor as ourselves. Trans people deserve security as they work and live, and trans students deserve a safe place to study and grow. LB89 will create a hostile and unsafe environment for trans people in our community, including for my students at the campus on which I serve. Out of love rooted in faith, I ask that you keep this discrimination out of our state. Thank you.

**SANDERS:** Thank you for your testimony. See if there are any questions. Thank you.

**ELIZABETH KOCHER:** Thank you so much for your time.

**SANDERS:** Thank you for your patience.

**ELIZABETH KOCHER:** And thank you all for your time.

**SANDERS:** Good evening. Welcome.

**ERIC REITER:** Thank you. Good evening, Chairwoman Sanders and members of the Government, Military and Veterans Affairs committee. My name is Eric Reiter. That's spelled E-r-i-c R-e-i-t-e-r. And I'm speaking today on behalf of Voices for Children in Nebraska in opposition to LB89. In the many conversations we've had with youth across the state, there are several recurring needs they've named as ways to improve the lives of young Nebraskans: access to resources that improve their mental health and well-being, community programming that provides them the opportunity to be active and enjoy their youth, support for immigrant and refugee communities, measures to mitigate the ongoing climate crisis, a justice system that focuses on intervention and rehabilitation rather than one that locks away their friends, family members, and peers. Not once has a young person mentioned wanting to restrict their transgender classmates' access to the bathroom, the locker room, or the ability to participate in athletics and activities according to their gender identity. Every child deserves to feel valued and supported for who they are. Schools should foster inclusive



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environments where all students, regardless of race, religion, gender identity or personal circumstances, can thrive. In Nebraska, young people should be able to focus on what brings them joy and fulfillment. Participating in sports and activities not only promote physical and mental well-being, but also builds a sense of belonging among peers and teaches them lifelong leadership skills. To help transgender youth thrive, we must implement policies and practices that affirm their identities. Nebraska's schools, sports programs, and communities should be focused on fostering inclusivity, ensuring every student can participate without fear. Every young person deserves to play, compete, and grow alongside their peers. For all of these reasons, Voices for Children in Nebraska opposes LB89 and urges the committee to not advance the bill.

**SANDERS:** Thank you for your testimony, Eric. Are there any questions? See none. Thank you for your patience and your time. OK. We've come to the end of this aisle, so it's time for a few-- a five-minute break and we can reorganize. Everybody get up and stretch.

[BREAK]

**SANDERS:** --get started. Trying to be efficient before the weather gets here. We want everyone to get home safe. OK. Ready to go?

**VALERIA VILLEGAS:** I believe so.

**SANDERS:** We-- thank you.

**VALERIA VILLEGAS:** Thank you.

**SANDERS:** Welcome.

**VALERIA VILLEGAS:** My name is Valeria Villegas, V-a-l-e-r-i-a V-i-l-l-e-g-a-s. Good evening, everybody. I'm not-- I'm sure I'm-- that I'm not only speaking for myself when I say this, but we all just want to make the world a better place at the end of the day, and that always starts by finding peace within yourself. Being able to transition surgically and socially has allowed for me to spread more kindness in the world. It has allowed for me to find a place for myself in a way that I never thought that I could before. I know that before transitioning, I never really saw much ahead for my future aside from just getting through each day. But when I started the journey of self-discovery, I opened up my whole world. Being transgender isn't us trying to go against society or stand out and send any kind of message. It's our way of trying to fit in and find

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our place with everyone else around us. It's our way of being able to see a future for ourselves. And in my case, I started to pursue and obtain my bachelor's degree. I would also like to add that I attended the university here in Lincoln and shared a restroom with all of the other women in my class, and there was no issues at all. I also started a management position at work, and I see myself planning for many more victories. All because I can confidently see my future and see myself as a human being. And the thought of having that taken away for myself and others is devastating. I simply ask on behalf of myself and others like me that you see us for who we are. We are your neighbors. We are your family. We are your teachers, your friends. And we, like you, are all just trying to be better every day. And we ask that you allow us to be seen. Your understanding is not a prerequisite for our humanity. I've been a proud Nebraskan my entire life. Born in Grand Island and raised in a small western Nebraska town with less than 600 people. And growing up, I always heard about the idea of freedom and how this country stands for freedom and how our country has always fought for freedom. And I just don't understand how this promotes the concept of a free country. I just want to finish off with one last remark. Thank you all for your time.

**SANDERS:** Thank you. Hold on. Let's see if there's any questions.

**VALERIA VILLEGAS:** Ahead of myself.

**SANDERS:** Any questions for Va-le-RI-a?

**VALERIA VILLEGAS:** Va-LE-ri-a. Or Val.

**SANDERS:** Thank you. And no questions. And thank you for being there.

**VALERIA VILLEGAS:** Thank you all.

**SANDERS:** Thank you for your patience

**VALERIA VILLEGAS:** Get home safe.

**SANDERS:** Likewise. Next opponent. Welcome.

**AUDREY ANDERSON:** Hello. My name is Audrey Anderson, A-u-d-r-e-y A-n-d-e-r-s-o-n. And I'm representing myself. Senators, I thank you for listening to the testimony today, and I implore you to vote no on LB89. I was an NSAA athlete for six years at Omaha Public Schools. And the sentiments expressed in this bill are not representative of reality. The first trans person I met was someone on my cross-country

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team. One year my teammate came back to school with a new name and pronouns. The process for him to compete was challenging, but there wasn't the vitriolic hate that surrounds trans kids today. Our team used his name. He wore a men's uniform. And for the final race of his senior year, he finally got to run as a man. I'll never forget the way that he looked crossing that finish line with giant tears of happiness streaming down his face. While school athletics do provide limited scholarship opportunities, more importantly they're a fun and healthy form of recreation. My friend's life might have looked very different if he didn't have the support and community of his cross-country team. While this bill has been touted as a sports bill, it's even more insidious. Section 9 of the bill prevents trans people from using the restroom at any state agency. That would make it impossible for a trans person to work at entities which employ 15% of workers in the state, including at the Capitol. How can a trans person have the privilege of being an elected representative if they cannot use the bathroom at where they work? I'm extremely worried about the enforcement of this bill and how it will affect my ability to live safely in this state. I dress and style my hair in a way that makes me feel confident and joyful. Yet now I could be in danger. Kids come up to me and ask if I'm a boy or a girl. I've been addressed by he, she, miss, them, sir, and boy by strangers. I've received long stares and dirty looks in restrooms. If someone thinks I'm in the wrong bathroom, how will that be determined? Will I be asked to strip naked and show my genitals to everyone? Do I need to carry around a piece of paper with a list of my approved restrooms? What assurances will I have that my Fourth Amendment right to secure my person against unreasonable searches and seizures will be protected? In the press conference for this bill on January 10, Senator Kauth said, quote, the question is, is the problem that big? If there is one incident, it is too big, unquote. In the U.S. transgender report for Nebraska, more than one person said that they've been denied access, verbally attacked, or physically assaulted while using a restroom. In April of 2024, Ciel Del-Toro was attacked in Omaha. He used the restroom of his assigned sex, as this bill would want, and still he was assaulted to the point his brain was bleeding. These dehumanizing acts are happening for far more than one person. One year ago to this very day, Nex Benedict-- and if you don't know who that is, they were a nonbinary student at a public high school in Oklahoma-- was beaten to unconsciousness in a school bathroom. And they took their life the very next day. 7% of trans people are assaulted in bathrooms in Nebraska, and that is likely to rise if LB89 is passed. This is the first time that I have ever testified on a bill, but I'm here to stand up for what I know is

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right. Please step back from the political rhetoric and think about how this bill will make Nebraskans' lives more dangerous. If trans people make you feel uncomfortable, please think about how uncomfortable they must feel by their own bodies and living under a state government where even-- who's even considering a bill that would put them in danger for simply living their lives. Please vote no.

**SANDERS:** Thank you, Audrey, for your testimony. I'm sure it won't be your last testimony. You'll be here again sometime on other subjects. Thank you for being here. Check to see if there are any questions from the committee. I see none. Thank you for your patience, for being here.

**AUDREY ANDERSON:** Thank you.

**SANDERS:** Next opponent. Good evening. Welcome.

**KEATON TESKA:** Hello. My name is Keaton Teska, K-e-a-t-o-n T-e-s-k-a. I'm a libertarian of District 28 here in Nebraska, in Lincoln. Honorable members of this elected Senate, I would like to put forth some factual-based counter arguments to us enacting LB8-- LB89 and for us as Nebraskans to show the rest of the country and the world that we can put party platforms, religious beliefs, and "apocryphical" rhetoric aside and stand by our diverse minority populations that make this country great. Firstly, it is arduously obvious that this bill is using sports and athletics as an innocuous foundation and precedence for further stripping away of rights, personal civil liberties, and-- of the American people. Not only does this Stand by Woman bill mandate gender identities, it further "monstrotizes" the LGBTQ community, but it also ironically sets decades of women's rights, fairness, and equality in sports back. There are many sports in which women athletes train and perform just as well as their male counterparts. Excuse me. And frankly, this is ins-- it's insulting and it's duplicitous. Audaciously sexist, this centers on trans women as the primary concern for all this, including in the next part of the bill that men cannot also be victims. The next section brings forward again the long-standing argument of certain fundamentalist groups and seclusionist conspiracy theorists, that greater than two gender expression does not exist, and that it poses some kind of threat to the straight white majority, that the general public is in danger if we do not segregate bathrooms and mandate gender expression. If we again take a look at the statistics and data collected for nearly a century, we as always see no existence of this. The Police Foundation Archival Review of Sexual Assault Complaints in Places of Public

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Accommodation, July 2017, states that they did not find any evidence of sexual assaults taking place in which men, under the guise of being women or trans, entered a woman's bathroom to commit sexual assault. They did find that victims were primarily female and that 8 out of 10 cases the person knew the attacker. I have plenty more data that I had collected that people have gone over in arduous amounts today, so I'm going to skip past all that. But there is obviously an endemic of abuse and predation in this country, but that, as the evidence has shown, it is not by and far perpetrated by the LGBTQ community. This is not a new argument. This is a platform based on fear and control. This is not new. We as a se-- society keep taking steps back. This is not a benign bill about fairness and women's safety. This is a turning point and a foundation for the dehumanization and stripping away of rights of minorities. The fact that the nonsecular, self-grandiose, self-claiming moral superior facet of this country is using government policy to mandate their ide-- ideology is abhorrent. In closing, this is a chance given to us as Nebraskans and Americans to show that we still believe and stand by our nation being a place where anyone is free to pursue a life of liberty, justice, and happiness, that we are still a secular, inclusive bastion of personal liberty and freedom, and that individualism, civil liberty means something in this country, that we as a country can lead by example for the rest of the world as a beacon of progressiveness and righteousness. Thank you for your time.

**SANDERS:** Thank you, Keaton, for your testimony. Check to see if we have any questions from the committee. Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair. Before you put that away, could, could we get a cop-- could you give that to the page?

**KEATON TESKA:** I don't have copies with me.

**J. CAVANAUGH:** They could make a copy for you, take it, and then give it back to us. If that's all right. I'd like to see that data. And thanks for being here. You don't have to wait.

**SANDERS:** Thank you.

**KEATON TESKA:** Thank you.

**SANDERS:** Next opponent. Good evening. Welcome.

**ANTJE ANDERSON:** Thank you. My name's Antje Anderson, A-n-t-j-e A-n-d-e-r-s-o-n. I have lived in Nebraska since 1999. I live in

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Lincoln now. I speak for no organization. I speak as the mother, mother-in-law, and grandmother of people who identify or might identify in the future as transgender or nonbinary, and as the friend of many more. I appeal to you not to adopt LB89. This is especially important with view to the executive orders that have been issued by President Trump. If you are truly invested in the rights of states and the unique power you have as state legislators, you should be protecting the trans and nonbinary citizens of Nebraska rather than aligning yourself with these executive orders. The reason I ask you to stand with all human beings against this act is simple. LB89 requires us all to take an extremely reductive and scientifically problematic view on very complicated questions about biological sex and gender identity, insisting that these categories are biological and immutable and that such a thing as gender-- a term not used once in LB89-- does not exist. That reductive view is harmful to the many people who do not identify as male or female but as transgender, nonbinary, gender nonconforming, genderqueer, agender, and so on. To suggest that they all have to fit neatly into one of the two boxes that LB89 provides dehumanizes them. It isolates them. It ostracizes them. And it can cause significant psychological harm. Everything else in this bill, much discussed today, follows from these untenable, narrow definitions. As someone who has studied the English language for decades, I can say this: there have always been people who did not fit neatly and immutably into these boxes. The biological evidence is clear and so is the historical record. But in this culture, we have historically not have-- had words for them. Other cultures have. We have now have-- we now have words. LB89 does not use any of them and asks us to stop using them and to deny the very existence of categor-- categories beyond female and male. One of my children identifies as gender nonbinary. A child-in-law identifies as trans. I worry about them. More than anything, I worry about what my grandchildren might experience should they discover in the future that they do not fit into the boxes LB89 provides for them in their schools, on sports teams, and the buildings of state agencies. All of them live in Nebraska. I want them to feel safe, accepted, and respected. Trans and nonbinaries-- nonbinary people le-- need allies, parents, grandparents, siblings, teachers, coaches, legislators. They do not need to be told to fit into a box. They cannot be told to go back into the closet. And heartbreakingly, I am hearing friends and family members discuss that option at this very time. We need to lean-- to learn to think outside the boxes, thing that LB89 wants to force them into. Please vote against LB89.

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**SANDERS:** Thank you for your testimony, Antje. Check to see if there are any questions from the committee.

**ANTJE ANDERSON:** Thank you.

**SANDERS:** See none. Thank you. Thank you for your patience. Next opponent. Good evening. Welcome.

**CECE CROZIER:** Hello. My name is Cece Crozier, spelled C-e-c-e C-- C-r-o-z-i-e-r. I am here just speaking for myself and other trans youths. How is a kid is less-- as childish less afraid than 40- to 60-year-old politicians? A lot of, of people that are, are for speaking for this-- what's it called-- just like this, this law thing, whatever. Forgot the name-- are acting like, like a bully in a high school or Life movie. A 40-year-old bully to children still in school. How absurd is that, stopping sports for us, making us feel uncomfortable in bathrooms? A bathroom. Even though mostly it is, is shown that it is cis people who are, are hurting and alm-- killing and almost killing us in bathrooms. That sounds absurd. Or does-- as I said, I, the 11-year-old kid still in fifth grade has more brains and the-- and all, all of those people. I just want to end with this, is, why do they hate me so much? Why do they want me to suffer so much? What have I ever done to them? I, I'm just alive. I'm just existing my-- a true self. Look at me. Look in my eyes. Tell me to my face. Why do you hate me so much? Why?

**SANDERS:** Great testimony, Cece. Thank you for being here. Wait, hold on. There might be some questions for you from the committee. Are there any questions? Senator Hunt.

**HUNT:** Before I even raised my-- I-- Cece, I don't have a question for you. I just want to thank you for being here, for sharing with us what it's like to be you. Because none of us can know that. And so it's very brave of you to share that. Thank you.

**CECE CROZIER:** You're welcome.

**SANDERS:** Any other questions for Cece? See none. Thank you. Thank you for being here. Good evening. Welcome.

**DEVIN CROZIER:** Hello. My name is Devin Crozier, D-e-v-i-n C-r-o-z-i-e-r. The child that came before was my-- is my son. But I really do want to question something that no one else has kind of challenged. You say welcome to all of us, and how Nebraska nice is that? Because there are people in this room that wouldn't blink if I

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were to die. And you actually want to eradicate people like me because I am also trans. I might be the biggest boogeyman that you have because I'm trans and I have a trans child. So you must think, oh, he's a groomer. He brainwashed that child. But I challenge this as well because when my son was telling me as a toddler that he didn't think that he was a girl, I probably said, are you sure? More than any cis parent has asked their child. Because I know what it was like to be a trans child in a time where I couldn't use the bathroom that I wanted to or play on teams that I wanted to or go by any name that I wanted to. And I am the chi-- trans child that survived that situation. And I will not try to appeal to anybody's inner humanity, because sometimes I'm not too sure there's any to be found in some people. But I will say this: I helped set up a protest this past Monday-- or, this past Wednesday. And it had over 300 Nebraskans come out in the awful rain from all over Nebraska, and not just Lincoln. So what I want to put out there is that you could put this bill through, just like you've put through the, the minor ban for any gender-affirming care. All these things-- take it back to like when I was a child and we will still exist. Because the Nazis burned down the first transgender clinic, and yet we're still here. And I just want to say to everybody that would rather us not exist, you won't ever win because from everything that you burn down, we rise bigger from those ashes. And I promise you that if you put this one through, I'll raise hell. I'll make it so uncomfortable and inconvenient for you. Because I can always get more annoying. I promise. So does anybody have questions for me in a very unique situation? Because not only am I a parent of a trans child, but I'm also a trans person and lived as a trans child in these kind of situations. So does anyone have those kind of questions?

**SANDERS:** Devin, thank you for your testimony. See any questions?

**DEVIN CROZIER:** Oh, one thing that I forgot to say. I also bought a house here with my veteran-- my VA loan, so I'll be in your thorn-- a thorn in your side for a long time.

**SANDERS:** Thank you for your testimony. Next opposition. Good evening. Welcome.

**MICHAEL MARCHECK:** Good evening. Hello. My name is Michael Marcheck, M-i-c-h-a-e-l M-a-r-c-h-e-c-k. I am a resident of LD 28. I am currently the chair of the Nebraska Stonewall Democrats. We are the queer caucus of the Nebraska Democratic Party. I'm also an educator. I am certified to teach secondary social studies. And while I'm waiting



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for a teaching position, I have decided to help out OPS and LPS with their stu-- with their substitute shortage. I teach all over. I teach Head Start, elementary, middle, and high school. I'm a great teacher, a special education teacher, a librarian, a science, a math teacher. Sometimes I do tech and home ec. The walls of these classrooms and hallways are filled with positive phrases and uplifting words. One of the most common I have seen is, be yourself. Now, far be it from me to be so presumptuous, but I'm willing to go out on a limb and say that not one of you would ask a teacher to take that down. But the actions of this Legislature this year and last year with the Sports and Spaces bill, with the Stand with Women puts an asterisk right after that. Be yourself. Unless you're queer. That's exactly what you're telling these children. I was substituting two days ago, and I got called a faggot by one of the kids. And when I told him that I was going to send him the office, he was-- just as-- he repeated it just as proudly as he had before. Students take note from their leaders. They see you attacking members of our community and they think that it is also OK to attack members of our community. The actions of this body dissipate-- or, disseminate down the ranks to the students. Same thing with the president. They think that they can attack minors, tell them that they're going to deport them because that's what they hear from the national and the state. Senator Kauth, shame on you. Thank you.

**SANDERS:** Thank you for your testimony. Are there any questions for Michael? See none. Thank you.

**MICHAEL MARCHECK:** Have a good night. Thank you guys for being here.

**SANDERS:** Good evening.

**MATT ASHMORE:** Hello, and good evening. We're close, right? We're close. I'm going to be brief. My name is Matt Ashmore, M-a-t-t A-s-h-m-o-r-e. I'm a proud father of two children, one of which is, is my, my kid-- my trans son. He's taught me a lot. And one of the things that I've learned is that transgendered people are part of the human experience. Transgenderism is part of the human experience. It's always been here. It's not going away. You're not going to legislate it away. So really what we're doing here is we're just deciding how cruel and inhumane to be to them. That's basically what we're sitting here doing. And I've been trying to wrap my mind around this bill. I've read it a bunch of times. We've gone over it. It's just this administrative monster. Everybody's trying to figure out how it'd actually work. And in trying to figure it out, it's, it's been kind of weird. This is a conservative-leaning Senate. We're in the state of

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Nebraska. Why are we creating this monstrous administrative bill, right? Doesn't really make sense. So I just decided to kind of dive in and go back and look at some of the history of, of how this stuff started to come about. And I found some just interesting quotes, so I thought I'd share some of this. So for your-- rewi-- rewind a bit. In 2019, a Republican activist was able to move the needle politically with some folks during a Kentucky governor's race using anti-trans ads, and in particular anti-trans in sports messaging. With some success, it became a national strategy for the 220-- or, 2020 cycle. Those ads showed cisgendered boys competing in girls' school sports and said that supporting transgendered youth will, quote, destroy girls' sports. He said about this, what I'm hoping is, is that once we release these ads and numbers start to move, the Trump campaign will see it as a powerful issue that the Republican Party can use to its success. But not everybody was, was, was OK with this. They were nervous about this. Quote, this might become a hot cultural issue. Again, this is a '19-- 2019 [INAUDIBLE]. This might become a hot cultural issue, but it's not there yet. Right now, it's just an easy issue for the other side to attack us on. They will call us bigots. I just found that interesting when I read that, that the Trump-- a Trump campaign adviser was worried about being called a bigot. Transgender Republican Jennifer Williams said that such a strategy would be a, quote, dangerous betrayal of what she believes are conservative values. Quote, in the short term, some of these groups might get what they want. It will gin up Trump's base and drive turnout. But if we're true conservatives, we're supposed to be about limited government in-- intervention in people's lives. If we're true conservatives, we don't believe in big government getting in people's lives. So this reminds us what this is really about. Sadly, it's about being divisive and ginning up political support, using the lives of our children as targets and bait for fear and hate. And it does so while abandoning a core Nebraska conservative value of staying out of people's lives. I'll end there.

**SANDERS:** Thank you, Matt, for your testimony. Check to see if there are any questions. Hold on. See no questions. And thank you for the written testimony as well. Next opponent. Welcome.

**DAVAYA NOTARO:** Hi. Hello, Government, Military and Veterans Affairs Committee. My name is Vaya Notaro-- or, DaVaya Notaro, D-a-V-a-y-a N-o-t-a-r-o. I'm a woman and a UNL student, so ideally I should love this bill. However, I do not. This bill does not protect women. And despite this bill not mentioning a certain group of people, we know this bill is targeting transgender people. This is just another

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attempt to implement harmful anti-trans rhetoric into our government. I will encourage you to consider the majority of Nebraskans do not want this. I would urge you to further consider the opinions of UNL students, who this bill affects. This bill may have the support of Hannah Holtmeier, [INAUDIBLE], and Rebekah Allick, but they are the minority opinion. Most UNL students are supportive of trans people, and even more don't put much thought into who is using the bathroom with them. I actually would like to challenge this bathroom part specifically. I don't know what restrooms you guys are using, but mine have this absolutely reg-- revolutionary invention called stalls. Never in my almost-- never in my entire life have I ever made eye contact with another person's vagina, taint, penis, or testicles while in a public restroom. I actually questioned my friends and family who are also women, and similarly they have never seen another person's genitals while in the restroom, nor have they ever been harassed, felt uncomfortable, or been troubled by trans women. However, I have seen multiple people bully and degrade trans women. I have watched trans people be called slurs and physically harassed in my high school, which is Lincoln East in Lincoln. Sorry. I don't-- my notes. So I think we have to ask ourselves, why are we further ostracizing an already isolated group to tackle a threat that is almost purely hypothetical and not reasonably based on any facts or logic? I would offer a possible solution. Senator Kauth and Governor Pillen and any other strong supporters of this bill just hate people who are different and want political points with other transphobic politicians. They don't like anybody who doesn't conform with the strict and binary set of gender norms that there are. And you are allowed to have these opinions, thoughts, and encourage other people to what-- believe what you believe. But this is wrong to implement your opinions into government and force it on Nebraskans who do not subscribe to your close-minded thinking. I just want to leave you with, please oppose this bill. Thank you.

**SANDERS:** Thank you.

**DAVAYA NOTARO:** Any questions?

**SANDERS:** Say your name again.

**DAVAYA NOTARO:** Vaya Notar-- or, DaVaya-- sorry. I go by Vaya. D-a-V-a-y-a N-o-t-a-r-o.

**SANDERS:** Thank you very much for your testimony. Hold on. Any questions?

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**DAVAYA NOTARO:** Sweet. Thank you.

**SANDERS:** See none. Thank you for your patience. Welcome.

**KYLEE WILSON KEMP:** Hi. Thanks for having us. My name is Kylee, K-y-l-e-e; Wilson, W-i-l-s-o-n; Kemp, K-e-m-p. No hyphen. I am here on behalf of my seven-year-old trans daughter [INAUDIBLE] age four. I am also here for ethical and moral standards in support of our Nebraska community. I was born and raised here, graduated high school here. I was a three-sport high school athlete. Finished with 12 varsity letters. Class president. Second in my class. I went on and played three college sports at the Division II level. Graduated summa cum laude, 4.0. I also then went on to coach college basketball and softball for seven years. Transgender females are not the problem in women and girls' sports. This bill is focused on children and adolescents, not women. There are 42.9 million adolescents in the U.S. Out of those 42.9, only 300,000 are transgender. That's less than 1% of the adolescent population. Out of that 1% nationwide population, how many of those transgender female adolescents are playing sports in Nebraska? Probably less than five. That is 0.0016%. But they're the problem. They are not a threat to female athletes and they are not taking athletic scholarships away from deserving cis female athletes. It's noth-- that is just nothing more than a myth. If someone isn't getting an athletic scholarship, it's because they didn't put in the work. They didn't practice when no one else was looking. They didn't self-promote themselves to multiple colleges. They didn't combine those three things with academic excellence. Because that is what it takes to get a college athletic scholarship. You don't have to be the strongest, the fastest, the tallest, but you sure as hell do need to have the work ethic like no one else and determination along with passion. You know my athletic background. And as a college coach, we don't recruit the best players. You recruit the players that best fit your program. This brings me to the locker room concerns. Never has there been a time in my 35 years of competitive athletics-- that I started since eight years old on a travel team-- have I encountered a trans female athlete trying to access a locker room, nor have I ever experienced a cis male trying to access a locker room with ill intentions. The reason why I say this is because this bill states it would put females in danger if transgender person is in the bathroom with them. And it's cis males that are afraid-- not-- that are making females afraid, not transgender females. The only thing this bill will do is actively discriminate against youth trans community. My seven-year-old has been harassed daily at school. Cis male at birth. Changed her name at five, changed her pronouns at five. Every day is

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asked if she's a boy or girl. She has stated to me, Mommy, if they no longer let me use the girls' bathroom or use my she/her pronouns, I am dropping out of school. If this bill is passed, dropout rates will rise and will continue to cause division. She's in first grade. I urge you to take into consideration the safety of all children, not just cis females, and oppose this bill. Thank you.

**SANDERS:** Thank you, Kylee, for your testimony. Are there any questions? See none. Thank you for your patience. Thank you for your testimony. And I think when we get to the end of this row-- is it time for a break again? So we'll take five minutes only. And then everyone can move up. Thank you.

**DAHLY LONG:** Oh, sorry.

**SANDERS:** We're getting a little tired.

**DAHLY LONG:** Sorry.

**SANDERS:** Good evening.

**DAHLY LONG:** Hello, Chairperson Sanders and members of the Government, Military and Veterans Commu-- Veterans Committee. Thank you for your time and consideration. I appreciate this opportunity to speak on this issue, and I hope my testimony contributes to a thoughtful discussion. My name is Dahly Long, spelled D-a-h-l-y L-o-n-g. And I'm a senior social work major at UNL. I'm here today to participate in the democratic process and testify in opposition to LB89. Trans youth should be allowed to participate in after-school activities, sports, and use the restroom or locker room that aligns with their gender identity. During my time at Omaha Central, I was a member of the varsity track and field team and a varsity diver. Based on my experiences as a student athlete, I believe that transgender individuals should have the opportunity to participate in school activities and sports teams. Personally, I never had an issue competing alongside trans women using the same restroom or sharing a locker room as them. The idea that transgender individuals transition solely to gain a competitive advantage in sports or to harm others in restrooms is a misconception that does not reflect reality. Furthermore, transgender individuals should have access to bathrooms and locker rooms that align with their gender identity. Excluding them from these spaces raises concerns for their safety and dignity. If privacy is a concern, a more constructive approach would be to provide funding for gender-neutral facilities, ensuring all students feel safe

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and comfortable. The title of LB9 [SIC], the Stand with Women Act, suggests a commitment to supporting and protecting women. However, excluding transgender individuals-- specifically transgender women-- from these activities and facilities does not reflect an inclusive vision of support. True solidarity means recognizing and respecting the identities and experiences of all women, including transgender women. Policies that create division rather than inclusion ultimately harm our communities. Although President Trump signed an executive order earlier this week banning all trans women and girls from sports, we as Nebraskans should do everything we can in our power to give them the opportunity to be a part of a community, to develop valuable skills, make lifelong friends, and build self-confidence. Everyone deserves to feel accepted and included. And preventing transgender individuals from participating only perpetuates exclusion and stigma. And that's my little spiel. And so I hope you oppose.

**SANDERS:** Dahly, that's a good testimony. Thank you for being here.

**DAHLY LONG:** Thanks. And thank you guys for being here too.

**SANDERS:** Let's check to see if there are any questions from the committee. See none.

**DAHLY LONG:** OK.

**SANDERS:** Thank you again for your patience. Next opponent. Good evening.

**JESSICA WOOLF:** Good evening. I'm Jess, or Jessica, Woolf. That's J-e-s-s-i-c-a W-o-o-l-f. I'm testifying in opposition to LB89.

**SANDERS:** Thank you. And if you could just speak a little louder so we can hear you and the back of the room can as well. Thank you.

**JESSICA WOOLF:** Certainly. I am a grad student at the University of Nebraska, Lincoln. I work in a building that does not have a gender-neutral restroom and only has group restrooms. So in addition to a very personal issue, this is a very practical issue for me. And right here, many people have addressed basically all of my personal concerns. So I just want to ask for something on an essentially legal level-- re-- level. When I use a restroom in my school, I'm not consenting to examination of my reproductive system, nor of my gametes, and [INAUDIBLE] my use the restroom cannot be construed as such. Since the school does not know what gametes I produce or have produced and cannot legally determine that, neither individuals nor

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schools can determine whether the policies of LB89 are being violated. As such, if this determination can be performed, it must be performed by police after an arrest is made because testing cannot be done involuntarily otherwise. With this in mind, please understand that there must therefore be an objective test for the police to use to determine whether suspicion that a person is in the wrong restroom is reasonable. Without recourse to test would require a court to perform. In particular, the legal test-- the legal definitions in this bill necessarily would contradict any such eyeball test. If you think an eyeball test for who is a real woman is possible, it is necessarily on its face discriminatory, as a law officer is determining who's female or male status is dubious based on criteria which this-- which by this bill's definitions are not standards for sex. If such a test is not possible, this bill is unenforceable. And negotiation thereof is a waste of taxpayer time, your time, my time, taxpayer money. As such, please stop wasting our time. And-- please stop wasting our time. I, I'm testifying before you as a biological female. If you don't believe me, did you check my gametes? Also, if Senator Kauth is going to sit here the entire time, I'd like her to look me in the eyes.

**SANDERS:** Thank you for your testimony, Jessica. We'll see if there are any questions from the committee. I see none. Thank you for your patience.

**JESSICA WOOLF:** Thank you.

**SANDERS:** Opponent. Good evening.

**NIC ROBBINS:** Good evening. First, I apologize. I have it on my phone, my testimony, and it's at 1%. So I, I am going to try my best to get through this. I did want to start by acknowledging Senator Hunt and Senator Cavanaugh. I think that you were doing your due diligence to ask the commonsense questions to an asinine bill that's very half-baked. My name is Nic Robbins, N-i-c R-o-b-b-i-n-s. I am a proud constituent of the 8th District. I want to, to start by saying I don't understand practically how this bill will be-- how, how do you expect a, a person to know what, what restroom-- let me-- let me start over. I'm, I'm sorry. I was trying to load my, my messages here. OK. So. Let me back up. I hope the irony isn't lost on anyone here that this bill that's been introduced has likely been introduced and approved and-- by, by folks who stand by a convicted felon, by a man who has been accused of sexual assault and rape. Those are the kinds of people who are saying that they want to protect women when they have voted for a man like that. I think, I think that's a bit ironic. And I've, I've

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been in, in line here for seven hours. I'm, I'm, I'm, I'm just upset that we have wasted so much time and taxpayer money to, to, to debate who gets to use a restroom. Just everyone here, I don't think you want me in the women's restroom. I think that, that would cause some alarms to go off. And I don't, I don't really want anybody trying to inspect my genitals. I'm not afraid about my wife being in a restroom with a trans woman. What I am afraid of are cis men who insist on deciding what is best for my wife's life, her best interests, the best interests of my nieces, my sisters, my trans sisters. The-- this is a very small nonissue. You've created something that is not an issue to waste time. I think that we can do much better as Nebraskans. I would appreciate it if we could talk about real issues like, I don't know, equal pay or housing, for instance. Or if we want to protect our kids, what about the gun bills in legislation? We could really do a lot. But I think my, my friend, Cece, had it right. People who introduced it-- people who introduced this bill are bullying children. They are bullies. I was afraid to come up and testify. Obviously, I kind of butchered it a little bit, but I am so proud of my friend, Cece. I'm so proud of my, my trans sisters, my trans brothers, my trans siblings for coming up and doing what is right in the face of opposition and fear. Thank you so much.

**SANDERS:** Thank you, Nic, for your testimony. Check to see if there are any questions. See none. Thank you very much, and for your patience. We'll now take a five-minute break. Everybody get up and stretch, move to the fro--

[BREAK]

**SANDERS:** So is everyone in the room that's going to testify? I mean, you're-- you, you probably know some of your friends or family that aren't here yet because they're at the restroom or are they all here? Everyone's here? So we just want to take a count of it's going to be an hour, two hours, three hours. I think about an hour and a half maybe. Julie needs to take a count. OK. OK. I think-- OK. Super. Let's get started. Thank you for your patience.

**JENNIFER LOZANO:** Thank you. All right. Members of the committee. My name is Jennifer Lozano. That's J-e-n-n-i-f-e-r L-o-z-a-n-o. And I would just like to start by saying I believe we have a common goal, and that is to protect women and girls. I have made it my life's work to ensure the safety of women and girls, and that is why I firmly oppose this bill. I have spent my life standing both literally and figuratively with women, and I'm deeply concerned both by the harms



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that the-- will directly follow this bill and also the precedent it will set. I work with survivors of domestic violence, sexual assault, human trafficking, and stalking on college campuses in Lincoln. I also work closely with these colleges to keep their students, including athletes, safe from sexual harassment and assault. 26.4% of undergraduate females are sexually assaulted during their time in college. Overwhelmingly, the perpetrators of these heinous crimes are current or former romantic partners or friends. These crimes are not being committed by trans teammates, nor are they being committed by cis men pretending to be trans to gain access to locker rooms or bathrooms. Strict separation based on if a person's reproductive organs produce ova or sperm is not the way to success and safety. Students and athletes are safest when they are seen as whole human beings and not a compilation of parts. Excluding trans athletes from locker rooms will provide a false sense of security, rendering female athletes more vulnerable than they were before. Female athletes are in danger when they are in an environment that allows abuse to be swept under the rug for the sake of team victories or school funding. Now, the unintended consequences of this bill are quite serious. In order to enforce this segregation, wildly invasive examinations will need to be done. This in itself is sexual trauma. Do you feel comfortable having your daughters, nieces, or sisters intimately examined so they can play sports? To add another layer to this, please keep in mind that 1 in 9 children are sexually abused. So even before they get to the college level, they are survivors. Those perpetrators are most often cisgender, straight, non-parental males who are close to the family. A forced genital examination to play sports would be traumatizing to anyone, but incredibly retraumatizing to a sexual assault survivor. What this bill is endorsing is state-sanctioned sexual assault. And I cannot in good conscience sit by while it is being perpetrated. There are better ways, and I believe we can find them together. I would be happy to answer any questions.

**SANDERS:** Thank you, Jennifer, for your testimony. Check to see if any questions from the committee. Seeing none. Thank you very much.

**JENNIFER LOZANO:** Thank you for your time.

**SANDERS:** Thank you. Next opponent. Good evening.

**JULIA GEHRINGER:** Hi. I'm Julia Gehringer. It's J-u-l-i-a G-e-h-r-i-n-g-e-r. I'm the proud mother of five children, one of whom is trans. I'm a cis woman, or at least I thought I was until I read LB89, which defines womanhood as producing eggs. Maybe too much

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information. Anyway, I'm opposed to LB89 for these reasons. First, this bill's attempt to define males and females excludes those born with ambiguous genitalia from any bathroom privileges at all. Number two, this legislation creates the potential for incredible invasions of privacy. For example, if someone's sex is questioned, how do you propose that it be verified? Number three, Section 4 sets out how schools shall designate bathroom usage. To paraphrase, it says group bathrooms in schools shall be for either males or females, but makes exceptions for people such as coaches, trainers and other school employees. Do I need to remind you about Penn State? How about Jerry Sandusky? Predator, yes. Trans person? No. With respect to athletes, the NSAA already has a stringent gender participation policy in place. Since 2017, less than ten athletes have applied for consideration. Why is the Legislature's valuable time being spent on a bill with so little impact for the citizens of Nebraska? It seems to me this legislation is based on fear of what you don't know, rather than any desire to improve the lives of all women. It is a dangerous lumping of transgendered people with predators, which does not protect anyone, but fuels paranoia and may cause harm to people who just want to go about their lives. In the words of Pete Davidson-- yes, that Pete Davidson-- the theory is that men, in their relentless quest to watch women go to the bathroom, are going through years of hormones, surgery, changing their name, their wardrobe, coming out to their family, all for that big payoff of peeing in a room without urinals. In conclusion, I ask that all of us remember our common humanity. Do not let fear be your compass. Transgender people are us; people living every day lives, minding their own business, striving to be themselves. I suggest we all do the same. Quit minding the genitalia of others, and keep working on impactful and effective legislation that will make Nebraska a better, safer place for all rather than further marginalizing a tiny and vulnerable group of fellow humans. Thank you.

**SANDERS:** Thank you, Julia, for your testimony.

**JULIA GEHRINGER:** Thank you. And thank you so much for sitting here for hours.

**SANDERS:** And likewise.

**JULIA GEHRINGER:** You're so attentive.

**SANDERS:** Likewise. Any questions for Julia? Seeing none. Thank you.

**JULIA GEHRINGER:** All right. Thank you.

**SANDERS:** Good evening.

**OLIVER ENGELKE:** Good evening, Senators. My name is Oliver Engelke, O-l-i-v-e-r E-n-g-e-l-k-e. I'm here to oppose LB89. This bill is harmful to all women and people of Nebraska, regardless if they consider themselves trans or not. First, let's take a look at a portion of the bill pertaining to sports. The NCAA already does not allow trans athletes to play at competitions. It only allows them to practice their skills according to the NCAA participation politics--policy for trans athletes. Even for those trainings, transgender athletes have to be constantly monitored to show their hormone levels are at the sex they identify at levels. When we introduce a bill like this into law, people can begin to claim that a woman is too good at one sport and is biologically a man, undermining the hard work that individual has put in. We have already seen this in states that have this law in action. This only targets women being too good at sports as men, and not men who are too bad at sports for being a woman. Now let's take a look at the segregation of bathrooms. There is no link between trans people and using the bathroom correlated with the sex they identify as and crimes, according to the UCLA law study. Over the course of time, trans people have been allowed to use the restroom, and there has been zero recorded crimes of trans individuals transitioning to harm people in the bathroom. If someone were to cause a disturbance in a bathroom or a locker room, the owner of the institution would deal with it better with understanding than the government. For example, I was a trans kid who did go to the locker rooms when I did play P.E., and instead of going to the men's or women's locker room, I just got changed in a bathroom. No issue with the government, no government interference-- the institution itself. Finally, let's talk about how anti-trans laws affect everyone. When it comes into question of defining terminology, we need to look at the full picture. What are the standards that we should have for a woman? Why is-- what is she supposed to look like, so she isn't arrested for using the bathroom? Is she supposed to be small, white, skinny? These are the questions we take into consideration, because people can just target random people for using the bathroom because they're too big, too black, too anything. When do we get to-- we don't go to the bathroom with our birth certificate hanging around our necks, or our IDs hanging around us, showing what gender we are. How can we be sure that someone's going to go and claim somebody is something they're not, wasting police's time and skills that we could be using to help our community? This is just a big waste of taxpayer money that we

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should not use. Instead, we should just leave it up to the institution to decide, and let them handle on a case-by-case basis. People are not going into the bathroom just to inspect random people. It's disgusting, gross. As a trans person, I've never seen anybody do it, I've never heard anybody do it. There's zero evidence of this. Laws affecting trans people affect us all. I hope you can see how harming trans people from sports and bathrooms has many underlying issues that harm all Nebraskans. Thank you.

**SANDERS:** Thank you. Check to see if any questions for you, Oliver. I don't see any. Got off easy. Thank you very much. Good evening.

**MAEVE MCGARRY:** I don't know how late it has to be to use "good night" as a greeting.

**SANDERS:** I know.

**MAEVE MCGARRY:** But anyway, good night Senator--

**SANDERS:** Welcome.

**MAEVE MCGARRY:** Good night, Senators. My name is Maeve McGarry. M-a-e-v-e M-c-G-a-r-r-y. And I'm here mostly at a-- as a citizen in complete opposition to LB89, and partly because I've been here since one, and the sunk cost fallacy is real. I'm 18 years old. I grew up in Bellevue, Nebraska, in Senator Sanders' District 45 my entire life. And I'm now in my second semester at UNL, studying political science and psychology, minoring in German philosophy and queer studies. So needless to say, I have a lot of commitments, and am often very busy. However, I still time-- I still find the time to follow Legislature closely. I volunteered for astute-- for two state senate campaigns last election, and I'm planning on becoming a page this next session in 2026. I love the state and its politics, but if this bill passes, myself and some of my best friends and dozens of people who I know and love will no longer be able to be Nebraskans. It is relevant here to say that I am transgender. This bill, as many others have noted, is designed with a little more than politically-charged hatred of transgender people in mind. The athletics section of this bill are sweeping piece of legislation, not based on any modern scientific data, which usurps the authority of the organizations which should decide upon their own policies. The sections which deal with bathrooms are designed to humiliate transgender people, to force them into uncomfortable, potentially dangerous situations for no reason, and to fuel the current hate-filled anti-trans panic. Third, the sections

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which define male and female are just one more insult, designed to cause harm, and are not consistent with modern gender studies or psychology. And finally, almost everyone one of-- women I've spoken to about this bill has taken offense at the name. Let me ask, when I see this bill, what am I supposed to think? Because when I think about my future, I want to think about one where I can live a normal life, focus on a career, probably as a researcher in political psychology, where I can start a family, settle down and be happy doing the things that I love and want to do, just as a normal woman. But instead, I'm forced to think about my political reality: one where my government is so eager to remove civil rights; one where government-fueled hatred of myself and my friends is on the rise; one where I need expensive elective surgery just to change a single letter on my driver's license; and one where it's likely going to be increasingly difficult, if not impossible, to receive routine medical care and documents to go to the bathroom or to just live a normal life, which I want. I, I, I have to ask, are the Trump brownie points really worth thousands of people's normal lives? Because I really don't like having to defend my right to exist. That is all. Thank you.

**SANDERS:** Thank you for your testimony. Check to see if there are any questions for you. Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair. Magna?

**MAEVE MCGARRY:** Maeve. M-a-e-v-e.

**J. CAVANAUGH:** Oh, I wrote a-g. Sorry. "Meegan." I'm sorry.

**MAEVE MCGARRY:** Sorry. Maeve.

**J. CAVANAUGH:** Maeve. Oh. I should. I have a cousin Maeve.

**HUNT:** Don't you have a Maeve?

**J. CAVANAUGH:** I have several Maeves in my family.

**HUNT:** [INAUDIBLE]. There's a Cavanaugh.

**J. CAVANAUGH:** Yeah. If you really want to be a page, if you need a letter of reference, let us know. You obviously proved that you have the endurance to sit here. So-- but thanks for being here.

**MAEVE MCGARRY:** All right. Thank you very much.

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**SANDERS:** Thank you very much, Maeve.

**MAEVE MCGARRY:** Thank you.

**SANDERS:** Next opponent. Good evening.

**RAIYAH NADER:** Hello, Chairwoman Sanders, and members of the Government Committee. My name is Raiyah Nader, R-a-i-y-a-h N-a-d-e-r. Do forgive me, this is my first time testifying in front of actual senators, and I'm slightly more nervous than I expected to be. I am a student as well at UNL, majoring in political science with minors in history and women's and gender studies. When my mom picked me up for my first day of high school, I got in the car and said, "Mama, there's a gay kid in five of my classes." I would later learn that he was the only openly queer kid in our grade, and the first trans person I'd ever met. The next day, I would sit with him at lunch exclusively because it was the last seat left. We have been friends ever since. For me, it took meeting an actual trans person to realize that my bigotry was not OK. That was a defining moment for me, and I can guarantee that I'd be a-- in a very different place right now if it weren't for that meeting and his grace, as I unwound everything about queer people I'd ever been taught. I learned that trans people are not monsters. Trans people are not trying to barge into women's spaces in order to destroy them. Trans people are simply trying to live their lives, and your bill actively infringes upon their rights. Feminist issues are very close to my heart, and as a women's studies student, I can tell you this is not feminism. This isn't in defense of women. All this bill does is prop up existing "patriarchal" standards of what a woman should be. Standing with women does not mean excluding trans people from going out in public and restricting their movement. Standing with women doesn't mean passing a bill that discriminates against your own constituents. Standing with women doesn't mean choosing who can and cannot be a woman. Just because you haven't lived someone else's life does not mean you cannot be empathetic towards them. I'm not even old enough to vote, and I'm here testifying on a bill that impacts my personal rights very-- comparatively very little. I am at UNL, and stayed in-state because of the impact that some of you and your colleagues have had on me. I, too, plan on becoming a page. I've supported some of your businesses, I've worked on some of your campaigns. My peers and coworkers and classmates do not deserve to be discriminated against by this body. I shadowed Senator Sanders on this-- on the legislature floor the day that the Let Them Grow Act went to cloture. Some of you clapped for me as I was recognized as a guest. I watched this body destroy my friends' ability to be their

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true selves, and I cried when I got home. Not for myself, but for every trans kid I knew who didn't deserve this. Do not let this be another nail in the coffin. Do not pass this bill in the names of all women, because not all of us want to be held responsible for your bigotry. I'd be happy to answer any questions.

**SANDERS:** Thanks for being here. Are there any questions? Senator Cavanaugh.

**J. CAVANAUGH:** I'll, I'll make the same offer. If you need a letter of reference, let us know. Thanks for being here.

**RAIYAH NADER:** Thank you.

**SANDERS:** Next opponent. Welcome.

**MARY DICKINSON:** Thank you. Good evening, committee members. My name is Mary Dickinson. I am also new to this testifying, so please bear with me. M-a-r-y D-i-c-k-i-n-s-o-n. I am from Brule, Nebraska, so, way out west. I am the proud parent of a transgender child, and I oppose LB89. I'm not going to be sharing anything that hasn't already been shared this evening, but I want to thank each and every one of you for letting us all speak and have our time. I appreciate that. I want to start by saying trans people exist. They are human beings. They deserve respect. They deserve compassion, empathy, love, happiness. They deserve to take up space. They deserve safety. They deserve comfort. They deserve every right that me-- excuse me, that may be afforded to anyone else. Your personal understanding is not a prerequisite, prerequisite for their humanity. They exist. They're here. They've always been here. They will always be here. They deserve love. They deserve protection. They des-- deserve to be stood up for. They deserve to be seen, acknowledged and heard. Trans kids just want to have normal childhoods. They don't need classmates, teachers or administration looking at what un-- is underneath their clothes. You don't need stats when these-- when those people are living, breathing, humans living one of the hardest, bravest existences possible. But if you need stats, here are just a few. As quite a few people have pointed out earlier, there's absolutely no record of trans girls assaulting anyone in a bathroom. But trans and non-binary kids are being assaulted. According to a recent American Academy of Pediatrics study, roughly 36% of trans and non-binary teens whose school restrict bathroom or locker room access have been sexually assaulted. Keep in mind that these statistics are severely underreported, because the fear of transgender and non-binary kids have, and the lack of healthy

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support systems with the-- excuse me, within their school. As far as the sports portion of this bill, in Nebraska less than 1% of the population is transgender, and an even smaller percentage of those participate in K-12 sports. Fewer than ten students have used the NSAA, a policy for transgender athletes since 2015. That's fewer than ten students in ten years. This is a non-issue. Let's call LB89 what it is: it's a witch hunt of the transgender and non-binary community.

**SANDERS:** Please continue.

**MARY DICKINSON:** Thank you. It's very difficult to explain to other people that just don't get it how to care more, how to have empathy. But here we all are. I hope this committee takes notice of the amount of opponents here today compared to the proponents. I urge you to stand up for people. Love people. Thank you for your time.

**SANDERS:** Thank you, Mary, for your testimony. Are there any questions? Seeing none. Thank you. Good evening.

**AUTUMN SMART:** Hello. Good evening. Thank you all for being here. My name is Autumn, A-u-t-u-m-n, Smart, S-m-a-r-t, and I live in Nebraska District 28, right here in Lincoln. On February 5th, 2025, two days ago, the Nebraska Examiner reported that Nebraska has had fewer than ten transgender student athletes participate in K-12 sports under an existing policy since 2017. So, that's an-- essentially an average of one K-12 trans student athlete in Nebraska per year since 2017 under an existing policy. So, I wanted to know how many student athletes there actually are in Nebraska in a given year, so I went to an-- a recent NFHS high school athletics participation survey, and they cited that there's around 80,000 high school, high school student athletes in Nebraska in a given year. But due to the way they totaled those numbers, they duplicated or triplicated double- or triple-sport students. So, let's say that they were all triple-sport students. So we'll divide the 80,000 by 3, and arrive at approximately 26,666 student athletes in a given year in Nebraska. So we're talking about 1 trans student, K-12 student athlete per year; 26,000 high school student athletes in Nebraska, total per year. OK? So if we take 1-- OK, if we're, if we're generous and we say, OK, all those 10 trans student athletes were in high school, OK? We're talking about 1 out of 26,666 student athletes in this state, which amounts to approximately 0.004% of student athletes in this state that we're writing legislation to discriminate against. So, this bill is discriminatory not just towards those 10 ath-- student athletes that there has been since 2017, but also toward all the trans parents, siblings,



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grandparents, families, friends and neighbors who conduct business in government buildings and come out to cheer on their cis kids at sporting events across this state, and who also just happen to use the bathroom, right? So, what is the enforcement mechanism for this bill? Are we going to be hiring security guards at all government buildings and, and schools to police the bathrooms and make sure the right people are going in the right bathrooms? It seems like an unfunded mandate to me. And we're opening up a lot of possibility of vigilante justice; people thinking somebody doesn't look womanly enough and therefore they need to be assaulted, harassed, called-- have the police called on them. Are we going to have the police respond to all of these hysterical 911 calls about the wrong people in the wrong bathroom? Is that where we really want to send the police to follow up with? We can't even keep actual predators and guns out of our schools. Yet, we can police student-- students, K-12 students' genders. We can somehow accomplish that with our resources. Trans fam-- trans Nebraskans are your neighbors, your clients, your co-workers, your colleagues. OK? We just want to live our lives in peace like we have been doing since this hysteria started, and we would like to return to that. I think we're better than this as Nebraskans, and we need to put all of this behind us. So I thank you for your time, and I'll take any questions if you have any.

**SANDERS:** Thank you for your testimony, Autumn. Check if there's any questions from the committee.

**AUTUMN SMART:** Thank you.

**SANDERS:** Seeing none, thank you for your patience. Next opponent, please. Welcome.

**DONNA FABER:** Hello. My name is Donna Faber, D-o-n-n-a F-a-b-e-r. I'm a family medicine physician. I testified two years ago for a similar bill, and I'm very disappointed that the issue has come up again. The last time I did it a little bit more formally; I had a formal printout of my speech, and I had medical articles, including one which I thought would change more minds than it has, if any. It was on MRI studies showing that the, the gender-- the, the brain of transgender people more closely resembles the gender they identify as than the gender they're assigned at birth. I know a lot of this bringing up bills that discriminate against transgender people comes from a lack of understanding. I heard some of it before we started giving our against testimony. Someone saying, oh, now they're-- now they're a boy, and then, now they're a girl, and they're switching back. That's

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not how it is. It's, it's based on biology. As a physician, I can just give you some information on, on the science of it. Human gender is not an either/or thing. It's unfortunate that the majority of cultures on our planet have made it that way, but human gender development is a multi-- multi-stage process. It starts when the, the fetus is in the first trimester. That's when you have development of the genitalia. In the second trimester is when the sexual development of the brain starts. So, you have, you know, a process going, but it's in different stages. So, it's not really surprising that, that someone's external genitalia or internal doesn't really match what's in their brain. And the brain is a sexual organ. And if someone's brain is female, then they are female. And I find it frustrating when a lot of people will say, well, they need to be in a sport based on their biological sex. That is their biological sex, that's what their brain is, and human gender is a spectrum. The young lady who spoke earlier-- I believe her name is Ms. Weiss-- she was only 12 years old and she already knows. She said human gender is a spectrum; it's not either/or. And as an athlete, I can-- I brought this up the last time I was here, I can also speak to this-- I played professional tennis for six years before I went to college. I got a gold medal in the Pan American Games in Cuba in 1991, and I got my cheek swabbed to check my DNA. They don't do that anymore because DNA is very complicated. Chromosomes are complicated. They were getting results back they didn't know what to do with, so they stopped doing it. It's very complicated. I think we should be encouraging kids to play sports, looking more at inclusion rather than exclusion. I mentioned the, the brain MRIs. Physical advantages for trans girls-- having played professional sports, there's always going to be physical advantages. That's part of sports. I mean, I'm not a big person; I'm 5-foot 5. I was playing against some women who are 6-foot 1. Huge serves. I mean, that's, that's part of the game. Some people have more advantages. I have quick hands and feet; other people are bigger, have more power. I mean, you don't-- Michael Phelps wasn't kept out of swimming because he has a huge wingspan. You don't keep NBA players out of the NBA because they're 7 feet. There are advantages. And if someone is trans-- a trans woman, they should be able to play in their sport. I mean, they may have an advantage in something, but, you know, their competitor might be faster. I think we should be embracing diversity, not keeping people out of sports. There are-- more on advantages. Genetic advantages-- I read about a Norwegian cross-country skier who medaled in the Olympics. He had a genetic mutation that allowed him to carry more oxygen, and it was a mutation in his hemoglobin. He wasn't banned from sports. So, as a physician who has multiple colleagues with trans

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children who are thinking of leaving the state, as a physician who's taking care of transgender individuals, I think we need to look at both the science that it-- it's a complicated thing. We're still learning, there's a lot we don't know. There's, you know, chromosomal differences, there is mosaicism, there's differences in development. And just recognize that transgender individuals have a place in sports, and should be able to use the bathroom they identify with.

**SANDERS:** Thank you, Dr. Faber, for your testimony. Are there any questions? See none. Thank you very much. Next opponent. Welcome.

**GABRIEL TYNER:** How about those Capitol building peanuts, huh? I like to plan ahead, so, good morning, Senators. My name is Gabriel Tyner, G-a-b-r-i-e-l T-y-n-e-r, and I am a high school senior in LPS here to oppose LB89. I'll make it quick, because my bedtime is soon. I'm not an order, member of a debate club, or a worker of the law. I won't try to really change your mind, because if you tried to change mine, I probably wouldn't listen. I will provide facts, because I'm a person who likes facts, and I hope all of the people on the-- this semicircular table are too. I don't-- I, I forgot the word. It, it slipped. I chose to be here today instead of playing Minecraft because I felt it was important. LB89 is predicated on the desire to protect women. This is an understandable desire. I am speaking not to protest the unscientific and unconstitutional beliefs that this act is pro-- based on, since the dust-- since that does not seem to matter to the people who support this bill. I'm here to protest an issue of logistics. How on earth do you plan to enforce this? Half of the population of the world is assigned female at birth, and an innumerable amount do not align with what is commonly recognized as female presentation. Do you plan to strip every woman who does not look like a woman? Do you plan to draw the line at short hair, or do you plan to draw the line at a flat chest? At bad makeup, or at poor-fitting clothing? There is no metric by which you can, without a doubt, determine somebody's sex without pulling down their pants. There will always be horrid injuries in sports, and there will always be biological advantages. You only seem to care when the biological advantage is based on someone's testicles or lack thereof. Since when has sports ever been free of unfair advantages? The last time I checked, I have met an athlete who was taller than another athlete. Do you plan to bar women over 6 foot from competing in volleyball? Surely you don't, because that does not serve to protect women, or ensure the fairness and equality of their spaces. Sec-- Section 2, part 5 of the Stand With Women Act says on average, male athletes are bigger, faster, stronger and more physically powerful than their female

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counterparts. Women nor people do not exist based on averages. What happens the second you guess wrong and you decide to police a cisgender girl's sex? Once you pull down her pants, do you plan to dismiss her privacy as a rounding error, the way you plan to with every trans girl in a locker room, searching for some Schrödinger's penis? I hope not. The hope this bill is based off of is understandable, but strongly misguided. Someone who intends to sexually assault or harass a girl or woman will not be dissuaded by a sign that sits outside of a bathroom. And punishing an entire archetype of person for the actions of a psychologically ill few is collectively-- is collective punishment. What are we even doing here? Thank you.

**SANDERS:** Thank you for your testimony. Let's check, Gabriel, if there are any questions for you. I see none. Thank you for your testimony.

**GABRIEL TYNER:** Thank you.

**SANDERS:** And don't be late.

**GABRIEL TYNER:** I might be.

**SALEM URBAN:** Hello. Good evening.

**SANDERS:** Good evening. Welcome.

**SALEM URBAN:** I am very nervous. I have never done this. And I apologize if I stutter. I'm running on three hours of sleep.

**SANDERS:** Welcome to, to the rest of us. So, take a deep breath. And you're going to start off by just telling us your name, and then spelling it. And you already know those things.

**SALEM URBAN:** Good evening. My name is Salem Urban. That is S-a-l-e-m U-r-b-a-n. I am a queer-identifying adult. I will be attest-- I will be testifying against the LB89, also known as the Stand With Women Act. I do not believe this act is in the best interests of the people of Nebraska. I have lived in Nebraska for almost my entire life, and I can tell you the amount of women and trans or nonbinary people I have met are no threat to anyone here. I ask if you would want me in women's restrooms. Would that be comfortable for the women there and for me? Sorry. When I first started hormone therapy over a year ago, it made me feel more like me than I have ever felt. But I also noticed that entering a women's restroom at all, even before hormones, I was stared at in disbelief. I have not participated in sports, but when

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attending school, having to change in the women's locker room due to a lack of accommodation was very unpleasant. I believe that trans women are women and trans men are men, and have every right to exist in and outside of Nebraska, and participate in any sport they please. I will not stop being myself. I do not have much else to share. Everyone before me has given you much better statements, and I hope you'll listen to them and not pass LB89. Thank you.

**SANDERS:** Good job. Thank you for your testimony. Let's check to see if there are any questions for you. Seeing none. Thank you.

**SALEM URBAN:** Have a good night.

**SANDERS:** You too. Drive safe. Next opponent. Good evening.

**LUCIAN BLAZEK:** Hello. So, the one that's getting handed out is actually a different one than I'm going to be reading today. But I still thought it'd be valuable to share that one.

**SANDERS:** Thank you.

**LUCIAN BLAZEK:** So, Chairperson Sanders and committee members, my name is Lucian Blazek, spelled L-u-c-i-a-n B-l-a-z-e-k. I'll start by asking you to oppose LB89 simply due to its vague nature and lack of clarity about enforcement and consequences. LB89 would require me to use the women's restrooms at my university, UNO, and in K-12 schools in Nebraska. I think it's common sense that as an adult male with a beard and masculine stature, I don't belong there. If I comply with this legislation, I risk scaring women and young girls, could subject myself or institutions I belong to to investigation, and lose health privacy simply by entering a restroom. If I don't comply, however, at least I'm not instilling fear in the very women and girls this bill claims to protect. As an architectural engineering student, I'm excited to get involved with the Nebraska Legislature. Unfortunately, as a trans man, instead of talking to you about the amazing knowledge that I've gained from our Nebraska institutions, I'm here to ask you not to require me to use a women's restroom. I want to talk to you about networked geothermal ground-source heat pumps; I want to talk to you about the zoning restrictions that prevent us from warming thousands of residential homes through heat transfer, and the increased strain on our energy grid. We could work together on legislation that would benefit utility companies, provide safer work for steamfitting and other skilled laborers, and offset the electrical demand of emerging data centers. However, I'm here today to tell you

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it's common sense that I don't belong in a women's restroom. If we want to talk about sports, I'd be happy to discuss baseline concussion testing for youth sports. I could get into the details about how a sports injury from 12 years ago still impacts me today. How I had to step away from a sport that I loved, and how the brain fog never actually went away, or how the untreated whiplash injury ultimately led to me having a multi-level cervical spine fusion 5 weeks ago, and the heartbreaking fact that I was cleared to continue playing in the second half of that game 12 years ago. But today, this bill ask you to quire-- asks you to require me to use the women's restrooms as a way to give women a sense of safety. Ultimately, I'd like to ask this committee to expect more from their fellow legislators. As I understand that-- I understand that you have to become the experts on endless topics on a daily basis. So, when your fellow senators propose legislation that is incomplete, unclear and unenforceable, then fail to answer basic questions about it, you have the opportunity to set a new standard. Regardless of political opinion, send them back to the drawing board and ask them to do better, because it's common sense that I don't belong in a women's restroom. Thank you, and I'm happy to take any questions.

**SANDERS:** Thank you, Lucian, for your testimony. Senator Guereca.

**GUERECA:** Lucian, thank you for your testimony. I hope you finish your education strong and help us address some really big energy concerns we have, you know, in my area. I look forward to help solving these problems with you. Thank you.

**LUCIAN BLAZEK:** Thank you.

**SANDERS:** Any other questions or comments? See none. Thank you very much.

**LUCIAN BLAZEK:** Thank you.

**SANDERS:** Good evening.

**JOHNCARL DENKOVICH:** Good evening. And, at this point, shabbat shalom. Dear Chairwoman Sanders and members of the committee, my name is JohnCarl Denkovich, J-o-h-n-C-a-r-l D-e-n-k-o-v-i-c-h, and I serve as the founding executive director of Omaha ForUs, a nonpartisan, nonprofit organization operating an Omaha-based community center, serving thousands of LGBTQ+ and non-LGBTQ+ individuals and families through critical services like mental health supports, a clothing

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closet, food pantry and more. And I'm in opposition to LB89. This bill unnecessarily creates new administrative and practical definitions of sex, and unjustly uses these definitions to discriminate against family, friends, colleagues, neighbors, and importantly, taxpaying Nebraskans. This bill does not protect women and girls, and does not make Nebraskans safer. Instead, it accomplishes quite the opposite: emboldening government officials and complete strangers to unjustifiably question the legitimacy of someone's sex or gender in public restrooms, locker rooms, or sex-segregated facilities. A similar policy resulted in a predictable incident mere weeks ago, where representatives Boebert and Mace publicly confronted and harassed a cisgender woman in a U.S. Capitol bathroom, believing her to be a trans congressperson in an absurd case of mistaking identity. Not absurd because this person was trans, but because they thought it was their role to question someone publicly. They were incorrect, and rightfully embarrassed. You have certainly used a restroom, a bathroom, or a locker room facility with a transgender person. You likely didn't notice because you probably used these spaces for their intended purpose and then departed, just as trans people do. People mind their business, do their business, and go about their business. Regardless of the motivation for these policies, they create and proliferate unsafe spaces for all people, all sexes, and all genders by creating a pretense for individuals to engage in invasive, unjust questioning and public harassment. This bill prevents trans people who desire to follow the law from equal access to safe, accessible facilities in public buildings which their taxes help to fund. As state legislators who have a duty and moral imperative to protect and serve all Nebraskans, not just those aligning with one's personal, religious, philosophical or political beliefs. The more we advocate for legislation which divides us, the further we stray from Nebraskans motto of Equality Before the Law. Please refocus attention on the issues most important to Nebraskans, and do not advance LB89 to General File. With the remaining time that I have, I will just invite you. You're more than welcome to schedule a time with me to come and visit our center in Omaha, to visit with trans or other LGBTQ+ individuals and families. We're welcoming you into our space at any time, and I would look forward to facilitating those conversations, so that you can learn more about the people who are affected by this type of legislation. Thank you, and I'm a-- will answer any questions.

**SANDERS:** Thank you, JohnCarl. Appreciate it. Any questions? See none.

**JOHNCARL DENKOVICH:** Thank you.

**SANDERS:** Thank you. Next opponent. Good evening.

**GRACE JACOBSON:** Thank you to everyone who has remained here for so long. I know it's arduous and exhausting. I've been here since about 1. My name is Grace Jacobson, G-r-a-c-e J-a-c-o-b-s-o-n, and I am here in opposition. Legislation like LB89 does nothing to protect women or girls. It cultivates an environment of fear, paranoia and suspicion against anyone who is not perceived as feminine enough. My best friend has personal experience with this. She is 6-foot 2; she has very broad shoulders, flat-chested, and she has short-cropped hair because she works in a research lab, researching fertility and ovaries, and how various factors impact someone's ability to conceive. She has repeatedly been harassed in restrooms due to this, and it's really started picking up in 2022. Little girls have been harassed because they have short hair. This occurred in 2023 in Kelowna, British Columbia. A nine-year-old girl was accused of being a boy at a track meet because of her pixie cut. She was harassed by a fellow athlete and a man in the crowd. She was made unsafe just because she liked having short hair. I was here in 2023 to attempt to testify against the previous, near-identical bill that was only targeting children, but I was not permitted to, as the committee decided to end the hearing and leave tens of people unable to make their voices heard, so I deeply appreciate you allowing us to speak now. I've also testified against LB575. We are hat-- rehashing the same hateful garbage. I seriously considered wearing the same dress and heels as I wore then, just to prove a point that nothing seems to change here. When LB371 had its hearing, I wore a drag queen outfit, a large flower crown, a curly wig, and had makeup done by a professional drag queen. I was harassed in the restroom, called a man and a pedophile for wearing a green ball gown, a pretty wig and an intricate headdress. I am most certainly not a man, and never have been. I told her I'd be happy to show her my ID, but first I was there to use the restroom. She was gone by the time I exited my stall. I am secure in who I am as an adult, and I know I can tell people no to proving my gender, whatever that may entail. A child does not have this confidence or the footing to say no to such demands. LB89 puts women and children in direct danger. Women and girls come in all shapes, sizes and styles. Legislation like LB89 leads to harassment, and flat-out harm to all women and girls who do not act or look a specific way. It feeds into the fear-mongering paranoia, and embold-- it emboldens harassment and hate. Not once have I felt unsafe or in danger sharing space with trans women. Not once have I been harassed in a restroom by a trans woman. I'm ashamed that this witch hunt continues. I'm embarrassed to



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be a fifth-generation Nebraskan. The continued obsession with the private parts of women and especially children deeply disturbs me. Such things are not the business of the state or random strangers. I implore you to let this bill die in committee. It does nothing but harm. Let us use this year's session to actually help Nebraskans, instead of waging culture wars and stoking hatred. Thank you.

**SANDERS:** Thank you, Grace, for your testimony. Let's see if there are any questions from the committee. Seeing none. Thank you, and thank you for your patience.

**GRACE JACOBSON:** I appreciate your patience.

**SANDERS:** Thank you. Next opponent. Welcome.

**VIOLA BURNS:** It is very late. I've been here for, like, 9 hours or so now. Sorry, I'm getting my script ready.

**SANDERS:** That's OK.

**VIOLA BURNS:** So, hello to my fellow Nebraskans, and hello to the Nebraska Legislature. My name is Viola Burns. That's the instrument, and then the first degree.

**SANDERS:** I still need you to spell it, though.

**VIOLA BURNS:** V-i-o-l-a and then, Burns, B-u-r-n-s.

**SANDERS:** We need it for the record. Thank you.

**VIOLA BURNS:** I'm a lifelong Nebraskan, corn bred and fed, currently residing in the District 46. I'm no stranger to these legislative hearings. I've been coming to them since the redistricting hearings in 2020. If there's one thing I've learned from these long years is that these pleas, these testimonies, they often fall on deaf ears. That is the charade of Nebraska political fever. My goal today isn't to reach out to the deaf ears of our bigoted senators who would cruelly attempt to deny people bathroom access. No, my goal is actually to try and reach the heart of an average Nebraskan to ask one single question: do you really want weird, genital-obsessed people determining who belongs in a bathroom? The original text of the bill defines only two sexes, male and female, ignoring that intersex people exist. These definitions are entirely based on your private bits. The whole basis for this system of who gets to use what bathroom is, "what's in your pants?" How often do you go to the bathroom thinking of other people's

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private parts? You're weird if you do, because most people go to the bathroom to pee or to poop. Everybody pees, everybody poops. That's what bathrooms are for. It is only obsessive weirdos who care about strangers' genitals when they're trying to relieve themselves. And these weirdos who want political protection to kick in your stall door and genital inspect you and your kids; paranoid nutcases that think of bathrooms unlike any average person who uses a bathroom. It's not a chamber where people hygienically dispose of waste. No, instead it's some weird sacred sex gender chamber based on your genitals, as if a toilet gives a crap. If you're trying to actually protect the privacy of people, if your goal is to actually prevent some form of sexual harassment, if you wanted to stand with women, then you wouldn't write this bill that can only be regul-- implemented by regularly forcing people to expose genitals to weirdos who obsess over them. Instead, this bill is about restricting people's ability to relieve themselves in private stalls. Absolute insanity. Make no mistake that this bill is an invasion of privacy to anyone who is slightly gender-nonconforming. Are you a woman who grows too much facial hair because you have PCOS? You can have to show us our-- your genitals to prove you're normal. I don't know about you, but the last thing I want is to just have to show my junk to strangers. I keep my private bits pretty private. It's beyond absurd what these paranoid weirdos will subject us to in their crusade to flatten individual expression to what they deem as normal. Freedom's not the priority here, it's conformity. It's not a care about freedom, it's about control. And to the sponsors and authors of this bill that want to embolden vigilante weirdos to police what they view as normal through constantly thinking about other people's private parts-- I honestly have an intense dislike and hatred of you. I don't want your weird obsession to become normal. And genuinely, fuck you, creeps.

**SANDERS:** Thank you for your testimony. We'll see if you have any questions. Seeing none. Thank you. Good evening.

**ALEX DWORAK:** Good evening, Commander. Vice Commander. Senators. Thank you very much for being here so late. I really appreciate that. My name is Al-- Dr. Alex Dworak, A-l-e-x D-w-o-r-a-k. It is my honor to testify today in strong opposition to LB89. I'm speaking as a father, a husband, an active strength athlete myself, as well as the husband and father of active athletes who are women. I'm the most experienced and involved physician advocate and expert for trans health care that I know of in Nebraska. And if you know anybody who's smarter than me, please connect me with them. I am speaking on behalf of my primary employer, OneWorld Community Health Centers. I'm testifying today to

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speaking to why this bill is unnecessary and harmful. The bill is in line with the current tidal wave of coordinated attacks on the trans community; 672 bills nationwide in 2024 alone. All that to attack about 1% of the population. These attacks have clear and ugly echoes of previous attacks on gay and lesbian people. They play off false and hateful tropes that have been used against bisexual people like me. They are also of a lineage with attacks on black, brown, Asian, indigenous and Jewish people. Attacks that, I am sad to say, are still very much persisting today. To that point, trans women and people of color face horrible and unacceptably high rates of disease, homelessness, violent assault and murder. Black trans women have the worst of all these categories. The first patient whose hormones I ever took overprescribing was a black trans woman living with HIV. She was violently murdered right here in Nebraska in 2012. And even in death, she is misgendered and deadnamed in her obituary. We are-- talk about silencing people. Awfully silence in a casket. It's especially poignant for me to speak up in her memory now, during Black History Month. I speak today to help you understand the harm on my patients and their families, that have been-- have included multiple exhibits for you-- multiple, multiple-- documenting the negative health impacts of, of enacting this type of legislation. I've included some stories previously referred to by other testifiers of non-trans people being bullied and harassed in our current climate. There is an exhibit with the Trevor Project's most recent report from 2024, highlighting that non-white trans youth have markedly more suicidality than white trans kids, along with numerous other health disparities. And this bill would make all those racial disparities even worse than they already are. Bathroom bans do not prevent sexual assaults, as has been mentioned, but rather increase sexual assault and violence against trans kids. I do have that study in here. This past year, Nex Benedict, as mentioned-- a 16 year old non-binary Oklahoma student-- tragically died one day after being beaten unconscious in a bathroom. Again, awfully silent in the ground. These kids fear for their lives, and I am sure that is not what we want for Nebraska's kids. The Nebraska State Athletic Association guidelines, as has been mentioned, provide a path for the rare instances when a trans child wants to play sports, as was highlighted in debate last year. And as a primary care doctor who spends most of his day treating diabetes and high blood pressure, prescribing insulin and ozempic, I would love to prescribe a barbell instead, believe me. Even before yesterday's change in NCAA policy, there were less than ten trans collegiate athletes out of more than 510,000, although today there are zero. These kids are already excluded and not playing. All of us are better off when we can all

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play as authentic selves. And I'll close by saying I could speak for hours on this topic, which I'm sure is a terrifying prospect at this, at this hour. I'm here as an award-winning primary care teaching physician who cares about all Nebraskans. I'm extremely afraid for my gender nonconforming patients if this bill advances. And again, it's my honor to ask you, please do not advance this. Thank you. And I am exactly as eager to take your questions as you think I am.

**SANDERS:** Thank you, Dr. Dworak. Do you want to explain the booklets that we received?

**ALEX DWORAK:** Absolutely. So there is a key that I have here on the first page insets. And it looks like they all got handed out as I personalized them. Going by the different tabs here, there's a brief summary of kind of the TL;DR version of this. But again, when I say study-- "studies say," I have these studies right here. I also really enjoy looking through the medical literature, and I will be very happy to collaborate. If you'd like to email me, please let me know. Some of the senators have my email-- actually, I think everybody who was here before from last session has it. I will give of my time to help answer questions, to clarify, to make sure that you all, as legislators have the accurate information you need to make good decisions for all Nebraskans.

**SANDERS:** Appreciate it very much. Thank you.

**ALEX DWORAK:** Thank you, ma'am.

**SANDERS:** Someone put this nicely together. Spend a lot of time on it. Thank you. We will take a look at it. Are there any questions from the committee? It's getting kind of late, isn't it? Thank you so much, Dr. Dworak. Good evening.

**MELANIE KNIGHT:** Good evening. Good evening, Senators. My name is Melanie Knight, M-e-l-a-n-i-e K-n-i-g-h-t. I am a resident of Clay Center, Nebraska, in Senator Murman's district, and I oppose LB89. I am a straight, white, cisgender 54-year-old Christian female. You've already heard this in previous testimony, but as mentioned, I'm old enough to remember when being left-handed was considered and seen as morally wrong, and kids were forced to use their right hand, causing unneeded anxiety and trauma. We've learned different since then. I get that you don't understand trans people, but I would suggest that perhaps you try to get to know them, spend time with them, and actually listen to them. But instead, you attempt to erase their

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humanity and believe that they are morally wrong. Here's the deal: when you know more, you should do better. I have trans friends that I support and love, and bills like this do harm them. Several of my trans friends actually live in our district, Senator Murman, along with Senator Lokowski's [SIC] district. And speaking for myself, I do not need your protection if this is what it looks like. I do not want you to say that you stand for me, because you do not. Thank you. Any questions?

**SANDERS:** Thank you. Let me check with the, the committee.

**MELANIE KNIGHT:** All right.

**SANDERS:** See-- seeing none. Thank you. Good evening.

**JACOB CARMICHAEL:** Good evening, Senator. Good evening, Chair Sanders and members of the Govern--

**SANDERS:** I know it's late.

**JACOB CARMICHAEL:** Oh, it's been a long day. The Government, Military and Veterans Affairs Committee. My name is Jacob Carmichael. J-a-c-o-b C-a-r-m-i-c-h-a-e-l, and I come in strong opposition to LB89. Entirely in my personal capacity, just as a clarification. As a note-- it's not in my testimony, but I would just like to note, if we're talking about being disgusted by things we saw in bathrooms-- I, today, have shared a bathroom with both a trans man and a white male legislator's staff, and I was significantly more disgusted by the male staffer not washing his hands. So. This bill does not, contrary to its introducer's claims, do anything to protect women from those looking to hurt them. If there's an actual desire to address predators and the loopholes and freedom our society gives them to act, I, as someone else who grew up Catholic, have a suggestion for where Governor Pillen and Senator Kauth can look. Clergy with substantiated claims of sexual abuse of, or sexual misconduct with a minor: Allgaier, Robert, child pornography; Arkfeld, Richard, three victims; Benton, John, three victims; Buckson, John, one victim; Cleary, Donald, five victims; Copenhaver, John, multiple victims; Crowley, Clarence, seven victims; Deonise, Richard, one victim; Dunavan, Thomas, two victims; Dvorak, Franklin, three victims; Feeney, John, one victim; Fiala, John, seven victims; Finch, Joseph, one victim; Florea, Michael, 15 victims; Gaughan, James, one victim; Gill, Edward, three victims; Glenon, Tom, one victim; Henry, Joseph, one victim; Henry, Patrick, six victims; Herek, Daniel, 43 victims; Ho, Joseph Hiepvan, one victim; Hrdlicka,

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Robert, multiple victims; Jordan, Emilio Morales, one victim; Kalin, Leonard, six victims; Kelly, Michael, one victim; Kenney, Daniel, multiple victims; Kruse, Jay, child pornography, multiple victims; Kulangara, Larry Toms, seven victims; Lukes, Duane, nine victims; Maresh, Mark, three victims; Margand, Paul, five victims; McMahon, Aloysius, three victims; Merkel, Mark, one victim; Murray, Jerome, nine victims; Nigli, Francis, three victims; Palmese, Anthony, one victim; Pettinger, Alfred, two victims. I'll stop there. It's the light.

**SANDERS:** Thank you. Are these the lists of sexual abuse in Nebraska?

**JACOB CARMICHAEL:** Yes. This is the list from the Attorney General's report on the sexual abuse in the clergy from the Catholic Church in-- I think the report is from 2020, but I might be mistaken. It's on the Attorney General's website, regardless.

**SANDERS:** Thank you. Are there any questions for Jacob Michael [SIC]? I see none.

**JACOB CARMICHAEL:** Thank you.

**SANDERS:** Thank you. Welcome.

**ANDREW DOMINGUEZ FARIAS:** Howdy, y'all. Good evening, Chairperson Sanders and committee members. My name is Andrew Dominguez Farias, that is A-n-d-r-e-w D-o-m-i-n-g-u-e-z F-a-r-i-a-s. I am testifying in my personal capacity in opposition to LB89. I was born and raised in Houston, Texas, went to Carleton College in Northfield, Minnesota, and found my way to Lincoln, Nebraska for work. I fell in love with this great state, and I can honestly say there is nowhere I would rather be in the world than right here in Nebraska. As a matter of fact, my goal is to live in Lincoln for the rest of my life. I feel proud telling people I live in Nebraska because of the phenomenal community I've been able to build here. In 2023, I was named Lincoln's Young Citizen of the Year. In 2024, I worked to establish the Nebraska Commission on Asian-American Affairs with you, Senator Sanders. And I'm a current student at the University of Nebraska College of Law. I volunteer on three boards of directors, and serve on the U.S. Global Leadership Coalition's advisory committee for the state of Nebraska. I say all of these things not to brag, but because I want you to humanize and qualify who I am and understand my dedication to all Nebraskans. And yet, I feel like nothing I do will ever be good enough because all some people care about is my gender identity. I go to school, I

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volunteer, I pay my taxes, and so it feels a bit strange for me to be sitting here before you all asking that you don't advance a bill that would prevent people like me from using the bathroom that corresponds with my gender identity. When you think about trans people, I wonder if you think about everyday people like me who give everything their all and just want to exist without persecution. This includes our queer and trans youth who just want to go to school and play sports, because these are the same trans youth who will grow up to be trans adults, just like me. I'm committed to living in Nebraska. No hateful, discriminatory, anti-trans policy will make me want to leave the state or change who I am. If anything, it makes me want to double-down and make Nebraska even more welcoming to queer and trans people like myself, especially our youth. Trans people like me just want to receive a quality education, work somewhere they love, volunteer their time to help others, and ultimately, build a community that is safe for all Nebraskans. I'll say it again: I love Nebraska. I just wish some of its people didn't hate trans people like me so much. Please vote no on LB89. Thank you.

**SANDERS:** Thank you for your testimony, Andrew. I'll see if there's any questions from the committee. See none. Have a great evening. It's been a long day-- oh, wait. I think we do have a question.

**HUNT:** One thing. What do I know you from testifying on? Were you-- did you work with the ACLU, or?

**ANDREW DOMINGUEZ FARIAS:** I used to be a lobbyist with the Asian Community and Cultural Center.

**HUNT:** That's what it is. Thank you.

**ANDREW DOMINGUEZ FARIAS:** Yes, absolutely.

**SANDERS:** Thank you, Andrew. Next opposition.

**DESTINY OGDEN:** I have one spare copy of my testimony. It's a little messy.

**SANDERS:** He can make copies for us. Thank you. Good evening.

**DESTINY OGDEN:** Good evening. My legal name is Destiny Ogden, and I'm speaking in opposition to LB89. May I start with a rhetorical question: how do you plan to enforce this? It would seem policing this law would be a waste of police time and resources, and an embarrassing

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breach of personal privacy for many innocent people. This is not a law intended to protect women, but intended to humiliate. And many--

**SANDERS:** Destiny, I'm sorry, but--

**DESTINY OGDEN:** Oh, sorry. I'm supposed to--

**SANDERS:** Spell your name.

**DESTINY OGDEN:** Spell my name, right?

**SANDERS:** First and last.

**DESTINY OGDEN:** Yeah. OK. D-e-s-t-i-n-y O-g-d-e-n.

**SANDERS:** Thank you.

**DESTINY OGDEN:** And many people who you did not intend to target will also be caught in the crossfire. There is a belief among certain people like J.K. Rowling that trans women are perverts and predators, and tending on-- pretending to be women to gain access to women's spaces. This is a strawman you have invented to direct your disgust at. It simply does not happen, at least not at the-- at a rate even close to justifying creating a law. Trans women are not hurting cisgender-- or, as Republicans like to call them, "normal women." In fact, trans people, especially black trans women, are the most at risk of violence of any demographic in this country. Trust me, they are more scared of you than you are of them. I have found dozens of cases of trans women getting attacked online, but only two where the trans woman was the perpetrator and not the victim. Two in the whole internet. Anyway, a man would not go to the effort of pretending to be a woman in order to access a woman's restroom. Let me tell you a story. In sixth grade, I was bullied by two cisgendered eighth grade boys. One day, in an attempt to escape a beating, I ran into the women's restroom. Intent on continuing the beating, one followed me in. Two girls came to my aid and kicked the snot out of him. Women can take care of themselves; they are stronger than you think. LB89 is a law to remind women of their place in the patriarchy, not one intending to protect them. Conversely, there have been a few times where I have walked into the men's room and it was simply a slight embarrassment and a funny story for all involved. Humans can generally tell in seconds whether a person is a threat or an intruder, but are generally understanding when there has-- when there is no ill intention. Trans people just want to use a restroom and get in and out of there as quickly as possible. They are more scared of you than you



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are of them. And I can almost guarantee you have shared a restroom with a trans person at some point, and you didn't even realize it. My step mom is a trans woman. She is one of the nicest, most generous, most resilient people I know. She loves Hello Kitty and Chinese food. She's 60 years old, 5-foot 7, and maybe 140 pounds, and is still recovering from a serious heart injury. She can hardly walk two blocks without needing a break. The idea that she could be a threat is laughable. However, I am worried that if this law passes and she is forced to use a men's restroom in a government-owned building, she may get assaulted or worse by a transphobe who wants to teach her a lesson? I, I still have half a page. My little sister had a friend, a nonbinary teenager named Nex, who was forced by school administration to use a locker room of their assigned gender, was assaulted, head bashed into, into the floor by girls, and died the next day. They were 16 years old. This is the hostile world the trans people worry about every day. I think I'm pretty much out of time, huh?

**SANDERS:** Do you want to wrap up your thoughts there, please, Destiny?

**DESTINY OGDEN:** OK. Passing it-- LB89 would create more violence, not less. That is the intent, I think: to put us in our place. You can't always tell when someone is transgender just by looking at them. There are flat chested, square-jawed cis women who get mistaken for men, and there are some very pretty, dainty men in this world. For sure, if this law gets passed, mistakes will be made, and cis woman-- cis people will get questioned by police, wasting police resources, and humiliating everyone. Please don't try to force Nebraskans to abide by your archaic, uncreative Republican idea of what a man and a woman should look like. This is a spiteful bill, based on an overly-simplistic view of gender. There is much more diversity in this world than you are aware of. And if we all minded your business and just let people where they-- people pee where they need to pee, then we will be one step closer to peace and harmony. Thank you for listening.

**SANDERS:** Thank you, Disney, for your test-- written testimony.  
Handwritten--

**DESTINY OGDEN:** I think that's the fastest I've ever talked, ever.

**SANDERS:** Handwritten, so thank you very much for that. Any questions for Destiny? See none. Thank you very much. Next opponent. Good evening.

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**PAYNE ACKERMAN:** Good-- yeah, good evening. Just let me know when you're ready.

**SANDERS:** You-- we're ready.

**PAYNE ACKERMAN:** OK. Good afternoon, Chairperson, and members of the Government, Military and Veterans Affairs Committee. My name is Payne Ackerman, spelled P-a-y-n-e A-c-k-e-r-m-a-n, and I'm here as a concerned citizen, a concerned Nebraskan, a former Republican, current pastoral student at a conservative university, and advocate for social justice issues. I strictly oppose this bill. Thank you for the opportunity to speak on LB89, which claims to stand with women, but in reality, undermines LGBTQIA+ rights, public health and fundamental principles of equality. The negative impacts on mental health, discriminatory policies harm LGBTQIA+ individuals, particularly youth. A 2021 Trevor Project survey found that transgender youth attempt suicide at rates well over three times higher than their cisgender peers. The CDC also reports increased risk of depression and anxiety among LGBTQIA+ people, worsened by exclusionary policies. A study in the American Journal of Public Health found that such laws correlated with higher rates of suicidal ideation and attempts. These are not just statistics; they represent real Nebraskans suffering due to discrimination, public opinion, and mental health risk. Polling shows that most Nebraskans oppose policies that single out groups for unequal treatment. A local study found that 65% of Nebraskans believe discrimination harms social cohesion and mental health. Mental health professionals warn that bills like LB89 could lead to increased isolation, depression, and even suicide among at-risk population. This bill stands against women. Supporters claim LB89 protects women, but it actually contradicts the very definition of womanhood it claims to uphold. This bill weaponizes womanhood to justify exclusion, enforces a narrow legal definition rather than recognizing the diverse realities of women's lives. Many cisgender women do not fit the bill's strict framework. Women with conditions such as polycystic ovary syndrome, PCOS, or congenital hormonal differences may not meet its criteria, effectively excluding them from their own gender. LB89 does not stand with women; it narrows womanhood, harming those who do not conform to an outdated standard. Women's rights and transgender rights are not in conflict. The biggest threats to women's safety are domestic violence, lack of reproductive health care, and workplace inequality, not transgender individuals existing if lawmaker-- existing. If lawmakers truly supported women, they would focus on these urgent issues, not scapegoating a marginalized group. Constitutional and moral issues. LB89 may also violate the Equal

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Protection Clause of the Fourteenth Amendment. Supreme Court rulings in Lawrence v. Texas and "Obergeville"-- "Oberfell" [SIC] v. Hodges established that discrimination based on sexual orientation or gender identity faces heightened legal scrutiny. Additionally, Christian values call for compassion and inclusion. Jesus taught us to love your neighbor and-- as yourself in Mark 12:31, a principle that contradicts exclusionary legislation. In conclusion, LB89 harms Nebraskans. It exacerbates mental health crises, misrepresents women's rights, and contradicts constitutional protections and Christian values of compassion. True support for women means advocating for all women, including transgender women, and recognizing their gender identity is not a threat to equality. I urge you to reject this bill. One last thought. I assume that identifying or becoming an LGBTQIA person should not be referred to as weak, mentally ill, or perceived as a crime. Identifying as a-- as, or becoming LGBTQIA is an ultimate act of strength, not weakness. Identifying as LGBTQIA comes with significant risks, including discrimination, violence and mental health struggles such as trauma and possible criminalizing the LGBTQIA community. Many, many cisgender people may never fully grasp or fundamentally understand the courage, resilience and sacrifice required to live authentically in a world convinced that draconian, hateful and hostile views towards LGBTQIA+ individuals is necessary in a free country founded on freedom to be who we decided-- who we decide to be, not what someone decides we should be. Thank you for your time, and I'm happy to answer any questions. Please, somebody, ask me why I'm no longer a conservative Republican, I beg you.

**SANDERS:** We're all a little tired. I'll go ahead and ask that question.

**PAYNE ACKERMAN:** Because this is hate. This is not what America is found on. If you want to be a Republican, you believe that the government should not be in people's lives. And if you believe that, truly, then you believe that people should be able to, to be the people that they are. I cannot and will not, as a Christian or as a person, in my life, stand for the hate and the "dislove." And I will be a person that will stand on the right side of history. And I've told my mom this. Either I will have a very special place in heaven because I am showing the love that God wants us to be, or I will have a very special place in hell selling ice cubes.

**SANDERS:** Thank you, Payne, for--

**PAYNE ACKERMAN:** You're welcome.

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**SANDERS:** --your testimony. Hold on. There might be some questions.  
Let's check--

**PAYNE ACKERMAN:** Sorry.

**SANDERS:** --with the committee if there are any questions. They're  
awake, but no questions.

**PAYNE ACKERMAN:** OK. Thank you.

**SANDERS:** Thank you, Payne. Good evening.

**ASHTON BARLOW:** Good evening. Hello. I am Ashton Barlow. That is spelled A-s-h-t-o-n B-a-r-l-o-w. I am a student at Nebraska Wesleyan University, but my statements today do not represent my college institution. At Nebraska Wesleyan, I study philosophy and religion along with theater arts, so, apologies if any of that comes out in my testimony. I oppose LB89, and I want to speak particularly through the Christian lens today that inspired, I think, this bill. And, and I want to speak on this as someone who's going to be a future pastor. God doesn't make mistakes. This is a phrase I've heard repeated over and over again. God doesn't make mistakes. But does God incite change? I mean, as we grow up, we learn new things about ourselves; we change accordingly. No one is the same person that they were when they were five. But if God doesn't make mistakes, then why should we have to change? Or maybe God invites change. Maybe God affirms change. Maybe God loves those who find solace in a different gender identity than the one they were born with. God doesn't make mistakes, but it's difficult to change. Being trans is not a decision that is made on a whim. It's difficult. It causes pain. It can lead to separation. It changes your life. But it's also deeply fulfilling. It affirms who you are. It helps you feel more comfortable in your skin. I believe that God loves you no matter what you do. No matter how you decide to change, God will still love you. Perhaps it's easier, though, for people to believe that someone became trans to rape people in bathrooms, or to cheat in sports. But God knows the real reason. Now, ultimately, this bill isn't really about protecting women. We all know that. It might claim to be about that, but really it's about asserting power over the powerless. It's about people trying to play God. Would Jesus cast away a trans woman? Ask yourself that. Because he ate dinner with prostitutes. He touched the lepers. He died because he stood against a culture that abandoned people that he loved. So, whether you're a Christian or not, ask yourself the question. Are you trying to play God? Because these people-- trans people-- we are just trying

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to live. And God knows that we are not mistakes. Senators, I urge you to use all of your power to oppose this bill, because this bill will be difficult to enforce. This bill is going to do more harm than good. This bill will not lead to preventing cheating in sports or getting men out of women's bathrooms. This bill will lead to the deaths, deaths and suicides of trans youth who are affected by this. This bill is evil, and will only lead to more pain. Thank you for your time. Do you have any questions?

**SANDERS:** Thank you, Ashton, for your testimony. Any questions from the committee? Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair, and thanks for being here, Ashton. I just-- your senator that represents District 26 and Wesleyan--

**ASHTON BARLOW:** Yes.

**J. CAVANAUGH:** -- was watching. Senator Dungan. And he wanted me to let you know that he supports you, and is watching, and enjoyed your testimony.

**ASHTON BARLOW:** Thank you so much.

**SANDERS:** Any other questions or comments? Thank you very much.

**ASHTON BARLOW:** Thank you.

**SANDERS:** Let's see, where-- are we at the-- oh, one at the end of the line. And then we'll take a ten-- five minute break. We can rearrange ourselves again, and finish up. Welcome.

**ALEXIS SHALLBERG:** Thank you. My name is Alexis Shallberg, A-l-e-x-i-s S-h-a-l-l-b-e-r-g. I am a lifelong Nebraskan. I live in Omaha. I'm a parent to two children, and one of my children identifies as transgender. I oppose LB89. I didn't plan on testifying today. I came to support the brave ones who had prepared a testimony. Ones who have had direct, lived experience, or who are more informed on policy than I am. I came to the Capitol tonight because I figured if I'm going to show up for the community, it's now or never. It's becoming clear that no longer is it safe to stay on the couch and be a doomscrolling bystander, hoping other people will figure it out. I still didn't really think I would say anything. But as I was sitting in the overflow room, however, I noticed myself tearing up while I listened to the articulate speeches already made in opposition to LB89-- testimonies from citizens of Nebraska who want you to know that they

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are afraid of what will happen to them and their friends and families if this bill is passed. You know who wasn't tearing up, at least not in public? My trans kid, who already learned that stoic is safer. My child, who has been cornered and intimidated in a school bathroom, and then told by administration that maybe he should have just used the nurse's bathroom, and that he didn't belong in the men's. My child, who, in order to avoid such a humiliation again, avoided using the bathroom for entire school days, and in turn, developed medical issues. Would anyone choose to use a boy-- middle school boy's bathroom if they didn't have to? Why not just use the bathroom they assumed he should use? Because he didn't belong there. He would rather risk not making it to the bathroom at the end of the day than going into the wrong place. My child was spit on in his face a week ago. These assaults and humiliations have happened to him and many others, in part because our society is uncomfortable when it cannot quickly sort out its members into clear categories. Do you think my child would choose abuse or being humiliated by his peers over feeling included? My bright, clever, courageous child would not choose to be "other" if it was not imperative to who he was as a human being. This bill is moving in the wrong direction; it is misguided and misinformed. This bill normalizes othering. I believe passing LB89 will mean more inclu-- exclusion, violence, and abuse towards children and adults in this state, and will do nothing tangible or real to protect them. To close, I would just want to say this: I want my child here, and, as a leader of this state, I want you to want him here. Please vote in opposition to LB89.

**SANDERS:** Thank you for your testimony. Are there any questions for Alexis? See none. Thank you again.

**ALEXIS SHALLBERG:** All right. Thanks.

**SANDERS:** We'll go ahead and take a five-minute break. Everybody move around again. Good evening and welcome.

**MARYANN FOLCHERT:** Thank you. My name is Marianne Folchert, M-a-r-y-a-n-n F-o-l-c-h-e-r-t, and I oppose LB89. In preparing this testimony, I went back and forth about what to write, because I know that what I have to say today won't matter to the majority of the committee. This bill is part of a much larger political agenda taking aim at the LGBTQ+ community, and I doubt there is a single Republican in the legislative body who will stand up and have the courage to oppose it. Nebraska's state motto is Equality Before the Law, but politicians from the President on down, backed by a powerful and

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wealthy conservative lobby, have made it clear they intend to strip away all protections for LGBTQ+ Americans and erase transgender existence. They will take away medical care, parental authority, bodily autonomy, and any opportunities for transgender folks to express their gender identity authentically in public. Outing children at school and sending trans kids into the opposite bathrooms will put these children at risk for sexual assault, humiliation, threats and abuse. And that's the intent: punish and scare folks who express their gender identity in non-conforming ways. Like the Jim Crow laws did in the South, bills like LB89 will make Nebraska an impossible place for transgender folks to live freely. These are loving Nebraska families, dedicated parents, and amazing kids you are targeting with this discriminatory bill. Many of you like me are Christian, so you know that God's greatest commandment is to love. We are commanded to love our neighbor as ourselves. And when asked "Who is my neighbor?" Jesus didn't say "The person who looks like you, talks like you, believes the same things you believe." He instead points to the Samaritan. In first century Judea, the Samaritans were the sworn and hated enemies of the Jews. Followers of Jesus are called to love beyond the labels and the letters we attach to one another. Transgender people have existed throughout human history, and they will continue to exist here in Nebraska and everywhere, regardless of these bills and these attacks. Voting for LB89 is voting against Nebraska children and their families. It will put lives at risk. I ask you to vote no on advancing this horrible bill.

**SANDERS:** Thank you, Maryann, for your testimony.

**MARYANN FOLCHERT:** Thank you.

**SANDERS:** Any questions from the committee? I see none. Thank you. Welcome. Thank you for your patience.

**SAMUEL JOHNSON:** Hello. Yes. Thank you all. My name is Samuel Johnson, S-a-m-u-e-l J-o-h-n-s-o-n. I've got some notes, but I think my brain might be too fried to be noting this, but-- I apologize if I start rambling. Thank you for staying so late. I feel like you're all handling it much more gracefully than I am. My deodorant wore off a while ago. But I am here as the father of a nine-year-old girl, a girl whose reproductive organs are in fact centered around ova. And that feels gross to say out loud right now to all of you, and I hope it feels gross to you, too, because this is a weird situation we're in right now. I mean, I've been here for 10 hours waiting to plead for all of you not to care about my nine-year-old daughter's genitals.

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Right? It's the kind of absurd point we've kind of found ourselves in. But it's where we're at right now. And I'm a very protective parent. I am not worried about transgender people, I am not worried about someone pretending to be transgender in the bathroom to harm my daughter. We've heard all the stats. We've heard all the people. It is not a problem. What will be a problem is if bullies weaponize this bill to say, hey, she's not-- my daughter is not a girl, someone go check on her. It's going to be a problem when whoever gets in charge of checking does that. You know, that's the person who's going to be harming my daughter. Like, statistically, we all know that's going to be-- the people in power are the ones that are more likely to, to harm anybody, the people with these jobs. We've seen it, we've heard stats all night. You know, the bullying, the-- like we've heard with, with Boebert recently, too. It's, it's this bullying, it's this-- it's that abuse. And I'm also worried what's going to happen when, you know, this actually does happen? You're all going to have to deal with parents who have had their kid be inspected; with other fathers who has had their daughters be inspected. This whole thing feels like a Trojan horse for more culture wars, for more distractions, for more just absurdity. Like, what are we doing here? And not to mention-- like Senator Hunt mentioned-- the ADA, and the issues with intersex. I mean, I've been spending last night and today trying to figure out what are the ADA protections? How is-- how would that manifest? Number 10 says-- in the bill says it's going to help-- you know, it's, oh, it'll comply with that if intersex is diagnosed at birth. It's not always diagnosed at birth. And it's really hard and unclear how that would even be manifest. So, there's going to be a heck of a lot more legal issues, a heck of a lot more culture wars, and a heck of a lot more distractions. And I'm just very angry that my daughter's growing up in a Nebraska that has a government right now that seems so eager to sacrifice children for the whims of some aspiring demagogues. And that's-- thank you.

**SANDERS:** Thank you for your testimony, Samuel.

**SAMUEL JOHNSON:** Yeah.

**SANDERS:** Any questions from the committee?

**SAMUEL JOHNSON:** Thanks.

**SANDERS:** See none. Thank you very much, and thank you for staying so late. Good evening.



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**HUNTER SMITH:** [INAUDIBLE] Smith here. First name, H-u-n-t-e-r; last name Smith, S-m-i-t-h. I have come here along with every-- with-- well, everyone else who was left here who oppose bill LB89. One of the reasons that this bill is dangerous is its name is kind of an oxymoron. Stand With Women Act. It is anything but. Members of the Repub-- Republican Party have been building up as the-- in lots of other social factors play into this too. It's been a giant reaction ever since Barack Obama had two terms to roll back decades' worth of civil rights, and especially those loyal to President-elect Donald Trump, although we could argue Elon Musk is the second president. He is-- so, there has been years of misinformation and hatred against the LGBTQ community. As a lot of other people have communicated here today, sex is set-- one's biological sex is separate from gender. Gender is a social construct. It is a spectrum, and not ever-- and nobody is obligated to conform to what has been traditionally defined as male and female throughout the centuries, and especially American history. Scientists and medical professionals have validated and vindicated the existence of transgender people and youth for decades. Being transgender is not a mental disorder, that is-- has been made abundantly clear today, and especially with everyone else's testimony. And-- want to go back even further, there are Google searches that can-- one can pull up historical records dating back centuries that vindicate the existence of transgender people. And it is important for any decent people-- person to share empathy towards their rights as citizens, not as political props for fascism. The Intern-- and in regards to sports, the international Olympic community has allowed transgender athletes to participate in the Olympics since 2004. They were never a threat, and gender-affirming care actually allows for transgender women to live at the same physical standard as those who were originally assigned female at birth. There have been no documented instances of transgender athletes sexually assaulting other athletes in mainstream sports. And it is also worth noting-- and I'm not the first one to say this-- the whole groomer panic against transgender people, it has been-- it's all smoke and mirrors. It's been a huge misdirection. And I'll wrap this up, too. Because Donald Trump will-- spent millions of dollars on campaign ads against transgender people, and yet, he is an adjudicated rapist; he is one of-- he is perhaps the worst sexual predator to make it into the White House. And many people who are still supporting him, whether they are in office or voting for him, are complicit in his crimes, both towards women-- his predatory remarks towards young girls and-- his 25 plus victims, and also what he is committing on a national level, including against human rights for LGBTQ+ people and other minorities. So, I

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call for this bill-- for today, as someone who is joining everyone else who opposes this bill, to allow transgender people and youth to maintain their rights and dignity in the state of Nebraska. Thank you all for your time. Good night and good luck.

**SANDERS:** Thank you, Hunter, for your testimony. Any questions from the committee? See none.

**HUNTER SMITH:** Thank you.

**SANDERS:** Thank you. And remind the next few testimonies, please stay within the three minutes, or someone's not going to be able to speak.

**HUNTER SMITH:** Yes.

**SANDERS:** So, please. Next testimony.

**HUNTER SMITH:** Will do. Will do. Thank you.

**SANDERS:** Thank you. Good evening. Thank you for waiting so long.

**JANET MORTON:** Thank you. That wasn't me. That was the chair.

**SANDERS:** Maybe the chair is a little tired, too. Please.

**JANET MORTON:** Hi, my name is Janet Morton. That's J-a-n-e-t M-o-r-t-o-n. I'm here today representing my seven-year-old transgender daughter who loves dance, swimming, soccer, Minecraft, Pokemon, loves to talk, and has a lot of energy. She also wouldn't be bashful to share that she is considered highly gifted, with an IQ beyond or above what most of us have here today. I share these things because she has so much to offer to this world, and she is valued, supported and loved by her family, friends and her school. I've kind of switched up my statement because I've been rewriting it all day and printed it without it being finished. So, I might kind of go off script here a little bit. I wanted to just start by saying that this bill provides no solutions for addressing the situations that are guaranteed to occur. This bill states no alternative plans for our trans kids for what to do instead for, for sports, in order to be included and not isolated. You have no guidelines to distinguish between what would be considered targeted bullying and discrimination versus the actions that are necessary to enforce the bill. You also have no process or guidelines on how to safely enforce this bill without the invasion of privacy or accountability against other acts against non-trans individuals who can also become a target from accusations of being

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trans. Instead of this bill, there should be a focus on how to adapt and expand our accommodations to incorporate everyone, including improving bathroom facilities, not finding more ways to discriminate against others and separate them. As you can see here today, there are many cis, non-trans adults and parents, older trans teens, and trans adults speaking. But what you don't see here are all of the elementary kids and the middle school transgender children. That's not because there are none; it is because they are invisible to you. I assure you they exist. In fact, they are medically verifiable-- as Senator Kauth failed to acknowledge-- along with our intersex friends. We don't get to cherry-pick what medical facts we get to believe. That's an individual choice, but you can't enforce it on everyone else. We should not be here to prove their existence, because science and history has already done so. This would be a discriminatory bill and why it won't work-- or, this should be about the fact that it's a discriminatory bill and why it won't work and why it should never existed. In looking at my child's picture-- by the way, I incorporated a picture because we do not have any representation here of our own kids because of safety. And I am entrusting my heart and my child to you in the hopes that you are taking everything we say into consideration and not misusing the pictures of my own child. In looking at the picture, in my child's picture, who looks just like some of the other girls her age with blond hair, sassy poses and cute dresses, could you pick her out of a lineup? And I will stop unless you have questions.

**SANDERS:** Let's see if there's any questions. Are there any questions for Janet? See none. Thank you for your testimony.

**JANET MORTON:** Thank you.

**SANDERS:** Good evening.

**CINDY MAXWELL-OSTDIEK:** Good evening, Chairperson Sanders, and members of the Government, Military and Veterans Affairs Committee. My name is Cindy Maxwell-Ostdiek. That's C-i-n-d-y M-a-x-w-e-l-l-O-s-t-d-i-e-k, and I'm a resident of District 4. I'm testifying in opposition to LB89 to adopt the Stand With Women Act introduced by Senator Kauth. I am a mom, a taxpayer, a concerned community member, and I ask you to stop attacking transgender Nebraskan kids and adults. Nebraskans of good conscience honor each other's identity, and we mind our own business. Much has already been said, and I just wanted to stress that we'll never know how many members of the Unicameral's second house are not here to testify against this harmful legislation today. It's normally

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hard for people to get off work, found-- find childcare, drive long distances. And of course, it's traumatic for transgender youth and their adults and family members to come before you and share their personal and private stories. What I want to draw attention to were the three hearings last session where Nebraskans were turned away before having a chance to testify. Two hearings-- LB626 regarding abortion, and LB574 regarding transgender youth health care were held in Health and Human Services with testimony limited to a total number of hours. Over 500 Nebraskans were turned away from those two hearings without the chance to testify. One hearing on Senator Kauth's LB575, which was the Sports and Spaces bill, was held in education and it was limited to a total number of hours, too. I attended all three of those hearings, and especially remembered the intense reactions after those hearings by your neighbors and constituents. And many of those potential testifiers were crying. They were distraught, and their voices were not heard by the senators. The minority statement on the first two hearings is how we knew how many people; there was no minority statement from the Education Committee. But Senator-- and I'm out of time to read the rest of this, but Senator Wayne was kind enough to invite parents and family members back to his office, and he heard those stories personally. But they should have been in the actual transcripts for the official committee hearing. And I think it's important that everyone came today to share these stories with you all the way until 11:59, because it's a harmful, discriminatory bill you're considering, and I hope you're noting the lack of proponents here at this hour, trying to tell you how terrified and scary they-- that this is, so. I know I'm out of time. I just wanted to share that and get that on the record. Thank you.

**SANDERS:** Thank you, Cindy. See if there are any--

**CINDY MAXWELL-OSTDIEK:** Thank you for holding this open tonight.

**SANDERS:** --questions. Yep. Any other questions for-- thank you. Welcome.

**ANGIE PHILIPS:** Good evening. My name is Angie Phillips. That's A-n-g-i-e P-h-i-l-i-p-s. I'm from Omaha, District 13. Senator Spivey is my senator. So, I think that you've heard a lot of information and got a lot of great resources on the trans community and their experience and how it will-- how this legislation will impact them. What I'm here mostly to do is to just, like, call this out for what it is. It's partisan bullshit. Like, nobody went to Senator Kauth, like, no members of her community went and said, "Oh, we're having this

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really big problem in our district and we need you to fix this." That's not what this is. This is just stroking the ego of the people that find the people in charge. It's keeping everybody in Nebraska arguing so that they don't notice that you guys aren't actually addressing the stuff that Nebraskans need to be addressed. So I have a little bit of a list here of things that this committee should maybe be spending their time on that would actually help Nebraskans. I know one of the things that I hear from my community a lot about is housing, right? I come from a group of renters. I know Senator Cavanaugh actually, I believe, has legislation that would help kind of limit some of those rental application fees and help people find housing and get into there. I know another senator-- I can't remember who, I apologize-- has some legislation introduced to help relieve some medical debt by limiting the amount of garnishments that can be taken from Nebraskans when they are in that medical debt. I looked up legislation just in front of this committee that I think would be really great, that most Nebraskans actually care about. I know Senator Hunt's got the daylight savings; I don't know one single person that would argue that one. I know Senator Hunt and Senator Spivey have some legislation on fair and accessible elections. I know that's a concern of all Nebraskans. There's some legislation finally out there so we can start discussing paid maternity leave and how that could help and assist women. There's legislation to address suicide amongst our veterans; this is an ongoing concern that hasn't been addressed yet. There's-- McKinney's got some legislation on redefining redlining and actually closing some of the negative impact that that has had. So there's just a lot of legislation that should be presented. And I want to make one more thing. There's a, a-- I want to explain how this legislation is harming women from actually being protected. There's a piece of legislation right now that would say if you got a pelvic exam that you had to get consent from that. And if there wasn't, if they couldn't get consent, they have to tell you about it in writing afterwards. That makes sense. And when I presented that to my group of allies and I was like, "Hey, ladies, look at this. You know, this looks like something that can help us." The response was overwhelmingly, "I don't want my body legislated. I don't believe that they're trying to protect me. Is this bill just a guise for something else? What are they really trying to do?" Bills like this cause distrust, and we already have enough of that. Thank you.

**SANDERS:** Thank you, Angie, for your testimony. Are there any questions? See none. Thank you. Next opponent. Good evening.

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**LAURA FISHER SEMERAD:** Hi. I'm Laura Fisher Semerad, L-a-u-r-a F-i-s-h-e-r S-e-m-e-r-a-d, and all of the points that I could have made have been made today, so-- what I wanted to say-- first of all, I've been, I've been here since 2:00, and I can honestly say that all of you have been paying-- have-- you've all made eye contact with the speakers, and you've been paying-- listening, and that's hard for all these hours. So, I really appreciate it. I don't think Senator Kauth has really been listening, but you guys have, and thank you so much. I'm, I'm a former teacher. I taught in the Millard School Districts, and I can assure you that the families that attended school in Millard did not-- are not wanting this. The, the school buildings are very old in Millard, and they have a school bond, they care about that, but there-- this is not something that they're worried about. And the reason I decided to testify is because it has become really-- in this political climate, it's very scary and dangerous for teachers to speak out, and since I'm no longer teaching, I have that privilege where I can speak up for my students that I've had in the past. And I, I thought about if any of them are watching, maybe this will help a little bit. On the way-- I left work as soon as I could today, and on the way here, I, I heard Senator Kauth explaining her bill, and I just-- I thought about my kids. I probably only had 3 to 4 transgendered students over all my 20 years of teaching, and, and the delight when they can finally be themselves, the light that just-- it's just-- it's something that's hard to explain, like many people have said. But Senator Kauth kept saying, "That's a boy, that's a boy." And she probably-- maybe she doesn't care how hurtful that is to a child who's already feeling like they're in the wrong. But it's, it's, it's misgendering them, it's, it's, it's dehumanizing. And I think we can agree that this is just one of those bills that's meant to get us fighting and-- a distraction. But in the meantime, a very tiny percentage of kids are being almost used as "Well, there's not very many of them, so we can use them to create a culture war." And it's, it's very sad, and I hope you'll think about that, and just let this bill die here in committee. Thank you very much.

**SANDERS:** Thank you, Laura. Let's check to make sure there aren't any questions for you. OK. Next opponent, please. Good evening.

**AARON ROSS:** Hi, everyone. My name is Aaron Ross. That's A-a-r-o-n R-o-s-s. I live in the 49th District. I was not born in Nebraska, I came here for sports. I ran track at the University of Nebraska here in Lincoln. I like to say that I stand with women, but all women. And trans women are women. I have questions on how this would be enforced. I think everybody does. Sex does not equal gender. Whether you're

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writing a bill or an executive order, it, it really doesn't, medically speaking. And this bill does not promote equality; it actually promotes separation of the genders, and it's separate-but-not-equal, the way that I read this bill. It says that women are not equal to men, and I highly disagree with that. As an athlete at the university, I was ranked top 25 in the country every year that I was there, and I can honestly say that there were women there that could lift more weight than I could; there were women there that I would-- were taller than I was; there were women there that could run a mile faster than I could run, swim faster than I could swim. I was good at my one event, and that was it, because I specialized in that event. I worked hard to be good at that event. And whether you are a woman or a transgender woman, you have to work hard to be good at that sport. I just-- I find this bill to be very divisive in a time where many Americans are even wondering if they should remain in this country. Lots of us are, are fleeing the state; lots of us are fleeing the country because we're worried about being attacked. I have a son that is gender nonconforming. He likes to play with Barbies, he likes to wear dresses, he, he likes to wear makeup. But at the end of the day, he still considers himself a boy, so we don't have to really worry about the transgender care here in the state for him, because he's not seeking that kind of care. But we, we had to sit down and have long discussions as a family and decide whether or not we were going to stay here and fight or whether we were going to flee and try to find safety. And I just find this bill very hateful, attacking. I feel like there's at least one senator in our state that feels like they're being attacked as well by this bill, their family. When I was at the university, I was on a team with women that have gone on to the Olympics, that have gone on to be American Ninja Warriors. And I don't think any of us men in this room would want to go head-to-head against them on an American Ninja Warrior course. Being a man does not give us an advantage. You know, I don't think any of us men would want to stand on the, on the court with the Nebraska volleyball team hitting spikes at us. Like, being a man does not give you a physical advantage just because you were born with a penis. I guess that's my time. Thank you so much.

**SANDERS:** Thank you so much, Aaron, for testifying. Are there any questions for Aaron? See none, but appreciate you--

**AARON ROSS:** Thank you.

**SANDERS:** --staying this late. Thank you. Any other opponents? Clock is ticking. I think-- I don't-- are you the last? Are you the last? I

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think-- who-- who else would like to testify? Did everybody? OK. All right.

**WILLIAM MANHART:** All right. Well, good evening,--

**SANDERS:** Good evening.

**WILLIAM MANHART:** --committee. I'm too tired to give you the entire name of this committee, so I'll just say good evening to you. My name is William Manhart, W-i-l-l-i-a-m M-a-n-h-a-r-t. Sorry. It's getting there. I'm here to testify in opposition to LB89. I'm here as a father of a-- of transgender children, and the father of a daughter. And I am a citizen-- I'm here as a citizen of Nebraska. I'm going to make-- I'm going to paraphrase what I handed to you all, because what I have, have in my written format has been said over and over and over and over and over and over again by everybody else tonight, so I'm just going to paraphrase what I have in my document there. Hopefully tonight you are able to reflect on the stories and statistics that have been presented today. I want to appeal to your loyalty as Nebraskans. The content of this bill originated outside of Nebraska. It is poorly written; it is logistically difficult and expensive to enforce; and it meant to harm Nebraskans and will increase abuse of women in school and sports. As senators, you are charged to make lives better to protect all Nebraskans. This bill does neither. I hope you are able to absorb what you have seen tonight, the families that have come forth. And I would also encourage you to reach out to families in your district that have transgender children or female, female children and talk to them about this bill, because I think you will get a better understanding of what they're going through, the hate that has been presented to this state from outside sources in order to gain something politically. To divide us, to distract us. Thank you for your time. You all are earning your \$12,000 a year tonight.

**SANDERS:** Nicely done, William.

**WILLIAM MANHART:** Any questions?

**SANDERS:** Let me check to see if you have any questions. Senator Cavanaugh.

**WILLIAM MANHART:** Senator Cavanaugh, it would be a pleasure to answer your question.

**J. CAVANAUGH:** Sorry.



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**WILLIAM MANHART:** It better be a good one.

**J. CAVANAUGH:** It's-- it--

**WILLIAM MANHART:** Because it-- you've got 30 minutes.

**J. CAVANAUGH:** It's entirely self-serving.

**ANDERSEN:** He can-- he can fill it.

**J. CAVANAUGH:** You've been here for ten hours, you're the last person to testify. We've had a few people complain about my questions. Would you have rather me asked no questions and be able to testify a half hour earlier? Are you OK that I asked questions, you had to wait until 11:30?

**WILLIAM MANHART:** I just-- the latter.

**J. CAVANAUGH:** The second one?

**WILLIAM MANHART:** Sure.

**J. CAVANAUGH:** Well, thanks, thanks for waiting, thanks for being here. And I appreciate everybody who came and testified.

**WILLIAM MANHART:** Thank you.

**SANDERS:** Thank you. Senator-- Senator-- oh, do we have one-- oh, we do.

**KARIN WAGGONER:** Hi. I'm filling this out as I talk to you. My name is Karin, K-a-r-i-n W-a-g-g-o-n-e-r. I am here as an opponent to LB89. I was asked to come and just talk a little bit longer so that Senator Kauth had less time to close. So I just wanted to say I think this bill is mean, but I also want to say thank you to Chair Sanders. Last week, during LB3, there were a lot of people here. We did a great job because you helped so much accommodate the second house. You've done the same thing tonight. I'm really impressed. Thank you.

**SANDERS:** You're welcome.

**KARIN WAGGONER:** You have really strong leadership skills, and I recognize strong leadership, so thank you very much. Thank you to the committee for staying all night. Thank you to the people who spoke today, especially thank you to the new people who spoke today, which is so awesome. Anyway, this bill is really mean. It's going to cause a

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lot of hurt and harm. It really sucks. People just want to be left alone. They do. It's a really mean bill, and it's going to cause a lot of harm. And I am praying that there are some moderate Republicans who understand that this bill is just really mean. It's unnecessary. So, that's all. But I think I have a little bit more time, so I'll just take it and finish writing my name.

**SANDERS:** Thank you, Karin, for your testimony. Let's see if there are any questions for you. Everyone's right along with you, tired.

**KARIN WAGGONER:** All righty. Thank you.

**SANDERS:** Thank you. Senator Kauth, if you want to come up to close. While you're coming up, the online position comments, 471 proponents, 1,547 opponents, 1 in the neutral. Welcome back.

**KAUTH:** Thank you very much. Thank you for staying. I've been taking notes all night long. The first thing I want to say is that the assertion that there are genital inspections is completely false. There are many ways that you can handle this. Birth certificates, school physicals, doctor attestations. 25 other states have passed similar bills to this, and there has not been a single invasive exam. This is about protecting the opportunity, safety and privacy of women. A transgender woman is a man, and women should not have to pretend otherwise. I'm happy to look at clarifying the enforcement mechanism, as that did seem to be something that caused concern. So, I'd be happy to work with the committee on that. And I thank you all for staying and sticking with it.

**SANDERS:** Any questions? Senator Hunt.

**HUNT:** Thank you, Chairwoman Sanders. I have a question again about the text of the bill. Under Section, Section-- I thought it was Section 4. Yeah, under Section 4 of the bill, would a school be allowed to designate a bathroom as unisex, or a family bathroom?

**KAUTH:** Yes, and that is in the amendment. As long as there is a group male and a group female.

**HUNT:** OK. So it can't say--

**KAUTH:** It can't say all of the bathrooms are unisex or family.

**HUNT:** OK. So there can be a unisex bathroom if there's also women and men.

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**KAUTH:** Correct.

**HUNT:** OK. Can a bathroom say this bathroom has urinals, this one doesn't have urinals?

**KAUTH:** It would depend on how you wanted to write it.

**HUNT:** What about just like that?

**KAUTH:** It would depend on how the school wanted to write the policy.

**KAUTH:** OK. How would you prefer they write the policy?

**KAUTH:** Well, if you say urinals, you're assuming male. So I would--

**HUNT:** You're assuming male.

**KAUTH:** OK, then you would have to say male.

**HUNT:** OK. I also-- I, I want to give Senator Cavanaugh time too, before we go. But having heard these testifiers, I want to ask you, where should a man who is six feet tall and has a full beard, and big muscles and a vagina go to the bathroom?

**KAUTH:** I would look for a, a separate bathroom. An individual--

**HUNT:** What if-- but, OK, so this person has to go to the bathroom. There's men and women. You know, in the Capitol, there's no--

**KAUTH:** Mm-hmm.

**HUNT:** --gender neutral bathrooms, so they would not have that option here. Testifiers have been here for ten hours today. Where would you have that person go to the bathroom? Because that's what your bill contemplates.

**KAUTH:** Well, I think that there would be a need for single-stall or handicapped, or some sort of, of way to figure that out. But I, I do see the point. But I think that's less of a concern than women being in the bathroom with men.

**HUNT:** I think-- it is a concern, because you are in the bathroom with trans people all the time and never know it. But-- I mean, you understand what I'm saying. Like, under this bill, that person would have to use the women's restroom.

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**KAUTH:** Correct.

**HUNT:** And that would open-- that would scare women, that would put that person in a bad situation. I don't think that's your intention with the bill. So, based on your response to me-- OK, so should we put a fiscal note on this? Because now all the state buildings have to have unisex bathrooms?

**KAUTH:** Well, that's, that's something that we have to look at, if that's what we were saying. So, that's why we put it-- every facility, every building should make up their own minds of how they handle it. If they want to designate one bathroom as unisex, fine. It-- what's happening [INAUDIBLE] the women's bathrooms have been designated as unisex and not the men. So I think then you're looking at some inherent inequalities of that.

**HUNT:** Yeah. So is the, is the problem you have just that it bothers you when you see someone in the bathroom and you can't tell if they're a woman?

**KAUTH:** The problem is women should be able to go into restrooms and locker rooms and understand that everyone else in there is a woman. It's, it's not comfortable. It's shocking. You've heard testimony today from proponents of the bill who said that they've been made to feel uncomfortable, and that they have this silenced, and have been made to feel like their opinion doesn't matter. And so, if you have one person who is, is choosing to look different than their gender, or, or is dealing with gender dysphoria, choosing to go into the opposite-sex bathroom, that's a problem, because you're causing problems for other people.

**HUNT:** Is it worse to be uncomfortable or to not be able to use the bathroom under threat of arrest?

**KAUTH:** Arrest is nowhere in the bill.

**HUNT:** But it-- so, so how is it going to be enforced?

**KAUTH:** Well, that's-- again, that is something that-- the policy decision for the schools, for the state agencies would have to make. Yeah.

**HUNT:** So, will every--

**KAUTH:** I'm, I'm happy to work with you on the enforcement.

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**KAUTH:** OK, cool. So, will every school and state agency have to create their own policy? And then, how are trans people supposed to keep track of all the different policies?

**KAUTH:** So in there, it says designated. So the bathrooms have to be designated. If it is a school policy where they are talking about when schools come in, they're using the different bathrooms because it's an event, part of the school policy-- they need to be able to indicate to visiting people what that policy is, to their school members what that policy is.

**HUNT:** I think the frustrating thing is this causes confusion for trans people, because-- I mean, I don't, I don't know how politically correct it is to say this, but-- and I know that physical appearance is not the point, but we had trans people testify today who I had no idea they were trans. If I saw them in the bathroom, I wouldn't think a thing. I would-- like, that's a beautiful woman, that's a handsome man. I don't-- I didn't know that until they testified. And so, what this is doing is creating confusion for those people, because they do fear arrest. They do fear being kicked out of a space. They do fear, you know, what is the legal consequence going to be if I'm in this bathroom and somebody accuses me, even wrongly or falsely, of being in the wrong place? It puts them in a place of fear. So, like, Senator Kauth, you've been in the bathroom at the same time as me, right?

**KAUTH:** Mm-hmm.

**HUNT:** We've been in the bathroom together before. Do you-- how do you know I don't have a penis?

**KAUTH:** I don't. You're correct.

**HUNT:** You don't, so, I mean, that's-- thank you. Thank you.

**SANDERS:** Senator Cavanaugh.

**J. CAVANAUGH:** Thank you, Chair. And-- I mean, Senator Hunt covered a lot of territory I was going to cover. I would just point out the amendment says for use by male-- females, males, single-occupancy, or for families. So there is no gender-neutral option there. So, I guess single-occupancy--

**KAUTH:** The single-occupancy would be.

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**J. CAVANAUGH:** So, if you going to convert a bathroom that has, like, 3 or 4 stalls though, wouldn't-- I guess that'd be wasteful, but that's a decision somebody could make.

**KAUTH:** Or you could make that the family one.

**J. CAVANAUGH:** But a family is not gender neutral?

**KAUTH:** It's a, a, a unit. I mean,--

**J. CAVANAUGH:** OK.

**KAUTH:** --there's definitions for family restrooms.

**J. CAVANAUGH:** And the thing I-- I mean, I, I know you've heard a lot of the testimony, and I know you had to introduce another bill, and so you weren't in here some of the times. Did you happen to hear the testimony, though, from the, the woman, the veteran woman who had been misgendered in a bathroom?

**KAUTH:** Mm-hmm.

**J. CAVANAUGH:** What-- how do we deal with that under your proposal?

**KAUTH:** Well, I would think that we would deal with it with kindness. With everything-- I mean, you-- we have that risk now. We have the risk of people being in bathrooms and being afraid and intimidated now. So, I mean, it's-- we're acting as if this is something completely new, and we've always had sex-specific bathrooms. That's always been something. People have always-- not always, but most of the time-- obeyed common courtesy and said, "Oh, that's a men's room, I can't, can't go in there." Or, "Oh, that's a women's room, I can't go in there."

**J. CAVANAUGH:** So, well, you're-- you, you don't seem to want to say how you think this will be implemented. And you did, here-- you did acknowledge that a lot of people, a lot of the "testimony" was about the fear about how this specifically would be implemented. And you did suggest a few things that you think could be-- rather than genital inspection could service, including a doctor's-- a physical from a doctor, which by the way, I think-- it's been a while for me, but I think that's a genital inspection, right?

**KAUTH:** But everybody who plays sports has a sports physical.

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**J. CAVANAUGH:** Right. But they don't get it go to the bathroom.

**KAUTH:** Right.

**HUNT:** They don't check it--

**KAUTH:** So then you would use a birth certificate for the-- at the school.

**J. CAVANAUGH:** So-- OK. So, every school then would have to keep a record of what everybody's gender was at birth.

**KAUTH:** They do now.

**J. CAVANAUGH:** Well, I don't work for the schools, but OK. And so, in your imagination, in Millard, some kid goes into the bathroom, another kid thinks that kid's in the wrong bathroom. They report it to the school. Then what happens?

**KAUTH:** Then the school would investigate.

**J. CAVANAUGH:** And the investigation would take what form?

**KAUTH:** Probably talking to the kid, figuring out if they were or were not in the wrong bathroom, and finding out who that kid is, if they are male or if they're female.

**J. CAVANAUGH:** OK. And, if the parents have said to the school that the kid is the gender of the bathroom they're using, what happens?

**KAUTH:** Well, then, I mean, are the parents telling the truth? That's-- that is-- it boils down to are people being truthful, or are they not? And so, if you have someone saying, my son is a, a girl, that's not truthful.

**J. CAVANAUGH:** OK. And so the schools are going to be responsible to start policing these things?

**KAUTH:** They are now. I mean, they're, they're responsible for making sure that their policies are, are implemented and followed in the schools.

**J. CAVANAUGH:** OK. And then, the public buildings.

**KAUTH:** Mm-hmm.

**J. CAVANAUGH:** So this would apply to this building?

**KAUTH:** Yes.

**J. CAVANAUGH:** OK. So, somebody-- any number of the people that are here tonight-- go into a bathroom next year, after you-- this bill potentially passes, when we're having some sort of update to this bill and we have another 1,000 people, or 117 people come and testify against it. And they all-- I went to the bathroom every time we took a break. So, 6 or so times. 10 times, we'll say. What happens?

**KAUTH:** They would go to the, the bathroom of their biological sex. Or, we work with the Capitol Commission and turn one of our bathrooms into a unisex, or a single-stall.

**J. CAVANAUGH:** OK. So back to Senator Hunt's question, we're going to have to pay to turn a bathroom into that one. But so, say we haven't gotten to that point when we've turned one into a single stall. We have all the single-gender bathrooms, and-- are we gonna-- are the Capitol-- are the troopers that are here going to be, like, working around the clock during the breaks to make sure-- standing outside these bathrooms and making a determination?

**KAUTH:** Again, we don't-- we don't do that for basic rules and, and regulations. You don't have police officers standing outside making sure you don't litter. People are supposed to follow the law. This would be one of the laws that people-- you would hope that people would actually follow.

**J. CAVANAUGH:** But when you have a law, you pass it, and there is a re-- there's an enforcement mechanism. You would enforce it.

**KAUTH:** So, so-- and I'm more than happy to work with you on an enforcement mechanism, whether we have the AG involved, or whether we look at different school districts, how, how you want that to happen.

**J. CAVANAUGH:** Well, you went-- you understand the fear that people have articulated tonight is that the enforcement mechanism will be incredibly invasive and harmful.

**KAUTH:** Right. And it won't be.

**J. CAVANAUGH:** OK. I-- we'll have-- we can-- whenever you come up with an enforcement mechanism, we can have that conversation. At the moment, there is no determination what that's going to be. The only



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other thing I wanted to ask you was, you and the governor both said the most important thing is protecting women. I got piles of notes here. I took notes on every single person who talked. I've got 15, 16 pages. The number one thing I heard was the real fear is cis men are the threat to women. And there are statistics, 26% or 36% of college students are victims of sexual assault by a cis man. There are every-- all these-- the trans community are disproportionately victims of cis people. And so, if we're just talking about volume of helping people, it sounds like we heard that there's a lot more risk associated with another group of people, not the one of people trying to use the bathroom.

**KAUTH:** This isn't necessarily about gender dysphoric people assaulting women; it's about women and, and girls feeling uncomfortable, losing opportunities, losing privacy and, and being made to feel like they don't have a voice in wanting their own private space. I think you're looking at it wrong.

**J. CAVANAUGH:** OK. Well, I'm going to have to agree to disagree. I think you might be looking at it wrong. There was 100 and some people here who feel like they don't have a voice, and they feel like-- that the state of Nebraska is taking action against them to erase their very existence. Did you hear that from the people who testified tonight?

**KAUTH:** I did. And actually, I've heard that from women who I've talked to, women who have felt so silent and afraid to say anything. Teachers, as I was door-knocking, who would refuse to verbalize that they were having to, to deal with this at schools, but were nodding their head, yes, I am dealing with it, but refusing to say the words because they're afraid of being punished. I've had parents in my district tell me they've pulled their children out of school because there were boys in the locker rooms, and nothing was done about it, and that their daughter was made to feel ashamed for complaining. So, yes, I have been listening. I've been talking to a lot of people about it. So this is-- we're-- we will agree to disagree on that point.

**J. CAVANAUGH:** OK. I don't know. Well, we're up against the clock, so I'll, I'll, I'll stop asking my questions.

**KAUTH:** We've got ten minutes.

**SANDERS:** Senator Lonowski.

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**LONOWSKI:** Thank you, Chair. And thank you, Senator Cavanaugh, for yielding. So, do all, do all kids going into seventh grade have to get a physical?

**KAUTH:** I think that used to be. They-- there was a seventh-grade--

**LONOWSKI:** Yeah? OK.

**KAUTH:** --physical, yeah.

**LONOWSKI:** OK. And, and I don't know about kindergarten or first grade. You've had a long day, I understand. Did you have any time to digest Dr. Brown's 30-year study, or?

**KAUTH:** And I've talked with Dr. Brown a lot. I really wish the, the committee had asked him questions. He's brilliant. He's internationally recognized as a sports physiologist, and he studies how boys and girls are different, how their bodies grow differently, the impact of testosterone, the impact of estrogen on a growing body. He's absolutely brilliant.

**LONOWSKI:** Is, is he studying just high school kids,--

**KAUTH:** Oh, no.

**LONOWSKI:** --or college kids, or?

**KAUTH:** Very young.

**LONOWSKI:** So--

**KAUTH:** So he's, he's analyzed the athletic records of, I believe, sixth-, seventh- and eighth-graders, and even very young. There is a physical difference between male and female well before puberty.

**LONOWSKI:** OK. Thank you.

**KAUTH:** You're welcome.

**SANDERS:** Senator Guereca.

**GUERECA:** It's late. Just a couple comments. I think that there's-- you felt real fear over what an enforcement mechanism to this bill would be like. So I'd-- you know, you, you said you're going to work on addressing some of those concerns. I look forward to seeing that. But that was a true fear that we've heard over hours and hours of

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testimony. From a practical application standpoint, I have more question marks. "Unfunded mandates" is kind of rolling around in my head. I-- don't ask me. I'm struggling with sleep right now. But there was also the, the-- there's also the real concern that this bill inflames temperatures, and if passed, we could see a real weaponization of these accusations. And without true guardrails, right? We have protections for the person submitting the report, but what if that person weaponizes this rule to terrorize-- say, oh, every time Senator Hunt walks into the bathroom, well, I think she's a man. So, we need to verify her papers, or whatever enforcement mechanism that looks like.

**HUNT:** Don't laugh.

**GUERECA:** That's a real fear, right? And--

**KAUTH:** And, and--

**GUERECA:** We, we've-- I'm sorry, let me finish. We--

**KAUTH:** I would agree that that is--

**GUERECA:** It was, it was cisgender woman after cisgender woman who this has happened to, not-- and, and, and temperatures, you know, up until a few years ago, really haven't been that high around this, this subject matter, but I think this does nothing but exacerbate that. And if, if the goal is to defend all women, and if one instance is too much, well, they're-- it's already happening. And in my opinion, that's going to do nothing but inflame it. So that's-- from-- just from a practical application point of view, those are real concerns, my personal feelings aside. Again, there's a concern for unfunded mandates. You know, where are we going to get that money if we have to build extra bathrooms? And it's late, I won't keep us any longer, but that-- those are just my thoughts.

**KAUTH:** Thank you for that.

**SANDERS:** Senator Hunt.

**HUNT:** Thank you. I have another question about Section 8 of the bill. So, we have state agencies in Lincoln, in Omaha, all over the state, that rent space from private buildings, from private offices. So, how would we ascertain that the bathrooms are up to code in the private buildings that state agencies are renting throughout the state?

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**KAUTH:** And I'm glad you brought that up. That was actually caught by one of the senators that I worked with, and we changed it to say-- oh. So if they are just in a building that they're renting, it, it does not apply. If they own the building and can actually make those changes,--

**HUNT:** OK.

**KAUTH:** --then it would apply.

**HUNT:** So that's where trans people would be safe to work in Nebraska, at those agencies.

**KAUTH:** That are owned? Or that are--

**HUNT:** That are renting out private building space that's owned by another entity.

**KAUTH:** Why would they not be safe to work anywhere else?

**HUNT:** Senator Kauth.

**KAUTH:** Yes, Senator Hunt?

**HUNT:** They would not be safe to work in a place where they cannot use a bathroom that aligns with their gender identity, because if you have a man with a beard and big muscles and a vagina, if you have a woman who people are "transvestigating," and they think that this isn't really a woman, and they're calling the police, and they're saying, you know, "Capitol Police, come kick this person out of the building."

**KAUTH:** Personally, I love--

**HUNT:** You know what I'm talking about.

**KAUTH:** I love the word "transvestigating." That was, that was very clever.

**HUNT:** I wondered if you would bring it up before me, but I said it first.

**KAUTH:** That was, that was fantastic. And it's very late, so it's impressive. So, I, I see your point. Let's work on that.

**HUNT:** But trans people working in-- for agencies that are renting this private space, they would be able to use the bathroom of their choice?

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**KAUTH:** Correct. Correct. As long as that private space allows it.

**HUNT:** Thank you.

**SANDERS:** Senator Andersen.

**ANDERSEN:** Thank you, Chairwoman. And thank you, Senator Kauth. I know it's late. In the very beginning of this hearing, there was discussions about it being a commonsense bill, and about respecting men and respecting women. And as we progressed throughout the hearing, this turned into a conversation about transgenders. So [INAUDIBLE] it's late, and I'm tired, but I went through and scanned the bill and the amendment looking for the word transgender,--

**KAUTH:** It's not--

**ANDERSEN:** --and I haven't found it in either the bill or in the amendment.

**KAUTH:** Correct.

**ANDERSEN:** Did I, did I miss something? So this is truly a bill about--

**KAUTH:** Yes.

**ANDERSEN:** --respecting the rights of men and respecting the rights of women,--

**KAUTH:** Right.

**ANDERSEN:** --and is not anything that's targeting transgenders.

**KAUTH:** Correct.

**ANDERSEN:** Thank you.

**SANDERS:** Senator Cavanaugh.

**J. CAVANAUGH:** I'm sorry, Senator Andersen.

**ANDERSEN:** You said "I'm done."

**J. CAVANAUGH:** I was, but you--

**KAUTH:** He was trying to get the last word.

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**J. CAVANAUGH:** I-- you know what? Yeah. Thank you again, Chair. Thanks, everybody. How many versions of the definition of man, woman, female have you gone through in the iterations of these bills?

**KAUTH:** I think this-- three.

**J. CAVANAUGH:** Three in this bill? OK. So, it's a little difficult to say what a man is and what a woman is?

**KAUTH:** It's difficult to put it down in writing. It's one of those things people usually just assume they know. So, but for legal definitions, it's more difficult to put it in writing.

**J. CAVANAUGH:** OK. Thanks.

**KAUTH:** You're welcome.

**J. CAVANAUGH:** It's been a long, long day.

**SANDERS:** Senator Hunt.

**HUNT:** One more from me. Can you-- talking about the safety of women and the alleged harms, and-- you know, I heard the example twice of a woman getting the volleyball spiked into her face. Can you talk about the percentage of injuries, or the number of injuries in sports that are women playing against other women or men playing against other men? How does that compare?

**KAUTH:** That's, that's actually not part of this issue. We're looking at very, very significant differences. So, when you enter into the sporting event, you understand that you could be hurt if you're playing with people at your-- with basically the same level, or your same biological abilities. When you're playing against someone who's significantly different-- and you heard Amalie Comiskey talk about-- and she voluntarily was playing a men's team,--

**HUNT:** Mm-hmm.

**KAUTH:** --they were working on, you know, improving themselves. And she was hit, and hit so hard, it, it tore her-- I think it was her achilles, or one of-- her knee. But-- so when you have women playing against women, and men playing against men, there's not such a significant strength disparity.

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**HUNT:** So there's fewer injuries when women play against women and men play against men?

**KAUTH:** They're less significant, they're less impactful.

**HUNT:** OK. Would you-- you know, if a-- if two women are playing volleyball against each other, basketball, and an injury occurs, how do we determine that the person that caused the injury isn't trans?

**KAUTH:** Well, that's what the bill is about. It's making sure everybody on those teams is the same sex.

**HUNT:** Would that be a flag to you, that that person should be maybe double-checked, do the cheek swab, do the genital inspection, whatever is called for?

**KAUTH:** No. No, because if the bill's in place, they would not-- you wouldn't automatically assume if somebody is better, they're a boy. You would say, "Wow, they're better. That's impressive."

**HUNT:** So this would fix that?

**KAUTH:** That's what I would hope.

**HUNT:** OK. OK. Thank you.

**SANDERS:** Any other questions? Going once. We have, like, four minutes left.

**KAUTH:** I was just saying, we could take it to midnight, guys.

**HUNT:** No, we, we can go past midnight.

**SANDERS:** 11:59. Thank you, everyone. This closes the hearing on LB89.