

# Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

**Testimony on LB 540  
Before the Judiciary Committee  
Nebraska Legislature  
March 4, 2021**

**Bradley A. Meurrens, MPA  
Public Policy Director  
Disability Rights Nebraska**

Good morning Senator Lathrop and members of the committee. For the record my name is Brad B-R-A-D Meurrens M-E-U-R-R-E-N-S and I am the Public Policy Director at Disability Rights Nebraska. We are the designated Protection and Advocacy organization for persons with disabilities in Nebraska, and I am here today in strong support of LB 540.

LB 540 is a small but important bill.

First, it replaces outdated language about disability (“Handicapped”) which, as the testimony of Ms. Harris and Mr. Neffer explain, is pejorative. Disability Rights Nebraska would prefer the word “disability” as a replacement. Even the federal “Education for All Handicapped Children Act” was renamed the “Individuals with Disabilities Education Act”.... in 1990. This type of bill is consistent with previous legislative activity such as replacing the words “mental retardation” with “intellectual disability” (LB 23, 2013) and LB 248 (2019) replacing “hearing impaired” with “deaf and hard of hearing” in state statutes.

Second, we read some of the existing civil rights statutory language as too limiting. For example, in 20-126 and 20-127 the current language about full participation in social and economic life as well as full and free use of public accommodations is limited only to three categories of people with disabilities: those who are blind, deaf, or who have a physical disability. Same with 20-131.01. People with psychiatric disabilities or with “invisible” disabilities are categorically excluded. Replacing the current exclusive language with the more inclusive term “disability” is prudent, especially given that the federal definition of disability squarely and affirmatively includes people with disabling mental conditions and “invisible” disabilities. We would point to Nebraska statute 20-131—the use of “disability” rather than identifying specific categories of disability.

Finally, we support LB 540 as it rectifies a glaring oversight in the current civil rights statutes. State statute 20-132 omits people with disabilities from the list of protected classes from public accommodation discrimination. State statute 20-134 seems to permit discrimination against people with disabilities as it does not hold accountable anyone who discriminates against them in public accommodations. Same thing for the housing statutes in 20-317 et al. Ironically, state statutes 20-131 and 20-131.01 guarantee discrimination protection for people with disabilities in state/political subdivision employment and fair housing. LB 540 rectifies this omission.

The civil rights of people with disabilities are just as important as any other community and they deserve to be identifiable and enforceable. Nebraskans with disabilities should be described in the law with language that reflects their inherent dignity. LB 540 is a very important bill as it codifies the expectation and provides the ground to enforce the civil rights of Nebraskans with disabilities—if these rights are not codified, can they be enforced? The civil rights of Nebraskans with disabilities should not be guaranteed through a handshake or a “gentleperson’s agreement”. That is unacceptable.

LB 540 should be advanced.

For further information or questions, please contact me at your earliest convenience: [brad@drne.org](mailto:brad@drne.org) or 402-474-3183