



To: Revenue Committee
From: Tom Venzor, Executive Director
Nebraska Catholic Conference
Subject: LB535 (Advantage Act & SOGI Non-Discrimination) (Oppose)
Date: March 15, 2019

Madame Chair Linehan and Members of the Revenue Committee,

The Nebraska Catholic Conference advocates for the public policy interests of the Catholic Church and advances the Gospel of Life through engaging, educating, and empowering public officials, Catholic laity, and the general public. I would like to express our opposition for LB535, specifically with reference to the inclusion of sexual orientation and gender identity into the non-discrimination clause.

The Catholic faith recognizes the supreme dignity of every person as made in the image and likeness of God. The only appropriate response to this reality is charity. For this reason, the Catholic faith also recognizes that nobody, including those who are experiencing same-sex attraction or gender identity issues, should be subject to unjust discrimination.¹ In other words, everyone should be treated with respect and dignity.

Unfortunately, laws across the country, with policy implications like those of LB535, have had a negative effect on those who hold traditional views of marriage and human sexuality.² To this extent, while the legislation attempts to protect against unjust discrimination, it creates unjust discrimination against business owners, employees, and others impacted by the Advantage Act and their sincerely held moral and/or religious beliefs on marriage and human sexuality.

Even former Supreme Court Justice Anthony Kennedy recognized such a view on marriage “long has been held—and continues to be held—in good faith by reasonable and sincere people here and throughout the world.”³ LB535 does not treat those with differing views as reasonable and sincere people, but instead uses government coercion to exclude them from otherwise participating in a state-sponsored economic program. This is not the appropriate role of government, which has the responsibility of respecting the moral, religious, and conscience views of all people.

It is often argued that legislation, like LB535, is necessary to create economic growth and attract talent to Nebraska. But such a claim is rooted more in sparse anecdote, rather than robust causal

¹ See *Catechism of the Catholic Church*, paragraphs 2357-2359.

² See Alliance Defending Freedom’s successful track record and ongoing litigation on such issues at <https://adfflegal.org/issues/religious-freedom/conscience>.

³ *Obergefell v. Hodges*, 135 S.Ct. 2584, 2594 (2015).

relationship. And while those anecdotes are not insignificant to public policy, they must be weighed against other public policy interests, such as the moral, religious, and conscience views of all people. As well, there is indication that sexual orientation and gender identity non-discrimination clauses “aren’t essential to economic growth.”⁴

The Nebraska Catholic Conference respectfully urges your opposition of this legislation. Please make this written testimony part of the public record. Thank you for your time and consideration of our position.

⁴ See Appendix A (below).

Appendix A



Sexual Orientation and Gender Identity Laws

UNNECESSARY FOR ECONOMIC GROWTH

Proponents of adding sexual orientation and gender identity (SOGI) to state nondiscrimination laws claim they are good for business, but the facts say otherwise. Numerous studies suggest that states without these classifications actually have **greater economic growth**, while many states that have added these classifications to their laws have **weaker economies** and **lower job growth**. While this does not mean that states with these types of laws always experience low economic growth, it does indicate that these classifications aren't essential to economic growth. Notably, the majority of states and the federal government do not include sexual orientation and gender identity in employment, housing, or public accommodation nondiscrimination laws.¹

Best States for Business and Economic Outlook

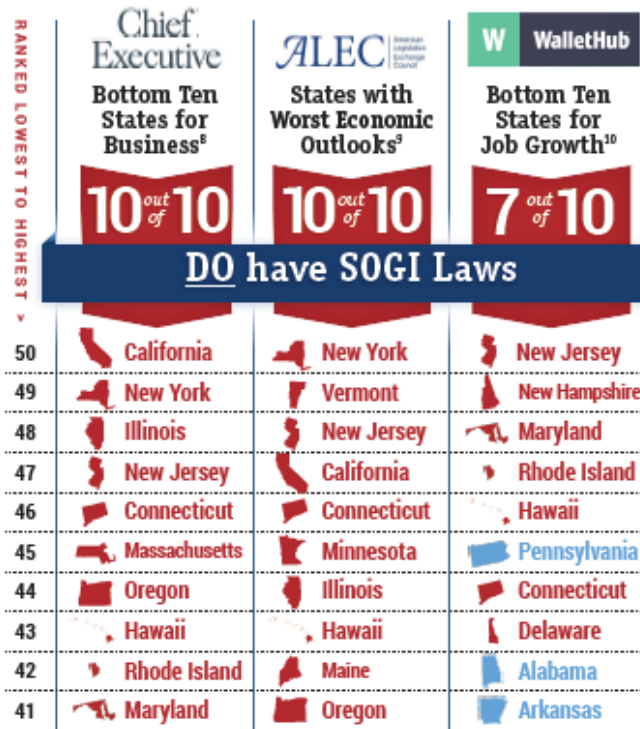


State does not have Nondiscrimination Laws that include Sexual Orientation and/or Gender Identity

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Worst States for Business and Economic Outlook



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1 Currently, 28 states and the federal government do not include sexual orientation or gender identity in their employment nondiscrimination laws, while 29 states and the federal government do not include these classifications in their public accommodation nondiscrimination laws.

2 "Best States for Business," Forbes.com, <http://www.forbes.com/best-states-for-business/> (last visited December 1, 2017).

3 "2017 Best & Worst States For Business," ChiefExecutive.net, available at <https://chiefexecutive.net/2017-best-worst-states-business/> (last visited December 1, 2017).

4 Laffer, Arthur, et al., "Rich States, Poor States: ALEC-Laffer State Economic Competitiveness Index," 10th Ed, American Legislative Exchange Council, available at <http://www.richstatespoorstates.org/all-states/> (last visited December 1, 2017).

5 Richie Bernardo, "2017's Best and Worst States to Start a Business," WalletHub.com, July 5, 2017, available at <https://wallethub.com/edu/best-states-to-start-a-business/36934/> (last visited December 1, 2017).

6 Mark Arend, "2017 Business Climate Rankings," SiteSelection Magazine, November 2017, available at <http://siteselection.com/issues/2017/nov/cover.cfm> (last visited December 1, 2017).

7 Utah added sexual orientation and gender identity to portions of its nondiscrimination laws in 2015. However, public accommodations are exempted from Utah's nondiscrimination laws.

8 "2017 Best & Worst States For Business," ChiefExecutive.net, available at <https://chiefexecutive.net/2017-best-worst-states-business/> (last visited December 1, 2017).

9 Laffer, Arthur, et al., "Rich States, Poor States: ALEC-Laffer State Economic Competitiveness Index," 10th Ed, American Legislative Exchange Council, available at <http://www.richstatespoorstates.org/all-states/> (last visited December 1, 2017).

10 Richie Bernardo, "2017's Best and Worst States to Start a Business," WalletHub.com, July 5, 2017, available at <https://wallethub.com/edu/best-states-to-start-a-business/36934/> (last visited December 1, 2017).