

LEGISLATIVE BILL PROPOSAL

FORM 2024

Bill Proposal: DAS 2
State Agency: Administrative Services
Date: Sept. 1, 2023
Contact Person: Sarah Skinner

Received:

Phone: 402-410-4229

One - Liner: Provide a legal definition of sex

1. Provide a description and rationale for introducing this legislation.

Complementary to Governor Pillen's Executive Order 23-16 establishing a Women's Bill of Rights, and in response to activists' attempts to redefine terminology, we propose establishing a legal definition of sex in Nebraska law. Dr. Jay Richards, Ph.D. best provides a rationale and a specific direction for states in [this article](#).

Furthermore, DAS requires employees to indicate their sex for employment intake forms and health insurance benefits. A precise definition in statute will provide direct authority and ensure accurate documentation.

2. Type of Proposal. Check all that apply.

- Update of current law. Provide prior LB or state statute citation.
- Repeal of current law
- Federal mandate to State. Provide statutory/regulatory citation(s).
- State or federal mandate to local government
- Implement/Respond to a court order. Attach court opinion/order.
- Extend or expand current program or policy
- Create new program or policy
- Eliminate/Reduce/Streamline Agency Operations/Programs/Regulations
- Other (e.g., technical). Explain

Offer factual clarity of male and female definitions that thwarts activists' attempts to confuse legal references to sex.

3. Is this proposal an agency priority for the 2024 session? Explain why?

This is DAS' second priority and in alignment with the Governor's E.O. referenced above to provide for clear and distinct definitions of sex to ensure separation of spaces and legal guidance in administrative records.

4. Give the legislative, judicial and administrative history of this proposal including any action taken in prior years. List prior year LB's, LR's, court decisions (etc.).

5. List probable supporters and opponents and give the likely reason for their positions.

Opponents will likely allege sex discrimination – per their definition, and are likely to include:

ACLU, NSEA, Women's Fund, Planned Parenthood, OutNebraska

Supporters may include:

Majority of Nebraskans, Nebraska Family Alliance, Nebraska Catholic Conference

6. List other agencies or political subdivisions impacted by this proposal. List their position(s) on this proposal.

University of NE, State Colleges, Political Subdivisions - may be opposition from certain schools and the City of Lincoln.

7. Miscellaneous Items:

a. Please describe any added or reduced costs, fees, or operational efficiencies related to the proposed legislation.

N/A

b. Are there any items that could be construed as an "unfunded mandate"? If so, what?

No

c. Will this proposal require additional staffing, office space, equipment, automobiles or technology?

No

Completion of the attached 2024 Fiscal Note is also required for Proposal Submission.