

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Executive Board February 25, 2020

**HILGERS:** Good afternoon, everyone, welcome to the public hearing for the Executive Board of the Legislature-- Legislative Council. My name's Mike Hilgers. I'm Chairman of the board. I represent District 21, which is northwest Lincoln and Lancaster County. We will start with member introductions. Starting at my far right, Senator McCollister.

**McCOLLISTER:** John McCollister, District 20, central Omaha.

**BOLZ:** Senator Kate Bolz, District 29, south central Lincoln.

**LOWE:** John Lowe, District 37, southeast half of Buffalo County.

**VARGAS:** Tony Vargas, District 7, downtown and South Omaha.

**HILGERS:** To my right is legal counsel to the committee, Janice Satra. To my far left is Paige Edwards, the committee clerk. Our page today is John and Senator Vargas is the Vice Chair of this committee. We have two items on our-- on our agenda today. We'll proceed in the order of-- of the public agenda. We have LB937 and LB1197. We will go with the order of-- we'll have an opening introduction from the introducing senator. We'll then go to proponents and opponents, then those wishing to testify in a neutral capacity, if any. How many are here wishing to testify today? OK. All right. Good. Thank you. This committee, because we meet over the lunch hour, generally runs on a three-minute clock, so we will have a light system. You will have three minutes. At two minutes, it will go to yellow. And at the-- at three minutes, it will go to red. At that point, I will very politely, as pleasantly as I can, interrupt you. At that point, though, if any senators have questions and including allowing you to finish your testimony, they can ask those questions at that time. So please have your cell phones, electronics-- either shut off or in a silent mode. If you are wishing to testify, when you come up please fill out a green sheet and also say and then spell your name for the record. That's the other instance in which I will politely interrupt you if you forget to spell your name. With that-- with all the preliminaries out of the way, we will start with our first item on the agenda, LB937. Senator Brewer, welcome.

**BREWER:** Thank you, Mr. Chairman and fellow members of the Executive Committee. I am Senator Tom Brewer. For the record, that's T-o-m B-r-e-w-e-r and I represent 13 counties of the 43rd Legislative District of western Nebraska. I am here today to introduce LB937. I'm

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introducing this on behalf of Nebraska's Native tribes. Understand that this bill will be amended on the floor to LB848, which is Senator Pansing Brooks's bill. This is a relatively simple bill. It does two things. First, it requires the Clerk of the Legislature to place the flags of four Native American tribes headquartered in Nebraska here in the Norris-- Norris Chamber. Those flags will be the Omaha, the Ponca, the Winnebago, and the Santee Sioux. Second, it requires the Clerk of the Legislature to place the flags of the Native American tribes who have historically and regionally been connected to Nebraska in the Memorial Chamber on the 14th floor. The flags displayed up there will be determined by the Nebraska Indian Commission. The flags, the flag poles, the bases will all be donated, so there is no fiscal note with this. All this bill does is-- many other states have chosen to display the tribal flags in their Capitol Building in this way. I think this is long overdue and recognizes Nebraska's Native American tribes in a special way. I will be followed by several that I would consider experts, the director of the Nebraska Commission on Indian Affairs, and I believe, Chairman Wright will also be coming up. But I would be open to any questions at this time.

**HILGERS:** Thank you, Senator Brewer. Are there questions? One question I have, Colonel, is-- does the bill require any sort of protocol or-- or standards for placement or size or location?

**BREWER:** It-- it does in that the flags have to be, as far as size-wise, similar to the state and national flags, and then they are to be positioned so they don't obstruct the view of either of those flags. So if you can imagine the front of the Chamber-- and we went up and measured. Patrick worked with us when I first started here. And there is a corner where those flags set. And if you just go a little bit farther around the corner, there would be a-- a place to display them. So they would still be visible on the floor, but they wouldn't be obscuring the view of either of the other flags. And we would just simply match the bases to the existing bases so that it would all patinawise match as best we can.

**HILGERS:** Thank you, Senator Brewer. Senator Lowe.

**LOWE:** Thank you, Chairman Hilgers and Senator Brewer. Will there be-- be a ceremony when these flags are placed up there?

**BREWER:** Well, that's a good question. At this point, we haven't planned the ceremony-- think we kind of felt that might be putting the

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horse in front of the cart. So I think at the point that this legislation passes through channels that then there would be an appropriate ceremony, including the four tribal representatives. But we have to kind of work out the details on that. But I'm sure that would be part of what would need to be done just for the purposes of honoring those four tribes.

**LOWE:** All right. Isn't that where you place the horse is in front of the cart? [LAUGHTER] That's it. Thank you.

**HILGERS:** Thank you, Senator Lowe. Other questions. Seeing none, will you stick around for closing?

**BREWER:** I will.

**HILGERS:** All right. Thank you, Senator Brewer. First proponent for LB937. Welcome.

**LARRY WRIGHT, JR.:** Thank you. Good afternoon, members of the committee. My name is Larry Wright, Jr., L-a-r-r-y W-r-i-g-h-t J-r. I am the tribal chairman for the Ponca Tribe of Nebraska, and I also serve as the chairman for the Nebraska Inter Tribal Coalition. I also serve as the area representative for the Great Plains Region for the National Congress of American Indians and I currently serve as a vice chair for the Nebraska Commission on Indian Affairs. I thank you for this time today. I thank Senator Brewer for introducing LB937 and the consideration to have the tribal flags placed in-- in the-- in the-- in the place that they're being suggested. This-- this-- this has big-- a huge opportunity for the tribes to be recognized. And as we talk about government-to-government relationships between our tribal nations and the state of Nebraska, that's a source of pride for our people as citizens of Nebraska and citizens of our respective nations. This is seen as a-- a small step in legitimizing or having the state of Nebraska see us and our people in our tribal nations on that government-to-government basis. Around the country, this has been done in many other state capitals. Recently, the state of Iowa did a very similar flag display with all the tribes that are part of Iowa. Three tribes in Nebraska-- Ponca, Sant-- I'm sorry, Winnebago, and Omaha Tribe have lands in Iowa and we were part of that ceremony. And-- and that went off very well and is-- is a great display and a great opportunity to be recognized by the state of Iowa. We see that as an opportunity here with all the great things that are done between the tribes in the state of Nebraska. Obviously-- recently with the-- the

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history of Chief Standing Bear, with the Poncas in the state of Nebraska, the Legislature's support to change the statues out in Statuary Hall is a source of pride for our people and for Indian Country as a whole. Serving on a national board and-- and that is talked about nationwide repeatedly since that-- that's happened. So-- to-- to us, to the tribal nations, this-- this may not seem big in all of the work that you need to do as a state Legislature and all the other issues that are going on. But we think this small step has huge ramifications for our people and what it means to our tribal citizens that are also citizens of Nebraska. And with that, I thank you and I'm happy to answer any questions.

**HILGERS:** Thank you for your testimony. Are there questions? Senator Bolz.

**BOLZ:** Thank you for being here, Mr. Wright. I-- I support this bill. I-- I think its time has come. But I do want to ask you a question, just for the record.

**LARRY WRIGHT, JR.:** Sure.

**BOLZ:** I see a distinction here between recognizing our federally recognized tribes and having symbols of your people in our Chamber as different than, say, recognizing a corporation that has a headquarters in Nebraska or the flag of a sister city that we want to recognize because we have a relationship with them. Just for the record, could you describe a little bit more about what it means to be federally recognized and the unique relationship that the tribes have with the state? Just to help us justify why your flags are very important.

**LARRY WRIGHT, JR.:** Absolutely. You know, as the first people in this country, as indigenous nations we're the only group of people that's mentioned in the-- in the U.S. Constitution, that unique relationship of treaties that this country embarked on with the tribal nations. And we won't talk about the-- the other issues along with those treaties, but that established that government-to-government relationship between the tribes and the federal government, but also recognizing that relationship within the state. Our tribes are very dynamic. We're very similar, but we're very different. We have our forms of government, our tribal councils. All of those are unique in-- in-- in the way we operate, in how we do our enrollment of our tribal citizens, how we carry out government functions. And that relationship, both with the federal level, the state level, and the

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local level is very dynamic and is unique to any other group of individuals in this country. And so when we talk about tribal sovereignty, obviously, from-- for a history standpoint, the Ponca Tribe is-- is theoretically 30 years old this year, come October 31. Our tribe was terminated in 1960s. We were federally reinstated by an Act of Congress in 1990. And this year we will celebrate our 30th anniversary of that reinstatement. But that reinstatement was based on federal law. And the other tribes have similar histories through treaties and those agreements with this federal government and some with the state government.

**BOLZ:** Perfect. Thank you.

**HILGERS:** Thank you, Senator Bolz. Other questions. Seeing none, thank you for coming down.

**LARRY WRIGHT, JR.:** Thank you.

**HILGERS:** Next proponent for LB937. Welcome.

**LEO YANKTON:** Welcome. Thank you. My name is Leo Yankton, L-e-o, Yankton, Y-a-n-k-t-o-n. I'm actually a former radio host for 89.3 KZUM for two Native radio shows. I'm also a international speaker. And one thing that I run into as I travel and speak about the reality and the existence of Natives is a lot of people don't realize we still exist and a lot of people don't realize we actually exist in Nebraska still. What's even more challenging is to talk to the people in Nebraska about the four st-- tribes that actually exist here, because a lot of people don't know what they are. And a lot of people do recognize, though, that Nebraska has an excellent academic system here, the UNL Husker Nation, in a tribal-- excuse me, International Baccalaureate Programme with Lincoln High School, and then two schools in Omaha. So people do understand that Nebraska is committed to education. But to me, as an American citizen and as a tribal member of the Oglala Lakota Nation, I believe that this has an educational aspect to it as well, in order to help people through the Capitol recognize the tribes that are here now and recognize that we still not only exist, but that we are part of this state. And so to me, I'm actually excited about the fact that I can even speak to you about this, because it shows how much we're growing together, how much we're becoming one nation like we are supposed to be. You know, this is a melting pot of different cultures, but we also have pride in America and being Americans. But we also have our own individual identities. And I think that needs to

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be recognized and it needs to be taught to people. And I think that's what this is also going to be. It's going to be an ed-- educational avenue for us. Do you have any questions for me?

**HILGERS:** Thank you for your testimony. Are there questions? Seeing none, thank you for coming down.

**LEO YANKTON:** Thank you.

**HILGERS:** Next proponent for LB937. Welcome.

**JUDI GAIASHKIBOS:** Thank you. I've never testified before this committee before, so-- Chairman Hilgers and members of the committee, it's an honor to testify before you today, and I testify in support of LB937. My name is Judi gaiashkibos. I-- and that is spelled J-u-d-i-g-a-i-a-s-h-k-i-b-o-s. I am the executive director of the Nebraska Commission on Indian Affairs and have been in that position since 1995. I am a member of the Ponca Tribe and I'm also Santee Sioux. I descend from-- my grandfather was the last chief of the 2nd rank of the Ponca Tribe of Nebraska, and my mother went to the Genoa Indian School, which was one of the schools in America, boarding schools, where the motto was, kill the Indian and save the man. So I'm here proudly testifying on behalf of my ancestors, and I think they would all be really happy to see that finally, as citizens of a sovereign nation, we have dual citizenship and we are also citizens of the United States of America. And we are proud Husker fans as well [LAUGHTER]. So for the first time to have those flags flying in the Legislative Chamber will be very important for all of our people and not just Native people, but non-Native people as well, to see that in the memorandum of government-to-government that we've had with our state, that our flags fly next to the sovereign state of Nebraska's flag. I really like to think about positive things that our state has done. And we were the first state in the whole United States of America to have a bill to protect our sacred ancestors, the human remains burial bill, which Senator Chambers was involved with. And that is an example of treating us like in the case of Standing Bear, where prior to that, we weren't persons. So who but citizens of sovereign nations had to have a bill to protect our ancestors' remains? But you all did that and I commend you for doing that. So today, I think this bill, what it does is, it demonstrates that we are not invisible, that our lives matter, and that the missing and murdered indigenous women and children-- that we are not throwaway people. And I urge you to do this because, as Senator Bolz said, the

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time is right. And I want to thank Senator Brewer for his service here and his service in the military, because Native Americans serve at a higher rate per capita to protect this country than anyone. And that was prior to us becoming citizens in 1924. And in 1925, Nebraska had our first flag. That is when the state flag became a state flag, in 1925. So when my mother was born, she was not a citizen of the state, but a citizen of her sovereign. So with that, I close and say, thank you. Wi'Bthu Ho.

**HILGERS:** Thank you for your testimony. Questions? Senator Chambers.

**CHAMBERS:** Glad to have you. And I've always had a theory on why Native Americans enlist in larger numbers in this Army than others. Others are fighting, if they fight, for a place they came to visit. Our Native brothers and sisters are fighting for home. And if the circle idea works, then what was is going to become again. So there is a bigger home that they're fighting for than the rest of the people who are here. That's just my little theory.

**HILGERS:** Thank you. Thanks, Senator Chambers.

**JUDI GAIASHKIBOS:** Thank you. I agree with you.

**HILGERS:** Other questions? Seeing none, thank you for coming down. Other proponents for LB937.

**DON WESELY:** Mr. Chairman, members of the Executive Board, my name is Don Wesely, D-o-n W-e-s-e-l-y, representing the Winneba-- Winnebago Tribe of Nebraska. And we certainly support the bill. And the symbolism of it is very important. But as Judi gaiashkibos talked about, the human rem-- remains bill, which-- I was in the Legislature with Ernie at the time. There was another bill that you might remember, Ernie, I mean, Senator Chambers [LAUGHTER] that was called the Indian Bounty Law, and I don't know if you remember that, but the state used to give a per diem to county jails for each person that they threw in jail overnight. And there was a guy named Clyde Storie up in Thurston County, and he made it a moneymaking pro-- proposition, where he kept throwing Native Americans into jail, getting this per diem. And the Legislature repealed that back in the 1980s. The human remains bill and other things since then have shown this Legislature is interested in caring about Native Americans, and this is another step to accomplish that goal of recognizing their importance in Nebraska.

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**HILGERS:** Thanks, Don. Thank you for your testimony. Question? Senator Chambers.

**CHAMBERS:** Because I was here when what to you all is the dim past was the very bright present, I was the one who brought that bill, and here's the way Storie would do it. He would go out. Since he got a per diem for each day a Native person were in jail, he would go out just a short time before midnight-- that's one day-- let him out a short time after midnight, get the money, and did not spend any of it for a meal or anything else. It was a hustle. Everybody knew it, but it took the outlier, moi [LAUGHTER] to actually bring the bill. And it does show that people of goodwill can cooperate in an environment like a Legislature to see that justice is done, maybe not as completely as we want it, maybe not as soon as we want it. But this is the avenue that I'm glad to see. Don is always Don, I'm always Ernie-- all the trappings of Senator this and that--

**DON WESELY:** [LAUGH].

**CHAMBERS:** --and others. But I'm glad to see that you're still in the struggle and--

**DON WESELY:** Thank you.

**CHAMBERS:** --I'm proud of you, son.

**DON WESELY:** Thanks, Senator [LAUGHTER].

**HILGERS:** Thank you, Senator Chambers. Other questions? Seeing none, thanks for coming down.

**DON WESELY:** Thank you.

**HILGERS:** Other proponents for LB937.

**ROSE GODINEZ:** Hello, my name is Rose Godinez, spelled R-o-s-e G-o-d-i-n-e-z, and I am here to testify on behalf of the ACLU of Nebraska in favor of LB937. We thank Senator Brewer for introducing this legislation, which rightly displays the flags of our Native tribes in recognition of the history and the current state upon the land that which-- which we stand. Several other states have displayed the flags in their capitol, as Chairman Wright noted, including Iowa, Minnesota, and North Dakota. Lastly, we'd be happy to work with the committee with an amendment in order to ensure the flags are displayed

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so long and only if the tribes desire, and urge you to advance this bill to General File. Thank you.

**HILGERS:** Thank you for your testimony. Are there questions? Seeing none, thanks for coming down.

**ROSE GODINEZ:** Thanks.

**HILGERS:** Other proponents for LB937. Seeing none, anyone wishing to testify in opposition? Hold on a second, Colonel [LAUGHTER] [INAUDIBLE] opponent. Seeing none, anyone wishing to testify in a neutral capacity? Seeing none, come on. Come on down, Senator. You're welcome to close.

**BREWER:** Thank you, Mr. Chairman. I appreciate everyone who came up to speak today, but I would be remiss if I didn't share with you that Leo Yankton-- his plate is pretty full. There's a lot of things that he does to help the world in general, and I have been blessed to be able to be part of some of that. He has helped me to be able to refurbish the sweat lodge in prison. He painted the cover that we use. I know that may not sound like a big deal, but it was a lot of time and energy and effort, and there was a lot of pride when we were able to finish that and have a special place there at the prison. He also works for a lot of youth programs. He's twice now fought cancer. If I could find someone to replace me when I'm done here, hopefully not right away [LAUGHTER], he would be that choice. So I just-- I feel very blessed that he came in to speak on this bill today. Again, this is not a complicated bill. It's a chance to say that we appreciate the history that Nebraska has with Native tribes. I think Senator Lowe's comments were appropriate in that we need as-- we need a ceremony that's appropriate to the day we are able to have that ceremony and bring the flags into the Chamber. Nebraska has a long history of Native American culture. If you look at the word Nebraska, the word Omaha, this is all part Native American history and Nebraska history. So with that said, I would ask for your support on this bill and answer any questions you have.

**HILGERS:** Thank you, Senator. Are there any questions? Seeing none, thanks for-- thanks for being here today. We have three letters: two in support, one from the Nebraskans for Peace and the National Association of Sol-- Social Workers; and one in opposition from Kathy Wilmot in Beaver City. That will close our hearing on LB937. We'll turn to our second and last item on the agenda, LB1197. Senator

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Morfeld is not able to be with us this afternoon so he asked his team to open on his behalf. I remind the committee, staff introduces, no questions and of the open [INAUDIBLE] --

**JULIA HOLMQUIST:** Be nice to me [LAUGHTER].

**HILGERS:** You're welcome to open.

**JULIA HOLMQUIST:** Senator Hilgers, members of the Executive Committee, for the record, my name is Julia Holmquist, J-u-l-i-a H-o-l-m-q-u-i-s-t, legislative aide to Senator Adam Morfeld, here today to introduce LB1197 on Senator Morfeld's behalf. LB1197 simply reduces the number of copies of Session Laws provided to the University of Nebraska College of Law from 35 to 15. Additionally, the bill also reduces the number of Legislative Journals from 35 to 10. Richard Leiter from the College of Law contacted our office regarding the number of Session Laws and Journals that they were receiving, and he felt that he didn't need all of them. He found out that to reduce the number, the law needed to be changed, and that is why LB1197 has been introduced. I urge your favorable consideration of this bill, and thank you for your time.

**HILGERS:** Thank-- thank you for your opening. Questions?

**McCOLLISTER:** No questions.

**HILGERS:** No questions.

**JULIA HOLMQUIST:** Oh, good, I got [LAUGHTER] Thanks, guys. Thank you.

**HILGERS:** Any proponents for LB1197? Seeing none, any opponents? Seeing none, any neutral testifiers? I saw none. No letters and no closing, that will close our hearing on LB1197 and our hearing for the day.