

Transcript Prepared by Clerk of the Legislature Transcribers Office
Executive Board May 6, 2021
Rough Draft

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HUGHES: OK, welcome, everyone, to the Executive Board Committee. I am Senator Dan Hughes. I am from Venango, Nebraska, and I represent the 44th Legislative District. I serve as Chair of this committee. On today's agenda is LR107, requests cooperation relating to prevention of unconstitutional abuse of power by state and federal governments. This is your public part of the legislative process and is your opportunity to express your position on proposed legislation before us today. Due to social distancing recommendations, seating in the hearing room remains limited. If the hearing attendance reaches seating capacity or near capacity, the entrance door will be monitored by the Sergeant at Arms who will allow people to enter the hearing room based on seating availability. To accommodate all persons that come to testify, we ask that you exit the hearing room when you are done testifying if the room is full. If it is not full, you're certainly welcome to stay. Please utilize the identified entrance and exit doors to the hearing room. If you are testifying, please fill out a green form found in the back of the room. Hand your green sign-in sheet to the committee clerk or a page when you come up to testify. Spell your first and last name for the record as you begin testifying, speak clearly into the microphone and be concise. We ask that you please limit your testimony to three minutes as we only have till 1:30 and we need to be out of here. When you see the yellow light come on that means you have one minute remaining and the red light indicates that your time has ended. Questions from the committee may follow. The order of testimony is introducer, followed by proponents, opponents, neutral, then closing by the introducing senator. Based on the number of people we have here, I think we will do three proponents, three opponents, then three neutral, and continue in that pattern until everyone has had a chance to talk. We ask that you please limit or eliminate handouts. If you do have handouts, the materials may be distributed to committee members as exhibits only while testimony is being offered. Please make sure you have 13 copies and give them to the page when you come to testify and they will be distributed to the committee and staff. To maximize the time, please move to the front rows when you are ready to testify. Please silence or turn off your cell phones. If you do not wish to testify today but would like to record your name as being present at the hearing, there is a separate white sheet on the tables you can sign for that purpose. The sign-in sheet will become part of the exhibit in the permanent record at the

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end of today's hearings. The committee members with us today will introduce themselves beginning on my left.

VARGAS: Tony Vargas, District 7, downtown and south Omaha, serve as Vice Chair.

McCOLLISTER: John McCollister, District 20, central Omaha.

HILGERS: Mike Hilgers, District 21, northwest Lincoln, Lancaster County.

LOWE: John Lowe, District 37: Kearney, Gibbon, and Shelton.

LATHROP: Steve Lathrop, District 12, which is Ralston and parts of southwest Omaha.

GEIST: Suzanne Geist, District 25, which is the east side of Lincoln and Lancaster County.

HUGHES: To my immediate right is committee legal counsel, Janice Satra; and to my far left is our committee clerk, Mandy Mizerski. We do have pages today. Thank you, ladies, for coming today. We appreciate that. With that, we will open the hearing on LR107. Senator Groene, welcome to the Executive Board.

GROENE: Thank you. I have a prepared statement. I didn't want to ramble because I want people to be able to speak. Thank you, Chairman Hughes and committee members for correctly holding this public hearing on LR107 in the Executive Committee. Among this committee's duties is to represent the Legislature and Nebraska citizens when upholding the separations of power in our state constitution and to protect the authority given to the legislative branch. It is the Executive Board of the Legislature who has the duty to represent the Legislature when dealing with any encroachment on our authority by the executive and judiciary branches of our state government. Likewise, it is the duty of this committee to represent the legislative branch when addressing grievances we have with the federal government. It is appropriate that we are here today hearing LR107, a document to memorialize to the federal government our grievances of perceived and known federal encroachment on, on sovereign rights reserved to the 50 individual states comprising the United States of America and, more importantly, against assaults by the federal government on the individual liberties

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of the people of Nebraska. Nebraska citizens are anxiously awaiting action by this body to affirm and honor the solemn oath we took when accepting the position of state senator. That oath being the first words any of us say has elected officials on the floor of the Legislature, the very first words out of our mouth: I do solemnly swear and affirm that I will support the Constitution of the United States, and the Constitution of the state of Nebraska, and will faithfully discharge the duties of state senator according to the best of my ability, and that at the election at which I was chosen to fill said office. LR107 includes examples of recent political proposals emanating from the executive branch and Congress of the United States government, such as Congress's HR1 and the President's 30-30 proposal. The point of including those examples in the grievances against federal government actions is to affirm our state's absolute sovereign right to define those issues on the floor of our Legislature and at the ballot boxes across Nebraska. It should not be dictated to us, to the federal government, by the federal government. We must protest any attempt by federal officials to usurp and dictate restrictions on rights guaranteed to the states and its citizens in the Ninth and Tenth Amendments of the United States Constitution. We who have signed this resolution firmly believe it is our duty to defend our state sovereignty and protect our citizens' rights protecting-- that are protected in the words of our United States and Nebraska Constitution. So as a spokesman for the 31 senators who signed this LR107 document, we ask this committee to advance this resolution so as we can fulfill our duty to petition our federal government for a redress of our grievances. Why did I bring it? We all got the emails. Missouri is doing this. Texas is doing this. Kansas is doing this. New York is doing this, the legislature. What are you doing to protect our rights? We have this ability through LR to exercise it and to petition our government and that right and duty falls on this committee, I believe, when reading the rules of our Legislature. So I would appreciate your advancement of this bill [SIC]. And now I will let the-- if there's any-- it's up to you. Is there any questions?

HUGHES: Thank you, Senator Groene. Are there questions from the committee? Seeing none, you'll stay to close?

GROENE: Yeah.

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HUGHES: OK, very good. We will now open up testimony from the public. I would ask for proponents of LR107. And as I stated before, we'll have three proponents and then we'll do three opponents. So please come on up. Welcome.

JENNIFER HICKS: Hi, my name's Jennifer Hicks, J-e-n-n-i-f-e-r H-i-c-k-s. Our government has been usurped. Those who currently hold the most power in our federal government hold no regard for the U.S. Constitution. In the face of clearly stated intentions from the federal government to disregard constitutionally protected rights, it is imperative that the senators in Nebraska go on the record as to their own intent to uphold the oath that each has sworn to support the Constitution of the United States and the Constitution of the state of Nebraska. I know we have some senators who will clutch at pearls in horror that I would dare suggest that our government has been usurped. Even Senator Sasse, whom I voted for, God help me, has stated outright that people who dare to question the outcome of the election are dangerous. The real lie is that the election process was a fair and transparent one. It wasn't. But here's the thing. It's because of comments like those from Senator Sasse that we need to pass LR107. No one should be labeled dangerous for having the audacity to ask for transparency and accountability from our government. Comments of opposition to LR107 made yesterday by Senator Hunt are further evidence of threats that some of our elected officials pose to our constitutionally protected rights. In the same breath that Senator Hunt tried to belittle this resolution's assertions to protect religious beliefs, she herself gave a convincing demonstration as to why such protections are needed. She interprets the resolution only through her own lens and falsely reads into it things which are not there. She wrongfully assumes that religious beliefs that run counter to her own beliefs must certainly be Christian views and the tone she took yesterday as she insulted Christians when she mockingly said, how can I be a good Christian if I can't hate the gay people, is yet more evidence that our freedoms are under attack by those in our government. I've already given you two examples of verbal attacks upon Nebraskans by elected officials within our own state. The threats posed by the usurpers of the federal government are on an even grander scale. LR107 is necessary as a response to the clearly stated threats that have been posed to our Second Amendment rights. Perhaps most concerning is Biden's assertion that gun ownership poses a public

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health crisis and must be addressed as such. We have all experienced firsthand over the last year the level of overreach that the government will seek to justify in the name of a public health crisis. Biden has also stated outright that he doesn't believe the Second Amendment to be absolute. What he is advocating for is infringement upon those rights. His asinine comparison to the First Amendment limitations that would prevent a person from shouting fire in a crowded movie theater demonstrates that he does not have the capacity to distinguish responsible, law-abiding behavior from malicious intent. Further evidence of his inability to make that distinction is found in his willingness to turn a blind eye to the violence and destruction that is permeating cities across America, choosing instead to turn a watchful eye toward law-abiding gun owners who are under threat of being falsely labeled as domestic terrorists by our federal government simply for the political views that we hold. I would certainly give you more reasons why LR107 is necessary response at a time when our rights are under direct threat, but I think the ones I've outlined here are example enough of why it is imperative that our senators go on the record to assure Nebraskans that they fully intend to uphold the oath that they swore to protect the Constitution of the United States and the Constitution of the state of Nebraska.

HUGHES: Ms. Hicks.

JENNIFER HICKS: And I respectfully ask for you to support LR107. Thank you.

HUGHES: Very good. Thank you. Are there questions from the committee? Seeing none, thank you for coming in today.

JENNIFER HICKS: Thank you.

HUGHES: Next proponent. Welcome.

AMBER PARKER: My name is Amber and Parker, P-a-r-k-e-r. I'm speaking to protect my life, my liberties, my freedom. I've had many experiences of talking to state senators here in this legislative body. Senator Lathrop can be a witness to that. Senator Geist can be a witness to that. I believe that the watchfulness of the citizen is the salvation of the state, and that is what a constitutional republic is. Senator Hughes, you can-- I've been in your office. We've, we've

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talked. And what I want to talk about is there's a lack of transparency in this legislative body. Your rules are silencing our freedom of speech pertaining to the Constitution of the United States of America. You are here and voted in the positions you were voted in to represent we the people, not your agenda, not endorsements, not your political agendas or your journeys. One of the ways we are silenced, and it is a, a distraction and a detour from the real threat that we all face, and that's losing the governing law of the land, the Constitution of the United States of America. I'm going to go into some personal testimonies of what I've had, there is a crushing oppression. We see it on a federal level. But I want to talk from personal testimonies. A few years ago, I went up to shake a senator's hand. I went to shake the senator's hand because I knew that I had called out his policies as unconstitutional. And there were areas that he didn't like. And I thought we could come common ground, treat each other with respect and understanding. What ended up happening is the senator, as I offered my hand out, he pulled his hand into my abdomen, refused to let it go and squeezed it. I tried to pull it back. He, he refused to let it go and squeezed it. There is a squeezing happening in this legislative body through your rules that is silencing the people. LR107 needs to be passed. I've been hollered out by, by state senators. People have tried to silence me. And clearly the state senator's goal was to try to silence me a few sessions ago. Recently in the Judiciary Committee, he had looked at me and tried to intimidate me in the same way he looked at me as he squeezed my hand and refused to let go. I am telling you that was physical. I want to address the metaphorical abuse that's taking place on the state level and on the national level and why we have-- the people have to speak. Because if we can be abused in the dark shadows of our Capitol by senators and question if we come forward that someone's going to call it partisan politics, then we know tyranny is present and we need to address it as such. Thank you.

HUGHES: Thank you, Ms. Parker. Are there any questions from the committee? Seeing none, thank you for--

AMBER PARKER: Thank you.

HUGHES: --coming in today. We'll take one more proponent and then switch to opponents. Welcome.

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ALLIE FRENCH: Thank you. Good afternoon, my name is Allie French, A-l-l-i-e F-r-e-n-c-h. I am founder and leader of Nebraskans Against Government Overreach, and I am here today to express our support for LR107. I want to begin by thanking the many senators that are cosponsors to LR107. This is a true nonpartisan resolution that every honorable senator should be happy to support. Those who might oppose LR107 must have no desire to reaffirm their oaths, are in denial of federal intent to bastardize our constitution, have no regard for Second Amendment rights, a foundation of our country and essential to maintaining our freedom, have no regard for the fight for life that Christians endure. This includes experimental injections and medical devices that are designed to enhance or do better than God's design and are typically the first to disregard individual choice on any other time-- anytime that it's convenient for them. Have no desire to do their job and/or are in denial to the compiling evidence of voter fraud, are socialists looking to control those who do, who do-- does what, when, and where, and only believes in my body, my choice when it sacrifices the life of another, but will push medical procedures on others that for one reason or another choose to decline even when crossing the line into medical tyranny. The government-simulated and media-driven pandemic this past year and a half has made it perfectly clear that our government cannot be trusted and many are coming to find you already have way more power and control than you should. You can go through each point of this resolution. If you are not in support, it's because you have zero regard for a constitutional republic and the freedoms ensured to the citizens of this great country. I urge those on the fence to vote in favor and those who are opposed to find a new line of work or maybe join UNMC in Wuhan. I'm sure you'll feel much more at home there. Thank you.

HUGHES: Thank you, Ms. French. Are there any questions from the committee? Seeing none, thank you for coming in today.

ALLIE FRENCH: Thank you very much.

HUGHES: OK, we will switch now to opponents. Welcome.

MICHELLE WALSH: Thank you. Chairman Hughes and, and members of the Executive Board, my name is Dr. Michelle Walsh, M-i-c-h-e-l-l-e W-a-l-s-h. I've been a pediatrician here in Lincoln for more than 22 years. I am the current president of the Nebraska Medical Association,

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testifying in opposition to LR107. While this resolution touches on a variety of topics, we are here to oppose only the first sentence of section 7. The NMA has serious concerns of the drafting of this sentence, its intent, and the message that it sends for public health. Black's Law Dictionary defines a resolution as something that formally expresses a sense, will, or action of a deliberative body. In this case, the Legislature. We ask how the Legislature will reconcile the formal expression regarding vaccines in this resolution with existing state law on the topic and case law from around the country that has found vaccine requirements to be neutral laws with general applicability and, therefore, not constitutionally suspect. Currently in Nebraska law, there's a requirement that children attending schools and licensed childcare centers be immunized with limited exceptions. Yet, this resolution would express the sense that Legislature does not support these laws it has already passed. Vaccines are not 100 percent effective. We must rely on herd immunity to prevent disease outbreaks. Already, as many people have decided to not immunize our children, we have started to see more outbreaks of measles, mumps, and whooping cough, which are all known to kill. Any one of us can visit an old cemetery and steal the baby headstones from children who have died from vaccine preventable diseases. As a pediatrician working in Kansas City, I saw many rural families who were not "anti-vaccers," but they didn't understand why you would take your child to the doctor unless he or she were ill. These beautiful unvaccinated children would contract a vaccine preventable disease and often if they left the hospital alive, they would be neurologically devastated and would never be able to walk, talk, or live without assistance. This is preventable and more lives do not need to be lost. I politely ask you to reflect on this past year, the pandemic. Think about the disruption this outbreak has caused you and the people you care about. We believe it would be unfortunate if the Legislature decides to further politicize public, public health, especially when vaccine requirements are found in our own statutes. For these reasons, the NMA respectfully request the Executive Board to remove the first sentence of section 8 [SIC] from the resolution. Thank you for your time and I'm happy to answer any questions.

HUGHES: Thank you, Dr. Walsh. Are there questions from the committee? Seeing none, thank you for coming in today.

MICHELLE WALSH: Thank you.

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HUGHES: Next opponent to LR107. Welcome.

MEG MIKOLAJCZYK: Good afternoon, Executive Committee members. My name is Meg Mikolajczyk, M-e-g M-i-k-o-l-a-j-c-z-y-k. I'm the deputy director and legal counsel for Planned Parenthood North Central States in Nebraska. Essential to our mission at Planned Parenthood is the conviction that all people deserve to live in communities where sexual reproductive rights are recognized for what they are, basic human rights. It's unclear from reading the actual text of LR107 what the exact consequences of the resolution would be. But PPNCS would be remiss to not add its voice in opposition to a resolution that seems to seek to place some people's religious liberty ahead of others fundamental rights to healthcare and against medical obligations to provide care to all who need it. Specifically, paragraph 4 expands the notion of religious refusals in medical settings at the expense of those Nebraskans needing care. It begs the question whose religious freedom will prevail in a moment of conflict? Say, for example, a person like me presents at 32 weeks at a hospital with life challenging, you know, situation. It's me or fetus. My faith or their faith would guide them to request that all healthcare services and treatment options be explored and used to save their own life, even at the expense of the fetus. What if their doctor's faith directly contradicts this? Can that doctor, under the theory of this LR, refuse to treat the patient or save the fetus at the expense of the patient's life because of their religious freedom, under the guise of protecting the sanctity of life? What happens to the patient and the patient's family, their spouse, their children in scenarios like this? Take another example. A transgender man is in a car accident, needs emergency care. The paramedic who arrives at the scene practices a religion that vilifies transgender people and under the guise of freedom of religion, refuses to treat this man who desperately needs care. The paramedic leaves this man with serious injuries and offers treatment to the other injured parties, all with less severe injuries. Is this permissible under LR107? I don't know. Is it truly protecting the sanctity of life to let this transgender man suffer or potentially die because of the paramedic's religious beliefs? Or how about a 19-year-old college student who goes to their local healthcare center to request information on an access to birth control? They're denied medically accurate information, let alone the actual care they sought, because the care provider practices a religion in conflict with sex

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before marriage. If this person's beliefs are not the same prohibition they've already been-- and they've already decided to be sexually active, they've now been denied the ability to do so in a safe and informed manner because of LR107 denying this Nebraskan their ability to protect themselves against STIs or unintended pregnancies and ultimately denying them the right to their own bodily autonomy. In all of these scenarios, LR107 strips Nebraskans of their ability to receive healthcare they need and deserve because an individual medical provider believes something different than they do amounting to religious persecution because the provider deemed their faith more important or valid than their patients. In other words, paragraph 4 allows healthcare providers to hold hostage the health, safety, and rights of Nebraskans under the guise of religious liberty. Healthcare delivery must be driven by science evidence and the best interest of the patients, not the individual religious beliefs of physicians. If we abandon these core principles, many people will be harmed. There's more, you can read it.

HUGHES: Thank you, Ms. Mikolajczyk.

MEG MIKOLAJCZYK: Mikolajczyk. Just like it looks. Thank you.

HUGHES: Are there any questions from the committee? Thank you for coming in today. We'll take one more opponent, then switch back to proponents. Welcome.

MAR LEE: Thank you for allowing me to be here today, Senators, of the Executive Committee and for the opportunity to provide testimony at today's hearing. My name is Mar Lee, spelled M-a-r L-e-e. I am the community organizer for OutNebraska, a statewide nonprofit working to celebrate and empower lesbian, gay, bisexual, transgender, queer, and questioning Nebraskans. OutNebraska opposes LR107. First, we deeply value the unique nonpartisan makeup of the Nebraska Legislature. This resolution is clearly not being true to our nonpartisan governance model. Rather than embrace nonpartisanship, this resolution reads like a litany of dog whistles for one party. Furthermore, we believe that the [INAUDIBLE] the Government and Military Affairs Committee is disappointing in the least. Secondly, we believe that section 4 sets a very dangerous precedent regarding "traditional religious beliefs about the sanctity of life and sexual mores." Nebraska, like the rest of the United States is a pluralistic state and not a theocracy.

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There's not one religious tradition, but many, each with its own set of values. Whose traditional values do you purport to uphold, Senators? Those values, most often cited as traditional, have caused irreparable harm to the LGBTQ+ community in the form of family rejection of LGBTQ youth, conversion therapy, discrimination, and hate crimes. It is important to point out that mores of any kind are social constructs, and social constructs change as societies learn and grow. And the American Psychological Association is no longer classified as being a member of the LGBTQ+ community as a mental illness as there is more understanding. With this resolution, you send a message to the LGBTQ+ Nebraskans, adults, youth, and myself included, that not only are they not worthy of being protected as a minority in our state, but that indeed they are not welcome to call Nebraska home. Is this truly the message our great state wishes to impart? LGBTQ+ Nebraskans work hard to contribute to our collective good. They hold jobs, volunteer, raise families, work in agriculture such as myself and more. When will Nebraska recognize them as valuable citizens rather than rejecting them? For these and other reasons, we do not believe LR107 dignifies this legislative body and we respectfully urge you not to advance it. Thank you and I will yield to any questions.

HUGHES: Thank you, Ms. Lee. Are there any questions from the committee members? Seeing none, thank you for coming in today.

MAR LEE: Thank you.

HUGHES: We will now switch back to proponents to LR107. Welcome.

RYAN HAMILTON: Thank you. Thank you, Senator Hughes and members of the Executive Committee. My name is Ryan Hamilton, that's R-y-a-n, and then Hamilton, just like on the ten dollar bill. I'm the executive director of the--

HUGHES: Please spell it.

RYAN HAMILTON: H-a-m-i-l-t-o-n.

HUGHES: Thank you.

RYAN HAMILTON: I'm the executive director of the Nebraska Republican Party, which is the largest political organization in Nebraska. We represent over 595,000 registered members. And I'm here today to

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testify on behalf of Nebraska Republicans in support of this resolution. LR107 is a well-written statement in opposition to the clear preparations being made in Washington to deprive American individuals of their constitutionally enumerated protections and rights. As a society, our free exercise of religion conscience in our historically free elections have been exceptional across geography and time. In the annals of known history, Americans can be proud that they strove for a political system that empowered individuals and restrained the state, a system which produced greater domestic tranquility and economic prosperity than virtually any other society of which we know. The constitution guarantees the right of Americans to keep and bear arms as a guarantor of all other rights, as a check against coercive government or mob power. And because it is the entitlement of a free people to be able to arm themselves in the manner in which they choose. Any attempt to roll back this natural right, particularly in the manner identified by the resolution, unilateral action, will be the first stone in our road to serfdom. The constitution further provides for local control over elections. Mail-in balloting is more prone to fraud. This is not a conspiracy theory. It is not an unsubstantiated position. France, for instance, the whole country banned mail-in ballots in the 1970s because they were too susceptible to fraud. The Carter-Baker Commission, a bipartisan commission, called on states to increase voter ID requirements, be leery of mail-in voting, to halt ballot harvesting, to maintain voter lists, in part to ensure dead people are promptly removed from them, to allow election observers to monitor ballot counting, and to make sure voting machines are working properly. This was a bipartisan U.S. government sanctioned investigations into best practices. The pending federal legislation is an end run around constitutionally guaranteed local control. A preemptive strike against state legislators-- legislatures seeking to enact the reform recommended by the Carter- Baker Commission to clean up and restore faith in our elections. Further, the constitution guarantees free assembly, with no exception made against the diseased or the undesirable. It protects private property ownership. All of the factors above have contributed to the relatively uninterrupted prosperity and tranquility within our country that is rarely seen in the history of a people. It is, in fact, exceptionable. It is incumbent on those serving to ensure the substantial rights we enjoy are available for the next generation. As Ronald Reagan noted, freedom

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is a fragile thing and it's never more than one generation away from extinction. It is not ours by way of inheritance. It must be fought for and defended constantly by each generation, for it comes only once to a people. Please fight to keep our freedom alive, to defend the rights of the people. On behalf of Nebraska's Republicans, I urge you to vote in favor of this resolution as an expression of confidence in our constitution and as a repudiation against the threats currently coming together to oppose it. Thank you.

HUGHES: Thank you, Mr. Hamilton. Are there any questions from the committee? Seeing none, thank you for coming in today. Next proponent. Welcome.

DAWN LIPHARDT: Thank you. My name is Dawn Liphardt, it's D-a-w-n L-i-p-h-a-r-d-t. And I want to thank you today for having this hearing. I am a lifelong Nebraskan. I have never spoken in front of a body like this before. But since November, I have been inclined to get more involved. And so recently, I've joined the Lancaster GOP Party and helped campaign vigorously in the Mary Hilton campaign. So in doing that, I've also done extensive research on election integrity, which I would like to talk about. But before I go to that, I want to tell you that the reason LR107 is important to me. It's important because what we are currently witnessing, without a doubt, is that the federal government overreach is encroaching on the sovereignty of our state's rights. Several states or 50 states is irrelevant to the overall purpose of this resolution. Infringing on one state's right is one too many. One does not have to look far to find that the Democrats, the media, and the left have launched an all-out assault on our U.S. Constitution and the American people. Many states, as well as the citizens of Nebraska, are fighting back now. And we will stand with you if you fight for us, our freedoms, our rights, and our liberties. I listened to Senator Hunt speak on the floor of the Legislature yesterday. And with all due respect, I take offense to her calling this resolution redundant, among other things. I am in contact with hundreds of Nebraskans daily and they're extremely concerned about the federal overreach from both the executive and legislative branches. Senator Hunt referred to LR107 as undermining our democracy. But I believe LR107 is the essence of our democracy. And it is a firm reminder that the federal government has, has no right to infringe on our rights. And you, as representatives of the state, great state of Nebraska, intend to defend our sovereignty by this resolution. So I do

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so appreciate your proactive stance on this issue. Thank you. Please vote for LR107.

HUGHES: Thank you, Ms. Liphardt.

DAWN LIPHARDT: OK.

HUGHES: Are there any questions from the committee? Seeing none, thank you for coming in today.

DAWN LIPHARDT: Thank you.

HUGHES: We have one more proponent and then we'll switch back to opponents. Welcome.

KATHLEEN KAUTH: Good afternoon, Senators. My name is Kathleen Kauth, K-a-t-h-l-e-e-n K-a-u-t-h, and I'm from Omaha. I want to thank all the senators who are here who are supporting LR107. This resolution is essentially a statement about where Nebraskans stand on the insidious erosion of our constitution by the left. As a Nebraskan, and I've lived here only eight and a half years, but I now consider myself a true Nebraskan. We very much stand in support of the constitution. LR107 provides a broad base of support for our rights, such as maintaining Nebraska's rights to govern our own elections, free of federal interference, freedom to express our religion without fear of being persecuted if our beliefs go against the narrative, protection of our property rights. The fact that the federal government under Biden wants to outright own 30 percent of our land and water is nothing more than federalize theft. Ninety-seven percent of Nebraska property is owned by individuals. Who among you is willing to give up your property to the federal government? I'm not. I'm most specifically proud of the inclusion of our rights to make our own healthcare decisions that reflect our own personal interests. This means no forced vaccinations, no vaccine passports, and no forced mask-- masking. This legislative resolution is a good first step. It shows the federal government that we are willing to stand for our rights as a state, but we must be vigilant in the ways in which it can be circumvented. And they are trying. The course of nature of the media marketing push for vaccine and mask compliance is a form of pure control. Businesses are pushing for medical interventions as a condition of employment or engaging commerce are usurping our rights.

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Guidelines pushed by nonelected officials, like those at the CDC, are being treated as rules that must be followed and enforced. These CDC guidelines that just came out last week will force people to reveal personal health information by forcing them to reveal vaccination status, and if not, why they chose not to. Use a peer pressure to force people who don't want to or can't get a COVID shot to get one by requiring everyone around them to remain masked. That kind of peer pressure is absolutely extreme. Provide justifications for employers in healthcare fields to force employees to get an experimental vaccine or lose their jobs. This is being debated right now with businesses. We are under attack, our individual rights and our rights as a state. And I encourage everyone here to vote in support of LR107. We must continue to be vigilant about this encroachment. Thank you very much.

HUGHES: Thank you, Ms. Kauth. Are there any questions from the committee? Seeing none, thank you for coming in today. We will now switch back to opponents to LR107. Welcome.

CARINA McCORMICK: Hi, my name is Carina McCormick, PhD, C-a-r-i-n-a M-c-C-o-r-m-i-c-k, PhD. I am pretty appalled by this resolution, though I can't say I'm entirely surprised. Because as a millennial in Nebraska, I am pretty used to Nebraska being a laughing stock about stuff like this on local news and it's getting kind of hard to bear. When I was in high school, I was one of the top students in the state and I was actually awarded a Peter Kiewit Foundation Scholarship. My essay question was how to keep Nebraska the best and brightest in the state. And I actually won the scholarship as a result of my question-- or my response, because I-- and I really did believe that senators in Nebraska and everyone cared about keeping Nebraska's best and brightest in the state. But then you go and do things like this, things that make us laughed at, things that do not express young, smart people's beliefs and actually are completely contrary to them to the extent that it makes us want to leave. We want to be involved, but, you know, all that talk about property taxes last, last week and saying that millennials are leaving because of property taxes, that's not why. We're leaving because our State Legislature for no reason other than to make a statement so that they can get bonus points with their right-wing buddies, put together this list of everything that, like young, progressive, successful, educated millennials from diverse backgrounds oppose. And it's not worth it you guys. Stop doing this. If you actually do care about having Nebraska's best and brightest

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stay in the state, make the state seem like a place where the Nebraska's best and brightest young people would want to live. This is the exact opposite. It's not even a bill. It's just a resolution. It's only saying, hey, everybody, look, Nebraska is only full of right-wing ideas that go against everything every progressive person cares about for no reason. It's just taking the autonomy that we have in the Nebraska Legislature and giving it to national partisan politics instead of the integrity that our Unicameral deserves. And what I suggest you do is you 30 cosponsors get together, find some right-wing publication, New York Times maybe even. They will publish your, your essay. You can use your words like ominous plan, steal, usurp the election process, eviscerate protections. That is a great type of language to go in an editorial. That language does not belong in a resolution passed by the body in this state. Thank you.

HUGHES: Thank you very much. I apologize. I didn't catch your last name.

CARINA McCORMICK: McCormick, M-c-C-o-r-m-i-c-k.

HUGHES: McCormick. Very good. Thank you, Ms. McCormick, for coming in. Are there questions from the committee? Thank you. Next opponent.

JUDY KING: Hey, I'll start this out with my name, Judy King.

HUGHES: Welcome.

JUDY KING: J-u-d-y K-i-n-g. How about that city election? Wasn't that wonderful, let's just give a hand for the city. We did a great job. That was our election and it was a straight election and everybody voted properly. And what do you know, progressives turned out. Isn't that amazing? Senator Groene, did you write this thing? I was trying to go through it and make my notes so that I could do my comments on it, and I-- the dot, dot, dot thing I didn't quite understand that. Sounds like something that I would write, dot, dot, dot. Trump lost the election. Biden won. Trump lost the presidency. He lost the Senate. He lost the Congress. He lost seats in the Congress and the Senate. We're sorry about that. And I know that scares you. And that you want to take an alternative action to that. But that isn't a-- that was a good election. It was a fair election. And he lost. The second lady that was up here made a comment about one of the senators

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in here grabbing her hand. Well, she was not following the instructions that she was given at these hearings. And that's why she's going after this gentleman or woman. I don't know who it was for sure, but she-- that's why she's going after them, is because she didn't follow the, the instructions in the, in the, in the hearing. Following the attempted insurrection of our nation's Capitol on January 6, I and many nationally-- many people nationally see the look at "Trumper's" Republicans continuing the big lie and they're angry at something that doesn't exist. In truth, the only thing that does exist is that Trump lost the election. And you're angry about it, and you do, you do things like this resolution. This, this is ridiculous. It's not even written clearly. And I thank Senator Hunt for explaining it yesterday. I was trying to understand what I was going to write, and I just listened to her. So that's all you really need to do is listen to Senator Hunt. She understands the questions about it. But apparently the Republicans in here, the "Trumper" Republicans don't understand that they lost the election. And they're really scared, and I don't know why they're scared, because they're the ones with the guns and they're the ones that took over the Capitol. We are the scared ones. You come at us without masks on. You threaten my life without your-- without wearing a mask. We are the scared ones, not you, but we are doing things fairly, we're doing elections fairly, we're getting our people--

HUGHES: Ms. King.

JUDY KING: --elected fairly.

HUGHES: Your light's on. Thank you. Are there questions from the committee? Seeing none, thank you for coming in today.

JUDY KING: Yes, thank, thank you.

HUGHES: Next opponent. Welcome.

SHERI ST. CLAIR: Thank you. I'm Sheri St. Clair, S-h-e-r-i S-t C-l-a-i-r. I'm speaking on behalf of the Women Voters of Nebraska. The League submitted an extensive set of comments on LR107 using the Executive Committee's website earlier this week. And I'm not going to go through with that whole document. I will say, reinforce, that the League has worked for over 100 years to empower voters and protect

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democracy. We were very disappointed to see this partisan resolution which enforces toxic rhetoric. A particular concern to our work are statements in section 5, which address the election process and redistricting. In spite of numerous court challenges, there has been no evidence that the 2020 election results are fraudulent. Nonetheless, there's been a concerted effort to suppress voter access across the country, including in Nebraska, through initiatives such as voter ID requirements, limitations on absentee balloting, limitations on vote-by-mail procedures. And what's still unclear to us is why this resolution sits here at this board for review, although I'm happy to see you all again. We understand that there was some committee reassignment, you know, as to the Government Committee, Executive Board, Government Committee, but the subjects seem to be related to the function of government, and it comes across as an effort to select the hearing body based upon perceived likelihood of successfully advancing this resolution. So we in the League urge that you do not advance LR107 to the floor.

HUGHES: Thank you, Ms. St. Clair. Are there any questions? Seeing none, thank you for coming in.

SHERI ST. CLAIR: Thank you.

HUGHES: We will now switch back to proponents of LR107.

BEN STANGL: Am I welcome to stand?

HUGHES: Sure. Welcome.

BEN STANGL: Good afternoon, my name is Ben Stangl, B-e-n S-t-a-n-g-l, and I'm a nuclear and mechanical engineer from Fort Calhoun, Nebraska. And I'm a young, smart millennial who is proud to call Nebraska my home. And I have three points this morning-- this afternoon, some of them have already been covered. One is the constitution. Secondly, why this resolution is needed. And third, my ask of you. First, with the constitution we've heard already, I support the federal constitution-- the United States Constitution and the Constitution of the state of Nebraska. And I also know that there are some people who feel marginalized. We all at times feel marginalized. But I have firm conviction that this constitution is the best, the most effective, the most constructive way for us all to embrace life, liberty, and the

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pursuit of happiness, regardless of how we feel toward our circumstances. And I value everyone. And I believe you can lead a magnificent horse to water, but you can't make it drink. Secondly, regarding why we need this resolution. I testified at a board meeting last week where there was a resolution brought and I am for less bureaucracy for lack of a better term. So why would I want another LR? Well, the rest of the counties are doing resolutions. While that's not just a good reason to have a resolution, but a resolution shows unity. And I think it's important that we as Nebraskans show that we are unified in our support of the constitution and the support that the constitution grants to all of the governed. Why we need this resolution? To remind the-- to remind that-- us that we are, are a, a bottom up government and to put on notice that we're not a top down government, that just powers are derived by us through the consent of the governed. And so my ask of you with this resolution is that you would, that you would pass this, that it would be approved, that you would strengthen your resolve to protect our rights, that you would strengthen your resolve to protect the rights of everyone. We've heard concerned citizens in this room already, and I've taken note of section 4, section 7, etcetera, and the lack of the oppressive language in it, but rather the affirmation and reassurance that you will resolve to oppose oppressive language and oppressive action. Thank you.

HUGHES: Thank you, Mr. Stangl. Are there any questions from the committee? Seeing none, thank you for coming in today.

BEN STANGL: Thank you.

HUGHES: Next proponent.

CHRISTINE LASSEK: Good afternoon.

HUGHES: Welcome.

CHRISTINE LASSEK: My name is Christine Lassek, C-h-r-i-s-t-i-n-e L-a-s-s-e-k. I'm here to urge you to adopt the LR107. I consider this to be one of the most important pieces of legislation this year. The people of the state of Nebraska need guarantees that our God given and constitutional rights will not be infringed upon. We no longer trust the election process. Nebraska needs to enact whatever laws are

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necessary to ensure our elections are not fraudulent. It is completely unacceptable that the federal government is attempting to usurp the lawful way that we conduct elections in this state. We no longer trust our federal government. We need you to hold the line in Nebraska. This past year, I became a second-class citizen because I can't wear a mask. My lungs are badly damaged. That hasn't been fun. This spurred me to become a political activist on many issues. The large percentage of the population has been awakened to just how corrupt our government has become. The left has awakened a sleeping giant, as we know the quote. Our rights to freedom of speech and to keep and bear arms are being threatened. This must stop. Churches and businesses have been closed under the guise of keeping us safe. The government does not have this right, emergency or no emergency. We now know that that was a huge mistake and a mistake that must not be allowed to happen again. I am seeing the state and local government breaking laws with impunity and there have been no consequences because it's an emergency. Never let a crisis go to waste is not written into our constitution. All of our religious freedoms and the right to pursue happiness, which includes being able to earn a living, our sacrosanct must not be interfered with. We now see a plan for the federal government to illegally snatch 30 percent of the land and water in the U.S. in the next few years. The federal government has become a monstrous beast that is out of control. Then there's the issue of the shots that are being pushed on everyone. The right to decide what is injected into your body is one of the most fundamental rights of every citizen. People strongly object to the deliberate erasing of the true number of deaths and grave injury being caused by these shots, that the CDC reports are lagging. But they just reported this week that there have been more deaths from these shots in the last 4 months than in the entire 15 years prior. People need to have all the information in order to give informed consent. Facts are being glossed over and intense pressure is being put on citizens to comply. This is not the America I grew up in. I'm very strongly opposed to any form of health passport, and I'm grateful our Governor has signed the executive order to that effect. But I'd like to know why hasn't the Unicameral stood up and codified that into law? We absolutely need protection from this ridiculous infringement on a right to move about freely. I'll leave you with one of my favorite quotes from Mark Twain. And I hear it's also a favorite of Senator Mike Groene. Sorry for stealing that. "No man's life, liberty, or property are safe while the legislature is in

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session." Please do your best to negate that adage and vote to protect our life, liberty, and property by passing LR107. Thank you.

HUGHES: Thank you very much. Are there questions from the committee members? Seeing none, thank you for coming in today.

CHRISTINE LASSEK: Thank you.

HUGHES: We'll take one more proponent, then we'll switch back to opponents. Welcome.

SAMUEL LYON: Thank you. Members of the committee, Samuel Lyon, S-a-m-u-e-l L-y-o-n. We're from the government and we're here to help. This is a phrase that has struck fear into the hearts of men and women for centuries. That is one reason why over 230 years ago, our founders made one of the wisest decisions ever made when they created a document that restricted the government's power over the people. I think it's important to remember it wasn't a restriction on free citizens. It was a restriction on the government and those that govern. It has been a beacon of hope and justice for centuries. And it's one reason why people flee their home countries and in many cases risk their lives to come to the United States. They want to live and raise their families in a place where they are free, free to choose the medical care that they wish for themselves and their families, free to travel throughout the country without harassment and overbearing requirements, free to use their property as they see fit without overburdening restrictions, and free to take the necessary precautions that they deem important and necessary to reduce the risk to themselves and their families. I live here in Nebraska and I echo the wishes of those that come here from other parts of our world. These are things I have enjoyed and I desire to continue to enjoy them. I know that the government is limited in its abilities. The government cannot guarantee my safety. The government cannot guarantee my success or the success of my children. As we are reminded daily, life has risk. We each evaluate the risks that come into our lives and our family's lives, and we choose the level of preparation desired to meet those risks. Some address the risk of disease by eating well, getting plenty of rest, reducing stress in their lives and taking vitamins, getting plenty of sun and fresh air. Some take prescription drugs and some take experimental vaccines. Each person decides for themselves the way they reduce risk in their lives. I believe that

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most of the time when the government does something, it, it usually has good intentions. However, unintended consequences are a constant in government, even when they approach it with good intentions. That's why it's so important that government make no laws that would force additional risk on those that they govern or eliminate an avenue that we the people choose to reduce risk to ourselves. Life is risk. And our founders understood this. That is why they sought not to guarantee safety, but instead to guarantee liberty. As Ben Franklin said so many years ago: Those that would give up liberty to gain temporary safety deserve neither liberty nor safety. Please support LR107 and vote it out of committee.

HUGHES: Thank you, Mr. Lyon. Are there any questions from the committee? Seeing none, thank you for coming in today.

SAMUEL LYON: Thank you.

HUGHES: Additional proponents? Oh, I'm sorry, I'm sorry.

LATHROP: Yeah, you're onto opponents.

HUGHES: We had three proponents. I apologize. Opponents. Opponent testimony. Welcome.

CINDY MAXWELL-OSTDIEK: Thank you. My name is Cindy Maxwell-Ostdiek. It's C-i-n-d-y M-a-x-w-e-l-l hyphen O-s-t-d-i-e-k. I live in Omaha, Nebraska. And I came today to ask this Executive Board to please not vote LR107 out of committee. As a civic-minded Nebraskan and a member of a legislative study group, I follow the Unicameral regularly and try to stay up to date on important actions the Legislature makes on the behalf of us. I was extremely concerned to learn that many senators did not read the resolution before cosigning it, and it disappointed me more than the signatures of senators who actually supported the resolution. As a registered nonpartisan, I believe this resolution is radically partisan. There are nine sections to the document and I hope all members of this Executive Committee have read the recent League of Women Voters op-ed and it addresses many of the issues we have. I'm a wife, mother, daughter, friend, neighbor, and I am outraged at the language included in section 7 of this resolution. While no Nebraskan will be forced to have a vaccine against their will, too many Nebraskans hesitate to choose vaccinations due to dis-

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and misinformation. Doctors and scientists stress the need for vaccination, including public health experts at our UNMC. Along with social distancing and wearing masks, they tell us we will only get to the other side of this pandemic through vaccination to reach herd immunity. Otherwise, the COVID-19 virus will continue spreading mutations and deadly variants of the disease. And alarmingly serious cases are on the rise in younger people. So many Nebraskans like me have family members with underlying conditions. And this last year we have tried to protect our loved ones from this deadly disease. Unfortunately, we also had to protect our loved ones from fellow Nebraskans who would not follow public safety advice or wear masks. We had to protect our loved ones from fellow Nebraskans who relied on leadership from their elected officials and unreliable news sources. This resolution is one way the Legislature sets an example for everyday Nebraskans. I would hope that you will work to help Nebraskans learn the science and, in fact, recommend everyone watch Nebraska public television tonight for a program called Speaking of Nebraska: Vaccine Hesitancy. Hopefully, it will help to inform and drive more people to protect their neighbors. Thank you.

HUGHES: Thank you, Ms. Maxwell-Ostdiek.

CINDY MAXWELL-OSTDIEK: Ostdiek. There's different branches of the family. They pronounce it differently.

HUGHES: OK. My apologies. Any questions from the committee? Seeing none, thank you for coming in--

CINDY MAXWELL-OSTDIEK: Thank you.

HUGHES: --today. Next opponent to LR107. Are there any additional opponents to LR107? Seeing none, are there additional proponents to LR107? Welcome.

SHAWN TRUCKE: Thank you. Good afternoon, my name is Shawn Trucke, S-h-a-w-n T-r-u-c-k-e. And in studying LR107, it seems a great many senators do fully understand the perilous times we find ourselves in and their role in protecting the citizens of Nebraska from a tyrannical federal government that has no respect for the U.S. Constitution, state's rights, or the rule of law. Clearly, all the issues covered in this LR pose grave threats to our constitutional

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rights and liberties. And should certain laws be passed or executive orders be signed, strong pushback from the state of Nebraska and other states will be required. However, there is one issue in the LR that I believe poses an immediate danger to the citizens of Nebraska, and that is the mandatory vaccines and passports detailed in section 7. I truly believe the endgame for all the COVID nonsense is the health ID or passport system. We are starting to see a two-class society emerge where unvaccinated people can't travel freely, can't attend school, can't attend concerts or sporting events, or even enter office buildings. Masks are also being used as a wedge issue to force vaccination compliance. The only way to ultimately enforce all of this is with a passport system. And by the way, did you know that UNL already has such a system in place today? So it is important that the Legislature declare that the state is against such a system. However, I'd like to point out that the federal government doesn't have to do anything for a health passport system to be implemented, just like they don't have to actively censor free speech. Big tech operating essentially as an unelected arm of the government is all too happy to oblige on both items. The end result is still tyranny. And once such a, such a passport system catches on, the government colluding with big tech, which has recently been proven to be happening, can completely control every aspect of our lives. We will be forced to comply with any medical treatment deemed necessary, and if you don't comply, you will be barred from society. This is already happening in countries around the world, including Israel. But these systems are much larger than a vaccine passport. They will be able to track everything you do, everywhere you go, who you associate with, what purchases you make, etcetera. All the data from every scan you are required, required to make and all your geolocation information will be in the database. Think of how that could be weaponized against people, perhaps those who hold an unapproved religious or political view, who ultimately determines acceptable behavior, and what you can do based on your level of compliance. Your employment could be terminated and access to your money could be revoked. This is the social credit system the CCP has in place, and it will destroy our way of life. For those reasons, this must be stopped by any and all means necessary. Once it takes hold, there will be no going back. And I believe this LR is a great first step in standing against that. Thank you for your time today.

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HUGHES: Thank you, Mr. Trucke. Are there any questions from the committee? Seeing none, thank you for coming in today.

SHAWN TRUCKE: Thank you.

HUGHES: Additional proponents?

ROBERT BORER: Robert Borer, B as in boy -o-r-e-r. Executive Board members, all we are reaffirming with LR107 is good government, constitutional government, representative government, state sovereignty, and the rule of law. Which is to say, we affirm that our individual inherent and inalienable rights predate the constitution. We also affirm the marketplace of ideas and competition between those ideas, which is to say we affirm the necessity of debate on a local level. That is not only between our representatives themselves, but also with other-- with the other local branches and with the federal government. We also affirm part of the genius of federalism, namely state's rights. We do not need to accept whatever comes down the pike, whether from our local executive or judicial branch or from some branch of the fed. All of this stands in stark contrast to the progressivism, which is just another name for tyranny, whether by appeal to one's own sense of superiority over others, including our founding fathers, or by appeal to unelected officials or, quote unquote, experts. Progressives like one member of this legislative body, namely Morfeld, would do away with government that derives its power from the consent of the governed and appeal to expert authority, whether of his own alleged expert authority or some expert puppet that was hired for \$160,000 a year, as Baird did with Lopez. They don't like to be held accountable. They don't like debate. They don't like transparency. They don't like the constitution. They don't like our inherent and independent inalienable rights. So Morfeld brags that he's a lawyer and he thinks this makes him an expert in law and above others. It doesn't, it doesn't. His larger world view disqualifies him from even getting a grade school diploma in common sense. Good government belongs to we the people. We the people do not belong to the government. And this is how good government works, it's something like this. And this is closing. Government [INAUDIBLE], what do you say? I say you Nebraskans continue to follow the religion of expert worship by following the likes of Rauner and UNMC with its communist ties. As for me, I'm going to shut down our emergency after having hosted a debate between experts and nonexperts and open my state wide.

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And we'll see who has a better idea. That is, if common sense hasn't already informed us. By the way, our state's population density is 16 times that of yours and our average age is six years older than yours, but you guys keep living in fear. Thank you.

HUGHES: Thank you, Mr. Borer. Are there any questions from the committee members? Seeing none, thank you for coming in today. Additional proponents? Any additional opponents? Anyone wishing to discuss in the neutral capacity? While Senator Groene is coming up, we do have people who submitted letters and testimony. We have opposition testimony from the Nature Conservancy. We have position letters, proponents from Marni Hodgen, Crystal Schwartz, Angela Green, Kelly Cormaci, Kristine Behm, Nicholas Mullanix, Rob Green, Allie French, Layla Block, Jenn Einspahr, Danielle Contreras, Patricia Eaton, Rebecca Matlock, Bonni Bogard Sharon McKee, Timothy Miller, Tina Lassek, Steve Scholz, Vic Stevenart, Lori Pickroll-- Pickette, excuse me, Jennifer Ziemer, Ben Lassek, Reilley Black, Jennifer Brittenham, Rachelle Fryzek, Melissa Sauder, Tricia Scholz, Leah Johnson, Jennifer Hicks, Dawn Liphardt, Ian Snyder, Wendy Mazuch, Angie Matthews, Jamie Snyder, Mark Bonkiewicz, Diana Phelps, Heath Marrinan, Sheryl Concannon, Natalie Gunther, Lisa Dagerman, Robert Borer, Dave Jantzen. Opponents from Sheri St. Clair, League of Women Voters; Ciprianna Engel, Kenneth Winston, Sydney Greer, Al Davis, Aryn Huck. And one neutral Bruce and Marjorie. Senator Groene, you're welcome to close on LR107.

GROENE: Thank you, Chairman Hughes. One thing I want to make sure to correct the record that was said on the floor the other day and by one of the testifiers, all 31 senators read this thoroughly. I gave a copy to them. I followed up two days later and I asked them, some debated me, some brought up that they disagreed with some of the assertions. And I-- my answer to them was yes. And what you've seen here today was the, was the purpose of this resolution. The words were chosen very carefully to not offend, to not take one side or the other. For example, there are religions from the druids to the Christians to the Muslims. And they all have traditional values. They all have traditional sexual mores. But the constitution protects all of theirs and does not dictate one to another. But you heard today some who want to dictate, some who thought it favored their side. What this resolution does is affirm to the Congress of the United States and to the executive branch that that debate that went on in this room

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belongs here in this building and in the state legislatures across the state. When the federal government dictates, that debate ends. No longer do I and Senator McCollister debate or Senator Vargas debate on an issue to represent the people of our state the federal government dictates. That is the purpose of this resolution. It took no side on any issue. It just gave examples what is emanating from the U.S. Capitol. And those issues belong here to be debated. As I said, all the senators-- I take, I'm not going to speak for other senators, but insults were given to those individuals who signed this, they read it. They read it. And at the end of the day, they agreed those debates should be between us as elected officials here in this building, not decided in Washington. So what I would appreciate that we do speak for all Nebraskans, all Nebraskans, even the members of Betsy Riot that those decisions are debated here, not in Washington. So thank you. And I would appreciate a affirmative vote out of committee so we can have a debate again on the floor of the Legislature where it belongs. Thank you, Senator Hughes.

HUGHES: Are there any questions for Senator Groene? Seeing none, thank you, Senator Groene. That will close our hearing on LR107. Thank you very much, committee, for giving up your lunch hour.