

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Government, Military and Veterans Affairs Committee February 8, 2023

**BREWER:** Good morning and welcome to the Government, Military and Veterans Affairs Committee. I'm Senator Tom Brewer from the 43rd Legislative District. I am here serving as the Chair of this committee. This committee will take up bills in the order that they are posted on the agenda. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on proposed legislation before us. Committee members may come and go during the hearing. This is just part of the process, process. We have bills to introduce in other committees. I will head out just as quick as we finish opening and hand over to Senator Sanders because I have the first two bills in Natural Resources are mine. I ask that you abide by the following procedures to better facilitate today's meeting. Please silence or turn off any cellular or electronic devices. Please move to the reserved chairs when you're ready to testify. Won't be a big problem today because we don't have that many here. The introducing senator will make the initial statement, followed by proponents, opponents, and neutral testifiers. Closing remarks are reserved for the introducing senator. If you're planning to testify, please pick up a green sign-in sheet that is on the table in the back of the room. Please fill it out complete and legibly. We also ask that if you're here and don't plan to testify but want a record of it, that the white sheets are available and you can fill those out and indicate the proponent, opponent, or neutral. If you have handouts, we'd ask that you give ten copies. If you don't have that let the pages know and we will get them distributed to the committee. When you come up to testify, please speak clearly into the microphone, state your name, then spell both your first and last names. We will be using a light system today. Obviously, today will be a five-minute. So you'll have four minutes, yellow light for a minute, and then it will be red. No displays of support or opposition to the bill, vocal or otherwise, will be allowed. The committee members that are with us today will introduce themselves, starting on my right.

**SANDERS:** Good morning. Rita Sanders, District 45. The Bellevue-Offutt community.

**AGUILAR:** Ray Aguilar, District 35, Grand Island.

**LOWE:** John Lowe, District 37.

**HALLORAN:** Steve Halloran, District 33.

**HUNT:** I'm Megan Hunt and I represent District 8 in Omaha.

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**CONRAD:** Good morning. Hi, I'm Danielle Conrad from north Lincoln, fighting a little cold.

**BREWER:** I'm with you on that. Senator Sanders is the Vice Chair, Dick Clark is legal counsel, Julie Condon is the committee clerk. And this morning we have Quinn and Ryan as our pages. And with that, I will hand the command over and head over to present.

**SANDERS:** We'll open our hearing on LB143. Good morning, Senator Briese.

**BRIESE:** Good morning and thank you, Vice Chair Sanders and members of the Government, Military and Veterans Affairs Committee. I'm Tom Briese, T-o-m B-r-i-e-s-e. I represent District 41 and I'm here today to present LB143. LB143 would move Nebraska into year-round daylight savings time once two conditions are met. First, the federal government must allow states to make that change. And second, three of our neighboring states must pass similar bills. A growing number of states have implemented legislation, legislation allowing for year-round daylight savings time. As of this time two years ago, that number was eight. After the 2020 legislative session, it was 14. After the last legisla-- legislative session, it was 19. So now 19 states have enacted similar legislation to adopt year-round daylight savings time, including our neighboring Wyoming and Colorado. After the end of the Second World War, daylight savings time was observed in some states, but not others, and began and ended on various days in those states led to a very confusing few weeks every spring and fall. So the federal government in 1966 passed the Uniform Time Act that allowed states to opt out of daylight savings time and go to year-round standard. But it also gave mandatory beginning and end dates for those states which do participate in daylight savings time. So this means that a state's choices are, as it stands now, year-round standard or changing our clocks twice a year under daylight savings time. It seems everyone in the state hates the idea of having to change their clocks twice a year. The feedback my office and others have gotten has been overwhelming. The opinions on some Facebook polls conducted by local media and from what my office has received points to as much as 85 percent of folks strongly supporting an end to changing our clocks twice a year. And they're not wrong. The reasons to stop changing our clocks are numerous from parents calling to tell us that it makes it harder to get their children ready in the morning, to folks with epilepsy, especially parents of small children with the condition, telling us that it is dramatically more difficult to time their medication schedules, to hard scientific data from medical research that the practice actually cost lives, to studies pointing to reduced

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economic activity. And what about the medical impacts of changing our clocks? I've handed out-- there's several handouts there. You can browse through at your leisure, but-- and a lot of this is found in those handouts. But folks with epilepsy and other conditions causing seizures report seeing an increase in the week after the change. Heart, heart attacks go up as well. The study by the University of Michigan, the University of Colorado, and the U.S. Department of Veterans Affairs in 2014 found a 24 percent increase in heart attacks on the Monday following the time change. Other studies have shown statistically significant increases for up to a week after that. A study by Finnish researchers in 2016 showed an increase in stroke of up to 25 percent for the two days following the springtime change. Another study by the University of Colorado of over 700,000 car accidents found a 6 percent increase in fatal car accidents in that week after changing times. An economist with the University of Oregon found a 6 percent increase in workplace injuries among minors. This practice of changing of our clocks is actually hurting and even killing people. The time change is also costing us money. For example, the workplace injuries I just mentioned were estimated to result in a 67 percent increase in lost workdays. The 2012 study, published in the *Journal of Applied Psychology*, showed a substantial decrease in worker activity and an increase in idle time in the mornings of the days following the time change. Between medical costs, six day-- sick days from heart attacks, strokes and car accidents, lost workdays from workplace injuries and simple decreased efficiency at work, the costs do begin to add up. So I think a very strong argument can be made against continuing the practice of changing our clocks twice a year. And if we're going to quit changing our clocks, you know, we've got two choices, we can go to year-round standard or we can push for year-round daylight savings time, and we could go to year-round standard without congressional authorization. But with LB143, I've landed on year-round daylight savings time. And why is that? And really, that is the potential increase in economic activity that could flow from year-round daylight savings time. You know, we talk about growing our state all the time and generating economic activity, creating opportunity for our citizens and promoting growth. I would suggest that year-round daylight savings time could be a valuable tool in our efforts to grow our state's economy. Commentary suggests a net increase in consumer spending, enhanced economic activity flowing from an extra hour of daylight in the evening. In that-- among those handouts there should be an article in 2009 from NPR where one author suggested that daylight savings time, quote, has been a fantastically effective retail spending plan, unquote. And that commentator doesn't cite any sources. And again, that was in 2009. Another piece in there

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is an article written by former U.S. Senator Orrin Hatch, in it he makes a case for year-round daylight savings time as we try to put the pandemic behind us, noting it would, quote, encourage shopping and retail sales during the winter months, unquote. And I also distributed, I believe, another article from CNBC that touted the beneficial impact on the economy flowing from daylight savings time. And there are-- an article in there-- I guess, there's a couple articles in there citing a study from JPMorgan Chase and Company, and I handed out that study. Should be in the packet there somewhere. In it, JPMorgan Chase in November of '16 undertook to, to assess the economic impact of daylight savings time. They did this by looking at the economic activity for the 30-day periods immediately after the beginning of standard time and immediately after the beginning of daylight savings time in three urban areas and comparing it to the activity found in Phoenix, where daylight savings time is not recognized, again during those same 30-day periods. The urban areas they looked at included Los Angeles, Denver and San Diego. They compared credit card usage during the months of November and then March into April, and they compared that data with each of those urban areas to that in Phoenix. And in it, they found an average increase in credit card activity of 1.5 percent for the 30 days immediately following the start of daylight savings time in those other urban areas compared to Phoenix and it varied between LA, San Diego and Denver, point 9 percent, 2.9 percent, .08 percent. And they also found an average decrease of 3.5 percent for the 30 days following the start of, start of standard time. And again, those numbers varied between those various urban areas, but the average of 3.5 percent. And again, note the data varied between those cities, but their data does raise some intriguing considerations, especially relative to that 3.5 percent decrease in credit card activity following the change to standard time as compared to Phoenix. And you can run the numbers and speculate on this, but, you know, consumer spending in Nebraska, depending on the source, roughly equals \$79 billion per year. And I think that was a couple of years ago. And for the sake of simplicity, that would equal a little over six and a half billion per month. And now the Chase study suggested a 3.5 percent drop-off that first 30 days. And what about the entire four-month period that we're talking about converting? And the study doesn't provide data on the entire four-month period, you know, so we're kind of left to surmise on that. But if we would estimate, it would generate a 2 percent bump in economic activity for four-- for, for the four-month winter period, what are we dealing with? And we'd be talking there about \$530 million in increased consumer spending. And again, these numbers are admittedly, admittedly speculative, but they also may be conservative.

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So what's the impact of \$530 million in increased consumer spending over that period? And an economist would plug in an IMPLAN multiplier and multiply that by 2 to 3 or some other number. And but again, we're left to speculate here. But you're talking about more income, you're talking about more investment, you're talking about more jobs, you're talking about more state revenue. And again, we're, we're left to speculate, but the point really is this, an extra day-- extra hour of daylight during those four winter months can yield extra consumer activity, extra spending, and, yes, enhance economic activity in our state and that's good for Nebraska. So if you're looking for ways to grow our state, we all should be, this is one avenue that arguably could help us in that endeavor. And finally, there have periodically been bills in Congress to allow this change to convert to year-round daylight savings time to happen. And furthermore, in 2017, no states had passed such legislation. And again, as of today, there's 19 states, including Wyoming and Colorado. So there is a trend here. And as more and more states adopt this, becomes more likely that Congress would act, I believe, sooner rather than later. And once something passes at the federal level, the dominoes on this, I would submit, are going to begin falling very quickly. And when that happens, I don't think we want to be left behind and we want to be ready to go on it and so I would ask for your consideration of the proposal. Thank you.

**SANDERS:** Thank you, Senator Briese. Are there any questions? Senator Hunt.

**HUNT:** Thank you, Vice Chair Sanders. Thanks for bringing this bill, Senator Briese. I say every single year that you bring this, I get more calls in my office about this bill than anything else. I think that there's more support for this than anything else I've ever cosponsored or supported or had in front of me in committee. And so thank you for bringing this bill back. Is this basically the same as bills you've introduced in the past around this? Are there any significant changes in LB143?

**BRIESE:** No significant changes that I can think of.

**HUNT:** OK. I'm looking at page 3 of the bill, which talks about how this subsection becomes operative. So it becomes operative if three of our neighboring states adopt the same law. Is that right?

**BRIESE:** Yes.

**HUNT:** And we have two currently?

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**BRIESE:** Yes, that's my understanding.

**HUNT:** So-- and then there's an "and," so that has to happen and it has to be permissible by the United States--

**BRIESE:** Yes.

**HUNT:** --the laws of the United States Secretary of Transportation. Is it currently legal?

**BRIESE:** No.

**HUNT:** They would have to pass another law?

**BRIESE:** Yes. Yes.

**HUNT:** OK.

**BRIESE:** And there have been proposals to do that, but nothing has passed yet. And over the years, I think Trump pushed it. And Marco Rubio, I remember, pushed it and, I don't know, various other folks have pushed the idea and I don't recall who else and don't know what the status of it is right now, unfortunately.

**HUNT:** So the order of operations would have to be we pass LB143, one of our neighbors does, too, and we have change at the federal level. And then everyone in Nebraska can finally be happy and rest easy.

**BRIESE:** We'd be on our way.

**HUNT:** OK. Thank you, Senator Briese.

**BRIESE:** You bet. Thank you for the question. I would add, I hate to admit it, but I tell people that this is the most popular bill I've ever introduced and I hate to admit that some of my bills aren't that popular, but, yes, I think this is.

**HUNT:** It's a real bipartisan.

**CONRAD:** Yes.

**BRIESE:** Well, there's a lot of bipartisan support. But obviously, there's, you know, some, some opponents to it as well.

**SANDERS:** Thank you, Senator Hunt. Good questions. Senator Lowe.

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**LOWE:** Thank you, Vice Chair and thanks, Senator Briese. I think I asked this question last time you brought the bill. How will I know when to change my fire alarm battery?

**BRIESE:** Groundhog Day.

**LOWE:** Groundhog. Good one.

**BRIESE:** Good question, though.

**SANDERS:** Are there any other questions? I can't see you way over there. Seeing none, thank you, Senator Briese. We'll now open for testimony.

**BRIESE:** Thank you.

**SANDERS:** Are there any proponents? Good morning.

**JOE KOHOUT:** Good morning, Vice Chairwoman Sanders, members of the Government, Military and Veterans Affairs Committee. My name is Joe Kohout, J-o-e K-o-h-o-u-t, and I appear before you today on behalf of Nebraska Golf Alliance, which is an organization comprised of several statewide golf affiliated businesses, including the Nebraska Section PGA, the Nebraska Club Managers Association, and the Nebraska Golf Course Superintendents Association in support of LB143, a bill that provides for year-round daylight savings time. Many thanks to Senator Briese for his continued efforts on this bill. In Nebraska, there are over 300 golf courses that make up a combination of 9- and 18-hole facilities. Dedicated men and women who operate these courses rely heavily upon members, customers, and guests who play golf after 4:00 p.m. Many of these individuals take part in golf leagues across the state. The information we have is all pre-pandemic and a bit dated, but the following are just a few of examples. A multi-- a municipal golf course system that hosts over 40 evening leagues with over 1,300 golfers from mid-March through Labor Day derived \$762,000 in revenue from 4:30 to-- 4:30 p.m. until dark in 2016. A prominent daily course and fee-- course in Omaha stated that in 2016, twilight golf accounted for \$70,000 per year, which included a round of golf, rental-- cart rental, or food and beverage. Continued light of day also makes it easier for golfers to play 18 holes of golf after work. One could argue that it's just an hour, but in the golf industry, it's not just the economic impact. We're also interested in the activity of those who use golf as their outlet for physical exercise. Psychological benefits included improved self-esteem, improved confidence and reduced anxiety. Golf also provides a great opportunity in developing

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interpersonal skills, emotional control, and enhancing social connections. Nebraska Golf Alliance urges you to advance LB143. I appreciate your attention, Vice Chairwoman Sanders and members, and I'll try to answer any questions that you might have. One thing that I would note is before I open up is that I think we have been the only group that has been here every year when this introduced. And we started in a position of opposition when we talked about year-round standard. And the reason for that was because year-round standard we'd lose that hour in the evening. And I really appreciate Senator Briese's movement towards where we're at today, which is adding that time. So with that, I will then stand for questions.

**SANDERS:** Thank you, Mr. Kohout. Do we have questions? Senator Halloran.

**HALLORAN:** Thank you, Vice Chair Sanders. Two questions. Will this help my golf score?

**JOE KOHOUT:** Senator, I, I don't know.

**HALLORAN:** The second question is--

**JOE KOHOUT:** We can help-- we have, we have members of our group that are happy to work with you--

**HALLORAN:** OK.

**JOE KOHOUT:** --on your, on your swing.

**HALLORAN:** Second point I would like to make, I would challenge your, your, your comment about golf helping your emotional control. So far,--

**JOE KOHOUT:** OK.

**HALLORAN:** --that's not worked for me, but.

**JOE KOHOUT:** All right. I'll take that back and see what we can get you.

**HALLORAN:** That's all.

**SANDERS:** Are there any other questions? This is truly like time is money equals golf, right?

**JOE KOHOUT:** Right.



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**SANDERS:** It's a big deal.

**JOE KOHOUT:** Right. And, you know, one thing, Senator, I would just say is when you look particularly-- and, and-- is that a lot of those municipal leagues, those owned by cities, etcetera, this is really their bread and butter for how they make those-- their, their year work. Right? I mean, it's expensive to put fertilizer on courses and to pay staff and do those things. They really rely on those leagues as much as they can for, for revenue. So, yeah.

**SANDERS:** Thank you for your testimony.

**JOE KOHOUT:** Thank you.

**SANDERS:** Are there other proponents? Are there any opponents? Please.

**JIM TIMM:** Somebody has to be contrary.

**SANDERS:** Welcome.

**JIM TIMM:** Thank you. Good morning, Vice Chairwoman Sanders and members of the Government, Military and Veterans Affairs Committee. My name is Jim Timm, J-i-m T-i-m-m. That does rhyme. I am the president and executive director of the Nebraska Broadcasters Association. We represent 40-some companies with over 200 radio and television signals that operate here in the state of Nebraska, and we represent their best interests. I'm here to testify in opposition to LB143 on behalf of our membership as year-round daylight savings time would actually be very disruptive to our industry. And because of the people we serve, it would be disruptive to the citizens of our state and to businesses that rely on stations for their advertising messages as well. Notwithstanding the great comments from Senator Briese, I'm well aware of public sentiment that we would all love to not have to change clocks twice a year. But there's another side of this that could impact what people rely on from our members on a daily basis. Broadcasters oppose state-by-state time shifts because adopting different time standards would make program scheduling as chaotic as the patchwork time zone map itself if only three of our neighboring states are potentially looking at different times each day than we are. This would be especially problematic in TV and radio markets that stretch across state lines such as the designated market areas, or DMAs, of Omaha-- Omaha and Council Bluffs, Cheyenne, Scottsbluff. But this would also be an issue for our radio members that operate out of places like Chadron, Falls City, McCook, Superior, Valentine, Wayne, and others around our state that serve people in Nebraska and across

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state lines. Many people who shop here, work here, but might live on the other side of a border. Morning drive-time programming in radio and TV is strategically structured to meet the schedules of how we start our day. There's a lot of thought and planning that goes into providing news, weather, traffic delays, other information that people rely on to start their day. So disrupting the schedule by an hour for even a few months each year would result in lost audience for these stations. That in turn leads to lost advertising revenue, and that in turn makes it more difficult for these federally licensed stations to fulfill their obligation to serve the public. Year-round daylight savings time would also place an added burden on Nebraska's 45 AM radio stations across the state. AM stations already have to operate on reduced power overnight. They can power up at sunrise, but they have to reduce their power and change the direction or the pattern of their signal at sunset each night. So with limited full-power hours during which AM stations can operate as it is losing morning audience, in particular, to this kind of a change would be a very negative impact. And additionally, for television station programming that may comply with FCC rules for the time a program is permitted to air in one state, it might be a violation in a state across a line. As Senator Briese referenced earlier in the early part of the 20th century when the country was not at war, states individually chose whether and when to change time standards. This patchwork approach caused problems which led Congress to pass the Uniform Time Act of 1966, and this law imposed uniform time observance across the country, including setting annual beginning and end dates for DST. The unintended consequences of individual state time changes would bring these significant operational and financial challenges to our members and ultimately could disrupt the flow of information to people that they're accustomed to receiving at certain times of the day. So we believe it should be left to Congress to uphold the reasoning behind the Uniform Time Act by ensuring that states in the same time zones remain aligned. We respectfully ask that you not allow LB143 to pass as proposed. Thank you for your consideration. Can I answer any questions?

**SANDERS:** Thank you, Mr. Timm. Are there any questions? Senator Lowe.

**LOWE:** Thank you. Thank you, Mr. Timm, for being here and explaining your situation. What do stations along the time zones, Mountain Time, Central Time, how do they cope with the, the different times because they broadcast over both? KODY in, in North Platte, so.

**JIM TIMM:** It's a very good question. The fact of the matter is people have adjusted. People that have to travel from one time zone to the

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other for work or for school activity, they figure it out. And at the end of the day, what we're faced with here is along that line of Central and Mountain Time in our state, we now have the potential of a broader statewide issue of having to figure that out. And in this case, we think the impact could be much more damaging than it's been for all the years that people on the line you're mentioning have figured out how to adjust for it.

**LOWE:** All right. Thank you.

**JIM TIMM:** You're welcome.

**SANDERS:** Senator Conrad.

**CONRAD:** Thanks, Senator Sanders. Good to see you, Mr. Timm. Thank you for your information. I was just going to ask, kind of dovetailing off Senator Lowe's question. How do your counterparts operate in the states that, like Arizona, for example, that have taken a different track than, than Nebraska is presently on? Do you have a sense of that?

**JIM TIMM:** It's a good question, and it's kind of the same answer--

**CONRAD:** Yeah.

**JIM TIMM:** --that I just gave Senator Lowe. At the end of the day, you compensate for it, you do your best and, and make the adjustments and try to still serve the public in the best manner that you can.

**CONRAD:** OK. Thank you.

**JIM TIMM:** You're welcome.

**SANDERS:** Any other questions? Seeing none, thank you for your testimony.

**JIM TIMM:** OK. Thank you very much.

**SANDERS:** Are there other opponents? Are there any neutral to testify? Seeing none, Senator Briese, would you like to close?

**BRIESE:** Yes, just very briefly. I appreciate the testimony here today. Mr. Kohout and Mr. Timm, appreciate them coming and sharing their perspective. And I want to thank Senator Lowe and Senator Conrad for their question regarding the time zone issue. And what about Arizona, places like that. And, and I believe the response was that people have

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adjusted and I, I would maintain that they will probably be able to adjust to this. And we can lessen the negative, if there is a negative impact, we can lessen the impact. We could take three states. Maybe we should take up to four states. Maybe we should say if Iowa jumps in. But anyway, again, I, I think folks can adjust without any very serious negative impact. But again, I don't want to, don't want to doubt Mr. Timm's testimony as well, so. But anyway, I, I think, again, they can adjust and this could be made to work. Anyway, thank you for your consideration.

**SANDERS:** Any questions for Senator Briese? Seeing none, thank you.

**BRIESE:** Thank you.

**SANDERS:** And that will close-- oh, we have letters of-- position letters: 22 proponents, 9 opponents, and 1 neutral to add to the record. Thank you, Senator Briese. This now closes the hearing on LB143. We'll now open for LR14CA. Senator Briese.

**BRIESE:** Thank you, Vice Chair Sanders. And good morning again, Vice Chair and members of the Government, Military and Veterans Affairs Committee. I'm Tom Briese, T-o-m B-r-i-e-s-e. I represent the 41st District and I'm here today to present LR14CA. LR14CA is a proposed constitutional amendment to allow for voters to recall state senators and statewide elected officials. Nebraska's Constitution places a strong emphasis on the power of the people who are oftentimes referred to the second house-- as the second house of the Nebraska Legislature. We are the only state in which every single bill gets a hearing where the public is allowed to weigh in and our government operates with a level of transparency which is rarely seen elsewhere. I believe that LR14CA is in keeping with these principles which a vast majority of Nebraskans support. Some folks have questioned the necessity of this bill, citing the fact that elections for our legislative and gubernatorial offices and other statewide elective offices occur every four years. And that process-- and that the process to initiate a recall, collect signatures, and get the question on the ballot might take a year or more. But I'd counter that a bad actor in elected office can do a whole lot of damage in the time leading up to the next election. And this idea was actually brought to me by a constituent from my district who questioned why he, as a local elected official, is subject to the possibility of a recall while those of us in Lincoln are not. And in my opinion, that is a fair point. I don't anticipate this measure being used often, if at all. Implementation of this measure would be left to the Legislature. We would have the responsibility of establishing the parameters for getting a recall on

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the ballot. For example, how many voters in each part of the state or legislative district would need to sign on to a petition, how long they would have to collect signatures, etcetera. So we can make the parameters as restrictive as we deem necessary. But one would think that we should somewhat replicate the standards for recalls of local officials. And what might that look like? Current recall statutes relative to local officials typically require a petition demanding a recall vote be signed by a number of voters equal to at least 35 percent of the total vote cast for that office. Obviously, several details have to be worked out, but I would submit that that same standard would be workable here and perhaps should be the target. Currently, 20 other states allow for the recall of a governor and 19 for the recall of state representatives. And I think I've passed out a handout that describes the state of affairs in other states, and only two governors have ever successfully been recalled and only 22 state legislatures have been successfully recalled from office since, I believe, 1913. So this would not be used much, if at all. But I think it's always a good thing to put power in the hands of the second house. And this is really an effort to do that. And so I'd ask the committee to consider this resolution, and I'd be happy to try to answer any questions.

**SANDERS:** Thank you, Senator Briese. Are there questions? Seeing none-- oh, Senator Lowe.

**LOWE:** Thank you. And thank you, Senator Briese, for this. So the recall, would, would it be a statewide petition to recall a, a state senator or a district?

**BRIESE:** I would envision a district-wide petition to recall a senator with 35 percent of-- well, we, we, we could establish the parameters. And again, we could establish the parameters any way we wanted to. We'd have to-- we would want to follow the spirit of what the voters would put in place with this, but.

**LOWE:** Kind of the same voters that put the person there--

**BRIESE:** Yes. Yes.

**LOWE:** --would be the same person-- voters [INAUDIBLE].

**BRIESE:** I, I think very, very much so, I would say. Yeah.

**LOWE:** OK. Thank you.

**SANDERS:** Senator Aguilar.

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**AGUILAR:** Yeah, Senator Briese, the constituents that brought you this bill, were they angry with you?

**BRIESE:** Were they angry? [LAUGHTER] Fair point, Senator. Yeah, maybe I should back away a little bit.

**SANDERS:** Any other questions? Seeing none, thank you, Senator Briese.

**BRIESE:** Thank you.

**SANDERS:** We'll now open for proponents on this bill-- on this resolution. For the record, it's a resolution. Good morning. Welcome.

**CONNIE REINKE:** Good morning. Thank you. Connie Reinke, C-o-n-n-i-e R-e-i-n-k-e. I, I am a proponent of this bill to-- for the ability of the people to recall, as Senator Briese said. And thank you for introducing this, Senator. In the handouts, you'll see some of the information I collected from other states and what their statutes state. The, the first one is in West Virginia and so you can see what they're considering would be the need for a recall. And they outlined the, the specific points. I believe the threshold should be a smaller percentage of votes cast. And I, I, I, I've listed that out of, of possibly 3 percent of the votes cast with 120 days and to do a simultaneous recall election. And that would be-- that's listed here, but it would be a recall where the first question is should this person be recalled and then have where that-- the votes could be taken at the same time. So you wouldn't be having two separate elections, one to remove, one to put someone else in place. If there's, if there's a critical need for this, I think it should be taken care of quickly. I have experienced in Nebraska working with the Secretary of State, working with a lot of the counties who have felt that the counties are, are-- have their jurisdiction over the election and that has been resisted. And I think the constitution states that the, the people choose representatives. And I have a statute-- I, I thought I had brought it, but I can send it to you, that those local elections are under their jurisdiction. And we need to make sure that, that the control of, of everything isn't coming from the top, that it's the people and the local government and those choices to run their government as, as they wish. The Secretary of State does have ability to choose specific things and we have requirements. But since we put these computers into place, the databases are statewide, the computer system is statewide. So instead of counties having a local jurisdiction, they are from a top down control standpoint. And, and I don't believe that that's what the constitution states or tells us. And so in Nebraska, we have incredible amounts of, of problems going

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on. People told, told they already voted. If you want a ballot harvest, sure you can. I had a retired police officer call me and he said, I've been a Republican for 30 years and on the last election it was changed to nonpartisan. So, so his ballot, he had to do a provisional ballot. In Saline County, they had so many provisional ballots that they had to use the express vote machine to vote on, which is a-- it's, it's capable of connection to the Internet, which we found in some, some Lancaster County express votes. And so signatures not being required on, on checking the outside envelopes of votes or on registrations. We trust everybody in Nebraska. We trust them. We don't have laws in place to protect all these things. And I just ask for you to support this bill and all of the bills related to, to safeguarding our elections. So thank you for listening.

**SANDERS:** Thank you for your testimony. Are there any questions for Ms. Reinke? I see none. Thank you.

**CONNIE REINKE:** OK. Thank you.

**SANDERS:** Are there other proponents that would like to testify? Any opponents? Anyone in the neutral? Senator Briese, would you like to close?

**BRIESE:** I'd just like to thank the testifier for coming in and sharing her observations with us, and I'd be happy to answer any questions. Otherwise, I would waive closing.

**SANDERS:** Questions for Senator Briese? Seeing none, I do want to say for the record proponent online, 15; opponents, 1; neutral, zero. Thank you very much.

**BRIESE:** Thank you everyone.

**SANDERS:** This closes our hearing on LR14CA. Good afternoon. Are you testifying for Senator Bostar?

**NATHAN JANULEWICZ:** Yeah. Yep.

**SANDERS:** Welcome. You have LB208 up. Have a hearing on LB208. Thank you.

**NATHAN JANULEWICZ:** Yeah. Good morning, Vice Chair Sanders and members of the Government, Military and Veterans Affairs Committee. Senator Bostar wishes he could be here, but is introducing a bill and another committee. My name is Nathan Janulewicz. That's N-a-t-h-a-n J-a-n-u-l-e-w-i-c-z. I'm the legislative aide for Senator Eliot

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Bostar. I'm here today to present LB208, a bill that prohibits counties from forbidding short-term rentals on residential property. LB208 simply expands on legislation passed in 2019 that prevented cities, towns, and villages from outright forbidding short-term rentals. Many people use online platforms to list and book accommodations around the world. In a 12-month period ending in September of 2022, Nebraska hosts earned an approximate \$30 million on income on one platform alone. This bill does not restrict counties from creating ordinances and regulations to address public health and safety concerns, which is consistent with current state statute regarding long-term rentals. LB208 does not supersede rules and regulations of private entities, including of a homeowner's association organized under the Condominium Property Act or the Nebraska Condominium Act. The broader intent of this bill is to ensure that individuals are subject to consistent legal treatment regarding the ability to rent their property within or beyond municipal boundaries. Senator Bostar introduced this exact legislation two years ago, LB631, and this committee unanimously advanced the bill to General File. I respectfully request your support of LB208. Thank you for your time.

**SANDERS:** Thank you. Are there any, any questions for Nathan? Seeing none, thank you. Are there any proponents who would like to testify on this bill? Welcome.

**TYSON FRANZEN:** Thank you. Good morning, Vice Chair Sanders, members of the Government Affairs Committee [SIC]. My name is Tyson Franzen, spelled T-y-s-o-n F-r-a-n-z-e-n, and I am here today in support of LB208. I own 61.5 of wooded acres in Otoe County purchased in 2017. Sorry, I just had to run to the bathroom and--

**SANDERS:** Take a breath.

**TYSON FRANZEN:** --was running back here to catch my breath, yeah.

**SANDERS:** We have time, take a breath.

**TYSON FRANZEN:** So anyway, I, I own 61.5 wooded acres in Otoe County. We've been using an app called Hipcamp. Think like Airbnb. But instead of renting out a room, you rent out of spot in your backyard for tents or someone's potential camper. We also had a camper listed on Airbnb, but we learned quickly in Otoe County that you have to have a conditional use permit to charge the public a fee. Those conditions are essentially the rules and regs of Otoe County. The closest thing to Hipcamp short-term sharing to the county was a campground. And to



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be a campground that requires 12-foot wide rock roads, full electric water and septic hookups, among other things that would require a very, very large investment that we can't afford, nor do we want to. As an avid Nebraskan, I think our state has a lot to offer in tourism. It's a shame that private landowners aren't able to provide and share their piece of heaven, think Chimney Rock, Snake River Falls, with other U.S. citizens that simply think that we're a, a flyover state. When-- during our time of doing short-term sharing, the limited time that we had, we met people from all over the country that were-- they had no idea Nebraska could be so scenic and also filled with Nebraska nice. I'm in full support of Nebraska counties being able to create regulations that keep states safe, keep our state safe and sustainable per the verbiage in LB208. I understand the need for proper planning and growth of a county that takes into consideration the needs of everyone in the county. I am in support of paying the 1 percent state and the 2 percent in Otoe County lodging taxes. Airbnb even allows us to charge a cleaning service fee that supports the employment of others. However, I am not in support of the conditional use permit fees tied to specific permits implemented to be able to simply charge the public a fee. As short-term sharing wasn't on the radar of the county officials, the closest we fit in under rules and regs was the campground, which in turn came with that \$600 conditional use permit fee and a large investment to meet the requirements of a campground. Feel this essentially the same thing as a ban on short-term sharing because it will dissuade people from doing it at all. So we were denied the permit and not given back the, the permit fee as well. So at minimum, I'm hoping LB208 can create a path for a county to amend their rules and regulations to allow short-term sharing and to implement rules for the greater good of everyone in the counties of Nebraska. If put into effect, it would aid in Nebraska tourism and provide some extra income to help alleviate soaring property taxes. And with that, happy to answer any questions.

**SANDERS:** Thank you for your testimony. I do have a question. So would it be considered primitive camping, which is allowed on your property?

**TYSON FRANZEN:** Yes, it would be primitive if somebody had electric hookup on their property for, say, their cousin's, uncle's camper or something like that, sure, [INAUDIBLE]. But I think two years ago the term "boondocking" was brought up.

**SANDERS:** OK. Yeah.

**TYSON FRANZEN:** I think that was you that asked that.

**SANDERS:** Yeah.

**TYSON FRANZEN:** Yeah, so, yes, it would be primitive.

**SANDERS:** Thank you. Are there any questions? Senator Hunt.

**HUNT:** Thank you, Senator Sanders. Thanks for coming, sir, and sharing about your entrepreneurial spirit with the land that you have. I don't have a question for you, but I have a comment. Since we don't traditionally ask questions of introducers if they are staff, but I wanted to get a concern on the record, which is I know some bills like this have been opposed because of the trend we've seen in bigger cities of big developers coming and buying apartments or redeveloping, you know, buildings and basically pricing people out of neighborhoods. So kind of gentrifying, I guess, by, by buying a big apartment building and then turning them all into Airbnbs. And then it contributes to the housing problem. That's obviously not what you're doing. It doesn't affect you. But I would want to state that concern for the record and just yet, see if I can talk to the introducer later about his thoughts on that and if there's any other protections we can put in this bill just to protect the housing stock that we do have in Omaha and Lincoln, I think would probably be mostly affected by that. But what you're doing sounds amazing, and I hope you're very successful with it.

**TYSON FRANZEN:** Well, to get there, we're going to have to get rules and regulations from one way or the other, so.

**HUNT:** Thank you.

**SANDERS:** Thank you, Senator Hunt. Senator Lowe.

**LOWE:** Thank you. And thanks for coming to testify. Have you spoken with the county board at all?

**TYSON FRANZEN:** Yeah.

**LOWE:** I mean, because I'm sure this was put into place long ago and with the changing times, they, they may be-- I don't see them here in opposition, so.

**TYSON FRANZEN:** When we-- it was in 2019 when we were-- went in front of the county planning board, and then they made their decision to deny it. Then we went to the-- in front of the county commissioners and they agreed that since it didn't fit in their rules and regulations that they couldn't approve. So I tried working to get in

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there and say, hey, can we put something in there? And it was just, it's too new. It's too-- it's something that no other county in Nebraska has done so who wants to be the first to implement it? Even though in 2019, LB57 was passed as essentially the same verbiage. But still, that's why I'm here today.

**LOWE:** All right. Thank you.

**SANDERS:** Thank you, Senator Lowe. Are there any other questions? Thank you for your testimony.

**TYSON FRANZEN:** Yeah. Thank you.

**SANDERS:** Are there any other proponents? Any opponents that would like to testify? Welcome.

**TIMOTHY C. MELCHER:** Thank you. Members of the Government, Military and Veterans Affairs Committee, my name is Timothy C. Melcher, T-i-m-o-t-h-y C. M-e-l-c-h-e-r, appearing on behalf of Nebraskans Unafraid to oppose this bill. We are a grassroots organization that addresses issues surrounding the sex offense registry, such as homelessness, unemployment, and vigilante crime, including murder. It's includ-- it's important to note that these issues not only affect registrants, but their families as well. Life on the registry is extremely difficult, and there are numerous legal and private restrictions on where a registrant can live. In any municipality, nearly all apartment complexes will deny a registrant's application even if their crime is not a felony. In Omaha, for example, there are only about 21 complexes of the 450 that I have contacted that may accept a registrant. On top of that, there are city ordinances that restrict where a registrant can live. In Norfolk, a registrant must live at least 500 feet from a school or daycare. With the number of daycares in Norfolk, finding a place to live there is a challenge. Faced with such challenges, registrants often become homeless. When this happens, they must personally appear before the sheriff's office every 30 days to register that they are in transient. In Nebraska, there is only one homeless shelter in the entire state that will accept registrants. This bill personally resonates with me. When I moved to Omaha, I still owned a house in Pierce. I knew that I wasn't going to be able to find a place to live, so to comply with the law, I stayed at a friend's house for two days, then drove back to Pierce the third night, which I think that's about 125 miles. Around wintertime, those options were no longer available and I slept in my car. That was the winter of 2018. That winter we had nights that were 20 degrees below zero. Eventually, one of my friends insisted that I move in with

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her at the Bull Durham in February of 2019. She told me not to change my address, but I had to register it in order to avoid a felony charge for failing to register. My house was one of many that flooded in March of 2019. I had to sell, so that fallback was no longer available. This became an issue in June of 2019, when the landlord gave me 15 days to move out. With nowhere else to register my address, my mom rented an Airbnb for me in her name. When she switched it over to my name, Airbnb did a background check and closed the account. Then she found Vrbo. I ended up staying there for a month or two until I found something on Craigslist. The short-term rentals are one of the few options registrants have for housing. By excluding registrants from these under subsection (5) (a), you are leaving virtually nowhere for them to live. Thank you for your time.

**SANDERS:** Thank you for your testimony. Are there any other-- any questions? Seeing none, thank you for your testimony.

**TIMOTHY C. MELCHER:** Thank you.

**SANDERS:** Are there any other opponents on this bill? Neutral testifiers? Seeing none, would you like to close? Waives closing. Thank you. We do have for the record online positions: proponent, one; opponents, four; and one neutral. And this closes the hearing for LB208. Thank you.

[BREAK]

**BREWER:** Well, good afternoon and welcome to the Government, Military and Veterans Affairs Committee. I'm Senator Tom Brewer, representing the 43rd Legislative District, and I serve as the Chair of this committee. The committee will take up the bills in the order posted on the agenda. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on a number of proposed legislation. The committee members might come and go during the hearing. It's just part of the process. We're in a compressed committee period right now, and so folks will come and go as needed to their committees. I ask that you abide by the following procedures to better facilitate today's procedures. I would ask that you would please silence or turn off your phones or any electronic devices. The chairs designated at the front will be for the next ones up to testify. So if you're planning to testify, we just ask you to move forward at a point here so we kind of know who's up next to present. All right. The introducing senator will make the initial statement, followed by proponents, opponents, and those in the neutral testimony, then closing remarks will be saved for the introducing

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senator. If you're planning to testify today, we'd ask that you would pick up one of the green sheets. Be sure to fill it out complete, and please make it so it's legible so that it goes into the record with the correct information. And when you come up to testify, just hand the green sheet to either one of the pages or the committee clerk. If you're here today and you just simply want to have a record that you were here today, there is a white sheet that you can fill out. It is-- also allows you to indicate whether you're a proponent, opponent or neutral. If you have handouts, we'd ask that you'd have ten copies. If you don't have ten copies, the pages can make copies for you. Just bring them up and hand those out when you do the green sheet. If you're coming up to testify, I would ask that you would speak clearly into the microphone. You need to state your name and then spell both your first and last name, and that's just to make sure that we get it in the record correctly. All right. How many are here to testify on LB277, the first Freedom Act? OK. And how many are here to testify on our second bill, which is LB70? All right. Well, that's-- that's good, because we're going to be able to go with the five minutes. So our light system that we'll use here today, directly in front of the chair you'll sit in, we'll have a green light for four minutes, an amber light for one minute; and then at the end of your five minutes, it'll go red. If you don't notice the red light, the beauty of it is, Dick Clark here has an alarm on his computer and it goes off and makes a lot of noise, so you'll know that you've exceeded your time. We'll ask you to stop then. The committee will probably have questions for you anyway. Let's see. No display of support or opposition to bills, vocal or otherwise, will be allowed. It's just to show respect to the person in the chair. Today we have our committee members with us, and I will have them start introducing on my right.

**CONRAD:** Good afternoon. Hi, I'm Danielle Conrad from north Lincoln.

**RAYBOULD:** Good afternoon, everyone. Jane Raybould, Legislative District 28, representing the center part of Lincoln.

**SANDERS:** Good afternoon. Rita Sanders, District 45, which is the Bellevue/Offutt community.

**AGUILAR:** Hi. Ray Aguilar, District 35, Grand Island.

**LOWE:** John Lowe, District 37, Kearney, Gibbon, and Shelton, and I re-- I represent the FBLA members that are here today sitting in the audience.

**BREWER:** Very nice.

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**HALLORAN:** Good afternoon, everybody. Steve Halloran, District 33, which is Adams, Kearney and Phelps County.

**BREWER:** I think Senator Hunt has a bill in another committee and Senator-- or senator-- not promoted you yet. Dick Clark is legal counsel, Julie Condon is committee clerk, and Senator Sanders is the Vice Chair. With that-- oh, and our pages. Is Audrey here? She is. All right. We've got Logan and Audrey, and--

**LOWE:** Luke.

**BREWER:** Who was the other one, Travis?

**LOWE:** Luke.

**BREWER:** Luke. OK, well, we got a full lineup for you guys today. All right, With that, I'm going to do a hand-over to the Vice Chair, grab my book for the mic.

**SANDERS:** Do we have the numbers? LB277? Yeah? Good afternoon, Senator Brewer.

**BREWER:** Good afternoon. We're going to attempt this less the readers and see how this all works out here. I have lost control of them, but I don't want to admit that I'm getting old, so we're going to force it anyway. Thank you, Vice Chair Sanders. And good afternoon, fellow Senators of the Government Committee. I am Senator Tom Brewer; for the record, that is T-o-m B-r-e-w-e-r. The temptation will be there. We'll see. I represent 11 counties in the 43rd Legislative District of western Nebraska. I'm here to introduce LB277. Today I'm introducing LB277, the First Freedom Act, to ensure proper protections are in place for religious freedom and rights across all Nebraska. And the rights for Native American students are to be upheld in our public schools so that everyone who-- everyone who is attending these schools get the proper treatment. I spent a lot of years in the military, and that's caused me to kind of have maybe a unique or different look at the constitution. And I-- I take-- I take it maybe more serious than some think that I should, but I believe that at the point that we lose sight of-- of that constitution, we lose our ability to be a country. I've had the unique opportunity to go to countries where the freedom re-- of-- of religion does not exist, and I'll give Afghanistan as an example of that. Even though we went there and for the most part controlled the country, we were never able to control the ability for certain religious groups to have that freedom of religion. So you could see that if you were a Christian in a Muslim country, even

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though the concept that we were trying to-- to share with the-- the culture there, that was not a part of what they were going to accept. And so you had a special appreciation for those groups that were segregated or not treated the same. For those that have made the ultimate sacrifice-- again, these-- these issues, like First Amendment issues, are very near-- near and dear to their heart, and that's what LB277 is about, simply confirms that the government cannot unfairly discriminate against religious organizations and that the free exercise of religion will be properly protected for people of all faiths, mainline and minority. The bill establishes a compelling interest-balancing test-- OK, remember that line: compelling interest-balance test-- to ensure that the government does not substantially burden someone's free exercise of religion unless the government has a compelling interest to do so and uses the least, least restrictive means possible. Well, I'd like to point out that this same exact compelling interest-balancing test has existed in federal law since 1993. It was introduced by then-Congressman Chuck Schumer and Senator Ted Kennedy, passed nearly unanimously-- unanimously in both houses and was brought-- was properly-- promptly signed into law by President Bill Clinton. So 23 states, both red and blue, have also adopted this legislation, including Connecticut, Rhode Island, Illinois. We are simply aligning ourselves with what the federal government has-- has done and nearly half the states are currently doing. The bill also ensures basic first freedom protections by enforcing the-- by reinforcing that government cannot unfairly single out religious organizations for harsher restrictions during state emergency, yeah, state emergency because we're talking now-- we've got the federal. Now we're talking state. Nothing in the bill limits the government's ability to regulate health and safety in any way or to apply to health and safety measures. We're just-- we just want to make sure that the religious organizations aren't targeted or treated worse, which has been a problem in some states. So we were trying to make sure what has happened in the past. We're talking here specifically about our ability to attend, for example, church, that has been an issue in the past, is identified and that you're not more restricted-- or the state does not make it more restrictive for someone to attend church than they do for business to-- for businesses to be open. This-- this preferential treatment to not just stores, casinos, keeping churches and synagogues closed when other businesses are allowed to be open, that's some of the unfairness that has forced this bill. Lastly, this bill protects the rights of Native and Indigenous students who wear or display tribal regalia for cultural and religious significance while in school. This includes garments, jewelry, adornment, and other objects by members of Indigenous tribes.

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Schools may adopt a policy specifying that any regalia does not endanger the safety of students or others or interfere with school purposes for the purpose of education. Tribal regalia is defined to exclude any items prohibited by federal law, any firearms, any dangerous weapons. At the end of the day, this bill is just trying to give everyone an equal seat at the table and provide clear direction to the government about how to protect and balance religious freedoms, and that's something that we-- we need to take a look at. In 2020, school officials in Nebraska, sadly, my district, cut a Native American child's hair without permission from the child's parents, violating their deeply held tradition, their Lakota tradition of beliefs and practices. I'm not interested in-- I'm not interested in punishing the school so much as identifying that this is something that is unacceptable. The-- by-- by setting clear standards in statute, Nebraskans can live their lives and practice their religion, knowing that states will not interfere with the right unless it is a very good reason to do so, just as the federal government and nearly half of the states have done for decades now. To quote Bill Clinton, what this basically says is that the government should be held a-- at a very high level of proof before it interferes with someone's free exercise of religion. We believe strongly that we can never do so in our work. I believe this to be true and that the events that happened in my district and some of the actions that were taken during COVID-19 made us realize that this was necessary to follow federal law and align ours with that. The other thing that's came out of this last year that has forced me to-- to realize the value of-- of these very principles we're talking about here is this past summer I went to the Ukraine. And we tend to take religion for granted. They do not do so in Ukraine because, for most of their lifetime, until the Ukraine became a country separate from the Soviet Union, they did not have freedom of religion. And so because of this, now that they are a standalone nation, their desire and willingness to go to church runs much deeper. And to go there and to see that the sandbags were covering the windows of the church because there were ongoing air raids while they were having church services made you realize that we tend to take going to church for granted, that there are places around the world that they risk their lives to go to church. And so when we take a look at issues of the First Amendment here, I think that we need to remember that there are certain things that we have to be very careful with. I wis-- I witnessed firsthand some of these-- these challenges and-- and I think that this is a easy way for us to follow federal guidelines and make sure that we protect those individuals. With that, I would like to close. We have a number of folks here today that I think will help draw a very clear picture of some of the



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challenges and the reasons why this bill is necessary. With that, I'll take any questions.

**SANDERS:** Thank you, Senator Brewer. Are there any questions?

**CONRAD:** I just have one.

**SANDERS:** Senator Conrad.

**CONRAD:** Hello, Chair-- Chairman Brewer. Thank you, Vice Chair Sa-- Sanders. And I'm sorry if you mentioned this in your opening, Senator Brewer, but you've carried similar measures in the past. They were separate and distinct measures. Was there-- if you just wanted to share maybe a little bit of your thinking, I-- about kind of the combination of these approaches. Or maybe another senator carried the-- the religious freedom act. I thought it was you both render your auspices. But I was just trying to-- it seemed to me like there was maybe two distinct components of this legislation and I'm wondering if--

**BREWER:** Well--

**CONRAD:** --they would be better as separate vehicles, so.

**BREWER:** I don't-- I mean, I guess I-- I'm not seeing that. If--

**CONRAD:** OK.

**BREWER:** If you take it-- I mean, a Native American religious belief and a-- and a mainstream religious belief I don't think should be separated. I think they're-- they're one and the same, and-- and the two align for this. So I guess that's why I-- I thought that the two together in this bill seemed appropriate.

**CONRAD:** I appreciate that. Thank you.

**SANDERS:** Thank you, Senator Conrad. Are there any questions? Senator Lowe.

**LOWE:** Thank you, Vice Chair, and thank you, Chairman Brewer.

**BREWER:** Oh, wow, that does make a difference. Oops.

**LOWE:** Good thing I don't have to read now.

**BREWER:** Yeah.

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**LOWE:** You've brought a lot of history, your history, into this bill, and that's very interesting, and part of it was from your district. Where did you come up with the bill and-- and--

**BREWER:** Well, I think it started with the incident in Cody. And for those who don't know, Cody was where the incident happened with the-- I guess, the-- the cutting of the hair without permission. And-- and then that all was all happening almost simultaneously with some of the events that were happening with COVID-19 and the restrictions that were put on religious institutions. And so that's kind of what brought it together last year. If you remember, last year, we passed it out. It just-- we just ran out of time. It fell off the end like so many other things. So this is, you know, a very similar bill and trying to accomplish the very same thing that we were last year. It's-- and it was those events of-- of the events in Cody and the events of COVID that-- that brought it together.

**LOWE:** Well, thank you.

**SANDERS:** There any other questions? Seeing none, thank you, Senator Brewer. You will close?

**BREWER:** Yes.

**SANDERS:** Thank you. Are there any testifiers, proponent, on this bill? Please come forward. Welcome.

**JOHN HORSECHIEF:** Hello, Senators. My name is John Horsechief. That's J-o-h-n H-o-r-s-e-c-h-i-e-f. I'm here in support of LB277, the First Freedom Act, because, first, I am Native American, of the Pawnee and Otoe Tribes, the two tribes which have traveled and lived throughout these great Nebraska lands for many years. They often lived among these lands while facing several hardships from govern-- governing entities. Many times, my native peoples have been forced to abandon their own religious customs to the cutting of their hair, being made to dress a particular way, or being forcefully beaten when attempting to speak their own languages in which they prayed. I stand for LB277 because I stand against all forms of government overreach that has been perpetrated against my Native peoples of both past and present for simply carrying out religious-- or carrying out personal religious customs and practices. Second, I support LB277 because I am an American who was homeless early on in my life. I found refuge at a faith-base-- faith-based rescue mission within Nebraska, and I've been homeless in other shelters and I'm grateful for those services. However, I found specific recovery from the practices and aid of a

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faith-based rescue mission here in Nebraska. And I've been able to give back in the past through working at faith-based rescue missions, and I can tell you that the face-- faith-based rescue missions are unique and special because of their religious identity, which allows them to utilize their faith-based calling to serve every human being with compassion in ways that government often cannot. LB277 would continue to ensure that faith-based rescue missions are allowed to render these services within their own terms and practice their own customs which have made them so vital to our great state. As a Native American, I can't emphasize enough how significant this bill is to see our freedoms protected-- protected equally with all citizens, and I ask that LB277 please be considered on behalf of the Native American community, as well as the faith-based rescue missions here in the state of Nebraska. Thank you.

**SANDERS:** Thank you very much for your testimony. Are there any questions? No questions. Thank you. Welcome.

**SYLVANA AIRAN:** Thank you. My name is Sylvana Airan, S-y-l-v-a-n-a A-i-r-a-n. Thank you for the opportunity to share. LB277 stands for equality of all people, regardless of religious background. I support this bill. I come from a country where I was a minority by religion. My family and I often feared for our own safety. Being of a minority religion and suffering the persecution and injustice, I understand the importance of this bill. The government was of the majority religion and favored and ruled in favor of those from the majority religion. As a young teenager I told my friends, in America, all are respected no matter what your religious background or ethnic background. I told them I was going to America because I would be treated well and not persecuted for my faith. I applied to colleges in America, was accepted at UNL. I applied and acquired a green card. Taking the oath to become an American citizen was a very important day in my life. It was a dream come true. I was now a citizen of a country where I would have the freedom to worship any God, the freedom to acquire a job according to my education and qualifications, a country where I truly am free. In Lincoln, Nebraska, early on in my career as a state employee, I had a bookcase in my private office with various books, including a Bible. I was informed by my former supervisor that I could not have a Bible in my office, even though I was only using it before office hours or over my lunch break with my office door shut. Also in my office was a calendar with a scripture for each month with encouraging messages, and I was informed by my former supervisor that I could not have that calendar in the office. I pledged allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice

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for all. LB277 stands for equality of all people, regardless of religious background. I support the bill. Thank you.

**SANDERS:** Thank you. Are there any questions? Senator Lowe.

**LOWE:** Thank you, Vice Chair. And thank you for coming and testifying today. What country were you from?

**SYLVANA AIRAN:** Pakistan.

**LOWE:** Pakistan. Well, we're glad you came to Lincoln. Thank you.

**SYLVANA AIRAN:** Thank you.

**SANDERS:** Thank you, Senator Lowe. Are there any other questions? I see none. Thank you for your beautiful testimony.

**SYLVANA AIRAN:** Thank you.

**SANDERS:** Are there any proponents? Welcome.

**SOLOMON MWANIA:** Senators, Madam Vice Chairman, my name is Solomon, or "Solo," as I'm a well-known, Mwanias, S-o-l-o-m-o-n M-w-a-n-i-a. I'm the pastor of Lincoln City Church, lead-- lead pastor there. I, like the previous proponent here, I also immigrated from-- to Nebraska. In fact, one of the things-- to America. One of the things, one of the first questions when I meet people in Nebraska, first point of conversation is usually, where you're from? And that-- that's become-- you could take that negatively or you could take it positively. I've always taken-- taken it positively because it's good conversation starters. Growing up in East Africa, I-- I did not grow up as a religious minority there in-- in one ways, but when I moved there I became a double minority, so to speak, and-- but in faith, faith became a very active, very important part of my life because it became real. Christianity was very popular in Kenya because of works of missionaries who have responded to the call of the gospel, and it drew my family into where it wasn't just religion, it was real, real meaning and transformation. So much of my family have been impacted by-- by the fai-- strong faith of others, and people responded to the gospel, and that-- that led me to what I'm doing now. I like to call myself an accidental pastor because I never intended to be a pastor. In fact, my background is in finance and-- but-- but faith was real, not just a career, as a calling. One of the things-- and I can share the same testimony here. I remember when I moved to-- to America, one of the things that drew me to the nation was the-- the-- the land of the free, the land of the free. And in 2008, I was very proud to stand

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before a judge and pledge allegiance also to the flag and the red, white and blue. I have 11 children, all born here in Lincoln. Never thought in my wildest dream that I-- one, that I would have 11 children, a guy called "Solo" would have 11 children. As faith really had a real impact in my life and-- and a real commitment, it's because it's about service. It's about service to the people, not just spirit, soul and body, the whole person, walking with people's lives in their hardest times and in their greatest times from when children are born to when-- their dying breath. I've sat as a pastor, I've ministered to many people in their last moments of life, and it's very powerful and transformative. Most of my colleagues that have responded to the call to the ministry and serving in faith, they don't do it for-- as a business or any kind of thing, it's-- it's a life calling who would do it where-- and I-- and I know-- and I'm involved in one mission, as well, involved in many countries where faith is not something-- they don't take for gr-- don't take it for granted, because it's a real sacrifice every day. I come to support this bill, the legislation, because I became very concerned, especially during the COVID-19 pandemic. I never thought in my life that I would live to see the day where there would be hostility towards sudden government officials against the church or treat organizations that are unrelated to religion better in times of need. America has always come together in times of need. I moved to America right bef-- or right after 9/11, in fact, week of 9/11, and I remember one of the things I was most impressed about was how people came together during that week. And I-- I'm one of the ones that get the-- the-- the light over here, so I apologize. I'll get to the-- I'll cut to the chase real quickly. I became very concerned because of our heartfelt service to people in every spectrum. And during the pandemic, the churches, religious organizations, we work with people even when they are dying, we are right there with them, and we-- I'm supportive of this bill because I got concerned that we are getting to a point where we need protections. We need protections that the church is not treated differently or with any kind of hostility or the presumption that it-- that if the government does not interfere with the church, that somehow the church will hurt people. The church actually has more passion for people, the whole person and the whole family, than-- than legislation. We will help people with or without legislation. These protections help people like me and many others who serve, who have responded to the serving-- if you would allow me, I would just finish this one thought. Would that be OK?

**SANDERS:** Please, continue.

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**SOLOMON MWANIA:** Thank you very much-- that we can serve people without any fear that there is a type of-- there's a type of war going between the government and the church. We are in it together. We serve. We are all serving the people. We appreciate the service that's done. But our call to service is different. We serve in the trenches and we need your help, Senators, to ensure that there's protection as we help the people of this great state of Nebraska.

**SANDERS:** Thank you for your testimony.

**SOLOMON MWANIA:** Thank you very much.

**SANDERS:** Are there any questions? Blank. Senator Raybould.

**RAYBOULD:** Thank you, Pastor "Sol," for coming today. I would love to know how you were able to work around some of the restrictions that were put in place on a number of organizations and businesses during the pandemic and how you were able to administer/minister to your congregation during that period of time. And one other thing before you answer, when I look at this, I-- I have some of the same concerns that Senator Conrad spoke about. I-- I see them as two very separate and distinct issues. The first part is some of the restrictions that were placed on many organizations, in-- including religious ones, during the pandemic, one issue, and the second issue is, you know, allowing all of the tribes to wear their customary and traditional regalia that symbolizes who they are, so that to me is a separate issue from some of the regulations that were put on a lot of businesses and organizations, including religious ones, and how you were able to continue to serve your congregants.

**SOLOMON MWANIA:** So that's a good question. And I would want to say that for the-- for the most part-- not for the most part. Actually, what-- what actually took place is that we were responsive and proactive, as well as many, many ministers in our association globally, because our business is to help people. We would not put people in any jeopardy. I think where the concern comes is when we start seeing-- and it didn't-- thankfully, it did not happen in Nebraska yet. And my heart and the reason I'm here today is to help so that this does not happen in our state. I-- I have friends in the ministry who are in other states where they experience preferential treatment, where they say occupancy laws that were passed out. You would take a casino, for example, that would have better, more favorable occupancy requirements than the church would, and so that's where my point comes in. With respect to the second question, in regards to the separation, when I read it and I see, and why I agreed

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to support and come and support, I think it comes down to that fundamental conscience, because faith, it's a-- it's a conscience-- I'll say it's a conviction. And so I think that's where the two kind of come together, things that are of your-- the tribal groups. It's a-- it's a deep-rooted conviction. People would die for their tribal tradition and their faith tradition, and I think that con-- they're much together from the point of heartfelt conviction. Yeah, that's my viewpoint on the two, if that--

**RAYBOULD:** Well--

**SOLOMON MWANIA:** And I don't know how--

**RAYBOULD:** No, I thank you very much. I guess I'm really practical. You know, my question was, were you able to-- to have online services? Did you have-- increase the number of services but obviously have greater separation and probably maybe even reduced the number of individuals that could participate in those services? That's-- you know, did-- you know did you require everyone to wear a mask? I mean, those are the fundamental things that I was looking for.

**SOLOMON MWANIA:** Sure.

**RAYBOULD:** I can just-- maybe [INAUDIBLE]

**SOLOMON MWANIA:** And I'd be happy to-- I'll be happy to expand on my--

**RAYBOULD:** Yeah. I was--

**SOLOMON MWANIA:** --on my [INAUDIBLE] with that. So, yes, we made all the necessary-- all the necessary adjustments that we can make. We still provide online services to this day--

**RAYBOULD:** OK.

**SOLOMON MWANIA:** --for people that do, so that one's that. You know, in the New Testament, there's very strong commands from-- for people that talk about they do not-- that have one scripture, for example, that states: Do not forsake the assembling of ourselves together, as it is the manner of some, especially when you see the day of the Lord approaching. That's found in Hebrews Chapter 10. Now, when-- some Christians will take that very, very deeply and they-- they would do it even if it was against the law to do so, because I have been in mission fields and-- where Christianity is not the majority religion, like we have come to in the United States. And I know our brothers and sisters who would put their lives on the line to practice the

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teachings of Jesus, and so that's very deep. So for me, is-- it's not so much what that capacity is, is that we-- we're not in competition with-- with the government or the legislatures. We want to just be able to be told that the church is not treated any differently. If the-- if the government has universal, universal treatment for all businesses, to come and say that your business is not essential when-- when-- when our calling really looks from birth to not just death, after death, and that's why we respond to the call-- gospel. So we-- we just want to make sure that we feel protected and that we're not going to be restricted in the way-- we're not endan-- the church is not end-- endangering people just to have a service. But we want to be able to be free to provide those services to people who are holding those teachings as a deep conviction.

**RAYBOULD:** Thank you. And-- and I know that the definition of-- of essential services is really tied into Homeland Security. They're the ones that very carefully detail during a time of a pandemic what is-- what is considered an essential service. And so it wasn't to negate the impact and value of faith-based organizations. It was really to create safety nets for those essential services that dealt with first responders. You-- I think you know what I mean.

**SOLOMON MWANIA:** And I agree with you, Senator--

**RAYBOULD:** Yeah.

**SOLOMON MWANIA:** --all wholeheartedly. I think we did see in different states that where the preferential treatment occurred. And-- and I-- and I kind of agreed-- we stated earlier it did not-- I'm grateful that it didn't happen in Nebraska.

**RAYBOULD:** In Nebraska.

**SOLOMON MWANIA:** And I think, if you are to help us move this, I think it takes that weight, because you want to walk in cohesion. I-- you know, we want to help and we would like to see you help also and that we walk together. You know, we have different callings and different reasons we do-- that we're different, but we work in cohesion together. And that's what-- really what we-- we are after and asking for, is not that even the church to be treated better than anybody else, but if-- if there'll be protections to say, OK, I'm not in competition with the state of Nebraska on this, we're in it together. We'll respond and encourage collaboration or even communication when it's needed. I would love for senators to say, hey, we-- we would need your help and we're like, hey, we need your help too. So that's the



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kind of collaboration that we are looking to have. And I think if we have clearly stated laws that says, hey, these protections are sincerely held religious belief, we respect that in Nebraska and we will not impose anything restrictive or discriminatory of the whether we hold any religious belief or not.

**RAYBOULD:** Thank you.

**SOLOMON MWANIA:** And there are a lot of people that don't, so.

**RAYBOULD:** Well, thank you so much. I appreciate your clarifying some of the comments.

**SOLOMON MWANIA:** Thank you, Senator. I appreciate that.

**SANDERS:** Thank you. Are there any questions? Senator Halloran.

**HALLORAN:** Thank you, Chairperson Sanders. Sol, it's so good to see you.

**SOLOMON MWANIA:** Same here, same.

**HALLORAN:** Only disappointed you didn't bring your 11 children with you.

**SOLOMON MWANIA:** I don't think we have enough room for them.

**HALLORAN:** You and I have had a chance to meet several times and I met several of your children at one event. Before I ask a question, at one event, one of your sons-- I think he would have been seventh, eighth grade-- asked me about a bill or a resolution I was carrying, and had to do with the constitution, and we got to talking about the constitution, and I have never been schooled by an eighth grader that knew so much-- well, anybody that knew so much about the constitution. You homeschool?

**SOLOMON MWANIA:** Yeah, I do.

**HALLORAN:** Well, congratulations. You're doing a great job with your--

**SOLOMON MWANIA:** My wife is doing better than I. I [INAUDIBLE]

**HALLORAN:** So after those kiddos, what-- if I understand you correctly, you're-- you're looking for us to-- to take some preemptive action here.

**SOLOMON MWANIA:** Yes.

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**HALLORAN:** Other states have had some onerous situations in regard to how they handled the pandemic and your concern is-- your-- your desire-- I'm not putting words in your mouth, but you can confirm or elaborate on this. Your desire is to have some preemptive action taken legislatively so that we don't risk that happening here in Nebraska. Is that--

**SOLOMON MWANIA:** You said it in fewer words than I did. But that's-- that's essentially what we are asking, because, unfortunately, for me, having grown up where just individual liberties was not always something-- it's not something that's respected. And-- and coming to-- to live in a country where that's the core of what the essence and the idea that's built on, it boggled my mind to see where there were overzealous legislatures, not in our state, thankfully, that used the absence of clear state guidelines to what is supposedly protected by the First Amendment and used it loosely, just because maybe they didn't ascribe to the religious ideology or-- of some sort. And I thought we need to have clarity in Nebraska for-- to avoid such things from occurring in the future. And I hope we don't run into any pandemic like we did in our lifetime. But if, God forbid, if we did, I think it'd be great to see that collaboration, even though we are separate entities, but we are serving the same people for different needs.

**HALLORAN:** Very good. Say hi to your son and tell him I-- I will--

**SOLOMON MWANIA:** Thank you. I will.

**HALLORAN:** --I will be glad to be schooled by him some more.

**SOLOMON MWANIA:** I'll have to send him out and tell him that. Thank you.

**SANDERS:** Are there any other questions? I see none. Thank you for your testimony, Pastor.

**SOLOMON MWANIA:** Thank you very much.

**SANDERS:** Are there any other proponents? Please come forward.

**LANCE KINZER:** Good afternoon.

**SANDERS:** Welcome.

**LANCE KINZER:** My name is Lance Kinzer, L-a-n-c-e K-i-n-z-e-r, and I'm employed by First Amendment Partnership. I came up from the Kansas

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City area, from Kansas, today to talk about my support for the bill that's before you. And I'll tell what I hope will be a quick story that will explain a bit about who I am and why I'm here. This story is about a fellow Kansan, Mary Steinmetz, who died for her religious convictions in Kansas in 2012, in large part because we lacked the compelling-interest test in our state. I served in the Kansas House of Representatives during that time. I was chair of the House Judiciary Committee for six of my ten years. I served from '04 to '14. Mary was a Jehovah's Witness. She needed a liver transplant. At the time, there were no hospitals in Kansas that accepted Medicaid patients who could perform her liver transplant consistent with her religious beliefs regarding blood transfusions. There was a hospital in Omaha, interestingly enough, that could do so. Because Mary was a Medicaid recipient, she had to go before a board of the Kansas Health Policy Authority to request a waiver to receive medical treatment more than 50 miles outside of the state lines. The Kansas Health Policy Authority at the time determined that they were not willing to grant Ms. Steinmetz's waiver because it was inconsistent with established policies, the rules that they had-- had put in place. She asked for a religious exemption and was told that they didn't need to provide one. She went through a two-year process of administrative appeals, a district court trial, argument before the Kansas Court of Appeals. During that period of time-- all of which was spent litigating the question, "Does the compelling interest test apply in this particular case?"-- her medical condition so deteriorated that Mary Steinmetz died ultimately from this-- she was no longer eligible for the transplant list and then ultimately died for her sincerely held religious belief. I honestly never understood Mary's religious belief. It wasn't a religious belief that I shared. But it obviously mattered to her so significantly that she was willing to literally lay down her life to not violate it. You can imagine as a legislator that this was deeply concerning to us, and there were a number of things that needed to be done to make sure that that didn't happen again. One of them-- and the thing that was most impactful for me that I was able to be personally involved in-- was just to make sure that whatever the circumstance was in the future in Kansas, there would be no lack of clarity with respect to the existence of the compelling-state-interest test. Now, there are a lot of things about the way that case took place. It should have never taken as long as it did. My belief is this, that if we had had the statute that we ultimately did pass in 2013, a statute not dissimilar from the bill that you're-- you're looking at here, that what would have occurred, if the Kansas Health Policy Authority knew and it was clear that if they had to go into court, they would have to provide a very good reason for not granting

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her exception to this law, that the whole situation never would have gotten rolling in the first place. People wouldn't have dug in their heels, and the outcome for Mary Steinmetz could have been much different. A lot of legal scholars around the country agree with that. In a relatively recent U.S. Supreme Court case-- Doug Laycock is a law professor at the University of Virginia and a noted scholar on issues of religious freedom, included Mary's statement in a brief to the U.S. Supreme Court involving the-- an argument that the compelling-interest test should be the law as a matter of First Amendment practice. The reality is it isn't. *Employment Division v. Smith* is the case that led to that occurring. You've heard a little bit of that background. I don't have much time left here. I'll just say this. I think the compelling-interest test in most cases, what happen-- the benefit of the compelling-interest test is not so much the cases that get won. It's the cases that never get brought because local government, state government see we need to sit and we're going to have to justify what we're doing. And so we really need to sit down and talk through how can we reach an accommodation that doesn't involve needless conflict. With respect to the equal protect-- equal protection provision in emergencies, I would just say that reminds me very much of a provision that already exists in the Religious Land Use and Institutionalized Persons Act, a federal law that does apply at the state level that ways-- that calls for equal treatment. I think it makes perfect sense to have that same kind of equal treatment provision that exists in the context of land use disputes to apply-- apply in the situation where there are emergencies. And the bottom line, the main thing that I would say-- well, I'm-- I'm done, so I'll just stop there, see if there are any questions. And I'm grateful to have been here this- this afternoon. Thank you.

**SANDERS:** Thank you for your testimony. Are there any questions?  
Senator Aguilar.

**AGUILAR:** Did you want to finish your thought?

**LANCE KINZER:** Oh, I was merely going to say that if you look at the history, and Senator Brewer already did a good job of this, but if you look at the history of having this as the standard, this compelling-interest test as the standard at the federal level in 23 states now, including South Dakota and Montana that passed it in-- in 2021, I think we have a long history and there are some law review articles that have done really a good job of looking at how do these cases-- what kind of cases actually get brought and who wins these cases. And I would just say I think the evidence is clear that the-- the-- the initial motivation for the compelling-interest test being

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placed into law, which is mostly to protect religious minorities in contexts where legislative groups may not even be aware that what they're doing is impinging on a religious belief, that in those instances there's a fair standard for courts to apply in making sure that the government just has to show we have a good reason and, if we have a good reason, are we achieving that reason-- that-- that-- that interest, that-- that compelling government interest, in a way that is the lightest touch towards the religious interest. That's kind of the-- that's kind of the "least restrictive means" aspect of the test. And I just think that we have a really good track record at the state level and at the federal level of how this standard works in practice and we can trust Nebraska judges to apply it fairly and not in a way that is going to lead to some of the unintended consequences that perhaps opponents of the bill will-- will talk about.

**AGUILAR:** Thank you.

**SANDERS:** Are there any-- Senator Lowe.

**LOWE:** Thank you. Thank you, Representative Kinzer, for being here. To lay down your life for a belief, that-- that's-- that's something that a lot of people don't understand. And to do that, knowing that's what you're going to do, that had to be something traumatic for that lady to go through. Can you expound any more and--

**LANCE KINZER:** So the only thing I can--

**LOWE:** You-- you did a pretty good job so far.

**LANCE KINZER:** Yeah. The-- the only thing I can say is that I never had the opportunity to meet Mary. I wish she would have come to the capital and-- and met with some of us. But I did follow her story closely through lawyers and then also through some news coverage. And you could Google Mary Steinmetz's name and find some of the news coverage. And there were some really-- you know, both her and her husband were interviewed on multiple occasions and at one point interviewed with respect to-- she-- at a point when she knew she was dying and basically just said that, you know, she was glad that her case had brought attention to this issue and that she was hopeful that it wouldn't happen-- nothing like this would happen to anyone else again, but that she was essentially-- I don't want to overstate because I'm not quoting directly from the articles, but that essentially her conscience was clear that she had acted consistently with her beliefs and that her hope was ultimately on what she believed her eternal destiny would be, so it was quite compelling. I would just

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say, in that context, again, there are a whole host of things at various levels of that proceeding where I really believe she should have won earlier under different arguments. I just strongly believe, and it was the reason, one of the primary reasons we moved forward with a compelling-interest-test bill at the time, that if that clear statutory standard had been there, that it-- it would have never gotten to the point where she needed, even needed to have an administrative hearing. It just would have been so clear to the Kansas Health Policy Authority that they would never be able to prevail in court, that it could have gotten resolved in a way that would have been reasonable for everyone. One of the amazing things about that was that it wasn't even a cost factor that played into the determination. It was kind of inexplicable from my perspective, but that's a little further commentary.

**LOWE:** Thank you.

**SANDERS:** Thank you. Any other questions? Seeing none, thank you for your testimony.

**LANCE KINZER:** Thank you so much.

**SANDERS:** Are there others, proponent? And if there are any other-- other proponents, if you could move to the front row so we can see, thank you. Welcome.

**DON WESELY:** Chair-- Chairperson Sa-- Sanders and the members of Government Committee, for the record, my name is Don Wesely, D-o-n W-e-s-e-l-y. I'm here representing the Winnebago Tribe and have a letter from the chair of the Winnebago Tribal Council in support of the regalia parts-- part of the bill. And I'll just go through this as quickly as I can: As chair of the Winnebago Tribe of Nebraska Tribal Council, I write on behalf of the Winnebago Tribe in support of LB277. Across the country, state and local governments have begun to recognize in both in intent and action the inherent significance of recognizing the rights of Indigenous students to wear their traditional regalia and items of cultural significance at graduation ceremonies and other public academic events. The Winnebago Tribe applauds the introduction of LB277 and thanks Senator Brewer for that. LB277 goes even further than many of these other efforts to recognize the right of Indigenous students to wear their traditional regalia in any public or private location when the student is on school grounds or at any school function. To us, recognition of the fact that these items of clothing and other cultural adornment are not merely costumes that we wear on special occasions, but rather are an important part of

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who we are, is a sign of respect and understanding of the diversity among the tribes located in Nebraska. This is of particular importance at this time in history, when recent events have highlighted the fact that these are the same items that were taken from our parents and grandparents during the days of Indian boarding schools in an attempt to culturally assimilate Indigenous children by forcibly relocating them from their families and communities. Policies prohibiting the wearing of traditional regalia and other items of cultural significance that strip Indigenous students of our cultural and religious heritage, such-- such as the prohibition of the wearing of tribal regalia at important academic events, are a continuation of the oppression that our communities have suffered throughout history. The current policy of school districts deciding whether to allow Indigenous students to wear items of cultural significance on a case-by-case, year-by-year basis must be changed. The wearing of traditional regalia and items of cultural significance should not fall outside of policy and/or a school's dress code for commencement and other events, and this can only be addressed by state law rather than district policy. The Winnebago Tribe of Nebraska therefore supports the adoption of LB277 in-- into the laws of the state of Nebraska and ensure the rights of all our children are recognized and protected. Thank you. That's from Chairwoman Kitcheyan.

**SANDERS:** Thank you. Are there any questions? I see none.

**DON WESELY:** Thank you.

**SANDERS:** Thank you for your testimony.

**DON WESELY:** Thank you.

**SANDERS:** Welcome.

**CHRISTINA ELLISON:** Hello. Christina Ellison, C-h-r-i-s-t-i-n-a; last name, E-l-l-i-s-o-n. Good afternoon, Senator Brewer and member of the Government Committee. My name is Christina Ellison. I am the vice chair for ethnic/minority affairs committee for NSEA, a teacher in Omaha and a mother. I am also an Oglala Sioux from Pine Ridge Reservation, my family is. I am here to support Sections 6 and 7 of this bill authorizing the wearing of the tribal regalia by certain students. "Regalia," it's a word that is misunderstood, associated with a costume. We don't dress up and pretend to be somebody else. We are Native Americans, not a mascot, a costume, but a person who represents a tribe, a nation. Here are some forms of regalia: a dress adorned with colorful ribbons, or a ribbon skirt; fine-beaded necklace

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and earrings; and a sleek feather or a plume, the only regalia piece that can be given in honor of achievement, with a force to a paramount direction. This is our culture. This is our self-identity. Last year, when I testified for this bill, I shared the dark history of over 350 U.S. Indian boarding schools across the nation with the assimilation policy of "Kill the Indian, Save the Man." This systematic destruction was banning boys and girls from speaking their native language, expressing themselves in their regalia. As a mother, I have a 17-year-old son that will be graduating from high school next year. When I give him a plume, just like the one that was given to me by my father, the one I'm wearing right now, when I graduated, I want him to adorn his graduation cap. He knows his Native roots. However, he attends a school district that he may have to acculturate by shedding the plume because of the lack of understanding in its value. He should have the ability to preserve his self-identity, feel worthy, not erased on this notable day, just as every other student. A feather, a sash, a beaded cap, all given out of dignity-- as some students earn-- aim to earn honor cords and a graduation medallion to proudly display them over their row, Native Americans should also be able to display their honor of earning a plume. Passing of LB277 not only preserves our culture, but it reiterates the we are in Nebraska, and that is a Native American. As an educator myself, this is a learning opportunity for our youth to see the pride, the courage, and that we are still here. Thank you for your time.

**SANDERS:** Thank you very much for your testimony. Are there questions?  
Senator Aguilar.

**AGUILAR:** Thank you. Thank you for being here today. I don't have a question, but I want to share something with you. A previous time in my life, I worked in a school, as well. It was a high school. And at the time, you weren't allowed to have tattoos; if you did, you had to cover them. And many of those tattoos expressed something that was very important to the individual, a lot of them from the military, and they were very proud of them. And I can assimilate that with what you're trying to say right now. I really appreciate what-- you being here and what you have to say. Thank you.

**CHRISTINA ELLISON:** And I'm from Grand Island, actually. I'm from Grand Island, so-- my maiden name's Running Hawk, so my dad is Charlie Running Hawk.

**AGUILAR:** Oh, sure.

**CHRISTINA ELLISON:** Yeah.



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**SANDERS:** Senator Raybould.

**RAYBOULD:** Ms. Ellison, thank you so much for speaking today.

**CHRISTINA ELLISON:** Yeah.

**RAYBOULD:** And-- and I truly appreciate you specifically calling out the sections that deal with tribal regalia and the traditions. The question I have for you, you know, growing up in Grand Island, did you ever face impediments to you expressing some of your deep-felt and-- and held cultural beliefs of expressing who you are?

**CHRISTINA ELLISON:** Absolutely. And this is something I actually share with my students. You know, a lot of times we share why we became teachers because of a certain teacher that inspired us. But we also-- I share why certain teachers made us feel a certain way, and we hope that a teacher doesn't help us feel that way. And the reason why I never realized I was Native American, as far as different from other kids, until a teacher called out my sister's last name. Our maiden name was Running Hawk. I always say a verb and a noun, Running Hawk. And my-- my sister didn't like to-- anything really athletic, and she didn't like to run during PE. And the-- the PE teacher, I'm going to call you "Walking Hawk" because you don't like to run, and so, of course, the kids pick up on that and start teasing and calling her "Walking Hawk, Walking Hawk," and then it just kind of stuck, of course. And at that time, in elementary, that's when I realized we were different. We weren't-- there was a high Hispanic population in Grand Island, which there still is, but so there weren't-- we were really the only Native Americans there, so we kind of just went with that population because we were friends with a lot of family members there. And that's when we were the Native Americans and we had kind of that weird last name. But it wasn't Running Hawk, it was the "Walking Hawks" that the kids-- so that was when I realized I was different, but not add-- as a good difference, as more as a teasing different, which is really unfortunate. But my dad and my grandparents did a great job of bringing us back in, so we had that support system there. And there was a wonderful group of teachers in Grand Island that I'm still close with, so I did have that love and support as far as the school. It's a great school system there, so yes. I hope that answered your question.

**RAYBOULD:** It did.

**CHRISTINA ELLISON:** OK.

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**RAYBOULD:** Thank you very much for sharing that story.

**SANDERS:** Thank you. Are there any other questions? See none. Thank you for your testimony.

**CHRISTINA ELLISON:** OK. Thank you.

**SANDERS:** Are there-- welcome.

**GRACE JOHNSON:** My name is Grace Johnson, G-r-a-c-e J-o-h-n-s-o-n. I am an enrolled member of the Oglala Lakota Sioux Tribe, same as Christina. I grew up on the Pine Ridge Indian Reservation, but I live in Omaha, Nebraska, and I am also here in support of LB277. I do want to reiterate some of the stuff she had said about the feathers. Our-- the feathers are earned. These are not something that we just put on. They are great significance to us culturally, religiously, spiritually. And for us to not be able to use them would be-- it's kind of looking at our accomplishments and saying they're not-- for us, it's very significant-- it's not as important. But I also want to support this bill because I do feel, for me, in some way this is right-- righting a wrong that had happened with Native peoples, considering that our religious belief system, practices, clothing was outlawed until 1978. I'm born in 1973, so that means that within my lifetime I would have, even though I was-- it was between my ages zero and five, I would not have been able to practice any of my religion of my tribe until the law was passed that we could in 1978. And that included wearing feathers, dressing in regalia like I have today. I wouldn't consider this regalia, but some people do. So for us to be able to come out and wear our regalia at-- at certain times and in certain significant situations like graduations is-- and it's-- I don't-- I don't know how to describe it in a-- in a certain word. It's just that it's an awesome feeling that we can do this, that we're able to do this, considering that in the-- like mentioned in the past previous testimony, that there was laws that were passed that went specifically out of their way to stop Native people from doing these specific things and dressing a certain way and being able to possess certain objects like our feathers. In order for us to get a feather, I had to fill out an entire form for the National Park Service. I had to send in information to them, and then they can send me an eagle feather if I cannot find one from somebody else. So just possessing an eagle feather is not something that just anybody in the United States can do. Native Americans are the only ones that are really allowed to possess them and hold them. So for us to be able to stand up and say, this is my culture, this is who I am and this is I'm proud of, we couldn't do that prior to 1978, literally, without facing jail time.

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As a mother, I have two kids that graduated high school. My youngest graduated last year from Burke High School, and he was able to wear his feather, which was awesome because for him it was one of the very few times that he could stand up and say, I'm Native American, this is who I am, and I'm proud of it, whereas he had an incident happen in middle school where-- I think he was in seventh grade and it was November, Native American Heritage Month, and the teacher had asked him or asked anybody in the room if they knew any Native peoples, because the classroom, the kids thought we were completely extinct, that we didn't exist anymore. And so he raised his hand and he said, I'm-- hey, I'm Native, but throughout the rest of the school year, he just kept getting kids coming up to him, asking him over and over, are you really Native, are you-- you guys still exist? And over time, it just began to wear on him. And so being a seventh grader, he didn't know how to-- how to handle that. He didn't know how to manage that because it was-- it began to dawn on him that people realize we didn't exist as a people, but we do. So having that ability to-- to stand up in front of people, in front of crowds and say, this is who we are, this is-- we still exist, I think it's hugely important that we're able to do that and that's protected.

**SANDERS:** Thank you for your testimony. Are there any questions?  
Senator Raybould.

**RAYBOULD:** Ms. Johnson, thank you so much for testifying. So you-- you grew up on the Pine Ridge Reservation?

**GRACE JOHNSON:** Yes.

**RAYBOULD:** So when you had your high school graduation, I'm-- I'm guessing it was you were able to celebrate who you are and where some of your traditional outfits that really highlighted your culture and your accomplishment.

**GRACE JOHNSON:** Yeah, we actually had a whole day in ceremony where we were given our feathers. And we had-- in front of the-- the class, our parents would come and we would pick somebody to-- to tie it into our hair. So not just wearing it, but the person who actually ties it is a significant person on-- the person you pick to give that to you. And so in my tribe, we are also given a new name. You can earn a new name for this accomplishment, and so to be able to earn a name is, in and of itself, a whole accomplishment that you've been able to achieve.

**RAYBOULD:** OK. Thank you very much.

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**SANDERS:** Any other questions? I see none. Thank you for your testimony.

**GRACE JOHNSON:** Thank you.

**SANDERS:** Thank you. Welcome.

**LESTINA SAUL-MERDASSI:** Thank you. Good afternoon, everybody. My name is Lestina Saul-Merdassi, L-e-s-t-i-n-a; last name, S-a-u-l, dash, M-e-r-d-a-s-s-i, and I am here to offer my support for LB277, Sections 6 and 7 regarding allowing students to wear their Native American regalia to school events or graduation ceremonies. So a little back story about myself. I am an enrolled member of the Sisseton Wahpeton Dakota Oyate Tribe of North and South Dakota, but I am also a lineal descendant of the Mdewakantonwan, or as people now call them, the Santee Sioux Tribe of Nebraska. And I grew up in a town off the reservation and I was one of only a few Native students in a predominantly caucasian society. And as a child, I experienced a lot of discrimination and a lot of racism, and I watched my-- my other Native American peers around me experience the same racism. And I watched the-- I didn't watch them do this, but they committed suicide, and I-- I believe in my heart that what they went through contributed to them killing themselves at a young age. So my people have always had to stand up for-- for what we believe in when, in reality, like our tribes are older than the concept of-- of America, really. So I think that to not support this bill would be to-- it's another slap in the face to us as we're already a culture and a people who have experienced a lot of oppression and a lot of racism. And I think if we-- if we were to pass this bill, that would help alleviate some of that and that would help our people to feel proud of who they are, where they come from, and I think a lot of the societal ills that my people suffer would eventually get smaller and eventually go away, so I am in full support of this bill and I hope that everybody here supports this bill also.

**SANDERS:** Thank you. Are there any questions? Seeing none, thank you for your testimony. Welcome.

**GABRIEL BRUGUIER:** Good afternoon, Committee. My name is Gabriel Bruguier, G-a-b-r-i-e-l, Bruguier, B-r-u-g-u-i-e-r. I'm an enrolled member of Ihanktonwan, or the Yankton Sioux Tribe. I am an assistant professor at the University of Nebraska at the UNL Library System, and I'm the city of Lincoln representative for the Nebraska Commission on Indian Affairs. And today I'm testifying on behalf of myself, as well as the Executive Director of the Nebraska Commission on Indian

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Affairs, Judi gaiashkibos, who was unable to make the hearing today. So I'd like to address the Sections 6 and 7 of the bill regarding regalia, and I would like to discuss that these three arguments in favor of-- of this bill. First, it's a fundamental right of American Indian students to express their cultural and religious heritage, which includes regalia, as has been discussed previously, so policies that deny or at least don't address that right are discriminatory and must be changed to offer the same protection to American Indian students as would be offered to other students, for example, those who would choose to wear a cross during-- during the graduation ceremony. So, for example, the feather program in LPS, I think, is one that is being carried out, and we've heard about other ones, but codifying it would-- would support these rights in a more official way. Next, the academic achievement of American Indian students isn't list-- limited to personal achievement. Our cultures emphasize community, so a student walking across the stage during graduation or just wearing their hair long or expressing themselves in any other way isn't just themselves, but the nation as well, and so, as such, the nation deserves recognition to exercise thereof as a protected right, as previously discussed. And third, denying American Indian students the right to express their culture and heritage violates the spirit of education in a democratic society. Our public educational institutions ought-- ought to be safe havens of recognition and appreciation of the differences that exist among us as citizens of the United States of America. And as someone who has spent the past decade in the public educational system in the state and have witnessed firsthand the uniting of diverse students towards common goals, the fullest expression, which is the equal expression, ensures that this spirit will live on in our fu-- future generations. Thank you very much.

**SANDERS:** Thank you. Are there any questions? Senator Hunt.

**HUNT:** Thank you, Vice Chair Sanders. Thanks for being here today. Do you or the Indian Affairs Commission have an opinion on the rest of the bill? You and a couple previous testifiers have called out the sections of the bill that just deal with the regalia. But do you have a feeling about the other part? Because it is kind of a two-subject bill.

**GABRIEL BRUGUIER:** That's correct. Unfortunately, I didn't have very much time to prepare--

**HUNT:** OK.

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**GABRIEL BRUGUIER:** --today, and so I wasn't able to confer with Judi, so I don't want to offer an official--

**HUNT:** Understood. Thank you.

**SANDERS:** Thank you. Other questions? I see none. Thank you for your testimony.

**GABRIEL BRUGUIER:** Thank you.

**SANDERS:** Are there others, proponent?

**SANDERS:** Welcome.

**GREER BEHNKE:** Hello. My name is Greer Behnke, G-r-e-e-r B-e-h-n-k-e, and I'm here representing the Ponca Tribe of Nebraska. I just want to say that we are in support of this bill and very grateful to Senator Brewer for introducing it and for all the other members who have contributed. I'll take any questions if you have any.

**SANDERS:** Thank you. Right to the point. Thank you for your testimony. Any questions? I see none. Thank you.

**GREER BEHNKE:** Thanks. This is my first time doing this.

**SANDERS:** Are there others? Proponent? Opponents? Welcome.

**ABBI SWATSWORTH:** Thank you. Thank you, Vice Chair Sanders. Members of the government, Military and Veterans Affairs Committee, my name is Abbi Swatsworth, A-b-b-i S-w-a-t-s-w-o-r-t-h. I'm the executive director of OutNebraska, a statewide nonprofit working to celebrate and empower LGBTQ Nebraskans. Freedom of religion is a deeply held value in Nebraska, one that we can all agree on. Freedom of religion protects everyone's right to practice their religion of choice or no religion at all, so long as they don't discriminate against or harm others. OutNebraska opposes LB277 because it would undermine this principle. We spoke to this committee last year on the same bill, and we're unfortunately here again because our concerns have not been mitigated. The bulk of this bill is nearly identical to last year's version-- version. As I understand it, the bill is designed to allow religious organizations to remain open during a state of emergency like the COVID-19 pandemic. Federal and state law, however, already protects religious organizations because the bill includes such expansive definitions of religious organization and substantial burden, nearly any government action, any law that anyone or any business claims simply burdens their beliefs, could be challenged.

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This is of specific concern to the LGBTQ community, who only recently won nondiscrimination [INAUDIBLE] protections in employment at the federal level and who routinely face discrimination in healthcare and public accommodations. We're especially worried about language in Section 3 that would allow LB277 to supersede any existing laws, including nondiscrimination laws protecting women, racial minorities, people of various faiths, and LGBTQ+ people. As such, LB277 would grant a broad license to discriminate against and harm the LGBTQ community. The license to discriminate should be enough to keep the law from passing. If it is not, there is also a compelling economic case. Passing a bill like LB277 would also hang a big "unwelcome" sign on Nebraska. Forty-seven percent of meeting and convention planners say they will absolutely avoid booking meetings in states that have passed anti-LGBTQ legislation. Similar laws have been opposed by Fortune 500 companies and the NCAA. As this law would allow anyone to circumvent Omaha's nondiscrimination laws, it is not out of the question that the NCAA could re-- reconsider the College World Series and the upcoming 2023 volleyball championships. These two events bring hundreds of thousands in economic activity to Nebraska. Furthermore, with an already established labor shortage, Nebraska must do all it can to retain and recruit workers to our state. We sincerely appreciate Senator Brewer's efforts to establish respect for Indigenous Nebraskans and allow for students to wear tribal regalia in schools. However, we worry the bill will not actually provide these protections to students because it lacks any enforcement or recourse clauses. We believe that the right to cultural and religious clothing and traditions can be granted without jeopardizing the rights of gay and transgender Nebraskans, some of whom are also religious and/or Indigenous Nebraskans. Unfortunately, this bill does not strike that balance. LB277 would sanction LGBTQ+ class discrimination and would hurt Nebraska. OutNebraska respectfully asks that you not advance it from committee, and I can take questions if you have them.

**SANDERS:** Thank you. Any questions? Senator Raybould.

**RAYBOULD:** Thank you, Ms. Swatsworth, for coming today and providing testimony. You had mentioned that you saw this bill last year. Was it in the same form or was it different or--

**ABBI SWATSWORTH:** Most of the bill is a lot of what was introduced last year. This year, the Section 6 and 7 dealing with tribal regalia were added onto the bill. We believe and see them as a separate issue and think that there are better ways to protect the rights of Indigenous Nebraskans, which we are fully in support of. But because the bulk of

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the bill really doesn't deal with that issue, we must stand against the whole bill.

**RAYBOULD:** Thank you very much. I appreciate your seeing what I'm seeing too.

**ABBI SWATSWORTH:** Yeah.

**RAYBOULD:** So thank you.

**ABBI SWATSWORTH:** Thank you.

**SANDERS:** Thank you. Are there other questions? See none. Thank you.

**ABBI SWATSWORTH:** Thank you.

**SANDERS:** Thank you for your testimony. Are there others? Opponent?

**LUKE SCHROER:** Opponent, yes.

**SANDERS:** OK. Thank you.

**LUKE SCHROER:** My name is Luke Schroer, S-c-h-r-o-e-r. And I immediately wanted to come in support of this. But as I was sitting in the back of the room, I felt very, very conflicted because every person that testified seemed that they had broken it up. I didn't really see a lot of crossover with the support for the Native and tribal parts of it versus the religious parts. So ultimately I was like, as it's written, I can't support this, even though I fully endorse the tribal aspects of it. And I think we've done a huge disservice to our Native communities and they deserve that recognition. But, as our white colonizer ancestors, we're really good about slipping things into blankets, right? We have that little poison pill, and I feel like there's a poison pill in this bill where we're trying to sneak some things in. And I'm not trying to say that to be funny or anything, but it feels really bad sitting in the back of the room when I-- there's such a clear two sides of this. And I think we've muddied the waters with unnecessary things in this bill. I am now a poly-atheist. There's multiple gods I don't believe in, even though I was raised Catholic, so I have problems with some of the religious arguments that were made here today. I don't feel like this is doing justice to equality under the law. That's our Nebraska state motto. And I'm just speaking from the heart, so if this is a little clumsy, I apologize, but I was really fighting in the back. Do I support this or do I not? And ultimately, I think I have to settle on I-- I don't support it as it's written now, with the clear divide that



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has been in the room and testimony today. So I do apologize to our Native family that's here today that I have to do this, but that's all I have.

**SANDERS:** Thank you for your testimony. Are there any questions? I see none. Thank you for coming out today.

**LUKE SCHROER:** Thank you. I appreciate your time.

**SANDERS:** Are there any other opponents? Anyone in the neut-- opponent?

**SCOTT JONES:** [INAUDIBLE] I do have a testimony.

**SANDERS:** Welcome. You can take a breath. Welcome.

**SCOTT JONES:** Hello. Thank you. How are you today? I'm the Reverend Dr. E. Scott Jones, S-c-o-t-t J-o-n-e-s. I'm the senior minister of the First Central Congregational United Church of Christ in Omaha, Nebraska. About half of this bill seems great and wonderful, but I'm worried about some of the religious protections in it that I think could be used to actually discriminate against people. On October the 31st, 1948, my predecessor as the senior minister at the First Central Congregational Church, the Reverend Dr. Harold Janes, preached about the core principles of Protestantism, and that sermon included this statement, which stands as a warning to us in 2023: We should not be deceived by those who claim they are interested in religious liberty when they are only interested in liberty to impose their interpretations of religion upon others. Essential to the American tradition is the idea of a public space in which everyone's views are allowed to interact. For this public space to exist, everyone must be granted equality and mutual respect. It does not mean that you have to agree with everyone else; quite the contrary, it means that in the public sphere you cannot try to impose your views on someone else. Instead, you must grant them the respect and the equality that-- that is their fundamental human right. You must acknowledge their dignity, their conscience. Religious liberty rests upon the ancient principle, you shall love your neighbor as yourself. And this, my friends, is why I'm so deeply troubled by the recent misuse of the concept of religious freedom. Let me state emphatically, and so I'm not misunderstood, in the public sphere, no one has a religious right to discriminate against another human being. Discrimination, not treating another person with the respect they are entitled to, refusing equal treatment, these things are direct contradictions to religious liberty. They are hostile to it. It is brazenly dishonest to wrap your biases in the language of religious freedom. It risks substantial harm

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to the Republic, to the entire American democratic experience, and even to the Christian gospel. It is Orwellian, to use a term to describe its exact opposite. This dishonesty must be resisted. Religious liberty, as historically understood, as rooted in the biblical tradition, as enshrined in our constitution, demands equality of all persons, demands mutual respect of all persons, demands that in the public sphere everyone be treated the same. I urge you, therefore, to oppose LB277.

**SANDERS:** Thank you. Are there any questions? See none. Thank you. Are there others? Opposition? Opposed? Thank you. Welcome.

**HANNAH WROBLEWSKI:** Thank you. My name is Hannah Wroblewski, H-a-n-n-a-h W-r-o-b-l-e-w-s-k-i, and I am here representing American Atheists, going to read a letter on their behalf. American Atheists, on behalf of its constituents here in Nebraska, stand in opposition to LB277. This dangerous legislation would undermine religious equality in Nebraska, just as it has done in other states that have passed similar legislation. Because LB277 will interfere with the constitutional rights of all in Nebraska, we strongly urge you to oppose this bill. American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the wall of separation between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation's communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community building, and work to end the stigma associated with being an atheist in America. Religious liberty is an individual right guaranteed by the First Amendment, and American Atheists oppose efforts to misuse these constitutional protections to undermine the civil rights or religious freedom of others. LB277 is an example of an RFRA, or a religious freedom restoration act, a bill that provides that government action may only burden religious exercise if it meets a stringent legal test. In order to meet this test, the government must show that its action was intended to meet a compelling government interest, and the action taken was narrowly tailored, meaning that no alternative method will be as effective to meet the government's goal. This is the most difficult test that courts impose in constitutional law, and it is rarely met by the government. While RFRA laws were originally introduced at the federal and state level to protect religious exercise, in recent years, RFRA language has been used in ways that its supporters and sponsors would never have imagined, including exemptions from nondiscrimination,

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public health and safety laws. Freedom of religion is important, and that is why it is already protected by both the U.S. Constitution and the Nebraska Constitution. However, these protections do not create a special right for religious individuals and organizations to violate neutral laws or discriminate against groups they-- groups they disfavor. LB277 would, under the guise of religious freedom, create special exemptions to a range of neutral laws to privilege religious organizations at the expense of everyone else. This bill would potentially allow individuals and organizations to evade nondiscrimination laws. In Virginia, for example, there have already been efforts to use the state's RFRA to overturn the recently passed Virginia Values Act, a state LGBTQ nondiscrimination law. The rule of law is important, and we cannot simply create sweeping exemptions that allow people to pick and choose which laws they wish to follow. We should all be held to and protected by the same laws. This bill goes so much further. LB277 would give religious organizations broad immunity from nearly every state and local law, not just during a state of emergency, but all the time. The bill provides that state government may not impose criminal, civil or administrative penalties against a religious organization in connection with the organization's exercise of religion. The implications of this liability shield are striking. And just a few examples: Religious schools and organizations could claim immunity from criminal or civil liability for child abuse. A religiously motivated hate group could avoid prosecution for criminal activities associated with its religious beliefs. Religious organizations of all types could be shielded from state and municipal nondiscrimination laws. A house of worship that routinely violates the fire code or exceeds capacity limits during worship services could not be fined or required by a court to comply with the law. A patient would lose the right to sue a religious hospital for medical neglect or reckless care provided consistent with the hospital's religious beliefs. A family whose child was injured or killed due to negligence or recklessness by a religious school could be prevented from suing the school. Nebraska could not recover state funds used by religious organizations for fraudulent or improper purposes as long as the funds were used while engaging in re-- religious activities. And employees of religious schools and hospitals could be barred from suing if their employers engaged in harassment, discrimination or even criminal behavior. We oppose this bill because it violates the principle of religious equality, an essential component of religious freedom. Religious equality stands for the guiding and governing principle that one's religious identity shouldn't neither directly nor indirectly affect their civil rights under the law. This principle helped to shape both the First Amendment and the Nebraska Constitution, which

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provides that all persons have a natural and indefensible right to worship, and no preference shall be given by law to any religious society. Instead of religious equality, this bill would establish a new principle that religious people and organizations only may claim exemption from laws and policies that conflict with their beliefs. As Justice Scalia pointed out in his-- in his Employment Division v. Smith opinion, such a principle would be a constitutional anomaly. I thought this letter was too long. I was trying to read fast.

**SANDERS:** I can kind of see you only have like a paragraph left, if you'd like to go ahead and finish.

**HANNAH WROBLEWSKI:** I am almost done. Thank you. In his Employment Division v. Smith Opinion, constitutional law-- OK, sorry, lost my spot. In addition to the legal chaos created by this bill, LB277 would have both short- and long-term negative economic impacts. States like Indiana that have passed RFRAs in recent years-- in recent years have seen economic impacts of more than \$400 million due to lost opportunities. This bill is both dangerous and unnecessary. There is no-- there's no evidence that religious freedom of Nebraska citizens has been routinely violated. Instead, religious liberty has historically been protected through the First Amendment and through the Nebraska Constitution. Instead, this bill would undermine those protections by compromising the very bedrock of religious freedom, the principles of religious equality and separation of religion and government. This legislation threatens to radically rebalance state law to grant extraordinary privileges to organized religion. LB277 would establish an across-the-board exemption that allows for religious discrimination by making religious exercise a state favorite class of activity. We urge Nebraska lawmakers to hold the principle of the Nebraska Constitution and to reject this harmful legislation.

**SANDERS:** Thank you.

**HANNAH WROBLEWSKI:** Thank you.

**SANDERS:** Senator Raybould, have a question?

**RAYBOULD:** How did you know I had a question? And I didn't even raise my hand yet.

**SANDERS:** You did.

**RAYBOULD:** Did I?

**SANDERS:** A minute ago.

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**RAYBOULD:** Thank you, Ms. Wroblewski, for coming and testifying. And I-- I noticed you focused strictly on the-- the part of this bill that dealt with religion, and I wondered if you would support the bill if we separated the two and dealt with religion in one component and then the-- the expression and use of tribal regalia.

**HANNAH WROBLEWSKI:** Yes. Like you and Senator Hunt and Conrad have mentioned, like, we see it as, like, two separate issues, so we're here to talk about everything except Section 6 and 7. We do support that Native students should have a right to their regalia, of course.

**RAYBOULD:** OK.

**HANNAH WROBLEWSKI:** We're-- we're talking about the rest of the bill because we see it as two separate issues.

**RAYBOULD:** OK. Thank you very much.

**HANNAH WROBLEWSKI:** Yeah. Thank you.

**SANDERS:** There any other questions? Senator Halloran.

**HALLORAN:** Thank you, Chairperson Sanders. Just some curious questions here.

**HANNAH WROBLEWSKI:** Yes.

**HALLORAN:** Do you consider-- you consider atheism to be a religion?

**HANNAH WROBLEWSKI:** It is-- it's like the lack of religion, like we have a right to religion and a right, you know, right for religion and right-- right from religion as well.

**HALLORAN:** So you're organized as a group that doesn't believe in religion, right?

**HANNAH WROBLEWSKI:** Yeah, we--

**HALLORAN:** Yes.

**HANNAH WROBLEWSKI:** --we believe in, like, a secular America.

**HALLORAN:** And do you think your rights aren't protected currently as an atheist?

**HANNAH WROBLEWSKI:** I-- I mean, when we have like bills like this that allow religious organizations to discriminate against people for being

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LGBT or being an atheist, then, no, I don't think our rights would be protected under under-- under this, under LB277. Sorry, I was not prepared for questions. I was just reading a letter from another organization, so sorry.

**HALLORAN:** All right. Thank you.

**SANDERS:** Any other questions, comments? Thank you for your testimony.

**HANNAH WROBLEWSKI:** Thank you.

**SANDERS:** Are there others testifying in opposition or neutral? Then this closes our public hearing portion. Senator Brewer, to close.

**BREWER:** All right. Thank you, Vice Chair Sanders. All right, let's get back to the issues at hand. I will do my best to address this to you, but these are linked together. OK? They're not-- you don't separate them because if you look at the parts of this bill, under the federal version of this law, this is what they use to protect Natives. So, you know, the tribal regalia is just-- it's a specific guidance for Native traditions, but it is all part of this federal version of this compelling interest-balancing test. So you can't rip those apart. They're one and the same. Now, somehow, we've derailed a little on this. Let me go back and just reread some of this so we can kind of get our bearings again. Let me point out that this compelling interest-balancing test exists under federal law, has since 1993, again, introduced by Congressman Chuck Schumer, not someone who you would see as trying to hide anything, in the Senate, Senator Ted Kennedy. It passed almost unanimously in both houses and was promptly signed by Bill Clinton, so forgive me if I'm not a little concerned that-- that this whole idea that we just shared is-- is really wrongheaded. We got 23 states, plus the federal government, that have decided that this is what needs to be done. So it's not like we're out in some crazy dark alley trying to push something through that's got all kinds of things that shouldn't be there. This-- this is about as clear as you can be. But the bill is about due process. It's-- it just says that we ought to have a clear process for processing a core constitutional right, the free existence of religion. Having due process doesn't mean that you win. It just, it just means that you get your day in court. We have a lot of groups that have been promised rights by the government. If you can't see the fact that Natives are a little bit hesitant to trust the federal government, you really haven't studied history much, because we have never been treated right and that's part of the whole problem here. Again, idea that you can break this up is wrongheaded in the sense that it is what protects

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this, in the sense of protecting Natives. This bill is just keeping the government honest. The bill will discourage the-- the government bodies from crossing that line of vio-- violating people's rights. The goal of this bill is not more lawsuits. It is just to have a clear standard, a clear process. So with that, I will take questions.

**SANDERS:** Thank you. Are there any questions? Senator Lowe.

**LOWE:** Well, thank you. In 1993, when Schumer put this bill out to become federal law, didn't the ACLU come and testify in favor of this bill?

**BREWER:** I have been told that, but I do not know that for a fact, and-- and so I would have to research that and get back to you.

**LOWE:** I was hoping that they were going to come and testify today.  
[INAUDIBLE]

**BREWER:** I think that's correct from our last time that we had this bill here. And-- and, you know, keep in mind that the thought that people wouldn't come to Nebraska because this law is passed, whether it be to play baseball or whatever, you've got Texas, you've got Arizona, where we're going to have a Super Bowl here. If state-- if that's the standard they use not to come to a state, then it's not something that's being used across the board.

**LOWE:** All right. Thank you, Senator.

**SANDERS:** Senator Raybould.

**RAYBOULD:** Thank you. Senator Brewer, with-- with all due respect, sir, I know we heard a lot from Native Americans today really addressing their comments to the expression of their cultural heritage and wearing traditional regalia. And in light of additional testimony from a number of individuals who see the distinction between the two, I would respectfully ask if you would-- it sounds like the answer is no, probably--

**BREWER:** It is no.

**RAYBOULD:** --is no to-- to reconsider and-- and separating these two.

**BREWER:** Let me give an example. You talked about high school graduation. You could do a traditional graduation in Pine Ridge after the changes were made, but you could go to a few miles away across the border, and you would come to Rushville, Gordon and other places, and

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you couldn't do that. So I still feel that this is the best way to protect Native American rights, and it-- and it will stay together.

**SANDERS:** Any other questions? I see none. This will be closing of the hearing for LB277 and position comments. We had one neutral. We had 10 proponents, 17 opponents and 1 neutral. And this closes the hearing on LB77-- LB277. Thank you.

**BREWER:** OK, we're switching over. OK, Tanner. Welcome to the Government Committee. You'll be opening on LB70 for Senator Cavanaugh, correct?

**TANNER DeBOER:** Yes, sir.

**BREWER:** All right. Thank you. Welcome to the Government Committee. Whenever you're ready.

**TANNER DeBOER:** Thank you. Good afternoon. Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Tanner DeBoer; for the record, T-a-n-n-e-r D-e-B-o-e-r, and I'm the AA for Senator Cavanaugh, who represents District 6, west central Omaha in Douglas County. LB70 is a reminder that whatever we end up doing with voter identification for voting, we need to make sure that the ID can be obtained free of charge. A charge of any kind can-- will be considered a poll tax, which will question the constitutionality of the bill. Since driver's license or other state identification cards are often the main focus of ID and getting those often requires a certified birth certificate, we decided to focus on these items and to eliminate the fees with the intention if this is used in voter identification. This may also need to be expanded depending on the voter ID bill that is likely advanced out of this committee. We would contend that we need to make it much easier to obtain a birth certificate and other forms of identification for reasons as well. The nonprofit agency in Omaha named Together, has a rapid rehousing program. In order to get housing, or for most other assistance programs, the individual has to obtain an ID. Together staff assist individuals obtaining these IDs, the approximate \$60 per individual IDs alone to obtain in most cases. Through November 2022, their housing program used over \$12,300 of direct cost associated with obtaining IDs for only 350 individuals, not including staff time and an-- an additional salary of \$9,000. It also becomes a Catch-22 for many people because it is more difficult to get a birth certificate without a state ID, and it is impossible to get a state ID without a birth certificate. Since the voters of Nebraska passed the voter ID initiative, we have to address its finer points and how it best works



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in Nebraska. We firmly believe that we need to create an avenue that is free of charge. Senator Cavanaugh is more than happy to work with the committee and Senator Slama to make sure that this avenue is created, whether it's through LB20 or-- excuse me, LB70 or any other mechanism. There are experts behind me who will be very well equipped to answer your questions regarding LB70, and I thank you for your attention and time this afternoon.

**BREWER:** All right. Thanks, Tanner. And-- and you kind of got thrown into the hot seat there. How long have you been the AA?

**TANNER DeBOER:** Since January, but I worked for Senator Pansing Brooks last year.

**BREWER:** Oh, all right. Well, you did a fine job.

**TANNER DeBOER:** Thank you.

**BREWER:** We don't traditionally ask any questions, so.

**TANNER DeBOER:** OK.

**BREWER:** And I assume that we just waive the closing?

**TANNER DeBOER:** Yeah.

**BREWER:** OK. All right. Well, thank you for your opening, and we'll start taking testifiers.

**TANNER DeBOER:** Thank you.

**BREWER:** All right. We'll take the first proponent for LB70. And if you're planning to testify, if you all move forward, then we kind of got a head count so we know where we're at. Welcome to the Government Committee.

**DANIEL GUTMAN:** Thank you very much. Good afternoon. My name is Daniel Gutman, D-a-n-i-e-l G-u-t-m-a-n. I'm here on behalf of the ACLU of Nebraska. We're testifying in support of LB70. Voting is a cornerstone-- co-- cornerstone of our democracy and the fundamental right upon which all our civil liberties rest. The ACLU works to protect and expand Americans' freedom to vote. Many Nebraskans do not have one of the forms of government-issued photo identification that will be required to vote. These voters are disproportionately low income, racial and ethnic minorities, the elderly, and people with disabilities. Such voters more frequently cannot afford or cannot

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obtain the underlying documents that are a prerequisite to obtaining the limited kinds of government-issued photo ID cards that are required to vote. LB70 seeks to protect the rights of those voters by ensuring no eligible voters are denied the right to vote simply because they are unable to afford a government-issued photo ID card. Currently, about 7 percent of American citizens do not have a government-issued photo ID. While obtaining a government issued photo I.D. may not seem difficult to-- to some, it is a massive expense and a barrier to participation in our democratic process. The combined cost of documents, document fees, travel expenses and waiting time, are estimated to range \$75 to \$175. That cost could prevent nearly 11 percent of Nebraskans living in poverty from voting in an election that they are otherwise eligible to vote in. For those reasons, the ACLU of Nebraska thanks Senator Cavanaugh and Conrad for introducing LB70 and urges the committee to advance the legislation to the floor. I would make one other comment. I know that last week this committee heard testimony from another-- a number of election officials who-- who testified generally in support of the voter ID bill. Many of them expressed this concern about possible costs associated with obtaining an identification. So we urge the committee to support and advance this bill.

**BREWER:** All right. Thank you for your testimony. We're going to run a few questions by you if you're OK with that.

**DANIEL GUTMAN:** Sure.

**BREWER:** All right. One of the issues that came up was what the law says is you-- you have to have a photo ID, but that ID wouldn't have to be current. As long as you had your name and a picture, that would be identifying you by-- by name, because a lot of them say, well, if you have an expired driver's license, you couldn't use that. But really, as long as it's identifying who is this person, you've met that-- that requirement to have an ID. It wouldn't have to be current, would it?

**DANIEL GUTMAN:** And are-- and are you referring to the-- the initiative that was passed?

**BREWER:** Well, I guess what-- what I'm just saying is-- is if we-- if we go along from your testimony on the need to have free identification available, I mean, that's kind of the essence of it, right, is, is if you're going to require that there be picture ID, a photo ID, that that has to be a free ID or else there's going to be a whole lot of folks that are out there that are in a situation where

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they don't have that ID they need in order to-- to vote. Does that ID have to be current ID, or if it simply has the name and the picture so you can identify who that person is, is that adequate in your view?

**DANIEL GUTMAN:** I-- I don't think it's adequate, and I'm not sure it needs to be current. To answer your question, I'm not sure it needs to be current.

**BREWER:** OK.

**DANIEL GUTMAN:** But what-- what LB70 is trying to address is folks that may not have those other forms of picture ID. So what this-- what the bill, as it's currently written, says is, regardless of whether you have access to some other form of photo ID, which people may or may not have access to, if you need an ID, such as, you know, a driver's license or birth certificate, and you want to use it to vote, you can obtain it for free.

**BREWER:** Right. And-- and one of the things that came up in our hearing the last time is Secretary of State was one angle to going at the ID, or the DMV. Obviously, the DMV probably got more traction because they actually have the machines and-- and they're scattered all over the state, whereas Secretary of State would have to start from scratch and it would be a-- probably a considerable cost. But right now, those are probably the two best avenues to figure out how to get an ID. Is that kind of how you see it?

**DANIEL GUTMAN:** If-- if the gov-- if the ID that you are getting is from the government or a government agency, then yes. But back to your original point, I don't think it necessarily needs to be.

**BREWER:** OK.

**DANIEL GUTMAN:** There's other forms of photo ID.

**BREWER:** Now you're getting my point. All right. Questions for Daniel? Oh. Senator Raybould.

**RAYBOULD:** Mr. Gutman, thank you so much for being here today. I didn't know, and perhaps you could tell me a little bit more, in LB70, does it reimburse individuals who need to get a birth certificate from another state, or does-- does this piece of legislation, like the state of Nebraska will reimburse the state of Missouri if I was born in Missouri, which I wasn't. I was born in Lincoln. But, I mean, if-- if-- for those individuals born in another state and they need to get that birth certificate to be able to get a valid Nebraska ID, voting

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ID, I didn't-- I didn't know if it included that or not. And I'm sorry I wasn't here for the opening comments. Otherwise, I would have asked the same question. Does it include reimbursing the individual or another state for free access to the birth certificate?

**DANIEL GUTMAN:** Senator, I do not know the answer to that question.

**RAYBOULD:** OK.

**DANIEL GUTMAN:** But I'm sure one of my friends behind me does.

**RAYBOULD:** OK. Thank you.

**BREWER:** Throw those friends under the bus, right?

**DANIEL GUTMAN:** That's right.

**RAYBOULD:** That's-- that's--

**BREWER:** All right.

**RAYBOULD:** --OK by me.

**DANIEL GUTMAN:** That's right.

**BREWER:** OK. Any other questions for Daniel? All right.

**DANIEL GUTMAN:** Thank you.

**BREWER:** Thank you for your testimony.

**DANIEL GUTMAN:** Thank you very much.

**BREWER:** OK. Next proponent to LB70.

**HEIDI UHING:** Hello, Chairman Brewer and members of the committee. My name's Heidi Uhing, H-e-i-d-i U-h-i-n-g, and I'm the public policy director for Civic Nebraska. We are happy to see Senator Cavanaugh's bill, which is one of many bills addressing different concerns about voter ID this session. I think that's a good sign that several senators are very concerned about the outcome of these types of bills and about getting the details right, because, as we all know, when it comes to voter ID, the quality of the bill and the question of whether people's civil rights are being violated really depends upon all of these small details that-- that add up to the big-- the big idea. So this one is a very simple bill that addresses, you know, really, a singular problem that's-- that's an issue of voter ID around the

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country in that it would require the state to make a voting ID and a birth certificate required to obtain an ID, both available at no charge. My understanding is that it does not address birth certificates required from other states, so that would require an amendment. That might be rather complicated, actually, to-- to do so. But I-- I agree with your point that if we're about letting people vote in Nebraska and not requiring a charge for that, that that finding a way to provide fees covered for those things, too, is definitely part of the conversation, because we know that not covering the fees is equivalent to a poll tax, and we know from 1964 that that's unconstitutional here. So any way we can avoid doing that is-- is a good way to go. The good news is that it seems that many senators are already in agreement about the provisions of LB70. It looks like Senator Slama's bill, LB535 already provides these things, as does her white copy amendment. Senator Day's LB675 also does, as does Senator Erdman's LB230. So it seems like we're in broad agreement that these pro-- these-- these fees need to be covered by the state of Nebraska. One thing that's not-- I'm not seeing addressed in any of that legislation is how people would become aware that those fees can be covered. I know several of those bills have a public awareness campaign component that would, you know, get news out by media and websites and things like that. But it seems that on the-- on the application form for those documents, that it might be helpful to specify to people who might be filling it out but not understand that that fee can be covered, that if it's for voting purposes, that that can be provided free of charge. So we ask that you continue to support this and incorporate it into whatever work you're preparing as a committee on how to proceed with voter ID. And, Senator Brewer, I'd like to introduce-- address the other question that you were asking about expiration dates.

**BREWER:** Yes, please.

**HEIDI UHING:** Yeah. So my understanding is that there's a handful of states, even states considered strict photo ID states, that do not have an expiration date on the ID. So there are some that limit it to ten years expired, four years expired, Some don't-- don't address expiration at all and say it doesn't matter how long they're expired.

**BREWER:** Oh, OK.

**HEIDI UHING:** And I agree with what you said that having an expiration date on the ID-- ID does not negate the ability to identify somebody. You know, you can have an exp-- expired license and there's still no

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question about who you are and whether your photo matches the-- the ID on the card.

**BREWER:** Like the way you think.

**HEIDI UHING:** So I think that's an important part.

**BREWER:** OK. Questions for Heidi? Questions? All right. Thank you for your testimony. Thanks for clearing that up. OK. Next testifier. Welcome back.

**GAVIN GEIS:** I return. Chairman Brewer, members of the committee, my name is Gavin Geis; that's spelled G-a-v-i-n G-e-i-s, and I'm the executive director for Common Cause Nebraska. And we stand in support of LB70. While we don't support the underlying provisions of a voter ID bill, this bill does not burden voters in any way and it addresses a very important consideration in the voter ID discussion, so we stand in support. Given it's a simple bill, I thought it was worth addressing something that's often brought up in these discussions when we talk about providing ID. You often hear mentioned poll tax and what we don't hear here mentioned is what is a poll tax, what's the history in America, what's the big deal? I figured, OK, I've got a little time, why don't I talk about that. So poll taxes, poll taxes actually have a very long history in America. It goes back to our founding era, very beginnings of America. Poll taxes were used as a legitimate tax in some situations, a show of buy-in to the-- for the electorate. But they were also used during that era as a way to exclude the poor. They were clearly used by those in power with wealth to exclude those who did not have power and wealth. But when we talk about poll taxes today, clearly, that's not the poll taxes we're talking about, right? We are talking about the poll taxes that, from 1890s to the 1960s, were used to exclude minority communities and poor communities from having actual impact on our elections. Twenty-plus states utilized poll taxes for that express purpose, to exclude those and to control elections in large part. And for most-- much-- much of that time, it remained a political discussion, whether these were good, whether these were bad. But that all changed in 1964 when the U.S. Congress passed the 24th Amendment to the Constitution, which expressly outlawed poll taxes at the federal level, made it so in any federal election, you could not impose a poll tax. Now that, of course, did not then apply to the states. That took another couple years when in 1966, the U.S. Supreme Court decided Harper v. Board of Elections. In that case, a Virginia resident who had been denied the right to register to vote because of a poll tax, brought suit against the state, arguing that she was being denied her right to vote because she

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didn't have the money to pay the poll tax. Ultimately, the court agreed. They said that the fourth-- the 24th Amendment, does apply to the states through the 14th Amendment's equal protection clause. An important quote from that decision: Wealth or fee paying has, in our view, no relation to voting qualifications. The right to vote is too precious, too fundamental to be so burdened or conditioned. So 1966, Virginia-- Harper v. Virginia Board of Elections come down and states can no longer apply poll taxes. And to this day, that's the decision we look to when we talk about poll taxes. Whether something meets that qualification or not, is of course a discussion for courts, but it is still relevant and it's important for states when looking at putting burdens on the right to vote, whether it does meet that quote, right? Does it reach the level of the Harper v. Virginia Board of Elections? In Nebraska I believe we have an additional consideration when talking about poll taxes. Our own Constitution, in Article I, Section 22, says that all elections shall be free and there shall be no hindrance or impediment to the right of qualified voter to exercise the elective freedom. That was adopted in 1875, so well before this other discussion on poll taxes. But clearly the Nebraska Constitution has a high regard-- regard for the right to vote. And even though, right, last year, an exception will say was passed to that very section of the constitution regarding voter ID, it does not override the underlying principle there. Our elections must be free. And so as we have this discussion, as we talk about voter ID, we have to make sure our elections remain free. Looking abroad to other states, what do other states that have what you would call a strict voter ID requirement do, those states include North Dakota, Wyoming, Kansas, Missouri, Arkansas, Tennessee, Wisconsin, Indiana, Georgia and Mississippi, all free IDs. They provide free IDs for their citizens. They vary in documentation, in providing free documentation, but they do provide free ID. We think providing free documentation is an integral part of this, that it should remain. And actually, we would recommend that you look at potentially expanding that section. To Senator Raybould's po-- point, other state birth certificates, that could provide some sort of a barrier. I've also had multiple-- not to gender, but multiple women bring up the such-- the-- the issues with marriage and divorce certificates that may become relevant when getting ID. Will those be provided free? Now this bill does not provide for that, but it is a concern I've heard from multiple people. Will I be impacted differently because my name changed when I got married? Is this going to make it harder for me to vote? I know, as I said, the bill does not currently include that, but I would encourage you to look at those other certificates, those other sources of data that might be required when getting ID, But all of that to say we

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support LB70. We think it's vital that these IDs are paid for, that we are as expansive as possible in the cer--certificates and other identifying documents, providing those so there isn't a hindrance and so that we don't brush up against this whole poll tax question. And look at-- thank you. That-- that is all I have.

**BREWER:** Wow. Thank you. We actually learned something today. Usually there's a lot of talk and you don't actually get to a point where you actually are smarter, especially about an issue that we're going to be talking about a lot the next few weeks, so thanks for enlightening us there. All right, any questions for Gavin? Senator Raybould.

**RAYBOULD:** Mr. Geis, thank you for testifying. I learned a lot from you. But one question I have, I know that Senator Jen Day has a another bill, and you mentioned-- and you mentioned it, too, and I guess when it talks about IDs, does it talk about a broader expanse of IDs and making sure that all identification is free? I didn't-- I don't know. Does she have a reimbursable for any individual in her--

**GAVIN GEIS:** Oh, are you-- regarding the voter I-- not the accepted list of IDs, you're saying for the IDs provided by the state, is that more broad than this definition?

**RAYBOULD:** Is it more broad, yes, thank you.

**GAVIN GEIS:** You know, I-- I will have to look at that and make sure that I--

**RAYBOULD:** OK.

**GAVIN GEIS:** To my knowledge, it is not broader, but I don't want--

**RAYBOULD:** OK.

**GAVIN GEIS:** I will look at that and I'd happily answer that.

**RAYBOULD:** OK. Thank you very much.

**GAVIN GEIS:** Yes.

**BREWER:** OK. Senator Halloran.

**HALLORAN:** Thank you, Chairman Brewer, and thank you, Mr. Geis, for being here. So a lot of the discussion is centered around this-- what appears to be we've kind of conflated some issues here about IDs and what's available for people. Every common person might have IDs. We



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don't want to disenfranchise low-income people, for example, people of color, low-income people, whatever the case may be, so wouldn't it be safe to say that those people who are, for example, eligible for SNAP cards are low-income people, right?

**GAVIN GEIS:** Yes.

**HALLORAN:** And they have to meet certain requirements of-- of identification to get the SNAP benefits?

**GAVIN GEIS:** Correct.

**HALLORAN:** Correct?

**GAVIN GEIS:** Yes.

**HALLORAN:** Wouldn't it be fair to say that those identifications that they-- they have to prove citizenship. They have to prove they're-- they live in Nebraska. They have to show proof of identity to get the SNAP benefits which are designed for low-income people. Right?

**GAVIN GEIS:** Yes.

**HALLORAN:** They have these IDs. So on one hand, we're talking about as though there needs to be some special ID that people have to have to vote versus the IDs that commonly we all have, even people of low income, for example, have.

**GAVIN GEIS:** Yes.

**HALLORAN:** So-- so is it unfair to say that most low-income people have IDs that would be substantial enough to-- to-- for proof of identification for voting?

**GAVIN GEIS:** I would say many do, right? Many do. It's not the many that we're worried about, right? It's the few here that are-- that don't, right? Those are the ones we worry about. Those are the ones that could be excluded. And it's certainly not the case that all low-income Nebraskans fall into that category. I'm-- there are many who would attest that they don't, right? There are those who spoke last week as representatives of, saying that they've helped them get that ID. And I don't want to conflate voting rights versus getting a SNAP card. There are greater protections, right, for voting rights versus SNAP benefits. So, yeah, I agree, right, there are certainly low-- not every low-income Nebraskan is lacking ID. At the same time,

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there are those who are, and looking out for them I think is-- is the pri-- the point we're making.

**HALLORAN:** What would cause someone not to have an ID, low-income person? What would cause them not to have an ID card?

**GAVIN GEIS:** Cau-- cause them not to have an ID?

**HALLORAN:** Right. I mean, if they're not going to subscribe to SNAP--

**GAVIN GEIS:** Right.

**HALLORAN:** --surely they are aware of the program, SNAP program.

**GAVIN GEIS:** I am not a snack-- SNAP expert, so I can't speak to the demographics, but I would imagine there are people who do not seek out benefits. Right? There are a lot of-- there's a lot of reasons why a person might not seek out government benefits, whether that's pride or ignorance or a variety of other issues, and a good reason why they may not have an ID, as well, right? There are those on the margins of our society who are as equal-- they have an equal right to vote as the rest of us--

**HALLORAN:** [INAUDIBLE]

**GAVIN GEIS:** --even though they may not have the same--

**HALLORAN:** OK.

**GAVIN GEIS:** --have the same experience, same access, same knowledge that we do.

**HALLORAN:** I agree. And it's very difficult. I don't mean to interrupt an attorney, but do you have a-- do you have some grasp of numbers of-- is a-- one is too many? Is that what you're saying? If one person does not have an ID, that's too many?

**GAVIN GEIS:** Well, if one person-- I-- I would say it's worth looking at that one, if we're going to implement a system, yes. And if we're going to implement any system, when we talk about voter ID, making it easy for everyone, whether or not that one person is one we can actually put a name to, still, simplicity, ease of access, our values we should be looking to when building this system, whether or not I can give you numbers today as to the voters. I mean, 10-- 10,000, 20,000 has been floated, but I have not spoken with that many people. I have not gone door to door to talk to them, but I have-- there are

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unquestionably Nebraskans without ID who don't have it and who could use this principle, use this provision, to get in and vote, and I think it's worth looking out for their interest as well.

**HALLORAN:** I don't disagree, but if you could spend any spare time that you may have, and you're a very busy man, but if you could introduce me to someone that doesn't have an ID, I would be interested in meeting them.

**GAVIN GEIS:** At one point, I did not have a valid-- that-- that-- that would-- wouldn't have met the valid ID. I had an expired driver's license. And luckily we're looking at expanding that to not be expired. But I did not have an ID that would have been considered a real ID under the provisions if they were restrictive. Thankfully, like I said, Senator Brewer is already on that, and we're going to look at not expired, but I don't think it's as far fetched as you may feel.

**BREWER:** OK, and I-- I do think the numbers that you were talking were similar to what the Secretary of State is-- is planning on for-- for planning purposes numerically, because in order to set aside enough money to cover the cost, you have to have a number to work with it. And I-- and I'm-- those are the numbers that [INAUDIBLE] is looking at, so I think you're pretty close to what he's thinking. Yes, Senator Raybould.

**RAYBOULD:** Mr. Geis, I mean, this discussion is-- is very interesting. And I'm wondering if you have a greater familiarity with those individuals that are incarcerated. I'm-- I'm guessing they probably don't carry their ID on them, and I don't know how, for those that certainly qualify and are still able to vote, how-- how is something like that handled or processed or have you had any discussions? I mean, certainly, if they don't have their birth certificate, I'm sure that they can work with the system, but--

**GAVIN GEIS:** Yes.

**RAYBOULD:** --do you have any thoughts on that?

**GAVIN GEIS:** Voting in prison is very complex in Nebraska. In general, there are not great systems in place to provide ballots for those who may be qualified, right? Felons currently can't vote while in prison, but there are those who may be in county detention systems, who may be in pretrial that are certainly qualified, and those issues of getting ID, providing it for them, I have not walked down that path enough to

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know well, but I do know that issues abound and it is a problem that is worth looking at.

**RAYBOULD:** And I'm sure LB70 would also facilitate those that are incarcerated, that still may vote, access to getting whatever ID they need at no cost to them. Is that--

**GAVIN GEIS:** Absolutely. Yes.

**RAYBOULD:** OK. Thank you.

**GAVIN GEIS:** You're welcome.

**BREWER:** OK. Any other questions for Gavin? All right. Thank you for enlightening us today.

**GAVIN GEIS:** Thank you.

**BREWER:** OK. Additional proponent testifiers for LB70? Welcome to the Government Committee.

**ARLO HETTLE:** Hi there, Chairman Brewer and members of the committee. My name is Arlo Hettle. That's A-r-l-o H-e-t-t-l-e. I'm the grassroots advocacy coordinator of the Nebraska Civic Engagement Table, which is a member organization serving around 70 other nonpartisan, nonprofit organizations across the state. We're here today in support of LB70. Generally agree with pretty much everything that's been said by other proponents today, but just want to emphasize a few more things. One is the kind of streamlining that we really like here. We appreciate that this bill isn't requiring someone to ask for a fee to be waived, but it's eliminating the fee for a state ID altogether for those who don't have a valid driver's license and are of voting age. It's a simple change, but it's taking the burden away from citizens who may not know what resources are available to them or feel nervous asking about them. We hear from our members about how it's far easier for them to communicate a simple and easy-to-navigate process with their communities. For instance, this bill would help someone who does not have a driver's license and needs a state ID to vote but does not speak English. We're also in favor of the section of the bill eliminating the fee for birth certificates and lowering the barrier of acquiring this document. Have some firsthand experience with a coworker, for instance, who needed a birth record, does not have a driver's license, went through a lot of work to obtain that document, and eliminating that fee is an important step in making this process accessible. While we're in full support of LB70 and eliminating fees for really any step in the process of obtaining voting identification,

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we want to emphasize that just removing fees is not enough to make IDs accessible to all. When whatever bill or set of bills is fully implemented, IDs should be free and easy for Nebraskans to get. The campaign to educate citizens should be well funded. IDs could be provided in places that Nebraskans already visit, and we should establish a wide range of acceptable IDs. To address some of the points that have been brought up, I know that the Secretary of State has been tossing around a 2 percent number of Nebraskans that currently don't have valid IDs, and we've also heard that that number could be a lot higher. To speak to-- to Gavin's point and Senator Halloran's point as well. I'm currently someone that would not be able to vote with this new law. I have an Iowa driver's license. I moved to Nebraska within last year. It would be something that I would obviously update in concordance with the law. But I just think that there are a lot of people right now that don't have the-- the documents they need, a lot more than maybe meets the eye. And so, yeah, the Nebraska Table will continue to advocate for access to the ballot box. We encourage you to support LB70 and other bills that remove fees for identification and barriers to obtaining the documents needed to vote. Thank you.

**BREWER:** All right. Thank you. OK. Any questions? Senator Raybould.

**RAYBOULD:** Yes. Thank you, Mr. Hettle. I have a question for you. And I know Nebraska's Civic Engagement Table looks at a lot of issues. But have they looked at the issue about our senior citizens in nursing homes? I mean, do you have a creative solution to have mobile ID units go to a lot of the nursing homes to help assist those that may-- may no longer have any photo identification?

**ARLO HETTLE:** Yeah, not a lawyer, so I'll talk in generalities here. But I think there is a few different things that I've heard about. I think one is that I know that there's documents and licensure that nursing home residents have to-- to use to, you know, be able to be accepted into those facilities. I don't-- if there's identify-- identifying numbers on those documents, that could be, you know, filled out on a mail ballot form, for instance, or something like that, as a form of acceptable ID from the Secretary of State's Office. I think that could be a solution. I think-- we love the idea of mobile units, both for rural areas, for north and south Omaha, for communities in Lincoln, just really so many places in the state that I think that bringing IDs to people would be great. We would love to work with the Secretary of State to-- to see how that could be implemented. And I think that could go a really long way to-- to reducing the physical barriers for people obtaining IDs.

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**RAYBOULD:** Thank you.

**ARLO HETTLE:** Yeah.

**BREWER:** OK. Any additional questions? All right. Thank you for your testimony.

**ARLO HETTLE:** Thank you.

**BREWER:** All right. Any additional proponents to LB70? Welcome to the Government Committee.

**LUKE SCHROER:** Hello. My name is Luke Schroer, that's S-c-h-r-o-e-r, and I had the pleasure of sitting down with Senator Sanders here a couple of years ago maybe, because I live down in Bellevue, in your district. We discussed updating the Nebraska flag, if you remember that conversation. So I just looked in my wallet now as I was back here, and I still currently have my Bellevue address, even though I have since moved up to the Hanscom Park area of Omaha. That makes me very nervous going forward. Is my address being incorrect, would that be something that would hold me back from being able to vote? And that might be addressed somewhere else, but as somebody who's been a traveling electrician, I've lived many places and I had to travel for work. I did industrial electrical work for five years and on average it was at least one move a year. So my address was changing. Free ID or the access to free ID would help for somebody like me who is constantly moving to update that address so it doesn't become a problem. I proudly got five of my friends to update their addresses and voting information for the last election. A lot of them had moved from Iowa years before and just hadn't done it, hadn't gone through the process. One of my friends came from Grand Island and it was just a matter of updating his county and things so he could vote. So I know taking away the cost is just one less barrier that's going to help especially youth who have other things going on in their life, just one more thing that-- or one less thing that they have to keep track of and like, OK, how am I going to pay for this, when we've got chaos and stuff going on in our lives where we're not maybe as grounded as an older population that has been in a house for years and years. We're still trying to figure out our careers and kind of run around and chase the money, because a traveling electrician definitely makes more than somebody who's stable in-- in like one community, and that's kind of the perk, that they get you to move around, but it does come with its complications. Again, I mentioned earlier equality under the law. Free IDs is an extremely effective way to eliminate income as a factor to attain that equality. And you make the laws, so it's simply

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a matter of following through for our fellow Nebraskans. And I would love to entertain any questions if anybody has any, so.

**BREWER:** All right. Thank you, Luke. Let's see. We have questions. Questions for Luke?

**LUKE SCHROER:** No questions, second time. All right. Thank you very much.

**BREWER:** All right. Additional proponents for LB70?

**GUADALUPE ESQUIVEL:** I will be picking up a sheet to sign as well. I just wanted to provide some additional insight to the conversation. Hello, my name is Guadalupe Esquivel; that's G-u-a-d-a-l-u-p-e; last name, E-s-q-u-i-v-e-l. Thank you so much. I wanted to provide a little bit of insight into Senator Halloran's point earlier talking about snap cards. So those currently do not have any photos attached to them. So in terms of that conversation, changes would have to be made for those to qualify. And that is certainly something that I think a lot of people in the community would be willing to support if that is something that would be able to make voting more accessible to everybody. I also want to express one of my own concerns. I'm from Grand Island, proud Grand Island person here, as well as Senator Aguilar, and since moving here, I have not been able to update my own driver's license to be able to reflect my new residence, so I'd also be one of those people who would kind of be up in the air, not sure how I would be able to vote in the situation with the upcoming voter ID bill. So, yes, I just wanted to provide that additional context on your earlier question with the SNAP benefits. Thank you.

**BREWER:** All right. Questions? Yes, Senator Raybould.

**RAYBOULD:** Thank you, Mrs. Esquivel, for coming to testify. And, you know, you raise a really good point, and I wish we had someone from the Department of Motor Vehicles here to say, OK, your ID, your driver's license, I'm not sure what it is, is still valid and it's still current. I don't know if you just have to bring in an electric bill or a water bill that shows you're at this new address.

**GUADALUPE ESQUIVEL:** Right.

**RAYBOULD:** I don't-- I don't know if it's-- if it's that easy, because I've been in the same address for a long time, so.

**GUADALUPE ESQUIVEL:** Yeah, and I think that there is definitely a lot of questions that folks do have, and due to the inaccessibility of a

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lot of DMVs across the state, I think that that is a very difficult answer to be able to get for a lot of people, especially in greater and rural Nebraska. If you look at just how few DMVs there are and the inaccessible hours that they have, it might be hard for a lot of people to be able to get an answer to that question.

**RAYBOULD:** OK. Thank you very much.

**BREWER:** Additional questions? All right. Yeah, just make sure we get a green sheet--

**GUADALUPE ESQUIVEL:** Thank you so much.

**BREWER:** --and you won't be in trouble. OK. Additional testifiers for LB70 as proponents? Any opponents? Anybody in the neutral? All right, we need to read in some numbers here. Let's see. We had for LB70, one in the neutral, 16 proponents, and zero opponents. With that, well, we'll close our hearing on LB70 and close our hearings for the afternoon.