

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

WALZ: We'll go ahead and get started.

SANDERS: Where's your gavel? We got to get you one of those.

WALZ: All right, before we get started, I'm going to go through some COVID-19 hearing procedures. For the safety of our committee members, staff, pages, and the public, we ask those attending our hearings to abide by the following procedures. Due to social-distancing requirements, seating in the hearing room is limited. We ask that you only enter the hearing room when it's necessary for you to attend the bill hearing in progress. The bills will be taken up in the order posted outside the hearing room. The list will be updated after each hearing to identify which bill is currently being heard. The committee will pause between each vote to allow time for the public to move in and out of the hearing room. We request that everyone utilize the identified entrance and exit doors to the hearing room. We request that you wear a face covering while in the hearing room. Testifiers may remove their face covering during testimony to assist the committee members and transcribers in clearly hearing and understanding the testimony. Pages will sanitize the front table and chair between testifiers. Public hearings for which attendance reaches seating capacity or near capacity, the entrance door will be monitored by a sergeant at arms who will allow people to enter the hearing room based upon seating availability. Persons waiting to enter a hearing room are asked to observe social distancing and wear a face covering while waiting in the hallway or outside the building. The Legislature does not have the availability, due to the HVAC project, of an overflow hearing room for hearings which, which attract several testifiers and observers. For hearings with a large attendance, we request only testifiers enter the hearing room. We ask that you please limit or eliminate handouts. And with that, I want to welcome you to the Education Committee public hearing. My name is Lynne Walz from Legislative District 15 and I serve as Chair of the committee. The committee will take up the bills in the posted agenda. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on the proposed legislation today. To better facilitate today's proceeding, I ask that you abide by the following rules. Please turn off or silence cell phones and other electronic devices. The order of testimony is introducer, proponent, opponent, neutral, and closing remarks. If you will be testifying, please complete a green testifier sheet and hand it to the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee March 02, 2021

*Indicates written testimony submitted prior to the public hearing per our COVID-19 response protocol

committee clerk when you come up to testify. If you have written materials that you would like distributed to the committee, please hand them in to the page to distribute. We need 12 copies for all committee members and staff. If you need additional copies, please ask a page to make copies for you now. When you begin to testify, please state and spell your name for the record. If you would like your position known, but do not wish to testify, please sign the white form at the back of the room and it, and it will be included in the official record. If you are not testifying in person and would like to submit a written position letter to be included in the official hearing record as an exhibit, the letter must be delivered to the office of the committee chair or emailed to the office by 12:00 p.m. on the last workday prior to the public hearing. Additionally, the letter must include your name, address, stated position of for, against, or neutral on the bill or LR in question, and include a request for the letter to be included as the-- as your part of the public hearing record. Please speak directly into the microphone so our transcribers are able to hear your testimony clearly. Finally, please be concise. Testimony today, because we have a lot of attendance, will be limited to three minutes. We will be using the light system. Green is for-- means that you have three minutes remaining. Yellow means you have one minute remaining and when you see the red light, you should wrap up. The committee members with us today will introduce themselves beginning at my far right.

McKINNEY: Good afternoon. Terrell McKinney, District 11, north Omaha.

MURMAN: Hello. I'm Senator Dave Murman from District 38 and it's the counties of Clay, Webster, Nuckolls, Franklin, Kearney, Phelps, and southwest Buffalo County.

DAY: Good afternoon. I'm Senator Jen Day. I represent Legislative District 49, which is northwestern Sarpy County.

SANDERS: Good afternoon. Rita Sanders, District 45, the Bellevue-Offutt Community.

WALZ: Thanks. I'd like to introduce my committee staff. To my immediate right is research analyst Nicole Barrett. To the left-- to the right end of the table is committee clerk Mandy Mizerski and our pages today are Evan and Savana. Please remember that senators may come and go during the hearing, as they may have bills to introduce in

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

other committees. I'd also like our committee members to speak directly into the microphones and limit side conversations and making noise on their personal devices. We are an electronics-equipped, equipped committee and information is provided electronically as well as in paper form. Therefore, you may see many committee members referencing information on their electronic devices. Please be assured that your presence here today and your testimony are important to us and crucial to our state government. Lastly, as a reminder, please allow the pages to sanitize between testimony. And with that, we will open on LB62, Senator Kolterman.

KOLTERMAN: Thank you, Senator Walz. Good afternoon, members of the Education Committee. My name is Mark Kolterman, M-a-r-k K-o-l-t-e-r-m-a-n, and I represent District 24. Today I'm here to introduce LB62. Last interim, after the failure of LB920 on the floor of the Legislature or its ability not to advance, I was approached by representatives from the university system, the community college system, and the independent colleges who asked me to introduce LB62 this year so if the lottery failed again this year, the Legislature would have a second chance to extend the Nebraska Opportunity Grants, the Community College GAP Assistance Program, and the Access College Early scholarship cash fund. These three programs were included in LB529, which you've already heard, and they were made part of the Education Committee priority bill, so I'm asking you respectfully to hold this bill in committee. I want to note that while this bill did not, did not include provisions related to K-12 or distance learning, I'm not opposed to include those provisions or those provisions that were in LB529. This bill is simply a placeholder bill to ensure that the students entering the university system or independent colleges or community colleges all had access to these programs should the lottery bill fail again. With that, I'm open to any questions you might have.

WALZ: Thank you, Senator Kolterman. Questions from the committee?
Senator Murman.

MURMAN: Thank you, Senator Walz. Are these percentages the same as they were previously?

KOLTERMAN: They're very close. These are actually-- because I'm told they're-- the formula is about a \$1 million difference between what you have in LB529 and, and in this program, but they're very, very similar, yes.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

MURMAN: OK, thanks.

WALZ: Any other questions from the committee? Senator McKinney.

McKINNEY: Thank you. Why the 4.5 percent reduction in the Community
College GAP Assistance Fund?

KOLTERMAN: Can't answer that question for you. I think-- is a
reduction or-- it's just 4.5 percent to the Community College Gap
Assistance Fund.

McKINNEY: To it or-- OK.

KOLTERMAN: It just goes to them. I don't think it's a reduction.

McKINNEY: [INAUDIBLE]

KOLTERMAN: We just want to make sure that they get some of the money.

McKINNEY: OK. No, because this is a current statute, it's at 9 percent
and then it changes to 4.5 percent, so I was just--

KOLTERMAN: If it's a reduction, I can't answer that question on that--

McKINNEY: OK.

KOLTERMAN: --or answer your question. I'm sorry.

McKINNEY: Thank you.

KOLTERMAN: But I didn't hear any pushback from anybody, so I'd assume
that they're OK with what we're doing here.

McKINNEY: All right.

KOLTERMAN: In fact, I brought it in on their behalf, so--

McKINNEY: OK.

WALZ: Any other questions from the committee? I see none. Are you
closing-- staying to close?

KOLTERMAN: No. You know what? I'd, I'd stick around for the close, but
I have to open in a Banking.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

WALZ: All right.

KOLTERMAN: They're doing-- they're waiting for me in there, so--

WALZ: OK. Thank you, Senator Kolterman.

KOLTERMAN: Thank you.

WALZ: Do we have any proponents?

TREVA HAUGAARD: Good afternoon, Chair Walz and members of the Education Committee. Thank you for allowing this opportunity today to speak to you. My name is Treva Haugaard. It's T-r-e-v-a and last name is H-a-u-g-a-a-r-d. I am the executive director of the Council of Independent Nebraska Colleges, also known as CINC. The Council of Independent Colleges is supportive of LB62 and appreciate Senator, Senator Kolterman for introducing this bill that, if passed, would extend the sunset on the Nebraska Opportunity Grant program. CINC represents all 13 of Nebraska's private colleges and universities. Collectively, the private colleges in Nebraska enroll 34 percent of students who are Pell eligible, in addition to a strong percentage of students who are first-generation college students. LB62 provides critical funding specifically for Nebraska students to attend college and reduce their college debt by applying for and receiving scholarships from the Nebraska Opportunity Grant. According to the Coordinating Commission for Postsecondary Education, students received an average award of \$100-- of \$1,446 during the 2019-20 academic year. These funds are critical for students who may be struggling with paying tuition, room and board, books, and other necessities in order to attend college. Nebraska has a high number of students who qualify for the Nebraska Opportunity Grants, but there is not adequate funding to provide support to all students. While there has been an incremental increase in the amount of funding available to Nebraska residents, these funds are falling short and do not meet the needs of students across the state. The 2019-20 report by the Coordinating Commission for Postsecondary Education identified a gap of more than \$170 million for Pell-eligible Nebraska residents. According to this same report, there are more than 18,000 students who are eligible to receive a NOG grant, but the funding was not available. In addition, in 2018-19, Nebraska ranked 34th in the country in the amount of state-provided, need-based financial aid on a per-student basis. Nebraska students need the Nebraska Opportunity Grant funding included

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

in LB62. These are critical grant funds for our students who will graduate, obtain jobs, and contribute to our state's economy. This bill will help Nebraska and will help students and for these reasons, CINC supports LB62 and asks you to please advance this bill.

WALZ: Thank you. Questions from the committee? Thank you for coming today.

TREVA HAUGAARD: Thank you.

***GREG ADAMS:** Senator Walz and members of the Education Committee, my name is Greg Adams, executive director of the Nebraska Community College Association, providing written testimony in support of LB62. The five colleges that make up the Nebraska Community College Association, want to thank Senator Kolterman for listening to our concern regarding the reenactment of lottery supported programs, specifically the Nebraska Opportunity Grant, the Access College Early Scholarship program, and the GAP Scholarship program. One year ago, the Education Committee advanced LB920 to the floor for debate. LB920 contained all three of the scholarship programs listed in the previous paragraph and was intended to reenact those programs before they sunset on June 30, 2021. LB920 did not reach Final Reading. As the Legislature was preparing to convene this year, our colleges were concerned that the three scholarship programs might experience the same fate as last year. Hence, Senator Kolterman agreed to introduce LB62 as a type of "backup legislation". On February 2, I testified before this committee in support of LB529, which accomplishes what LB62 would accomplish. The NCCA is still in support of LB529. Our five colleges simply want to have the Nebraska Opportunity Grant, the Access College Early Scholarship, and the GAP Scholarship put back into statute.

***HEATH MELLO:** Chairwoman Walz and members of the Education Committee, for the record, my name is Heath Mello (H-E-A- T-H M-E-L-L-O). I serve as the University of Nebraska Vice President for External Relations and am appearing today as a registered lobbyist on behalf of the University in support of LB62, a proposal to reauthorize the Nebraska Opportunity Grant program. We want to thank Senator Kolterman for introducing this proposal to reauthorize the Nebraska Opportunity Grant, or NOG, program, as well as other key higher education and training programs. I would also like to thank Senator Kolterman for working with the University and other higher education partners in the

*Indicates written testimony submitted prior to the public hearing per our COVID-19 response protocol

Fall of 2020 when we brought our real concerns about the NOG program not being reauthorized this legislative session. Senator Kolterman has been a champion of the NOG, and we are grateful he was willing to introduce legislation without knowing the committee leadership or makeup. The Nebraska Opportunity Grant program is our state's only need-based financial aid program that provides direct assistance to qualified Pell-eligible Nebraska residents to attend the college or university of their choice. Close to 5,000 students enrolled at the University of Nebraska, including the Nebraska College of Technical Agriculture, received a Nebraska Opportunity Grant out of the nearly 13,000 students statewide in 2020. The Nebraska Opportunity Grant program's state lottery funding is vital in ensuring that accessibility and affordability remain a cornerstone of Nebraska's higher education systems. The University of Nebraska remains steadfast and committed to the mission of accessibility and affordability through a commitment to leadership and public-private partnerships. In 2020, University of Nebraska President Ted Carter announced the creation of 'Nebraska Promise,' a program to provide additional tuition assistance to eligible students with household incomes of less than \$60,000. In light of the significant challenges facing the state due to the COVID-19 pandemic, President Carter outlined a two-year budget proposal that froze tuition at the FY19-20 rates across all four of the University's campuses. In concert with the Nebraska Opportunity Grant and other federal programs, these efforts have proven to have a considerable impact on the University's enrollment growth for the Fall 2020 and Spring 2021 semesters - particularly growth in first-generation students. However, with enrollment growth also comes significant need from students, specifically first-generation students, who otherwise are limited in their ability to pay for higher education. In 2020, the University of Nebraska had roughly 6,200 students who qualified for the Nebraska Opportunity Grant program but were unable to receive an award due to the lack of available funding. While this data reinforces the need for additional need-based financial aid funding, without the Nebraska Opportunity Grant program's reauthorization in LB62, the impact would considerably worsen for both the University and the 5,000 students at our campuses who do receive this critical assistance. So, on behalf of the University of Nebraska and our 52,000 students, I would like to thank Senator Kolterman for his unwavering leadership in introducing LB62 and the Education Committee for their past support of the Nebraska Opportunity Grant program. We know Senator Kolterman and Chairwoman

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

Walz both have introduced legislation to reauthorize the Nebraska Opportunity Grant program and have reiterated to the Chair that we will support whatever bill is advanced from the Education Committee. That stated, the University would strongly urge the Education Committee to support and advance the Nebraska Opportunity Grant program's reauthorization and the other crucial higher education lottery-funded programs and make it a priority legislation this session.

***JUSTIN BRADY:** Chairwomen Walz and members of the Education Committee my name is Justin Brady and I am appearing before you today as the registered lobbyist for Metropolitan Community College, at opposition to LB62. I would ask that this written testimony and opposition be made part of the record. Through this written testimony, Metropolitan Community College (MCC) is expressing its opposition to LB62, as introduced. While not speaking for all community colleges in this state, this testimony addresses the perspective of MCC, a political subdivision and community college that serves the residents of Douglas, Dodge, Sarpy, and Washington Counties, home to over 40% of our state's residents, and approximately half of the state's unemployed individuals. Our comments today are focused on the Community College Gap Assistance Program Fund, which has enabled nearly 500 eligible students to complete short-term workforce training through MCC since the program's inception-about two-thirds of the statewide total. Having served 46% of the statewide Gap Assistance students this past year alone, MCC believes strongly in the value of this program. The name of the Gap Assistance program is indeed apt. While Pell grants or other scholarships are available for low-income students who want to pursue college degrees, few financial supports exist for students who need to improve their career outlook quickly, such as working adults with families. The greater Omaha area alone has approximately 100,000 adults, aged 25 and older, who have only a high school diploma or equivalency². The Gap Assistance program fills the gap by enabling those hardworking students to invest in their futures and gain the skills needed for high wage, high skill occupations, which would not be possible without training beyond high school. The importance of having this program in place was never more evident than this past year. When the pandemic threw many entry-level and service industry workers into unemployment, the state quickly directed federal relief dollars into the Workforce Retraining Initiative (WRI), a similar short-term program. Had MCC not had our Gap training systems

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

fully operational, we would not have been able to respond as quickly as we did, training over 4,000 students through the WRI. Indeed, for 120 of those students, we were able to leverage both WRI and Gap funding, to move them quickly from unemployment to gainful employment-despite the challenges of the pandemic. With the WRI complete, MCC still projects that we will expend \$670,000 in Gap training programs yet this fiscal year. MCC students use Gap funding to take part in a wide range of short-term training options. Our most popular programs include pharmacy technician, digital marketing, project management, Lean Six Sigma, facilities maintenance, fiber optics technician, medical services, sheet metal training, and computer programming. As noted previously, MCC takes care to leverage Gap programming with other college-provided supports, to ensure students successfully transition from training to employment. For instance, our Career Placement coaches work with over 280 business partners annually to align students' skill sets with the actual skills needed in their workforce. Their collaborative coaching helps students successfully bridge between MCC training and jobs that are ready and waiting in our local area. Here is how Pierce Robinson, a U.S. military veteran, who completed MCC's one-year project management program, describes the impact on his life: "Prior to going through the Gap program, I had no idea how I would be able to afford the training I needed to go along with my experience to advance my career. After being accepted into the program I was able to get the training I needed which led to me receiving a job offer immediately after completing my training. To some, this may not seem impressive, but along with this job came training for a C-level position that I will officially be taking over this summer. While the training the Gap program allowed me to receive has been a bleSSing, the economic impact the Gap program has had on my life is unmatched. I am truly grateful, and I know without the Gap program none of this would be possible." Pierce Robinson, PMP. LB62, as proposed, would reduce the statewide allocation of Gap funding by half for the foreseeable future. Yet, as we contemplate the post-COVID transition period, we can be fairly certain that our service area will see a significantly increased number of unemployed and underemployed individuals. They will be turning to us for short-term and two-year programs to skill-up for the new economy. We can also expect our local businesses will turn to us for skilled workers who can help them rebuild their businesses. They will need trained workers to fill skill gaps that hinder their growth. Simply stated, the demand for Gap-supported training will be strong as

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

the Nebraska economy rebounds. Conservative estimates project that MCC alone would expend over \$1 million in Gap funds in each of the next four years. We strongly encourage you to either retain the current allocation percentage or deploy a use-based allocation plan that would enable colleges like MCC to meet the needs of their local workforce.

***KRAIG J. LOFQUIST:** Honorable Senators Kolterman, Chairperson Walz and Members of the Education Committee: My name is Kraig J. Lofquist, (that's spelled K-r-a-i-g- J. -L-o-f-q-u-i-s-t) and I am the Executive Director of the Educational Service Unit Coordinating Council (ESUCC). I work closely with each of Nebraska's seventeen (17) ESUs. It is on behalf of all of Nebraska's ESUs that I submit this neutral testimony related to LB62. I want to thank Senator Kolterman for his foresight regarding the legislative planning process as related to Nebraska Lottery Funds. I am pleased that LB 529 addresses his concerns. I wanted to simply remind the committee that LB62 does strike "distance education funds." These funds are critical to Nebraska schools to ensure schools maintain their accreditation and allow kids to take courses they would otherwise not have available to them. LB 529 leaves these vital funds in place. So, in the final analysis, this letter just points out a minor, yet important difference, which may be moot at this point. However, I am sharing this information out of an abundance of caution to ensure the distance education funds remain in place.

WALZ: Next proponent. Are there any opponents? Anybody in the neutral? Senator Kolterman waives closing. Thank you, Senator Kolterman. We did have two proponent letters, written testimony in lieu of personal testimony from Heath Mello at the University of Nebraska and Greg Adams from the NCCA. We had one opponent written testimony in lieu of person testimony from Justin Brady, Metro Tech Community College, and one neutral, Kraig Lofquist with the ESCUU-- ESUCC. We also had position letters. Proponents: Renee Besse from Nebraska Association of Student Financial Aid, Colby Coash from NASB, and Mike Baumgartner from CCPE. There are no opponent position letters and there was one neutral position letter from Paul Turman, the Nebraska State College System. And that concludes our hearing on LB36 [SIC] and it will open up our hearing on-- oh sorry, it concludes our hearing LB62 and open up our hearing on LB36. Senator Erdman.

_____ : He's on his way.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

WALZ: OK, thank you. Welcome, Senator Erdman.

ERDMAN: Thank you, Senator Walz. Sorry I'm late. I appreciate being here. My name is Steve Erdman, S-t-e-v-e E-r-d-m-a-n. I represent District 47, which is ten counties in the Panhandle. I'm here today to present to you LB36. LB36 is a bill that would ask schools-- tell schools or, or encourage schools to put "In God We Trust," the national motto, in their school in a conspicuous place where it can be seen by the students. Numerous states have already done this. This "In God We Trust" motto was first mentioned by Francis Scott Key back in the fourth verse of the national anthem and he wrote The Star-Spangled Banner. It's-- it says-- he wrote the following and this is to be our motto, "In God We Trust." "In God We Trust" first appeared on our coins back in 1864 and then in 1957, it appeared on our money, our printed money, our paper money. The national motto, "In God We Trust," created by the act of Congress in 1956. The bill was signed into law on July 30, 1956, by then-President Dwight Eisenhower. The national motto, "In God We Trust," was then affirmed again in 2002 and also in 2011 by the House of Representatives by an overwhelming majority, 396-9. They passed a resolution reaffirming the national motto and encouraging the public to display this model in all public buildings, including public schools. Numerous state legislatures have passed similar laws and encouraging schools and state offices to place the poster with our national motto in every classroom. The national motto is inscribed in gold letters above the speaker's podium in the you-- House of Representatives and on the walls of the U.S. Senate chambers and the visitor's center there. More than 600 cities and counties nationwide display the national motto in their offices, their chambers, their official seals, and even outside on their police and sheriff cruisers. The bill is needed because the national motto is not being taught or displayed in Nebraska, Nebraska public schools, yet it plays an important role in our history and in our heritage. This bill is also needed because school boards are afraid to display the national motto. Behind me, you will hear from people who are against the national motto being placed in our schools and part of their issue will be it's separation of church and state and those issues that are commonly mentioned when we talk about putting "In God We Trust" as a display in our schools. Displaying the national motto in schools is not a violation of the establishment clause of the First Amendment of the United States Constitution. The separation between church and state appears nowhere, nowhere in our founding documents. No court

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

anywhere in the U.S. has ever held a public posting-- ever held the public posting of "In God We Trust" in violation of the U.S. Constitution. Instead, there was a strong legal support for doing so. In the Arrow [SIC] versus the United States 1970, high court rule-- the high court ruled "In God We Trust" has nothing whatsoever to do with the establishment of religion. It is a use of patriotic, symbolic character and bears no true resemblance to the government sponsorship of religion or exercise thereof. A school district in the Arbiton [SIC] township and, and a high court ruled that "In God We Trust" is interwoven. It is so deeply the fabric of our civil polity that it is present- its present use may well present the type of involvement, which the First Amendment prohibits. And the Ninth Circuit Court of Appeals, back in 2010, said the national motto does not violate the First Amendment. So today I bring you that, I bring you that to, to-- for your consideration and your advancement. We have-- as I said, in 1956, President Dwight D. Eisenhower signed the declaration that put the national motto, "In God We Trust" on our money. As I said, it was reaffirmed again back in 2002 and in 2011. And we-- when we wrote this bill, we reviewed several other states, how they did it, and the bill that we fashioned it after it was, was the bill in Virginia and so we went back and reviewed what Virginia wrote in their statute-- and I'd like to pass this out if you could pass this out-- because we wanted to see if there were other states that had done this and are there other states-- is there another state that has put a requirement on their attorney general to have-- to defend public schools who had this motto placed there that was challenged by somebody in court? And, and the answer is yes, it was. In 2002-- and you'll, you'll see when you get the document there-- in 2002, the Virginia Legislature adopted the following, it says posting certain statements in public schools. It says all school boards in [INAUDIBLE] shall prominently post the statement "In God We Trust," the national motto enacted by Congress in 1956, in a conspicuous place in each of their schools for all students to read. The office of the attorney general shall-- the office of attorney general shall intervene on behalf of the school boards and shall provide legal defense for the provisions of this action. And number two, the state school boards, in their discretion, may accept contributions in cash or in kind for any person as defined in their Section 1-1319 to defray the cost of implementing this provision. So that was, that was the status of, of the law in Virginia as we seen it. And when we seen that, then we decided to write our law very similar and, and the bill says that if a school district is challenged

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

in court, that the attorney general shall defend them and so that is
our goal. Our goal is to have it a conspicuous place, perhaps maybe in
the cafeteria where every student would see it on a daily basis or
they could have it in each classroom if they decided to do that. The
other provision we have is that if someone wants to donate the sign or
to help defray the cost of a sign, that would be accepted as well. So
that's, that's kind of the just [SIC] of what we're trying to do today
and I would be willing to try to help answer any questions.

WALZ: Thank you, Senator Erdman. Any questions from the committee?
Senator McKinney.

McKINNEY: Thank you. Senator Erdman, when you refer to God, are we
leaving God to just one religion or is it mult-- are we encompassing
all-- every religion that recognizes God?

ERDMAN: Senator McKinney, I'm having, I'm having trouble understanding
you.

McKINNEY: Sorry. When, when we are saying "In God We Trust," is that
just for Christianity?

ERDMAN: No.

McKINNEY: No.

ERDMAN: It's not a statement of religion.

McKINNEY: OK.

ERDMAN: It's not a statement of religion.

McKINNEY: But you do recognize that God in other religions is
identified by different names, so--

ERDMAN: When--

McKINNEY: --if, if I'm Islamic--

ERDMAN: Right.

McKINNEY: --should we say in Allah we trust as well?

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

ERDMAN: That's not the national motto. The national motto is "In God We Trust." Two years ago when I introduced this bill, a, a person who came in and testified in favor was a Muslim and that person was in favor of putting "In God We Trust" in the schools as well. It's not a statement of religion. It's a national motto.

McKINNEY: But God has multiple names depending on what religion you--

ERDMAN: I'm not disagreeing with you.

McKINNEY: OK.

ERDMAN: Yeah.

McKINNEY: All right.

ERDMAN: Thank you.

WALZ: Thank you, Senator McKinney. Other questions? Senator Day.

DAY: Thank you, Chairwoman Walz, and thank you, Senator Erdman, for being here today. So why is this necessary? Why is it necessary for the Legislature to tell public buildings that they have to put something so that everyone in the building can see it?

ERDMAN: Could you say that again? Why they have to--

DAY: Why is this necessary? Why is this bill necessary?

ERDMAN: It's necessary. Like in my testimony, I said that is not something that we see on a daily basis and that has been left out. It's our national motto. We have it in almost every courthouse in the state. A lot of state and federal buildings have it and it's an opportunity for the schools to place it there. There are many schools that would like to place this, but they're concerned about the liability.

DAY: But I guess that doesn't answer the question of why we need to legislate that, why-- you're saying that this provides them the opportunity to do so or-- if, if the school did not want to post it in their school, do they have the option to not do so?

ERDMAN: No, they don't.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

DAY: So they have to?

ERDMAN: It's the national motto. It says they shall place in a
conspicuous place the national motto.

DAY: So then I guess my other question would be, specifically as it
relates to schools and children, I know that you said that you don't
feel like it's a religious statement, but God is related to a
religious practice of varying kinds, not any one specific, but what
about-- my question would be what about the, the public school
students who, who don't practice any religion or who-- they don't
believe in God or their family doesn't, their family doesn't prescribe
to any religion?

ERDMAN: Right. The courts have ruled on numerous occasions that this
is not a statement of religion. This is a ceremonial proclamation by
the federal government that says "In God We Trust" is the national
motto. This is not a declaration of religion. They have said that on
several-- several court cases have said this is not a statement of
religion.

DAY: But we have to recognize the fact that when we're talking about
God, we're talking about religion.

ERDMAN: We're talking about God.

DAY: Which is related to a religion or any religion, right? I mean, I
don't-- I'm not quite, I'm not quite picking up on how discussing God
is not discussing something related to religion.

ERDMAN: Well, the court cases that I've read in the last couple of
days looking this up, they all concluded that this was not a statement
of religion. This is not-- it would go against the enactment clause.
Is that--

DAY: And that's why I'm asking your thoughts. Like-- so I hear you on
the court cases and all of that. I under-- I-- like, I'm understanding
that, but when we're talking about God, whether-- whatever that God
is, we're-- I mean, I feel like it's almost-- I don't, I don't want to
say disingenuous, but to say that when we're talking about God, that
we're not talking about religion feels like maybe we're not-- I don't,
I don't know. Maybe I'm not sure what I want to ask exactly, but I'll
just leave it, leave it at that. Thank you.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

ERDMAN: Thank you.

WALZ: Thank you, Senator Day. Senator Linehan.

LINEHAN: Thank you, Chairwoman Walz. Would you-- I know that you're not-- I mean, I think I know you pretty well, Senator Erdman, so I don't think you're going to like this question, but I'm going to ask it anyway. Would you consider as a part of-- because part of your concern is, right, there are schools that want to do this and they can't?

ERDMAN: That's correct.

LINEHAN: They feel like they can't. So would you consider the idea that the bill said they would-- they don't have to, but they may?

ERDMAN: Instead of the word "shall" change it to "may?"

LINEHAN: Yes.

ERDMAN: You know, I'm not, I'm not giving that a lot of thought. I just-- when we seen the-- what Virginia did, it seemed to be appropriate for us and that was a strategy that we were approaching with this bill. I would have to give that some consideration.

LINEHAN: OK, thank you very much for being here.

ERDMAN: Thank you.

WALZ: Thank you. Other questions from the committee? Senator Pansing Brooks.

PANSING BROOKS: Thank you. Thank you, Senator Erdman. Is this our third time that we've discussed this or second?

ERDMAN: Second.

PANSING BROOKS: Second, yeah. So I guess what I'm interested in is if it's not a statement of religion, what is it? A historical statement?

ERDMAN: If it-- it is-- that's exactly what it is. It's a ceremonial, historical statement that was put in place by Congress back in '56.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

PANSING BROOKS: OK and I guess I'm just-- having gone through the public schools, I have a strong faith and it really didn't affect me that that wasn't there, but I did know, because it's on our money, that that's our state slogan so-- or our national motto. And again-- so I'm, I'm not sure that that-- it's necessary to be able to teach kids what our national motto is.

ERDMAN: I'm not sure I understood--

PANSING BROOKS: Why, why is it necessary? It's on our money. It's on our money--

ERDMAN: It's on our money.

PANSING BROOKS: Yeah.

ERDMAN: Yes it is.

PANSING BROOKS: Yeah, so most kids would understand that that is our national motto without it necessarily be emblazoned on the schools. And if it's, it's on the schools, I mean, unless we have some little asterisk that says not a statement of faith, but of history, it's going to be taken as a statement of religion by most people.

ERDMAN: It could be. I don't know how people are going to accept that it's the national motto. That's what they put on the-- that's what they decided back in 1956.

PANSING BROOKS: And as we've discussed before, I'd much prefer them to understand and know our state motto, which is "equality before the law," because it has a greater impact on our citizens, but the, the-- our state motto is "equality before--"

ERDMAN: Yes, I agree.

PANSING BROOKS: --before the law," and I wish that were the one that were emblazoned in each school because it has much greater effect on our citizens.

ERDMAN: You know, you can bring a bill like that.

PANSING BROOKS: Yeah, I know. Thank you.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

WALZ: Senator McKinney.

McKINNEY: Thank you. Do you recognize that putting "In God We Trust"
in our schools might offend some people?

ERDMAN: I don't, I, I don't know. I mean, maybe, maybe there will be
some people who, who will come and testify, might be atheist and it
may not be pleasing to those people, but I have, I have a difficult
time understanding why atheists spend so much time trying to deny
something that doesn't exist if God doesn't exist, you know? So what
happens so many times in, in America is, is we now think that because
somebody puts a statement up or does-- says something that we're
offended and that is our decision. We can make a decision to look at
something and read it and be offended or we can look at it as what it
is and move on. And so if I'm going to go about my life thinking about
if I say something or write this, somebody is going to be offended, I
won't write anything. So if somebody sees the national motto and
they're offended by it, then that's their choice to be offended. And
so consequently, we can't protect everything, everybody from
everything. Being offended is your choice.

McKINNEY: Yes, that is, but as legislators, we have, you know, the
responsibility to make sure that we take into account the feelings of
all people and not just some that believe in God and not those that
don't. And I'm not just saying atheists would disagree with this. I
know people who are Christians and Baptists and Islamic that don't
feel like this needs to be in our schools. So it's not just atheist
that I'm thinking about when I'm-- when I asked that question. There's
others that don't feel like-- the same way people feel like there,
there shouldn't be sex education in schools. There's a lot of people
that feel like there shouldn't be religion placed in schools in, in
whatever form, no matter if you say it's the national motto or, motto
or not. I guarantee if you did a poll and said what do you think about
when you see "In God We Trust," I'm almost sure a high percentage
would say religion or some type of religion.

ERDMAN: Is there a question there?

McKINNEY: No, it's just a statement.

ERDMAN: All right.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

McKINNEY: Thank you.

ERDMAN: All right, thank you.

WALZ: Senator Murman.

MURMAN: Thank you, Senator Walz, and thanks for bringing this bill, Senator Erdman. All right, I've been around a long time, as you have-- yeah, I assume-- but I've been to D.C. a few times and-- through the years and I've noticed the buildings in D.C., that some of the buildings in-- inside now used to have references to God in them and they, they've-- some of them have been changed since I was there originally, you know, 40-- well, more than that-- years ago. So I appreciate your reference to this is our history and-- for instance, in the new monument in D.C. to the Reverend Dr. Martin Luther King, I, I don't think it has any reference to God in it. If it does, it's not very much and, and it doesn't even call him reverend, which, by the way, is, is who he was and who, who he was always referred to back when-- in the day--

ERDMAN: Correct.

MURMAN: --when he was around. So, so do you do agree then that-- or do you agree that it's important to include our true history of our country--

ERDMAN: Correct, yeah.

MURMAN: --which includes God?

ERDMAN: Correct--

MURMAN: Thank you.

ERDMAN: --yeah.

WALZ: Other questions from the committee? I see none. Thank you, Senator Erdman.

ERDMAN: Thank you, appreciate it.

WALZ: Yep.

ERDMAN: Thank you. Sorry I was late.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

WALZ: That's OK, this time. First proponent. Good afternoon.

AMBER PARKER: Good afternoon. Here we go. My name is Amber Parker, A-m-b-e-r, last name Parker, P-a-r-k-e-r, and I'm greatly troubled to see that we are catering so much to what one religion is over another because atheism is truly a religion because a religion is the things you think, say, and do that is an act of worship, which makes religion. So we could get in that argument, but I want to stick to some facts today. In 1956, Congress made the national motto, "In God We Trust." Senator Day, you asked why would we need LB36 and I really appreciate that question because as state senators, that's-- you know, we shouldn't just bring forward legislation to create legislation. It's to uphold the law, the governing law of the land, the Nebraska Constitution. This is what LB36 would be doing. It is simply giving protection to public schools, teachers, and educating children of our nation's national motto, "In God We Trust." LB36 protects our teachers and public schools by, as the bill shares that, "the Attorney General shall intervene on behalf of any school board and any other party named as a defendant for their role in implementing this section." This is important to the state of Nebraska because groups like Freedom from Religion Foundation target to remove any national heritage of God by bowling through the finances and by their finances and attorneys. By LB36 having the Attorney General represent by intervening on behalf of the school or schools, this will protect the teachers in being able to educate on our nation's national motto without fear of being sued for doing their job. I also want to list that there are 19 other states that have proposed-- have, have the similar legislation as LB36: Alabama, Arizona, Arkansas, Florida, Georgia, Indiana, Kentucky, Louisiana, Michigan, Mississippi, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee-- hold on, I'm missing a part-- Texas, Utah, Virginia. And furthermore, the legislature-- the fiscal note I would like to address has now changed. There is a private donor who is in Nebraska, is a resident, and this is so important and they care about-- that our future generations understand national heritage and the motto "In God We Trust," which is on our money, that-- this fiscal note that says \$10,000, I want to let you now-- know it is \$5,000 because a private donor-- and that is one thing that LB36 has done. So I don't know about you guys, but how many of you could see a fiscal note saying the cost in the state of Nebraska would be \$5,000? So it's no longer \$10,000 and that concludes my testimony. Thank you.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

WALZ: Thank you. Questions from the committee? I see none. Thank you
for coming today.

AMBER PARKER: Thank you.

WALZ: Next proponent.

S. WAYNE SMITH: Good afternoon. My name is S. Wayne Smith, that's S. Wayne, W-a-y-n-e S-m-i-t-h, and I'm asking you to please vote yes on LB36. The founders believed that without God-based values, America could not survive. The motto "In God We Trust" goes back to 1863, as was mentioned before, when it was proposed as our God-- excuse me, our country, our God or God, our trust and the final version was "In God We Trust" and appeared on the two-cent coin in 1864. Every founder was preoccupied by the Bible. Benjamin Franklin said the longer I live, the more convincing proofs I see of this truth, that God governs in the affairs of men. He also said if men were so wicked as we now see them with religion, what would we be-- what would they be without it? A Russian novelist wrote where there is no God, all is permitted. I believe that this is what we are seeing today. Everything is permitted. John Adams wrote our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other. The Declaration of Independence, Independence establishes that rights come from nature and nature's God, not from government. Generally, individuals-- in the Western world at least-- have adopted the values passed down by centuries of Judeo-Christian values. They are living on what one author called cut-flower ethics. Flowers are nurtured in a certain soil and when cut from that soil, they can appear to survive for a certain amount of time, but they soon wither and die. So to Western societies' ethical values, when nurtured in Judeo-Christian soil and cut off from that soil, they too will seem to survive, but eventually, like cut flowers, those values will wither and die. America was founded on an idea, a value system, and that value system, unique to America, is on every American coin: Liberty, In God We Trust, and E Pluribus Unum. All three values are necessary components that have made the United States of America not only the most prosperous nation, but also the most tolerant and compassionate society in history. God is such an important part of American history that we need to remind our children of that history by displaying our national autumn-- national motto, "In God We Trust," in every school. Please vote LB36 out of committee for floor debate. Thank you.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

WALZ: Thank you, Mr. Smith, and thank you for staying under the three
minutes. We appreciate that.

S. WAYNE SMITH: Oh, you're welcome.

WALZ: Any questions from the committee?

S. WAYNE SMITH: That, that wasn't easy.

WALZ: You did a good job. I see no questions. Thank you so much for
coming today.

S. WAYNE SMITH: OK.

WALZ: Next proponent.

ROBIN CALCARA: Well, good morning-- good afternoon. I typed this
during the morning, so that's a little bit-- I actually have in here a
bill, L836. It should be LB36, but anyway-- my name is Robin,
R-o-b-i-n, Calcara, C-a-l-c-a-r-a. I live at 1933 Preamble Lane,
Lincoln, Nebraska-- Senator Morfeld is our representative-- 68521. I
am a police chaplain. I'm a full-time prison chaplain. I'm a husband,
a father, and a grandfather of 14 grandchildren. I come today to speak
in favor of LB36. I should say the man before me was congratulated for
being under three minutes and as a preacher, that is difficult, but,
but I'm going to do it really well. So anyway, I deal with-- as you
can tell by my jobs, I deal with a great deal of antisocial, anti-God
behavior. I too am a Christ follower. In today's cancel culture, where
shatter-- statues are destroyed, monuments are wrecked in the name of,
of, of common ground, I'm reminded that our father, our founders that
came here to America to escape religious tyranny. From the start of
our forefathers had-- they articulated that thought of "In God We
Trust" as our-- excuse me, as our Constitution clearly says contress--
Congress shall make no law respecting an establishment of religion or
prohibiting the free exercise thereof, or abridging the freedom of
speech or the press or the right of the people peaceably to assemble
and petition the government as-- for redress of grievance. But it says
of-- shall establish no cause-- clause to, to, to prevent or to, to
establish religion. Starting in 1962, our legislators began to
reshape, in the light of this misrepresentation, our First Amendment
rights. It says Congress shall make no laws concerning the
establishment from religion. That was a misstatement and as time goes

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

by, we have allowed those of anti-God belief to expand that into being anything that, that mentioned-- a belief in a higher power cannot be represented in the public square. By mentioning a, a generic mention of a God, it does not violate this amendment of our Constitution, as some might try to tell you today. In fact, the very mention of God does not make one religious. Wikipedia defines irreligion as-- irreligion in the United States refers to the extent-- oh, boy-- of the, of the lack and indifference or rejection of religious faith of the country. Based on surveys, between 8 and 15 percent of people polled demonstrated objective, nonreligious attitudes, basically a naturalistic world view. The number of self-identified atheists and agnostics is around 4 percent each, while many people formally affiliate with religion are likewise nonbelieving. Can I, can I-- I'm almost done.

WALZ: Just wrap it up.

ROBIN CALCARA: Thank you, I will.

WALZ: Thank you.

ROBIN CALCARA: As you can see, the number of atheists and agnostics at 4 percent or 8 percent total-- as you hear today, those should not rule-- always our discussions. Since '62, our misrepresentation has more effective prayer-- more than effected prayer in schools. It's also evolved into an anti-God culture. And I would just finish that by saying that I-- in my-- in prison-- my prison work, I deal with people of all faiths, Muslims, people from Buddhist faith I was with yesterday, and everything. And I, I have never had one come to me and say you offend me because you say God. They represent that. They, they understand that as a, as a higher power, as a creator. And, and I appreciate all your questions and--

WALZ: Thank you

ROBIN CALCARA: --I'm sure--

WALZ: Thank you, Mr. Calcara.

ROBIN CALCARA: --I'm sure I'm done.

WALZ: Questions from the committee?

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

ROBIN CALCARA: Please.

WALZ: I see none. I do want to thank you for your service in the
prison system.

ROBIN CALCARA: Oh, sure, no worries.

WALZ: Thank you.

ROBIN CALCARA: Sorry I didn't make three minutes.

WALZ: Next proponent.

LEE TODD: My name is Lee Todd, L-e-e T-o-d-d. I live in Lincoln,
Nebraska. I'm going to focus on state rights as opposed to some
misconceptions. Twain once said that it's not what you don't know that
gets you into trouble. It's what you think you know for certain that
just ain't so. So what did Jefferson mean in 1802 in that Danbury
letter when he says there is this wall of separation between church
and state? And many have construed what Jefferson said to mean that
under no circumstances should any level of government endorse or shall
we say acknowledge religion. I would like to consider today why that
fiction just ain't so. In 1808, Jefferson went on to say I consider
the government of the United States as interdicted from intermeddling
with religious institutions, their doctrines and disciplines or
exercises. It, meaning the federal government, must then rest with the
states. This is states' rights. This is a state decision. Paragraph
four, even after the Constitution was ratified-- many people don't
know that after 1788, there were still five states that had state
religions. Massachusetts continued to have a state religion in
conjunction with the federal Constitution until 1833, paragraph four.
All these are sourced as far as the paragraphs. I don't have time to
go into all of them. Madison, the father of the United States
Constitution, Federalist 40, the federal powers are limited in that
the states and all unenumerated cases are left in enjoyment of their
sovereign and independent jurisdictions. In 45, Madison went on to
clarify that and reaffirm that federal powers are to be enumerated and
limited. Those powers not enumerated and limited to the federal
government are reserved for the states, Amendments 9 and 10. Madison,
for as long as he lived, even four decades later, was affirming the
same thing and you can read about that in paragraph 6-- or excuse me,
7. Alexander Hamilton, probably the strongest proponent of a strong

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

federal executive-- in fact, he endorsed a lifetime for the presidency, wanted state senators to also be in position for lifetime. His Federalist 78 is a veritable expose of states' right supremacy over and above the federal government and again, those non-enumerated powers. We can go on and circle back to Jefferson. It is very instrumental. Sovereign states are granting the federal government enumerated powers. Should the federal government exercise a power that has not been delegated to it, the states are duty bound to interpose. And finally, George Washington: it is the duty of all nations to acknowledge the providence of Almighty God, to obey his will, to be grateful for his benefits, and to humbly implore his protection in favor. Well, I do support LB36, "In God We Trust." I would love to see this passed and get brought out of committee. Thank you for your time.

WALZ: Thank you, Mr. Todd.

LEE TODD: You're welcome.

WALZ: Any questions? Next proponent.

FANCHON BLYTHE: I forgot my glasses. Thank you. Good afternoon, Chairman Walz and members of the Education Committee. My name is Fanchon Blyche. That's spelled F-a-n-c-h-o-n B-l-y-t-h-e. Our nation has a long history with the phrase "In God We Trust." In 1814, Francis Scott Key penned and this be our motto, "in God is our trust," as a part of the fourth verse of The Star-Spangled Banner. The phrase "In God We Trust" first appeared on U.S. coins in 1864 in the aftermath of the Civil War. The national motto "In God We Trust" was created by an act of Congress in 1956 and signed into law on July 30th by President Dwight Eisenhower. The following year, the first paper money with the motto, "In God We Trust," was printed. In 2006, the U.S. Senate reaffirmed our national motto to commemorate its 50th anniversary. Then, five years later in 2011, the U.S.-- the House of Representatives voted in tremendous bipartisan effort, 396-6, to reaffirm "In God We Trust" as our official motto. The resolution encouraged it-- public display in all public buildings, public schools, and other government buildings. At this time, there are 19 states that have passed the legislation to have the motto in public schools and Amber already gave you those states. The national motto is inscribed in gold letters above the speaker's rostrum in the U.S. House of Representatives. It is also inscribed on the walls of the United States Senate chambers. In my opinion, it is very sad that the

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

motto "In God We Trust" is not currently being displayed in our public schools here in Nebraska. Apparently, there is fear of being sued by the Freedom from Religious Foundation or the American Atheist Association, yet no court anywhere in the U.S. has ever held that public posting of "In God We Trust" violates the Constitution. Since the U.S. Supreme Court removed prayer and Bible reading in public schools in 1963, our country has seen a significant decline in behavioral and moral standards. The increase of teenage pregnancy and children being raised in fatherless homes are just two examples of our continuing national tragedy. Last week, I became aware of a book that the LPS district has allowed in some schools. The book is titled "It's Perfectly Normal." It's geared in indoctrinating ten-year-old children. As a married, Christian woman, mother, and grandmother, I don't feel comfortable sharing this graphic content in mixed company and I am grieved that children are being forcibly desensitized in appropriate boundaries. Here is an example from page 4 of the book. Sexual intercourse happens when two people, a female and a male or two females and two males feel very sexy and very attracted to each other and want to be very close to each other in a sexual way. When a female and a male are so close that the male's penis goes inside the female's vagina, the vagina stretches in a way that it fits around the penis.

WALZ: Excuse me--

FANCHON BLYTHE: Sadly--

WALZ: The, the red light has come on. Let me see if we have--

FANCHON BLYTHE: OK, I'm almost done, please.

WALZ: --any questions.

FANCHON BLYTHE: I'm almost done. Sadly, this content is deemed as appropriate by some misguided adults at the same time. The state willfully chooses to remove recognition of God from public square. It is no wonder that we are seeing unprecedented teenage suicide rates and many students dropping out of school. In close, I close with the fourth verse of The Star-Spangled Banner in its entirety. Oh, thus be it ever when freeman-- freemen shall stand between their loved homes and that's wars-- wars deceleration [SIC]. Blessed be victory and peace. May the heavens re-- sorry, my glasses-- rescued land praise the power that hath made and preserved us national. The conquer we

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

must when we are cause is just and thus be our motto In God We Trust
and the Star Spangled Banner is triumph shall wave over the land, the
free, and the home of the brave.

WALZ: OK. We do want to make sure that everybody gets a chance to
speak, so are there any questions for her?

FANCHON BLYTHE: Thank you.

WALZ: I see none. Thank you so much for coming today. Next proponent.

MARY HAMILTON: Hi. Representative Walz and committee members, welcome.
I am Mary Hamilton and it's spelled M-a-r-y and then Hamilton is
H-a-m-i-l-t-o-n and I would just like to briefly speak. I'm not going
to talk a lot, but I'm, I'm in favor or support of LB36, which would
require the school-- each school to have at least one poster displayed
of our national motto "In God We Trust." And I'm not going to go over
the history that everyone else has already said. I know you're
familiar with it, but as a certified and licensed professional teacher
in the state of Nebraska, I appeal to you today to uphold our national
motto and encourage its public display in our schools here in
Nebraska. And the reason I really believe in this-- there's several
reasons, but I know that you were asked why, why should we do this?
And I will tell you why. Because those who do not remember the past
are condemned to repeat it and I do believe that we need to keep our
history in the public schools and uphold our history, the true history
of our country. And I do believe that most of the people believe that
that should be true because the House of Representatives
overwhelmingly, 396-6, reaffirmed "In God We Trust" as our official
motto and they encouraged its public display in all public buildings
and schools and government institutions. I ran in the annual
Eisenhower Marathon in Kansas a year ago. I was fortunate to get first
place in my age category, which I got the medal here on display. It's
really pretty, so I thought I'd bring it to show you. I visited the,
the presidential-- the home and the library of Dwight D. Eisenhower.
He was a great man that stood for great ideals of our country. He
said, quote, in this way, we are reaffirming the-- let's see--
tremendous-- whoops, sorry, I can't read my own handwriting here--
religious faith in America, present and future, and the way we should
constantly strengthen these spiritual weapons, which will forever be
our country's most powerful resource in peace and war. And that's-- I
do think that that is a very important thing that we remember that or

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

remember our history and teach that to our students. And that's what I
intend to do, so thank you.

WALZ: Thank you. Let me see if there's any questions. Any questions
from the committee? I see none. Thank you for coming today.

MARY HAMILTON: Thank you.

WALZ: Next proponent.

MARK BONKIEWICZ: Good afternoon, senators. My name is Mark Bonkiewicz,
M-a-r-k B-o-n-k-i-e-w-i-c-z. I live in District 12 in Omaha, Nebraska.
I'm here today to testify in support of LB36, "In God We Trust"
national motto. I'm testifying so that it will be displayed in every
school classroom in the state of Nebraska and here's my reasons for
this legislation to do so. Our founding fathers and mothers risked
their lives on rickety schooner ships to leave their homelands of
Europe to come and settle America so they could have religious
freedom. The majority of founding fathers sacrificed their homes,
land, fortunes, limbs, and lives to fight against the tyranny of Great
Britain to start our country, to create our Preamble, Constitution,
and Bill of Rights. Our national motto is inscribed in gold letters
above the speaker's podium in the U.S. House of Representatives and
it's also inscribed on the walls of the U.S. Senate chambers. The
national motto is permanently displayed in 92 Nebraska courthouses.
Therefore, each school classroom is the next logical location for our
national motto in Nebraska buildings paid for with tax dollars. We
teach our children in the public and private schools to live their
lives with solid character, honesty, and integrity, which are biblical
principles given to us by Almighty God. I urge you to vote LB36 out of
this Education Committee for floor debate, where it receives the
scrutiny of questions and answers that rigorous floor debate can
provide before it's passed into law. Thank you for this opportunity to
testify on behalf of the second house.

WALZ: Thank you for coming today. Questions? Senator McKinney.

McKINNEY: Thank you. Mr. Bonkiewicz, I was wondering if you are aware
that our founding fathers escaped religious tyranny to only come to
America to enslave Africans, my, my ancestors, and they used God to do
so. Are you aware of that?

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

MARK BONKIEWICZ: Yes, I'm aware that slavery took place at that time and I'm also aware of the fact that they did not invent slavery. I believe slavery goes clear back to the Israelites in the Bible who were enslaved by the Egyptians.

McKINNEY: I'm, I'm aware that slavery existed prior, but--

MARK BONKIEWICZ: I'm sorry, I can't understand you.

McKINNEY: I am aware that slavery existed prior to slavery in America, but I just wanted to point out that our founding fathers and 12 presidents owned slaves and they used God as a way to keep individuals enslaved. Would you not understand why some descendants of those enslaved individuals would have a problem with "In God We Trust" being inside of our schools?

MARK BONKIEWICZ: I can appreciate that and I have two thoughts. Number one is that I hope that they remember that there were 650,000 men who died in order to eliminate slavery, so that would be my response. The, the second one is that, you know, all of us have things, as we're going down the road of life, that we're offended with. You know, evolution is taught in a public school as though it's a fact and evolution has never been proven to be a fact and there are people who are offended by that. So there are just certain things in life that we learn that we have to live with as far as being offended. And I would also ask about the-- being offended part, is everybody offended every time that they pull out money and pay for goods and services? Because "In God We Trust" is on all of our money, so if we're going to be offended about a plaque in a prominent position within the school, gosh, I guess we ought to be really offended about all the money and maybe we should be working to try to take it off of there.

McKINNEY: I would, you know, be willing to make that argument, which-- I just don't understand why "In God We Trust" is needed to be displayed in our schools, especially with the history of this country and the usage of God and the usage of religion to further enslave individuals for hundreds of years and I'm-- that's, that's all I got to say. Thank you.

MARK BONKIEWICZ: Um-hum, thank you.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

WALZ: Thank you. Any other questions from the committee? Senator
Murman.

MURMAN: Thank you, Senator Walz. Thank you, Mr. Bonkiewicz. Where do
our freedoms and our rights come from? Is it the federal government,
state government?

MARK BONKIEWICZ: No, our inalienable rights come from Almighty God and
it's government's responsibility to make sure that we keep them that
way.

MURMAN: Thank you.

WALZ: Other questions from the committee? I see none. Thank you for
coming today.

MARK BONKIEWICZ: OK, thank you.

WALZ: Next proponent? Any opponents that would like to speak? Good
afternoon.

COLBY COASH: Good afternoon again, Senator Walz, members of the
Education Committee. My name is Colby Coash. I represent the Nebraska
Association of School Boards, also testifying today on behalf of the
Nebraska Council of School Administrators in opposition of LB36. This
is a, a bill that did engender quite a bit of discussion within our
membership across the state and the discussion and what led me here
today really centers around three things that I, I want to bring to
the, to the committee's attention. The bill, as written right now, is,
is pretty vague as to the mandate and that's, that's what it is and I
appreciate that there's a discussion about the shall and the may--
this is a shall-- with regard to the clarity of what counts. You can
imagine the kind of calls that I got when this bill was introduced
saying well, can I, can I frame a dollar bill and put it up? Is that
good enough? Can I tape a penny above every door? You know, the, the
clarity of it was, was, was a question. School boards would-- do
appreciate the ability to accept contributions to defray the cost, but
there's, there's no guarantee that they'd be able to raise the funds
and thus, this does become a, a mandate. Finally, this bill goes to
the heart of local control. We do believe that the decision of whether
or not to place signs of this nature should rest at the local school
board. And there are schools across the state who would likely do this

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

and appreciate their legal authority of intervention for a lawsuit.
However, they, they believe that their level is the appropriate level
to make that decision. With that, I'll conclude my testimony.

WALZ: Thank you. Questions from the committee? Senator Murman.

MURMAN: Thank you, Senator Walz, and thanks for testifying. Do you, do
you think that schools are afraid to put that-- the phrase "In God--
or the motto "In God We Trust" there now because of-- they're afraid
of lawsuits?

COLBY COASH: I-- what I learned through the introduction of this bill
is there are-- some schools have considered it-- considered doing so
and they, they asked me and my answer to them is well, you should, you
should run this by your legal counsel and make sure you feel
comfortable enough to do that. I do know that if, if this were passed
in a permissive way, I know, I know several districts who would make--
who would put this on their agenda, have community input, and talk
about that. I suspect that the reason some have not done it already is
for fear of litigation.

MURMAN: And if this bill would pass, would that alleviate that fear?

COLBY COASH: I believe it would if-- I mean, it doesn't, it doesn't
prevent litigation, all right? This, this bill doesn't say you can't
be sued if, if you do that, but it does-- would say that you would at
least get some AG support if that were the case.

MURMAN: Thank you.

WALZ: Any other questions from the committee? I see none. Thank you,

COLBY COASH: Thank you.

WALZ: Any other opponents?

JUDY KING: Hi. My name is Judy King, J-u-d-y K-i-n-g, and I am an
opponent of LB36 and have been several times and please make this a
part of the record. And I think it's very clear why we're here. It's
a, it's, it's a bill relating to, to God in a Christian way or it
wouldn't be-- you wouldn't have all these testifiers here. He's just
trying to slide it through under a, you know, a motto, but it's not
just a motto. It's a Christian God forced over the top of the doors of

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

all of our schools and he wants to bring-- he's relating it to our heritage. And like Senator McKinney said, you know, slavery was a part of our heritage and some of our heritage isn't that great and so-- I have another thing from the comment-- anyway, I'll start with my-- as we consider this bill, LB36, it reminds me of a story I'd like to talk about of three children who are attending public school. The first child comes from a Hindu family. Their belief system recognizes, recognizes multiple gods so that when the child looks at the sign that says "In God We Trust," they are confused. The second child is a young Native American who is also confused because their belief system is based on a nativistic view of the world in which there is no God. The last child comes from a fine family. Their mother and father are on various commissions and boards and well thought of in the community, but they're agnostic and they believe in no gods-- God or gods. There may be another child who comes from a wealthy, privileged family. They believe in God, only one God, and their God is white and probably a Republican. Their parents sat at home cheering as they watched the takeover of the D.C. Capitol on June 6th [SIC], wearing the red mini MAGA hats while they watched the glorious battle and cheered on-- cheering it on. So proud they were. Their parents are probably "Trumpers." They worship, worship the golden idol of Trump and it harkens back to another golden idol from your Bible. Our children in Nebraska come from diverse backgrounds and we have to realize that means diverse perspectives and beliefs. The fact that they may not worship Mother Earth or worship multiple gods-- or the fact that they may worship Mother Earth or worship multiple gods should not be a part of our school curriculum, but only in that we teach diversity. Celebrate that we are different and that is what makes us strong and we can force a-- and we can't force a single God where diverse beliefs exist and I think that's all I have to say.

WALZ: Thank you for your testimony. Are there any questions from the committee? Senator Murman.

MURMAN: Thank you, Senator Walz. Since you brought up Christianity, I've got to ask, what color was Jesus? Do you know?

JUDY KING: That's--

MURMAN: Or what, what race?

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

JUDY KING: It depends on what you think it is and what-- what do you
think it is?

MURMAN: I, I--

JUDY KING: White?

MURMAN: --know that Jesus was Jewish.

JUDY KING: Um-hum. What, what color is God?

MURMAN: I don't think-- in the Christian Bible, it doesn't refer to
what color God is.

JUDY KING: The picture--

MURMAN: God is-- includes all races.

JUDY KING: --of Jesus you have on your wall at home, is it white?

MURMAN: Excuse me?

JUDY KING: Is the picture of Jesus in your house white?

MURMAN: No.

WALZ: I think that only the senator can ask the question.

JUDY KING: OK, I know.

MURMAN: I'll answer it, though, no.

JUDY KING: I know you would.

WALZ: Thank you so much.

JUDY KING: Yep.

***SPIKE EICKHOLT:** Chairperson Walz and members of the Education
Committee. My name is Spike Eickholt and I appear on behalf of the
ACLU of Nebraska as their registered lobbyist. We are opposed to LB36
and respectfully requests that our opposition be noted in the official
record and the committee statement. The First Amendment to the U.S.
Constitution creates a bedrock for American values and the ACLU's

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

mission. As enshrined in the First Amendment, religious freedom includes two complementary protections: the right to religious belief and expression and a guarantee that the government neither prefers religion over non-religion nor favors particular faiths over others. These dual protections work hand in hand, allowing religious liberty to thrive and safeguarding both religion and government from the undue influences of the other. The ACLU's work in Nebraska has taken us from Scottsbluff to Omaha, communities large and small, to protect individual rights of expression from governmental entanglement. For example, very recently in Lincoln, we took the case of a 77-year-old Nebraska veteran and grandfather who was criminally cited for peacefully expressing his religious view in the public square all the way to a divided 8th circuit court of appeals. Some courts have addressed the legality of proposals similar to that in this bill and found them permissible.¹ However, laws like this have yet to be tested under the Nebraska State Constitution. Arguably, Article I Section 4 provides an even greater degree of protection to religious liberty and Article V Section 11 explicitly states that "[a]ll public schools shall be free of sectarian instruction". From a policy perspective, LB36 is a deliberate distraction from more pressing issues relating to education such as school funding, education equity, curricula, and ensuring that all students have an opportunity to succeed. This bill is part of a well-documented emerging national movement that seeks to unnecessarily entangle religion and government. Implementing this mandate will be a source of continual controversy for school officials, faith leaders, parents, students, and teachers. The core mission of our schools is to provide our children with a top-notch education. All students, regardless of faith or nationality, should feel welcome in our public schools. Our public schools do not only exist solely for students and families who believe in God. This bill sends a thinly veiled message to children that only those who believe in God are welcome in schools. No student should feel pressured or intimidated to adopt a certain religious expression or belief. Parents should be responsible for shaping their children's religious beliefs, not schools. Finally, this legislation is a solution in search of a problem. Our schools already teach our students the comprehensive, rich, and complex history of our nation and the great state of Nebraska. We respectfully urge the Committee to indefinitely postpone this legislation.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

***TODD SCHLECTE:** Chairperson Walz, and members of the Education Committee, my name is Todd Schlechte. I am the President of the Academic Freedom Coalition of Nebraska, or AFCON, and I am representing that organization in opposition to LB36. AFCON is a coalition of organizations and individuals that has been supporting the intellectual freedom of Nebraska students, teachers, and researchers since 1988. The first reason for our opposition is that the posting of "In God We Trust" in public schools is an expression of piety, or faith, in God which will be at odds with some students' personal beliefs. The First Amendment of the United States Constitution prohibits government from making any law "respecting an establishment of religion." And yet, this bill would require public schools to favor monotheistic religions over other religions and non-religion. The second reason is that, in the Nebraska educational system, the supervision of schools and those within them lies with local school boards and the State Board of Education. In light of this fact, LB36 amounts to legislative micromanagement of schools and teachers. It violates the academic freedom of schools and teachers to decide what will be displayed, where it will be displayed, and when it will be displayed. Why even try to legislate this matter? Because this bill would result in violations of the First Amendment, as well as legislative micromanagement of schools, AFCON requests that the Education Committee kill LB36.

WALZ: Any other opponents? Anybody that would like to speak in the neutral? Thank you. Senator Erdman, you're welcome to close. While he's coming up, we had two written testimony in lieu of person testimony. They were both opponents. One was Todd Schlechte from AFCON and Spike Eickholt from the ACLU. We also had 36 position letters written that were proponents and 5 position letters that were written that were opponents. No, no neutral letters.

ERDMAN: OK, I appreciate that. Thank you for all those who came and testified. Just to kind of follow-up on what Mr. Coash said, a lot of school districts are concerned about what will happen as far as litigation goes. And when I reviewed what had happened in Virginia, they passed that in 2002. In 2003, there was a lawsuit and the assistant attorney general was the one that defended the school district and the school was successful. And so that's the intention of this bill so that the small school districts-- a lot of them don't have the funds to hire an attorney and they're surely not going to put this up if there's a problem that they may be sued over and so I, I

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

think this is an opportunity for them to actually exercise their,
their free right to place this motto in the school and I would
encourage you to advance this to the floor and for consideration
there. Thank you.

WALZ: Thank you, Senator Erdman. That closes our-- oh, any other
questions? That closes our hearing--

ERDMAN: Thank you very much.

WALZ: --on LB36 and we will open on LB87. Senator Morfeld.

MORFELD: Yeah, thank you. OK.

WALZ: Good afternoon, Senator Morfeld.

MORFELD: Senator Walz, members of the Education Committee, for the
record, my name is Adam Morfeld. That's A-d-a-m M-o-r-f-e-l-d,
representing the Fighting 46th Legislative District, here today to
introduce LB87, a bill that would add mental health first aid training
for school personnel to programs covered in part by lottery funds and
administered by the Department of Education. The purpose of this
program is to train teachers and other school personnel in mental
health first aid. The program would be managed by the Department of
Education and would provide evidence-based training that includes
knowledge of how to recognize the signs and symptoms of mental illness
and substance use disorders, including opioids, alcohol, information
on local resources and services to share with students and others who
may be experiencing a mental health or substance use challenge,
techniques for safely de-escalating crisis situations, how to refer a
student early on to prevent escalation and worsening symptoms, and
finally reduce the stigma of mental illness and substance use and
encourage students to ask for help. I worked with a group of students
in Lincoln who are concerned about the safety and mental health
issues. This bill came about in part because of those discussions and
from an interim study hearing that I introduced to study the entire
issue of school safety. In fact, one of those students testified this
last time that we had this and also brought in many other students
that had compelling testimony on the importance of being able to
identify mental health concerns at an early stage and address them.
Many students and adults alike suffer from depression and mental
illness. We do not do a good job of identifying and helping those

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

students in a timely manner at some of the most important times to identify those issues in their lives. I would urge your support of LB87. I'd be happy to answer any questions. I will note to the committee that this is actually included in the lottery funds package that we adopted last year and that was introduced this year. I did not know that Senator Walz intended to reintroduce that in its entire form and so this bill, quite frankly, is unnecessary because it's included, so-- happy to answer questions, but I didn't want to also go through the process of withdrawing it on the floor. I will note that we made several changes in the lottery funds. One, we stripped it down a little bit, made it a little bit more streamlined. So some of the language toward the end was language that was helping with other sections of the act and quite frankly, are not relevant now that we have that bill. So I'd be happy to answer any questions.

WALZ: Thank you. Questions from the committee? I see none. Thank you.

MORFELD: Yep.

WALZ: Any proponents?

STEVE CERVENY: Chairwoman Walz, senators of the Education Committee, my name is Steve Cerveny, S-t-e-v-e C-e-r-v-e-n-y. I'm a captain with the Omaha Police Department, 505 South 15th Street, Omaha, Nebraska, 68102. I'd like to thank you for the opportunity to speak with you today and thank you for the valuable service that you provide. The Omaha Police Department supports LB87, as well as the, the bill that Senator, Senator Morfeld discussed that would encapsulate everything in LB87 because we recognize the importance of school staff members who interact with students on a daily basis to identify and understand children experiencing crisis and how to appropriately address and de-escalate those situations, as well as provide valuable resources that will help. We feel mental health first aid training would be very beneficial for our school resource officers who are working with kids in the small schools every day. Currently under Nebraska law, school resource officers are required to complete 20 hours of training focused on student rights, understanding special needs students, conflict de-escalation, ethics, teenage brain development, adolescent behavior, implicit bias training, diversity and cultural awareness, as well as trauma-informed response and violence prevention in schools. Most mental health training for our, our SROs has been geared toward understanding the teen brain and threat assessment or preventing

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

school violence. Yearly mental health first aid training for school staff and resource officers would go a long way to provide understanding and meaningful assistance through de-escalation and resources for children who, through no fault of their own, are experiencing a traumatic behavioral health crisis. We are in full support of our school resource officers taking part in the mental health first aid training this bill provides on an annual basis. The Omaha Police Department also employs mental health professionals as co-responders who work hand in hand with our officers to assist and provide services for citizens experiencing mental health crises. Some of these mental health professionals are certified instructors and could possibly help with the implementation and instruction of the mental health first aid programs created by this bill. Thank you.

WALZ: Thank you so much. Any questions from the committee?

STEVE CERVENY: Thank you.

WALZ: Thank you.

STEVE CERVENY: Appreciate it.

***CORR SCHRADER:** Good afternoon Chairwoman Walz and members of the Committee: My name is Cora Schrader and I would like to provide the following testimony on behalf of Children's Hospital & Medical Center (Children's). We want to thank Senator Morfeld for proposing LB87, legislation that provides for mental health first aid training for school districts. Children's mission- to improve the life of every child- requires us to look well beyond the physical walls of our hospital and clinics, focusing on meaningful partnerships with stakeholders across the state. Schools are one of those strategic partners that can make a difference in a child's life and has an ability to focus on prevention in both physical and mental or behavioral health needs of their students. In fact, schools are often on the forefront in spotting mental health issues in children. But historically educators have received little training in this area and the need is growing. At Children's, we are seeing a growing rate of anxiety, depression and stress from our patients who complete a PHQ9 mental health screen. It is no surprise that educators and parents are also growing more concerned about the mental health and well-being of children and youth from their experiences at home or in the classroom. Schools are a critical venue for identifying and providing supports

*Indicates written testimony submitted prior to the public hearing per our COVID-19 response protocol

for students suffering from stress and trauma, and those with the most challenging emotional and behavioral problems, but as the need grows, we need to be sure there is adequate training involved. We believe that LB87 provides a necessary resource to our schools by creating a mental health first aid training program for teachers and other school personnel. This resource may help teachers de-escalate a situation in their classroom safely or recognize the signs of mental health for an early referral to a pediatric provider. LB87 is the next responsible step to ensure that every child has the tools they need to be successful and participate in their classroom, therefore we urge the committee to consider LB87 and advance to the floor for debate.

***JASON HAYES:** Good afternoon Senator Walz and members of the Education Committee. For the record, I am Jason Hayes, Director of Government Relations for the Nebraska State Education Association. NSEA supports LB87 and thanks Senator Morfeld for introducing the bill. LB87 puts a focus on mental health first aid support and training for schools receiving an innovation grant, while also identifying areas of focus for the innovation grant program for early literacy, quality instructional materials and personalized learning. These areas of focus are now included in the State Board of Education's Strategic Vision and Direction. Teachers need a variety of items in their toolkit of knowledge and resources to give all students the support they need to be successful learners. Those needs are many. We have seen significant increases in the number of students who come to our members with a variety of behavioral and mental health needs. As the needs of students grow, teachers need to expand their toolkits and resources. The NSEA offers this testimony on behalf of our 28,000 public school teachers, higher education faculty and other education professionals across the state. We urge the committee to support LB87 and advance it to General File for debate.

WALZ: Any other proponents? Any opponents? Anybody that would like to speak in the neutral position? Senator Morfeld, would you like to close? He waives closing. We did have two written testimony in lieu of person testimony. They are both proponents. One was Jason Hayes from NSEA and Cora Schrader from the Children's Hospital and Med Center. No opponents, no neutral. We also had position letters. Proponents were the-- was the Board of Nebraska School Nurses Association, Mary Bahney from the School Social Work Association, Nebraska Child Health and Education Alliance, Dr. Daniel Gih from the Nebraska Regional Council of the American Academy for Children and Adolescent Psychiatry, and

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

Andrea Phillips from the National Association of Social Workers,
Nebraska Chapter. We have no position letters written in the opponent
or neutral and that concludes our hearing on LB87 and our hearings for
the afternoon.