

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee February 14, 2022

WALZ: Welcome to the Education Committee public hearing. My name is Lynne Walz from Legislative District 15. I almost forgot what district I'm from. I serve as the Chair of the Education Committee. The committee will take up the bills in order on 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 before us today. To better facilitate today's proceedings, I ask that you abide by the following procedures. Please turn off or silence cell phones-- let me check mine-- and other electronic devices. The order of testimony is introducer, proponents, opponents, neutral, and then closing remarks. If you will be testifying, please fill out a green testifier sheet and hand it to the committee clerk when you come up to testify. If you have written materials that you would like distributed to the committee, please hand them to the page to distribute as you begin testifying. We need ten 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, state and spell your name for the record. Please speak directly into the microphone so our, so our transcribers are able to hear your testimony clearly. If you would like your position known but do not wish to testify, please sign the yellow form at the back of the room and it will be included in the official record. If you are not testifying in person, in person and would like to submit written comments to be included in the official hearing record as an exhibit, you will find the required link on the bill page of the Nebraska Legislature's website. Comments are allowed once a bill has been scheduled for a public hearing and must be submitted and verified prior to 12 p.m. on the last work day prior to the public hearing. The comments submitted online and verified prior to the deadline identified as comments for the public hearing record will be the only method for submission of official hearing record comments other than testifying in person. Letters and comments submitted via email or hand-delivered will no longer be included as part of the public hearing record, although they are viable-- they are a viable option for communicating your views with an individual senator. Finally, please be concise. Testimony will be limited to five minutes and we will be using the light system. I just want to let you know that we are going to be monitoring the amount of testifiers that we have today and we may switch to three limit-- to three minutes for future bills. But for now, we're going to stick with five minutes. Testimony again will be limited to five minutes. We'll-- a green light, your time-- that means your time has started, excuse me, and you may begin speaking. Yellow means that you have one minute remaining and you need to wrap up your comments and red lets you know

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that you need to stop. The committee members with us today will introduce themselves beginning at my far right.

MURMAN: Hello. I'm Senator Dave Murman from District 38 and I represent eight counties in the southern part of the state.

LINEHAN: Good afternoon. I'm Lou Ann Linehan. I'm from Elkhorn and Waterloo, District 39.

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

WALZ: To my immediate right is research analyst, Nicole Barrett, and to the right end of the table is committee clerk, Noah Boger. Our pages today are Aleks Glowik and Savana Brakeman. Please remember that senators may come and go during our hearing as they may have bills to-- other bills to introduce in committees. I also would like to remind our committee members to speak directly into the microphones and limit side conversations and making noises on personal devices. We are an electronics-equipped, equipped committee and the information is provided electronically as well as in paper form. Therefore, you may see 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. And with that, we will open with the gubernatorial appointment of Dr. Dennis A. Headrick for the Coordinating Commission for Postsecondary Education. Welcome.

DENNIS HEADRICK: Is it OK if I take my mask off?

WALZ: Sure.

DENNIS HEADRICK: OK. You ready? You want me to--

WALZ: Introduce yourself and then go ahead and get started, yep.

DENNIS HEADRICK: Dennis Headrick, D-e-n-n-i-s H-e-a-d-r-i-c-k. To give you a little information about me-- I don't know how much information you have in front of you, if you have resume or what all you have. But to give you a little bit of a context since what I'm hoping to be appointed to is the coordinating commission is I'll give you the context in terms of higher education. And I'm a native of Nebraska. I grew up in a small town of Shickley, Nebraska. I don't know if any of you have heard of good old Shickley, but that's where I grew up. And, you know, I was a typical student in the late '60s, early '70s and so come graduation, my high school counselor says to me and my parents,

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you know, they'd tell you this, but I think it might be a waste of your money and your time for him to go to college. But being the stubborn Germans that we were, I went anyway and I went to Fairbury, where there was a junior college and they had a football team. So myself and others, we walked on and three of us shared one scholarship and-- but it was a start. And so in working, I was able to complete my associate degree and ironically, the second year and when I graduated with that degree, it was now Southeast Community College. And the person who signed my diploma was Dr. Robert Eicher. From there, obviously, I met my future wife and she enticed me to go to Kearney State College, which is now a University of Kearney [SIC]. So there we go. Again, through hard work, doing lots of jobs, I obtained a bachelor's degree in education. From there, we went to central-- north-central Nebraska and taught school for a few years, which time got married, and then we decided it was time to have a family so we wanted to move back to southeast Nebraska. And I was hired by the Department of Public Institutions to be the business manager of an institution in Beatrice. And so while I was there, UNO come along and said, hey, we're going to offer some graduate courses here and I started taking them, again working, being a father, involved with many organizations, but I completed that master's degree in public administration. About that time, there was an opening at Southeast Community College-Beatrice campus-- that was the campus had moved from Fairbury to Beatrice-- and it was for the assistant campus director. And so I applied and since I was good at budgets, they hired me. Four years later, I was appointed the campus director and then a few years later, they gave me another title, vice president of academic affairs. So that was in the spring of 1990 and I retired from Southeast Community College in the spring of 2020. So I had a good, long career and had the opportunity to also complete a Ph.D. while I was there from UNL. Plus, when I was teaching in central Nebraska, I got to teach some tax accounting, cost accounting, all of those fun courses at a private school in Grand Island. So I've had the opportunity to experience and work with a variety of colleges in Nebraska. And so at this point, I retired in April and I finally decided about November/December, you know, I've read enough books, I've done a few puzzles, and maybe it's time to see if I can give back in some way. And so I started looking online and I came across the coordinating commission. I thought, oh, I worked with them quite a bit when I was at Southeast with programs. And so I looked and lo and behold, there was an opening in District 1, looked at the map, that's where I live. So from there, I sent a letter to the Governor asking to be considered and here I am today.

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WALZ: All right. Thank you so much. Do we have any questions from the committee? Senator Murman.

MURMAN: Well, thanks for applying for this position. I have several friends and relatives from Shickley. If I'd known you were from there-- if I'd looked closer, I could have checked clear back into your background. What are the goals you have for being on this commission?

DENNIS HEADRICK: That's a great question. One of the things that I understand that the Legislature is looking at is attainment. You know, how many degrees are actually being awarded? And, you know, one of the things while I was at-- when I was at Southeast, we had a group of colleges that got together and we started what was called the Nebraska Initiative. And that initiative was how can we identify 30 credit hours that a student could take at any of the colleges and transfer them one institution to another? Because we understood, like, if they were going from Southeast to a four-year school, that would be important, but we also recognize there are students that maybe go to a college and it's just not the right fit. Well, we didn't want to penalize if they've taken some courses and to complete that and so we worked on that and hopefully-- I know it's grown to more than just that and hopefully that's continuing now that I'm gone. But I think attainment is important. You know, going kind of along with that is while I was there, I had the opportunity and pleasure to work with Lincoln Public Schools in the new Career Academy that's at that location. But we also work with, I think it was 47 other high schools in trying to do career type of activities as well, knowing that we need to get students, get training, get their awards so that they can go to work to help the state of Nebraska. So I think, you know, increasing-- putting maybe a little pressure on that attainment, I think is really a good thing. So as I mentioned career awareness, I think that's a vital and I think a lot of the colleges have gone that way to try and expose students while they're still in high school to careers so that they're not going to college, finding out halfway through this isn't for me. I think that's a great way for utilization of funds of the individual, but also the school. So, you know, that's one area that I would hope is continued to be explored. Last but not least is technology, you know, and that is changing immensely. And as I was telling a colleague, I remember when SCC got into online education and we partnered with the university and the first platform was an Excel spreadsheet. Well, obviously that's a whole lot different today, but I think along with that, and I know it's one of the state's initiatives, is how do you make sure that internet connection is available in all those areas to reach those students? Because many

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times, at least our goal when we started with online education wasn't to keep students out of the classroom. It was to meet that need of that student who was living and maybe working and needed to take a class at night or weekends or that type of thing. And so I think there's definitely a role for that, but I think technology is here to stay in many ways.

MURMAN: Yep, that's, that's very true. Thank you.

DENNIS HEADRICK: Um-hum.

WALZ: Any other questions? Senator Linehan.

LINEHAN: Thank you, Chairwoman Walz. Thank you for being here and thank you for applying. I've heard about you for 20 years. My brother misses you.

DENNIS HEADRICK: I know.

LINEHAN: Yes, so thank you very much.

WALZ: Oh, is that it?

LINEHAN: Yeah.

DENNIS HEADRICK: I know her brother.

LINEHAN: You've worked with my brother for 20 years.

WALZ: I thought you were going to go some place, like a story.

LINEHAN: No, I'm thrilled that he's applying. I mean, this is very much of what we talked about.

WALZ: That's right.

LINEHAN: Right.

WALZ: Any other questions? I do, I do have a question and I'm glad that you mentioned the attainment goals because we just had a really good meeting with K-12 and higher education stakeholders regarding a 70 percent attainment goal for Nebraska. So I guess my question is you-- Senator Murman asked my question about your goals and priorities, but one of the things that I think we all realize is that there's a lot going on in education right now. How would you make sure that you focus on and prioritize what's important in education,

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especially when it comes to that attainment goal? Does that make sense?

DENNIS HEADRICK: Well, I can say it does, yeah.

WALZ: OK.

DENNIS HEADRICK: Well, you know, I think one of the challenges, at least when, you know, as with Southeast and in the role I was in, that there are times when you have programs of study that you just don't have very good enrollment. And it's always difficult to say to a program, you're going to close that program because it may be that you have faculty that you cannot put in other locations and so you have to tell them goodbye. But I think we have to be realistic to say there's only so much money in the pot. And so sometimes I think you have to focus on where is the need, how do you get students into those programs and help them have that opportunity to complete? And I think, you know, sometimes we just get a little lax in being diligent about maybe cleaning up the institution a little bit in some areas where you're really lacking in enrollment.

WALZ: All right, thank you. Any other questions? I don't see any. Thank you for coming today.

DENNIS HEADRICK: You're welcome.

WALZ: At this time, we'll--

DENNIS HEADRICK: Anything else from me?

WALZ: Nope, not right now.

DENNIS HEADRICK: All right, thank you.

WALZ: Thank you. At this time, we'll ask for proponents. Opponents? Anybody who would like to speak in the neutral?

PANSING BROOKS: No, the gubernatorial appointment.

WALZ: Anybody that would like to speak in the neutral capacity? All right, that ends our hearing on the gubernatorial appointment for Dr. Dennis Headrick and we will open on LB877, Senator Slama. LB887, I apologize.

SLAMA: No worries. I'm not entirely sure of my own bill number sometimes. Good afternoon, Chair Walz and members of the Education

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Committee. My name is Julie Slama, J-u-l-i-e S-l-a-m-a, and I'm the state senator representing District 1 in southeast Nebraska. I'm here today to request support from the Education Committee on LB887. Overall, LB887 proposes cleanup changes to 11 statutes that influence the Nebraska State College System. The specific changes include the removal of references to the reimbursement for mileage and travel expenditures for the board of trustees in 85-302, which conflicts with the current constitutional language establishing the members thereof shall receive no compensation for the performance of their duties, but may be reimbursed their actual expenses incurred therein. This just brings that language in, in line with what our constitution says about reimbursement. The proposed revisions to 85-304, 85-306, and 85-308 seek to eliminate outdated language clarified to the role and function of specific officers, affirm that state college is intended when school is used throughout the respective statutes, and clarify the role of specific officers; 85-305 has now been revised to allow a calendar structure to better aligned with the approval processes necessary throughout the fiscal year, rather than the academic calendar; 85-307 currently requires the board of trustees collect a matriculation fee from all students, which is an outdated and unnecessary charge to students. Removal of this specific fee allows the board of trustees to set fees necessary for the effective management of the colleges without excessive specificity; 85-308.01 currently provides that the faculty serve a role in confirming graduates after students have successfully completed the degree requirements as approved by the board of trustees. In practice, the faculty set the academic requirements for each degree program rather than recommend students for graduation directly for the board. So again, just bringing their statutes in line with what the actual practice is. LB887 deletes the statement that conferring of a degree is dependent on the recommendation of the faculty of the respective college. Finally, you may notice 85-957 or changes there. This creates alignment within the programmatic authorization process between the state colleges. When the academic missions for each of the three state colleges were approved in the 1990s, updates were not made to Peru State College's. This means that when you're dealing with master's programs and what programs that different state colleges can offer, Wayne State College, Chadron State College, they can go through the Coordinating Commission for Postsecondary Education, the CCPE, to get approval for those master's degree programs. However, Peru is stuck second kind of its own island, where it has to get legislative authorization for every single master's degree program it wants to offer, which means right now, we've only got, I believe, one or two that are currently authorized in statute. This just brings our

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language in line across the three state colleges so that those authorizations are all, including for Peru State College, going through the CCPE. This was a concept that was brought by a Peru State alum who is a neighbor of mine and I-- when he described this issue to me, I was very confused as to why Peru was left out of this streamline process and I'm excited to include that language in LB887. It really will open a lot of doors for advanced degrees being offered in southeast Nebraska through Peru State College. I appreciate consideration from the committee on the proposed changes of LB887 and I'd be more than happy to respond to any questions any members of the committee may have. Thank you.

WALZ: Thank you, Senator Slama. Questions from the committee? Senator Pansing Brooks.

PANSING BROOKS: Thank you for bringing this, Senator Slama.

SLAMA: Thank you.

PANSING BROOKS: I'm, I'm just confused and I'm trying to understand what's written by our fabulous legal, brilliant mind for the Education Committee. So can you explain the part that deals with Nebraska Revised Statute 85-312?

SLAMA: 85-312?

PANSING BROOKS: So it repeals that section saying that no religious or sectarian tests shall be applied in the selection of teachers and none shall be adopted in the state colleges.

SLAMA: That is an outstanding question and one that was raised in the lead up to this and I should have noted this in my opening because I had the same question too when I saw the initial cleanup package. And I think Chancellor Turman can speak to this a little bit more eloquently than I can, but that specific language is in conflict with current federal bans on those religious tests, so it's redundant and also in a little bit a conflict with those federal laws, so it just brings it into harmony.

PANSING BROOKS: OK. Thank you, Senator Slama, I appreciate it. I can ask him.

SLAMA: Thank you, Senator Pansing Brooks.

PANSING BROOKS: Thank you for bringing this.

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WALZ: Any other questions?

SLAMA: Thank you, Madam Chairwoman.

WALZ: Thank you. Are you staying for closing?

SLAMA: Possibly. I'm introducing three bills today, so we'll see.

WALZ: All right. Proponents.

PAUL TURMAN: Afternoon, Chairman Walz, members of the committee. My name is Paul Turman, that's spelled P-a-u-l T-u-r-m-a-n. I'm the chancellor of the Nebraska State College System. I'm here to ask your support of LB887, works to identify a number of significant changes that are, are really warranted for the state statutes that govern the state college system. In essence, when I arrived in the state college system roughly about three and a half years ago, one of the things that I undertook with my staff was working through the process of beginning to kind of cleanup and review our existing board policies. I think one of the things you would note that oftentimes after you take a close look at things, you realize that not only are we maybe not complying with those policies or sometimes you recognize that it's very difficult to understand why these things were put in place. And so we started to build a structure within our policies that linked back to the state statutes that should guide them and that resulted in a much deeper dive into the state statutes themselves. And so the ones that are identified here are areas that were either inconsistent-- I think Senator Slama did a really good job of laying out some of the, the basic tenets of why we're asking for a number of the cleanups that are there. In, in, in particular, I think a very good question as it relates to 85-312. That question was raised about a week ago and, and we-- certainly, it was never an intention that we would eliminate this as a mechanism for the state colleges to start to institute a religious test. So there are two safeguards that are currently out there already that, that cover for this. If you go back to the actual subsection that this references it, it ties back to 1881 and then I think most recently, it was changed in, in 1969. And so the various current, current state statutes establish that as a system, we are really not allowed through the Equal Opportunity Commission, the EEOC. They established the regulations that, that lay out the protection-- protected classes that exist: race, color, religion, sex, national origin, age, disability, and genetic information. And so those protections are already there at the federal level and then at the state level, the Nebraska Equal Opportunity Commission also establishes a similar set of requirements that's spelled out in the

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Nebraska Fair Employment Practice Act, the NFEPA, that establishes those same types of things. You cannot discriminate and/or harass based on individual's race, color, national origin, religion, sex, disability, and marital status. And so even if we had a religious test, which it forbids us to do, these two state and federal rules would mean that it's almost impossible for us to discriminate and/or harass as a result of that. And so I came from a place that used to have a legal counsel that really felt strongly about belts and suspenders, that you have three or four different places that back up what you try to incorporate in your board policies and also state statutes. I think this is certainly one. The language of it, we have the protections in place for our faculty and our students that this is not something that the state colleges would move forward for and I'd ask that you remove that. When it comes to the consistency and programmatic authorities, Senator Slama is also correct that ultimately in 1991, back at a time when the University of Kearney [SIC] used to be with the state colleges, Chadron, Wayne, and Kearney's mission statements started to align with what they are right now. And at that time, Peru's was not updated to reflect the opportunity for them to also offer the range of degree programs that they have. And so shortly after that, the CCPE was put into effect and the additional language was incorporated, at least for those three institutions, that we have to go through the CCPE to get the formal approval of any new degree program itself. And it wasn't until 2006 when there was actually put a limit, limit-- a limitation in place where the Peru State College was limited in the total-- the types of degree programs they could offer until it was approved by the Legislature. So I, I joke a little bit with Dr. Baumgartner at the CCPE in that ultimately, the CCPE has no authority over the Peru State College in its degree-granting authority and we'd really like to have that cleaned up. I think there was also a time when it was believed that it was only western and kind of the northeast portions of the state of Nebraska needed the expansion of the degree programs. And I think what we see with market segmentation right now, the ability for students who graduate from Peru with an undergraduate and then go into degree programs that Peru might offer is right now a pathway that's not being pursued very often for those graduates. So ultimately, I would hope that you'd be supportive of the range of changes that are identified in 8-- LB887 and I'd be happy to any-- answer any questions that the committee might have.

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

PANSING BROOKS: So just to clarify, you're not trying to impose a religious test, you're-- on your students or anybody. You're not going

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to go after the fact. I just want to clarify it's part of-- as a lawyer, we do look back at the, at the record and committees and on the floor, so.

PAUL TURMAN: Yeah. No, I would hope that my testimony would be the affirmation that I fully recognize there's federal and state laws that prohibit that and I think most recently, we've looked at the range of protected class and make sure that all of them are things that we do not want to discriminate and/or harass students and/or staff in our, in our system. So we're never going to be in an environment where we think that is a viable approach to be taken.

PANSING BROOKS: That's great. So it's a cleanup basically.

PAUL TURMAN: Correct.

PANSING BROOKS: All right, thank you very much.

WALZ: Thank you. Any other questions? Seeing none, thank you.

PAUL TURMAN: Thank you.

WALZ: Next proponent. Any opponents? Anybody who would like--

JOEY LITWINOWICZ: I always forget this. You didn't start the clock yet, did you? OK. I don't mean to be a conspicuous cripple. It happens sometimes. Let's see, I need my, my phone.

PANSING BROOKS: Did you drop something?

JOEY LITWINOWICZ: I did. My phone? Oh, my god. Is that it? No. Well, it's horrible, but anyway, life goes on.

LINEHAN: You want me to call it?

JOEY LITWINOWICZ: Ah, there it is. Was that it?

LINEHAN: I was going to call it.

WALZ: I just want to clarify, are you here as a proponent or an opponent or--

JOEY LITWINOWICZ: Opponent.

WALZ: Opponent.

JOEY LITWINOWICZ: Yes.

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WALZ: OK, thank you.

JOEY LITWINOWICZ: Well, man I came in on the blue ox, but I'm going to be leaving on a, on a paper. OK, sorry. My name is Joey Litwinowicz, J-o-e-y L-i-t-w-i-n-o-w-i-c-z, and thank you, Madam Chairwoman Walz and the members of the committee. Good afternoon. And so I just want to say-- there's a couple of things. I thank Senator Slama from bringing the bill. There's a couple of things that worry me. And specifically when we go towards the back here and Section 85-308.01, it says the board shall have the power upon the recommendation of the faculty in the respect-- of the respective college-- that was taken out. My degree in metallurgical engineering has-- upon the recommendation of the faculty. I just, I just don't think that-- it's, it should be the board. I just don't like the language, my opinion. And next what really bothers me is that the Coordinating Commission for Postsecondary Education, you know, that they're going to be the ones that approve the master's programs over the Legislature. Now that-- well, you know, that's-- I think-- I don't like the way this is going. I think we ought to harmonize provisions to, to-- Chadron and Wayne ought to be in line with the Peru, with the state college. We don't want the executive making decisions of, you know, of course content and that has been an issue lately. And it bothers me when, when you have a potential Governor, you know, OK, so he did buy the death penalty drugs, but they didn't-- I mean, they, they weren't able to even get the right stuff. And you know, well, I'm, I'm digressing. But the problem is, is that Nazi Germany-- I'm not, I'm not comparing our current executive with Nazi Germany, but I know what's been going on lately with, with the Governor and, you know, the state education health requirements and recently, he, you know-- we have-- I did this this morning because I'm always yammering behind, but-- and so, you know, the Ger-- Nazi Germany had basically the National Socialist German Student Union. It was made up of, of-- it wasn't made up of students, but it was in line with the Nazi Party. And, and so, you know, the book burning and they actually-- McCain campaigned against the-- or took action against LGBT, which, by the way, I think we ought to amend the language because I could be a teacher. Heck, I could be a professor. I got, I got a funded position at UNL. Turns out my mind was already having problems and that's why I couldn't do it, but that's after 13 years have-- of having jobs completely outside the engineering field. And so, you know, I would like-- you know, because sexual identity and orientation is not included or-- and I think that's-- so I could be harassed. I could be attacked and I would. If I went out west, I would. I already, I already know people that live out west and the problems they have even with, with their own family.

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Anywho, then we have the subjected to-- you have to have a-- OK, I'm sorry. I would like a little more time-- I won't abuse it-- for, for my disability. Subject to the approval by the Board of Trustees of the Nebraska State Colleges, Peru State College may offer other master's degree programs upon demonstration of a compelling need in disciplines which it has demonstrated a capacity-- blah, blah, blah. And compelling, I don't think that word should be used because that's a-- that's another fishy word. I mean, I don't know it wasn't intended and we can fix it. Maybe, you know, academic need or indust-- industry need or jobs. If we could not use compelling, that would be compelling, so. And, and that's it and I had COVID. I've had four booster shots and COVID being my last one. And I'm just saying that anyone can get COVID. You know, you can have-- you can catch it again and so I'm really disturbed by that we're all not wearing them still, you know, even though I've had COVID and three-- two shots and a booster. OK, I'm done. Thank you so much.

WALZ: Let me see if we have any questions for you.

JOEY LITWINOWICZ: Oh, yeah.

WALZ: Do we have any questions from the committee?

JOEY LITWINOWICZ: One of these days, I'm going to be organized. Yeah.

PANSING BROOKS: OK, I'll ask a question.

WALZ: All right, Senator Pansing Brooks.

PANSING BROOKS: Thank you. Thank you for coming, Mr. Litwinowicz. So I don't see in the-- I'm not sure-- where is it in the bill that it talks about not allowing the metallurgical sciences that you were--

JOEY LITWINOWICZ: Oh, no, I just was-- I, I just was mentioning my degree. I said it was a metallurgy. I don't know why, but-- if I did and so that was just [INAUDIBLE].

PANSING BROOKS: OK, all right. Thank you. Thank you for making the effort to be here today, appreciate it.

JOEY LITWINOWICZ: Thank you.

WALZ: Thank you. Any other questions?

JOEY LITWINOWICZ: Darn it, I'm going to do one one day where I-- where somebody wants to ask a question. You guys have a good day. And I

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think, you know, I might ask, I might ask to drink hemlock, but I don't know why we got the amphitheater here. You know why can't we talk like the Greeks did? Why can't we ask questions in [INAUDIBLE] when we come up? Just think about it.

WALZ: Thank you.

JOEY LITWINOWICZ: OK, all right.

WALZ: Thank you. All right, next proponent-- or opponent, I'm sorry. Anybody who would like to speak in a neutral capacity? Senator Slama, you're welcome to close.

SLAMA: All right. Thank you, Chairwoman Walz, members of the Education Committee. I, I appreciate your consideration of LB887. This is really a bill not only in proposing solid, cleanup language that harmonizes our statutes with other state statutes and federal law, this is really a bill about the kids and the kids who are going to school in southeast Nebraska and just don't have the master's degree and advanced education options available because this Legislature, in 2006, decided that Peru State needed special permission to get master's degree programs. So obviously, this is a bill I care deeply about for my region and our neck of the woods. It would make a-- make a solid difference in the lives of a lot of kids, so I'd encourage you to advance LB887 to the floor, please.

WALZ: Thank you, Senator Slama. Any other questions for Senator Slama? I see none. Thank you. That closes our hearing on LB887 and we will open on LB902, Senator Aguilar. Welcome, Senator Aguilar.

AGUILAR: Senator Walz and members of the Education Committee, by far the best-looking committee I've been in front of.

MORFELD: I agree.

AGUILAR: My name is Ray Aguilar, R-a-y A-g-u-i-l-a-r. I represent District 35, Grand Island, the proud home of the Nebraska State Fair. Good afternoon, Chairperson Walz and members of this committee. I'm-- I did that. Today, I'm here to introduce LB902, the Nebraska Career Scholarship Act. This legislation codifies a program that currently exists in the budget and has been in existence since 2020. Career scholarship dollars are currently sent out to the community college system, university system, and state college system. These scholarships are targeted to students pursuing degrees in programs that are needed in our local communities. The purpose of the program is to create strong ties to the communities across this state that

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need workforce labor such as Norfolk, Columbus, Grand Island, and North Platte. Some of our state's largest cities do not have four-year college and I represent one of them, Grand Island. Other first-class cities with populations greater than 20,000 without four-year colleges are Norfolk, Columbus, Scottsbluff, Gering, and North Platte. According to a study prepared by-- for central Nebraska, Hall County has fewer bachelor's degrees than the state average. My community recognizes the looming impact of automation and the need to attract higher skilled workers to ensure that Grand Island can remain competitive for our largest employers and create new job opportunities. While it's unlikely that a four-year college will relocate to Grand Island, the partnership with Wayne State College allows my community the ability to host college seniors who will work full time in local businesses for credit while living in Grand Island's downtown district, of which we are very proud. From the mayor of Grand Island and to the chamber of comics [SIC] to the economic development volunteers and staff, creating a dense urban environment downtown has been a priority. This partnership gives Grand Island a meaningful, fighting chance to increase our higher skilled workforce and attract young talent. Norfolk's effort has been a model for what we want to accomplish. Their effort was adopted by the State College System Board of Trustees in 2020 after Governor Ricketts proposed and the Legislature gave the green light to the career scholarship program. I'm handing out two documents for your review and I ask that they become part of the record. Handout number one is a spreadsheet from Wayne State College Grand Island funding showing the ramp up. Handout number two, proposed amendment prepared for the Education Committee to address possible funding allocations. As you can see, the Wayne State College Co-op Program in Grand Island begins with 15 students in its first cohort this fall and these students will begin living in downtown Grand Island in the fall of 2025. Tuition to, to attend Wayne State annually is about \$5,000 per year. This scholarship pays \$2,500 in the freshman year, \$3,000 in the sophomore year, \$3,500 in the junior year, and \$5,000 plus housing for a total of \$15,000 in their senior year in Grand Island. There will be speakers following me that will outline the specifics of this plan. The Wayne State Co-op Scholarship Program, funded by Governor Ricketts' career scholarship initiative, allows Grand Island the ability to attract and introduce bachelor's prepared, skilled workers in our growing community. This program will make a huge difference in my future-- in the future of my district and in the lives of young people from across our state. Thank you. I'll try to answer any questions you may have.

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WALZ: Thank you, Senator Aguilar. Questions from the committee? So is this a program, Senator Aguilar, that can be started in high school as well or--

AGUILAR: Say that again, please.

WALZ: Is this a program that can also be started in high school while kids are in high school or only after they graduate?

AGUILAR: Well, they, they will-- starting in their freshman year of college.

WALZ: OK and it allows them to work within the business community?

AGUILAR: During their senior year--

WALZ: OK.

AGUILAR: --for various businesses throughout the community.

WALZ: Very good. Thank you, Senator Aguilar. Any other questions? Are you saying to close?

AGUILAR: Thank you. Yes.

WALZ: OK. First proponent.

PAUL TURMAN: Chair Walz, members of the committee, my name is Paul Turman, that's spelled P-a-u-l T-u-r-m-a-n. I'm the chancellor of the Nebraska State College System. I'm here to ask that you provide support or that you support LB902 and its ability to establish the career scholarship program into the state statute and also the continued expansion of the program to serve a broader range of communities than we do now. When the career scholarship program was established, the original intent really was to try to encourage more students to stay in the state of Nebraska with the hopes that if we are able to do that, those students will ultimately go on and stay and work here in the state once they're finished. I think the internship, the cooperative educational, the practicum components that we've incorporated into that are one of the significant drivers that we will see the opportunities for ongoing success. When I first testified on LB1008 in March 2020, I emphasized as we look at the various 20 different performance metrics that we have in place for the state college system, that essentially 12 of them are impacted positively by a program like this: growing the number of our retention rates for Pell-eligible students, improving graduation rates, improving the

total number of graduates, improving transfer graduates, helping reduce the overall cost for students. And so as those start to come into the mix, I think in just two years of this program being in place, we've seen the positive impact that has occurred. We've seen an increase over the last two years in the state colleges and ultimately the state of Nebraska is only one of three states that have seen a positive increase in enrollments over the two years of the pandemic. We've also seen a significant number of students enroll in this program; 468 are being served through this program in the state colleges right now. And I think one of the things that we visited about at lunch was that we have 50 percent of those students enrolled in teacher education programs as well, so extremely important to address and meet the ongoing workforce needs that the state has. We also have seen improved retention in those key workforce areas. We've seen an 8 percent increase in the-- from year one to year two of retention for students enrolled in the seven different degree programs that we have the authority to offer. So when this was put in place, the state college system utilized what was in LB1008 to put together a set of guidelines that would give each one of the institutions a little bit of flexibility to meet the specific needs that they were seeing in their various regions. All three of my presidents had opportunities to meet with business and industry and, and have focus groups and they've tried to design programs that align specifically with what they are seeing in those areas. Chadron has a rural business leadership initiative. Peru has a future teacher scholar, where they've shifted the vast majority of these programs. And Wayne has put together the Growing Together Initiative, which was a conversation that was having-- happening in northeast Nebraska at the time when this program was put in place. And really, what's unique about the program at Wayne is a year-long cooperative educational experience. Students getting connected with businesses early and then ultimately those businesses get the opportunity to have those students come for that final year and they live and learn and work in cohorts in that community in the various regions that they're being served. When we allocated funding for this program, 40 percent was distributed equally to all three of the institutions and then we utilized-- the other 60 percent was distributed based on the overall graduate production from each one of the three colleges. And so those colleges have now worked with the various entities and initiatives that they put in place to push those dollars out to students to attract them with the long-term commitment that the businesses will have these students coming forward. What Senator Aguilar is envisioning for his community and Grand Island is the opportunity to continue to expand into the various cohorts through Wayne State to provide those community-- that

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community with the opportunity to grow the total number of students that they have. Senator Aguilar passed out an amendment which has some additional funding components embedded in it. We recognize that we will need to take that next step and begin to engage the Appropriations Committee. But the intent is to really scale up, starting with 15 new students next year, which then grows over-- all in a four-year period where there's a total of 145 students that are involved in the program at different stages of those various cohorts to connect them to Grand Island, to have them living and learning and also serving that community with an intent that they will eventually go on and choose that, that region as the place that they want to pursue their work when they're done. Very quickly, in the first year of the program when Wayne State put it in place, it had 15 slots. They had 30 students apply. Last year, they had 45 slots. For their second-year cohort, they had 90. This year, they have 75 slots to fill that area and right now they have 260 who have applied. And so the demand is there. Parents are seeing the fact that-- the opportunity to have their children stay in the state and then also be connected to business and industry so that they will stay in the state when they're done is something that's very enticing. I'd be happy to answer any questions that the committee might have, but I'd ask that you would support LB902 and our ongoing work with the Appropriations Committee to obtain the additional funding that would be needed to grow cohorts.

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

MURMAN: Thank you, Chair Walz, and thanks for testifying, Mr. Turman. Are there facilities available in Grand Island? I mean, is it-- will there be classrooms there and labs that will be used?

PAUL TURMAN: Chair Walz, right now, it's not the actual delivery of curriculum and coursework in Grand Island. It's the senior year. And so what President Rames has done with her faculty and administrative staff in Wayne is to reduce the total number of general education credits that they have, which has created the opportunity for students at the back end to actually be engaged in far more extensive experiential learning. And so students are actually taking 18 credit hours of cooperative educational coursework in that final year and then finishing up the remaining 12 either through distance or if you have students, you asked the question are they coming with additional credits or do anything in high school? The opportunity to partner with Grand Island Community High School through dual-credit activities creates kind of a two-way partnership. Students do dual credit through Wayne State at Grand Island, come to Wayne State, are able to then

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almost do nothing but their cooperative educational experience when they finish. And so it really is a service-based kind of learning internship that's very intense for an entire year to finish up their academic career.

WALZ: Senator Murman.

MURMAN: So, so the cooperative agreement or-- I guess you'd call it an agreement-- starts with the high-- in high school and then they move on-- the students move on to Wayne State and then finish up in Grand Island?

PAUL TURMAN: I would say there's, there's two paths. There's the opportunity for them to start in high school, but they're also-- we will have students that are from across the state that will apply for the program. And Grand Island will be the place where we provide them with the cooperative educational experience through the partnership with businesses there. I would say you're going to hear from one of the students who was in the initial cohort at Wayne who's now in her second year, who was attracted to Wayne because of this program from Chadron. And so I think they're-- the opportunities-- we want to make it a viable pathway for students irregardless [SIC] of where they're located here in the state to, to choose this, this program and then ultimately get the opportunity for some real in-depth engagement with businesses that will grab and sink their hooks into those students and keep them here as they graduate from, from college.

MURMAN: Thank you.

WALZ: Thank you. Other questions? Did you mention-- are there other programs that are doing this right now?

PAUL TURMAN: I would say it's important to emphasize that the Growing Together or the Cooperative Educational Program that has been developed at Wayne is very unique. I don't-- we cannot find another institution in the country that has dedicated themselves to providing that much of a engaged experience, experiential learning with businesses. You see some programs such as, like, engineering will really encourage students to do this type of work where they go and they work for a business for almost a year. But then they come back and they finish their degree so what is becoming a four-year degree program automatically becomes five. This is focused on doing all this in the four-year program. And so I think what's unique is that Chadron has something distinct for what their needs are there. They only have-- they have the rangeland science program and so a lot of their

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students that they award the scholarships to are pursuing that degree program and they have a lot of ag business-related activities there. So their rural business leadership initiative is tied-- and designed slightly differently than what Growing Together is. And Peru has chosen a slightly different path and I think that's what's unique about the career scholarship program. It allows us, it allows the community colleges, it allows the university system to structure this how it best serves their ability to recruit and retain students down the road.

WALZ: Great. Any other questions? Seeing none, thanks a lot for coming today.

PAUL TURMAN: All right, thank you.

WALZ: Next proponent.

ROGER STEELE: Senator Walz, members of the committee, I am Roger Steele, R-o-g-e-r S-t-e-e-l-e. I am the mayor of the great city of Grand Island. I am here to speak in support of Senator Aguilar's LB902 and I would like to say at the outset, we are very proud to be represented by such a distinguished senator as Senator Ray Aguilar. My city has approximately 51,000 people and we do not have the college that grants a four-year degree. And as a result of that, we, like a lot of Nebraska communities, have a problem with outmigration of our young people. Now we believe we can offer an excellent quality of life in Grand Island. We believe that we have many young people who would prefer to stay and return to Grand Island after they receive their educations, but the problem is our young people go away to other cities for their education and as impacts so much of Nebraska, they are heavily recruited by other cities and even by other states. So LB902 is our chance to make an impact and keep our young people home by working with Wayne State College on the cooperative internship program. And I want to say at the outset-- and I know your time is limited. I'm not going to belabor the point. We have worked very hard in Grand Island with Wayne State College to put this program together. It already exists in Norfolk, Nebraska, so Norfolk is essentially the template we're using because it is proving to be very successful in Norfolk. I would like to see these types of programs made successful all over greater Nebraska because it can help all of rural Nebraska to succeed. So LB902, brought to you by Senator Aguilar, is our solution. It's a solution where we can take young people, put them back in Grand Island businesses in their senior year, and those are paid internship positions. And I want to tell you we had meetings with Grand Island businesses about the idea of receiving college seniors from Wayne

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State College to place in their businesses. It-- we had incredible enthusiasm from those Grand Island businesses at the opportunity of cooperating with Wayne State College to have those college students come to Grand Island because our businesses are confident that if those college students take paid internships in their industries, in their businesses, many, if not most, will stay for permanent paid positions. And in Nebraska, we all struggle with the same thing. We don't have enough employees right now. We need to keep our young people in Nebraska. LB902 is just the ticket to help get that done. So I believe as mayor of Grand Island that this cooperative internship program with Wayne State College is essential for Grand Island's future. I believe Senator Aguilar will do many things as a senator, good things for Grand Island. I think this bill will be one of the most transformational things that he will do. I think it's that important. So I ask you to support this. I want to tell you we've also put city money on the line, taxpayer dollars on the line to help fund this. So I'm here in front of your committee to ask for your support and I'm going to guarantee you right now, I have great partners. I have Senator Aguilar. I have the businesses of Grand Island. I have the chamber of commerce. I would love to be able to come back to this committee in a year or two and brag about the wonderful success this program is going to be. It will succeed. You have my word as mayor of Grand Island on that. Thank you.

WALZ: Thank you very much. Questions from the committee? I don't see any. Thanks so much for coming.

ROGER STEELE: Thank you.

WALZ: Appreciate it. Next proponent. Good afternoon.

CINDY JOHNSON: Good afternoon, Senator Walz and members of the Education Committee. My name is Cindy Johnson and I am the president of the Grand Island Chamber of Commerce. I represent some of those businesses that Dr. Turman said that--

WALZ: I'm sorry, could you, could you spell your name?

CINDY JOHNSON: I'm sorry.

WALZ: No, that's OK.

CINDY JOHNSON: Cindy, C-i-n-d-y, Johnson, J-o-h-n-s-o-n.

WALZ: Thank you.

CINDY JOHNSON: And I represent some of those businesses that Dr. Turman said we were going to grab onto these interns and make sure that they stay in Grand Island. I think you've heard from Senator Aguilar and certainly from the mayor of the city of Grand Island what the need is for our community. I'm testifying today in support of LB902 on behalf of the Grand Island Chamber of Commerce. I was also asked to testify in be-- on behalf of the State Chamber of Commerce as well. Grand Island really is at a critical juncture in the life of our community. When we began conversations with Wayne State College in 2019 prior to the pandemic, we were discussing opportunities dealing with unemployment rate of 2 percent. Today, we have an unemployment rate of 1.4 percent. Of the 43,300 people in our workforce, 42,900 are employed. Of the, 43.3, 42.9 are employed. While low unemployment can be viewed as a positive for a state or an area, it can also be a distressing situation for a business community. Continuity of existing business operations, expansions, or new business recruitments are hindered by a lack of workforce. To further illustrate our need, Grand Island's college-educated population is lower than the state average by 10 percent. Household and per capita income are also less than the state average. These statistics illustrate a grim reality, but Grand Island is committed to retaining its young people and growing and diversifying our future workforce. As previous speakers commented, we do not have a four-year college or university. Therefore, it is incumbent upon us to identify, explore, and implement programs that will provide the workforce pipeline needed to sustain and grow Grand Island. LB902 codifies Governor Ricketts' Nebraska Career Scholarship Program and allocates funding in the amount of \$597,500 for an accelerated cooperative internship program between Wayne State College and Grand Island this fall. We are eager to introduce our employers to college freshmen and establish a multi-year mentorship program that will lead to full-time employment. The career scholarship program is an important tool in strengthening outstate economies and providing new opportunities for Nebraskans. For too long, there has been a disparity between the number of graduates and employment opportunities, resulting in Nebraskans leaving the state and putting down roots elsewhere. This outmigration has depressed the potential for expanded growth and economic development across the state. Now, you may be curious what types of internship, internships are of interest to Grand Island businesses. We ask businesses small and large to share their employment needs. Business, accounting, information technology, marketing, education, and more are needed. We stopped asking when we had over 40 internship opportunities identified for this fall alone. We recognize budget restrictions dictate a less aggressive start to our program. We will begin with 15 students with a

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commitment to wrap-- ramp up to 75 students or more in five years. Grand Island is fully committed to this program. We have allocated funding for a full-time program director and are working with housing developers in our Railside district, downtown district, to ensure housing is available. As noted, student interest in cooperative internship programs are off the charts. Parents are excited about the scholarships and the full-time paid employment in year four for their sons and daughters and businesses can't wait to meet their future workforce. Your assistance in making this happen is essential. We urge you to support LB902. Thank you.

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

CINDY JOHNSON: Thank you.

WALZ: Thanks for coming today. Next proponent.

HEATH MELLO: Good afternoon, Chairwoman Walz, members of the Education Committee. My name is Heath Mello, H-e-a-t-h M-e-l-l-o, and I serve as the vice president for external relations on behalf of the University of Nebraska System. I'm appearing today in support of LB902, a proposal to codify the Nebraska Career Scholarship Program in state statute. We want to thank Senator Aguilar for his leadership and work to ensure that this scholarship is made permanent outside the biennial budget intent language that currently supports the annual scholarship appropriation. The Nebraska Career Scholarship appropriation, which began in fiscal year 2021 as an outgrowth of Governor Ricketts' Nebraska Talent Scholarship proposal and Senator Stinner and Linehan's LB639 in this committee, the H3 career scholarship proposal, has been crucial to the university's efforts during the pandemic to recruit and retain students in high-wage, high-demand, high-skilled fields both this academic year and as we finalize recruitment for the fall of 2022. As we've discussed during the initial proposal of the appropriation, the Nebraska Career Scholarship addresses shortages in our workforce that we know are especially acute. The Nebraska Department of Labor has projected our state will have an estimated 34,000 openings in high-wage, high-demand, high-skilled jobs like nursing, engineering, business management, software development, and elementary and secondary school teachers. The majority of these, more than two-thirds, will require at least an associate's degree. That brings us to why LB902 is so important. The 225 Nebraska career scholarships that are currently awarded to students by the University of Nebraska campuses are in target career fields of engineering, healthcare, information technology, and math. The changes in LB902 that expand the qualifying H3 careers to include business and

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education is a very positive movement for the university to address key workforce shortages across Nebraska. Giving more flexibility to university leadership to provide these much-needed scholarships to additional academic programs that lead to H3 careers will drive future growth in specific colleges and help address one of the key workforce shortages prioritized by this committee, K-12 educators. While LB902 primarily mirrors the budget intent language passed last year in LB380, there are two additional issues that we would respectfully ask the committee to take action as part of advancing LB902 to General File. The first involves the appropriation language on page 12 that limits the current appropriations for the Nebraska career scholarships to the fiscal year '22-23 amounts. When proposed by Governor Ricketts in 2020, the Nebraska career scholarships were intended to increase for four years or through fiscal years '23-24 for the university system, the state college system, and the community college system. The green-copy language eliminates the final year of proposed funding increases for all three of our systems. Since we were required to provide the scholarship for a four-year period, the university would not be allowed to award any more new scholarships to additional cohorts. Simply put, without the change to LB902, this would be a \$2 million cut to the university system. In conversations with Senator Aguilar as well as Senator Flood and their offices, we've been reassured that we will find a solution that addresses this major concern. The second item is a request to include criminal justice as an additional H3 career path that would qualify for a Nebraska Career Scholarship. According to the U.S. News and World Reports, the University of Nebraska at Omaha has one of the top-ranked 2020-- I think 17th-- criminology and criminal justice bachelor's degree programs in the United States and could help address future H3 job openings by recruiting more students to the program with the assistance of scholarship funding. We've also received a reassurance that this issue will also be addressed in regards to the fourth-year funding concern. Once again, I simply want to thank Senator Aguilar for his work to solidify this crucial and critical higher education financial aid program. We admire his work and the Grand Island business community work to expand opportunities for students in Grand Island and the university stands ready to assist in any way we can. If there is an opportunity to increase the university's allocation of funding for the Nebraska Career Scholarship Program in light of other changes to the program, we respectfully encourage the committee to consider taking action. I would also be remiss not to thank Governor Ricketts for his continued partnership with our higher education systems and establishing this program and committing the \$16 million to help recruit and retain Nebraska students for H3 careers. LB902,

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with minor tweaks previously outlined, will continue advancing the university's effort to address ongoing workforce challenges while maintaining the most affordable, accessible education possible for all Nebraskans. Thank you again and I would be happy to answer any questions you may have.

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

MORFELD: Thank you for coming today, Mr. Mello. Can you just clarify your testimony on the two requests? I think it was the fourth year of funding and then--

HEATH MELLO: Absolutely, Senator. So on page 12, the best way to describe this was when Governor Ricketts proposed the initial Nebraska Career Scholarship Program, it was over a four-year period that, that-- the three public higher education systems and now you include the private higher education system that was included in last year's budget bill, that we would see a stair-step increase over a four-year period to the total of \$16 million in year four. The current language in the green copy of the bill-- and it's purely maybe an oversight and we've been trying to figure out how to do this legislatively in light of two separate programs possibly being in existence at the same time-- doesn't appropriate that final year in the next biennium. So we would respectfully request on behalf of the university-- we'll also do it on behalf of the other three systems that would be impacted-- that we would like to see the full implementation of Governor Ricketts' proposal occur in some form or another in the green copy. It's already been incorporated in the Governor's fiscal projections, both when he passed the budget last year, as well as your current general financial status incorporates future budget growths and future appropriations. And this is one that was included for the fourth year, which is the first year after Governor Ricketts leaves office. So just to be clear, that has been the understanding we've all operated on for the last three years. And again, without that, we all lose not just the university, but the state colleges, community colleges, and the private higher ed all lose their last-year increase, which means you can't really award new scholarships to new students. The second item was really kind of an issue-- we-- we're very grateful, Senator Aguilar and his office, of two items we brought forward of expanding into education and business. But in the conversations candidly with our university leadership, particularly at the University of Nebraska at Omaha, criminal justice is a program that is an H3 career and there has been concerns raised in regards to why we would not want as a state to incentivize students to go into a top 20 national program that's housed at Omaha. And so that was one additional change. Once

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again, there's no new money that follows that. It just simply gives the university administration the ability to, to move our money around in respects to, to those programs. It gives the chancellors more authority of how they want to allocate their portion.

MORFELD: OK. So to clarify, you'd like the language changed on page 12 to make it so that in statute, it has the four years as discussed and--

HEATH MELLO: Correct.

MORFELD: --as proposed by the Governor's budget and then second, to expand the scope a little bit to criminal justice.

HEATH MELLO: Correct.

MORFELD: OK, got it. Thank you.

WALZ: Thank you. Senator Linehan.

LINEHAN: So does-- any of this would still apply to-- it would continue for the private colleges too?

HEATH MELLO: Yes. So, so they are also-- they also are impacted by that final year. The Governor proposed increasing their allocation as well. So everyone's impacted by holding the first year of the next biennium at the same level as, as the last year of this biennium. So no one gets an increase, public or private. I think we've all operated under the same perspective in our, our proposal in partnership with the Governor that we would all get that final year increase, but that has to be--

LINEHAN: But we need to put it in the budget this year.

HEATH MELLO: There's no need-- though it's all-- so once again, this doesn't have any impact in regards to the current biennium.

LINEHAN: OK.

HEATH MELLO: This is all the first year of the next biennium, which granted Governor Ricketts will no longer be here, but--

LINEHAN: So you're just trying to protect--

HEATH MELLO: He has, he has been adamant that this would be the fourth year and he's built it into his financial status as have all of us.

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LINEHAN: OK. All right. Thank you very much for being here.

WALZ: Thank you. Any other questions? I see none. Thanks for being here today.

HEATH MELLO: All right, thank you.

TONJA BROWN: Good afternoon, Education Committee. My name is Tonja Brown, T-o-n-j-a B-r-o-w-n. I am chair of Grow Grand Island. We are a collaborative community impact organization whose key partners are the Grand Island Area Chamber of Commerce, the Grand Island Area Economic Development Corporation, Grand Island Tourism, and we have liaisons with Hall County and city of Grand Island. I am here to collectively share a letter of support for LB902 referred to as the Nebraska Career Scholarship Act. Advancing this legislation to statute allows communities to establish solid paths that connect students to businesses. This helps retain young, skilled workers across our state, which has been identified as essential by both Blueprint Nebraska and the Nebraska Department Economic Development as we look to our future. There are challenges across our state, but speaking specifically about Grand Island, there are some unique indicators to highlight. For instance, the Rural Futures Institute, in their 2019 Thriving Index, noted education and skills index as a regional concern for the Tri-Cities, ranking fifth in our state. Also, according to census data, when looking at adults aged 25 or above with high school and college, Hall County, at 84.6 percent, lags the state at 91.4 percent. And when looking at those same adults with a bachelor's or higher degree, Hall county is at 21.5, lagging the state at 31.9. Grand Island is very fortunate to have Central Community College for technical training, but without the presence of a four-year institution, Grand Island counts on programs and partnerships with surrounding institutions to connect with their students and their graduates. Internships hold the greatest promise for doing this, as 60 percent of students are retained as full-time employees by their respective businesses. Thus, growing Grand Island's capacity for internships is key for us to compete for these sought-after workers. Grow Grand Island has underscored our support of the Nebraska Career Scholarship Act with the proactive funding of a local position to foster relationships and identify businesses who need high-skilled workers to ultimately connect them with students pursuing their bachelor's degree. We are poised and ready to utilize the Nebraska scholarship act right now. Thank you.

WALZ: Thank you so much. Questions from the committee? I don't see any.

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TONJA BROWN: Thank you for listening.

WALZ: Thanks for coming today.

TONJA BROWN: Um-hum.

WALZ: Next proponent.

JERRY STILMOCK: Chairperson Walz, members of the committee, my name is Jerry Stilmock, J-e-r-r-y S-t-i-l-m-o-c-k, testifying on behalf of my client, the Nebraska Bankers Association, in support of LB902, which you've heard codification of what's happened before. But I'll share with you just briefly the impact that it-- scholarships and internships has had on the banking industry. Nebraska Bankers Association saw fit to partner a few years ago with UNK, UNL, and UNO in this combination of which you've heard of this afternoon. Specifically, the program at UNL was designed to fill a need for agricultural lenders in Nebraska. It started in 2006 and since that time, there's been contributions of \$1 million in scholarships. The program formally started in '06 and the first interns rolled out in '07. Four of those interns were placed in the very first year with the Nebraska banks and the best we're able to track, of the 56 former interns, currently 54 are employed by Nebraska banks and one of them, a 2008 intern, is actually serving-- recently named as president of a local Nebraska bank. We anticipate that the scholarship combination internship program provided in LB902 would be equally successful. We think it makes sense to codify and put it into law so it's always there. We'd ask the committee to advance LB902. Senators, thank you.

WALZ: Thank you. Questions from the committee? I don't see any. Thank you.

JERRY STILMOCK: Very well. Thank you, senators.

WALZ: Next proponent.

ABBIE GARDNER: Am I good to go? Perfect. My name is Abbie Gardner, A-b-b-i-e G-a-r-d-n-e-r. On behalf of Wayne State College and the Growing Together Career Scholars, thank you for allowing me to inform you about the career scholars program. The career scholars program is in its second year and consists of two cohorts that include 45 freshmen and 30 sophomores. This fall, we will welcome a third cohort of 75 incoming freshmen. In its simplest form, the Growing Together Career Scholars Program combines a structured classroom education with experience-based learning for college credit. Our mantra is that we learn by doing through real-world and hands-on experience. Today, I am

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here with our executive director, Dr. Michael Keibler, and Brogan Jones [PHONETIC], a current sophomore in the Growing Together Career Scholars Program. My name is Abbie Gardner and I am a sophomore accounting major from Chadron. We are here in support of LB902. The Growing Together Career Scholars Program provides students with 21st century critical skills and knowledge needed to succeed in a rapidly changing work environment. This is done through structured, semester-based program grounded in a multi-year employer engagement, the study and practice of transferable competencies, job shadowing, mock interviews, and participation in a new Collegiate Entrepreneurs Organization chapter. Multiple career-readiness activities take place during our freshman, sophomore, and junior years, allowing us to foster personal relationships with not only our peers, but with Nebraska employers. This is a vital step prior to compete-- completing our senior year as we earn 18 credit hours for cooperative education based on working 30 hours a week with a Nebraska employer. One of the main reasons I chose to attend Wayne State was affordability and this program. When I found out I was accepted into this prestigious career scholarship program, I fully committed to Wayne State College. This is a once-in-a-lifetime scholarship and career learning experience was something that I knew I could not turn down. I firmly believe that those reasons apply for all of us in the program, as we know we can trust Wayne State College with our futures. This scholarship not only provides the opportunity to gain a year of hands-on learning experience, but an opportunity to meet and network with employers in northeast Nebraska upon graduation. Because of this scholarship model, students learn career-based skills that will be used professionally and personally for years to come. In today's workforce, workforce, prior experience, skills, and knowledge are more important than ever. Overall, a year of work experience included in my four-year degree will not only help out-- help me stand out amongst my peers, but will reduce my education debt upon graduation. This allows me to focus on my education. The career scholars model at Wayne State College is proven, cohort-based, interdisciplinary model of experiential learning that can be duplicated in other Nebraska communities such as Grand Island to educate, retain, and recruit young talent in the region. As a sophomore in the program, I firmly believe that a models-- that as a model scholarship program, it is a huge leap in the right direction for all students in Nebraska looking to go to college. On a more personal note, this program has allowed me to connect with my peers in more ways than I have ever imagined. A lot of my peers have similar backgrounds to mine, which would be rural areas, small school, small-town roots. I have strong work ethics and a skillset similar to each of my peers. I am with like-minded, hardworking students which

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have opened the door for me to communicate and learn alongside similar majors and the cohort while growing strong friendships. This year, the program has added a new organization for scholars to engage in. This program is called the Collegiate Entrepreneurs Organization. This unique chapter provides us the opportunity to expand skillsets that are highly sought after by employers across multiple disciplines. In the end, we will bring to employers entrepreneurial experience of networking with national chapters, multiple CEOs, entrepreneurs, and investors from Fortune 500 companies. What makes me most passionate about this program is that we get to be the inaugural class. We get to pave the way for the classes that follow us. We get to set a precedent and find what works best and what doesn't and be a part of a unique learning culture and program that is reshaping higher education. In conclusion, for me, the best word that described being a part of this program is honored. We are committed to this program for prospering of not only self, but for the betterment of communities like Grand Island and Norfolk and that we are doing this for the future of our workforce in northeast Nebraska. Again, thank you for your time and consideration and support of LB902.

WALZ: Thank you very much. Questions from the committee?

PANSING BROOKS: I'll just--

WALZ: Senator Pansing Brooks.

PANSING BROOKS: We're so glad you came and we hope you're going to stay here in Nebraska.

ABBIE GARDNER: Yes.

PANSING BROOKS: Great.

ABBIE GARDNER: I love it here, so.

PANSING BROOKS: Good. Well, we're lucky to have you. That's great.

ABBIE GARDNER: Thank you.

PANSING BROOKS: Thank you for coming.

WALZ: Any, any other questions? I don't know if I missed it or not. Did you say what you were going into?

ABBIE GARDNER: Accounting.

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WALZ: Accounting. OK--

ABBIE GARDNER: Yes.

WALZ: --great. All right, thanks for coming today.

ABBIE GARDNER: Yeah, thank you.

WALZ: Appreciate it. Next proponent.

SEAN KELLEY: Good afternoon, Madam Chair Walz and members of the Education Committee. My name is Sean Kelley, S-e-a-n K-e-l-l-e-y, appearing today in support of LB902 as a registered lobbyist for Creighton University. We'd first like to thank Senator Aguilar for his leadership and introducing this legislation. Founded in 1878 and one of 27 Jesuit Catholic colleges and universities in the United States, Creighton offers academic programs in arts and sciences, law, business, and the health sciences, including dentistry, medicine, nursing, pharmacy, occupational therapy, physical therapy, public health, peer medicine, and physician assistant programs. Creighton ranks in the top third of U.S. News and World Report's 2021 rankings for best colleges the national universities category. The student body represents all unite-- all U.S. states and territories, as well as more than 40 countries. Creighton contributes to Nebraska's brain gain, as nearly 80 percent of its students come from outside the state and more than half of all Creighton graduates stay in Nebraska to begin their careers. Creighton is fully committed to Nebraska workforce development and career training. We would encourage the committee to seek an amendment to the bill to require a portion of the independent college and university scholarships to be set aside for health sciences given the shortage in the healthcare workforce. If we retain our Nebraska students for postsecondary education, the likelihood those students stay in the Nebraska workforce is exponentially higher. For those reasons, we support LB902 and I am happy to answer any questions.

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

LINEHAN: Thank you, Chairwoman Walz. So have you got a copy of the fiscal note or have you looked at it?

SEAN KELLEY: I, I don't.

LINEHAN: OK. It, it doesn't mention private schools so does-- it says \$4 million to DED. So I'll just read to you. The bill states intent to appropriate to these programs, the university, state colleges, and DED

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for the current biennium. "The bill states intent to appropriate \$6 million for the university, \$3 million to state colleges, and \$4 million to DED."

SEAN KELLEY: Yeah, and maybe that's not included in the fiscal note, but certainly we take the text of iLB902 to amplify what Governor Ricketts put in his 2021 recommendation and the Legislature passed.

LINEHAN: OK.

SEAN KELLEY: But that's probably a great clarification.

LINEHAN: Yeah.

SEAN KELLEY: Yeah.

LINEHAN: Thank you.

SEAN KELLEY: Thank you.

WALZ: Other questions from the committee? I see none. Thanks.

SEAN KELLEY: Thank you.

WALZ: Next proponent. Good afternoon.

JOEL MICHAELIS: Good afternoon, Chairwoman Walz and senators. My name is Joel Michaelis, J-o-e-l M-i-c-h-a-e-l-i-s. I am happy to be here today in support of LB902. I am currently the vice president of instruction at Southeast Community College. Interestingly, my predecessor was Dennis Headrick, who you heard from at the beginning of today's meeting. So I, for one, am very happy he retired in April of 2020 because it gave me the opportunity to move to, move to this wonderful state. I'm here in support of LB902 because it establishes the scholarship. It codifies the scholarship for community college students in, in high-demand areas, areas that we provide education for. As-- I don't have to remind anybody on this committee that community colleges are-- play an extremely vital role in providing training for high-skilled workers in the state. And anything that we can do to increase that obviously is, is, is good. I-- in my role at the college, what I am trying to do all of the time is provide as many of those workers for the state as we can. I look at a couple of different things. One of that is-- one of those things are capacity and the other is pipeline. So when I look at capacity, I'm looking at how many students can we get into our programs? We have-- our facilities have a certain size. We have a certain number of faculty.

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We have all sorts of things. One of the things that we can do is we can get creative in modifying our schedules and we have, we have been working on that. The other thing we do is we can work on increasing our capacity through renovation of facilities, building new facilities. That's something-- if you've paid any attention to Southeast Community College in the past several years, building-- increasing capacity through new facilities is something that the college has been working very diligently on. The other thing that we can do is we have to look at the pipeline of the students that are coming to us. And what are barriers to students getting into that pipeline to coming to us? A barrier is always cost. I've never been at any college in any state that I've worked in where cost was not a barrier to people obtaining higher education. We know it pays off. We know that it's a benefit. We know that it's an investment that our local city, state, federal government can make that pays off in the end. We currently at the college-- I, I called and asked today from our financial aid office. We have 54 students in this program. We have committed about, about \$245,000 to those 54 students. That is 54 students who might not have been able to come to the college, be working in these, in these high-skill areas, working on getting their education so that they could go out and get a job here in Nebraska. It's working. We would like for it to continue to work. I'm not going to-- you've heard a lot of wonderful things here today. I will say since I do have a second of time, Dr. Headrick talked to you today about attainment-- one of the things and he talked about programs that need to close down because they don't have enough students in them. Sometimes that's not because the students don't want to be in them. Sometimes that's because the students have-- haven't figured out yet a way to get into them. Once again, this is removing some of those barriers. So with that, I will stop and of course, I'm willing to answer any questions.

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

JOEL MICHAELIS: Thank you. Pleasure to be here.

WALZ: Next proponent.

ANGIE STENGER: Good afternoon, Chairman Walz and members of the Education Committee. My name is Angie Stenger, H-a-n-- nope, that's not how you spell name-- A-n-g-i-e S-t-e-n-g-e-r. I don't know where I went. Anyway, Education, I promise. I am executive director of Growing Together in northeast Nebraska at the workforce initiative and I am here to tell you about the success we've had and the opportunities

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that lie ahead for other communities like Grand Island to move forward. Growing Together, in cooperation with Wayne State, has developed this plan to allow students to learn in this hands-on, work-based environment. In April of 2020, they announced the first students, those first 30, and that cohort came to Wayne State and essentially to Norfolk that fall where they began their education. They began interacting with business people and learning about the opportunities that were available to work-- live and work in northeast Nebraska. The excitement for this program has grown. As you heard Chancellor Turman tell you earlier, the second year, we had 45 students and right now, we have 260 applicants that-- we'll be interviewing about half those next-- at the end of this month to bring on 75 new scholars in the fall. During the last two years, I have interviewed over 100 businesses in northeast Nebraska and it was the owners and the human resource managers and did a workforce needs assessment to find out what they need. It was designed to help figure out which businesses would pair well with the Wayne State students. People love the idea of the program because they'll have the opportunity to work with these students for a full six to nine months in an immersive, work-based learning experience. I had one gentleman who asked why we were doing this because he thought it was too good to be true. He's like, can I hire them? I'm like, please. That's the whole point of this. He was just so excited about it. From the surveys, I also learned that businesses are committed to expanding the job market and the workforce and are excited to mentor these students. Specifically, some of the themes that emerged from these conversations where that businesses want to grow, but they need a larger job pool. They told me that hiring graduates from a local connection or with a local connection, much easier than convincing someone to move here from out of state to-- or from a bigger community to northeast Nebraska. But most importantly, they told me that they would much rather educate students to their job needs so kids don't have to leave the area to learn. All of these fit perfectly within the career scholarship program. The workforce scholarship funds that allow students to live in-- downtown Norfolk is where we are-- their senior year while working at an internship in their field of study are essential. It plays directly to the importance of creating jobs in northeast Nebraska that will entice the next generation to stay in the area. The community of Norfolk is excited to integrate these students into the Norfolk community through, as I mentioned, company tours, job shadowing, mentorships, cultural events, social activities-- we even brought them bowling last year-- all over the next three years before they moved to downtown Norfolk. I appreciate your time today and the opportunity to help us continue to welcome our future Nebraska

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workforce to stay in Nebraska. So thank you for your support of LB902 and I'm happy to answer any questions.

WALZ: Thank you so much. Questions from the committee? I see none. Thanks for coming today. Can I just ask-- no, it's OK-- how many testifiers we have left? One, two, three. OK, great.

TREVA HAUGAARD: Chair Walz and members of the Education Committee, hello. My name is Treva Haugaard. It's T-r-e-v-a H-a-u-g-a-a-r-d. I'm the executive director of the Council of Independent Nebraska Colleges, also known as CINC. Senators, thank you for your time today and for your focus on helping Nebraska citizens and students in higher education. CINC is supportive of LB902 and appreciates Senator Aguilar for introducing this bill that would codify in statute the Nebraska Career Scholarship Program that has been created over the past two years through state appropriations. CINC represents all 13 of Nebraska's private colleges and universities. LB902 provides significant support to students seeking a degree in math, healthcare, computer information, business, or education, which will further in-- which will further incentivize students to pursue H3 careers. CINC would ask for consideration to include additional areas such as engineering and criminal justice to the eligible program areas at private postsecondary institutions, which would also support the H3 careers needed in Nebraska. CINC recognizes the need to include student qualification criteria in the bill. However, we would ask that there be a further review and further consideration of the ACT requirement currently included. There is increasing trend of higher education institutions not requiring ACT and SAT scores for entrance into college. Research suggests that the better indicator of a student's success is more notably their high school GPA. According to the University of Chicago News from February 2020, high school GPAs might be stronger indicators of college readiness because they measure a wider variety of skills, including an effort over an entire semester and many different types of classes and demonstration of academic skills through multiple formats. On the other hand, standardized tests measure a smaller set of skills and students can prepare for these tests in narrow ways that may not translate into better preparation to succeed in college. It's critical that we allow higher education institutions to identify and award scholarships to students who the institution have identified as academically on target to achieve their educational goals. In addition, higher education continues to seek ways to support first-generation students from underrepresented communities. The ACT score will not serve all students well and creates an additional barrier for institutions to award scholarships to high-performing students who perhaps did not score well on a

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standardized test. In conclusion, CINC would note that scholarships are critical for all students to be able to lower their debt upon graduation. To continue growing Nebraska's economy, we need to help our students be in a position to engage with their communities by increasing their purchasing power upon graduation. Saddling students with more debt does not help our economy. Creating scholarship opportunities in LB902 will support students in obtaining their bachelor's degree and set up students for success in high-wage, high-skill, and high-demand careers. For these reasons, the Council of Independent Nebraska Colleges supports LB902 and asks you to please advance this bill.

WALZ: Thank you. Questions from the committee? I see none. Thanks a lot. Next proponent.

CANDICE ALDER: Good afternoon. My name is Candice Alder, C-a-n-d-i-c-e A-l-d-e-r, and I'm the economic developer for the city of Norfolk and Norfolk area economic development. Thank you for the opportunity to address you today. I'm here to talk about the Growing Together cooperative scholarship program with Wayne State College and the opportunities that will be created as a result of this work. One of the critical elements of our workforce initiative includes the deliberate placement of college seniors into Norfolk's downtown district to live. From there, they will directly engage with local businesses through an internship opportunity and receive work experience while completing their college degree. In 2023, we will welcome our first cohort of 30 students to Norfolk, in 2024, 45 new students, and from 2025 on, it is our hope to see 75 new senior-level college students each year that live in downtown Norfolk and work for a Norfolk-area company. Your support of LB902 is critical to the long-term sustainability of this initiative. City staff has been instrumental in guiding development opportunities in the downtown district where these students will live. Currently, we are assisting a prospective developer who's working on a plan to construct the housing for the first 30 students. We are also facilitating a proposed mixed-use development that will overlook the city's riverfront development project. In the following years, we anticipate additional build out of downtown housing to continue to accommodate this program. In addition to new development and redevelopment, we are also seeing an influx of new business activities in the entertainment and retail industry, such as an event center, regular live music, cigar bar, a local bakery expansion, clothing boutiques, and several restaurants that will continue to contribute to the vibrant atmosphere that's being created in our downtown district. All these activities will be enhanced by the direct engagement of the students that will soon call

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downtown Norfolk home. One of Governor Ricketts' strategic pillars for improving Nebraska's workforce includes the development of our people. The type of programming supported by LB902 strategically identifies areas of need within our workforce and provides the tools that directly correlate with much-needed career opportunities. This pipeline that is being created is critical to the long-term sustainability and health of our businesses. The funding does not just offset costs associated with higher education, it makes it possible to directly engage students with businesses who right now are desperate for workers. With an unemployment rate of 1.7 percent, we have to change tactics to engage and retain our students here in Nebraska. This initiative gives our businesses and community members an opportunity to prove to the students that they do not have to leave Nebraska to have a good life. Thank you.

WALZ: Thank you. Questions from the committee? I have one quick question. Are the majority of the 30 students-- and you might not know, but are the majority of the 30 students coming to Norfolk in 2023 originally from Norfolk?

CANDICE ALDER: No. In fact, I think the majority of them are not from the Norfolk area, but I believe the majority of them are from rural Nebraska, correct?

_____ : Correct.

WALZ: All right, thank you. Any other questions? Senator Pansing Brooks.

PANSING BROOKS: Thank you. Welcome. I'm glad you're here, Ms. Adler. So the, the 75 new senior-level college students, has, has there been some-- a building built for them to house them or where are they being housed?

CANDICE ALDER: So we are working on that right now. We're working-- and Wayne State College representatives might be able to answer that a little better. I can answer for the first 30 that we'll see in 2023. The summer of 2023, I believe, is when they'll be here. We're working very hard with a developer that will build those first units to accommodate them and then we are working to solve problems for the further housing of those other students.

PANSING BROOKS: That's wonderful. Thank you. Good to know that.

CANDICE ALDER: Thank you.

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WALZ: Any other questions? Thanks for coming today.

CANDICE ALDER: Um-hum.

WALZ: Next proponent.

AUSTEN HAGOOD: Chairman Walz and senators, my name is Austen Hagood. I'm the president and CEO of the Norfolk Area Chamber and on behalf of the Norfolk Chamber, I'm here to speak in support of LB902. It's bills like this that help keep our mission of growing Nebraska a reality and I urge you to consider the many positives a bill like this will have on the students of the Grand Island area and the students throughout our state. As we continue to watch the populations in rural Nebraska dwindle, it's time for swift action and legislation to stop the hemorrhage and mass exodus of residents and this is the exact type of bill that will allow students to stay put and grow in Nebraska. This is just one step in a plan to help our rural state grow and as you know, education is the cornerstone of our society and this scholarship act will help level the playing field and get those students that are hungry for work in our state the opportunity to succeed. So let's invest in our students now, so they have a chance to invest in us after graduation and help us keep Nebraskans in Nebraska. And I ask you to support LB902.

WALZ: Thank you. Could you spell your name for us?

AUSTEN HAGOOD: I just took off running like a train. Austen Hagood, A-u-s-t-e-n H-a-g-o-o-d.

WALZ: Thank you. Any questions? I see none. Thank you very much for coming today. Any other proponents? Any opponents? Anybody that would like to speak in a neutral capacity? Senator Aguilar, you are welcome to close.

AGUILAR: I bet you're glad to see me again.

WALZ: Of course.

AGUILAR: Thank you so much for your patience. I really appreciate that. I want to thank all my testifiers. And if there's one thing I hope you glean from this love fest, it's that this is a matter of need, not want. We really need this program in our town, as well as other communities throughout the state. Thank you very much.

WALZ: Thank you, Senator Aguilar. Any questions from the committee? I just have a comment that if you could throw in a piece of that rainbow

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cake from the chocolate bar for everybody to come see the-- that might help.

AGUILAR: Share the love.

WALZ: Thank you. That closes our hearing on LB902 and opens our hearing on LB-- let's see, I'll find it-- LB1050. Before we start, I just want to find out how many testifiers are here for LB1050. One, two, three, four, five, six--

_____ : Seven.

WALZ: Seven?

_____ : Just a general commenter?

WALZ: Yep. All right. OK. Welcome, Senator Flood.

FLOOD: Thank you, Chairman Walz, members of the committee. My name is Mike Flood, F-l-o-o-d. I'm the state senator for District 19, which includes Madison County and southern Pierce County. I'm here this afternoon to introduce LB1050. I'd first like to make clear to the committee and to those attending or viewing from home, this bill is not an attack on postsecondary institutions. I am particularly proud of our university, state and community college systems, and they do tremendous work for our state. I'm also not going to provide my thoughts, as a senator or otherwise, on any pending litigation. What I am here to do is introduce legislation that does two things: number one, secure the rights and protections of students at public institutions; and clarify in statute the existing legal standard of student rights with the consequence of protecting the state from liability. Over the past 20 years, there has been a growing number of cases across the country dealing with students' First Amendment rights, in particular their freedom of association. Going back to 2006, one of these first cases involved a religious group on the campus of Case Western Reserve University in Ohio. There, a student group wanted to ensure that its leadership upheld the mission and vision of its organization, but was prohibited from doing so by the university. Following a letter to the school detailing its legal obligations to the student group, the university recognized the group's desire to retain leadership aligning with their mission and vision. As recently as 2021, the Eighth Circuit Court of Appeals ruled favorably for a student group at the University of Iowa. The Eighth Circuit Court not only recognized viewpoint discrimination and a violation of the student group's freedom of association, but also that

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qualified immunity did not protect university officials in their actions. This resulted in significant civil damages, which could have been avoided had the appropriate legal standard, which LB1050 proposes, had been followed. As well, you will hear from some folks behind me regarding a recent situation in Nebraska. In response to these types of cases, 16 states have passed legislation clarifying the rights of student groups and their freedom of association. LB1050 codifies these rights by prohibiting public postsecondary education institutions from taking any action or enforcing any policy that would deny a political, religious or ideological student organization any benefit available to any other student organization. Again, I'm not here to point fingers or chastise any organization. I do believe it's my role as an elected official to respectfully ask for your consideration of LB1050. You'll recall that I was a strong proponent of Senator Morfeld's student journalism bill last year. I believe that that bill and this bill today both celebrate the rights of students to engage in protected First Amendment speech, and that does include the freedom of association. Thank you, Madam Chairman.

WALZ: Thank you, Senator Flood. Any questions? I see none. Are you staying for closing?

FLOOD: No, I respectfully waive closing.

WALZ: OK. Oh, wait, I'm sorry, Senator Pansing Brooks.

PANSING BROOKS: I'm sorry. So-- so I'm just-- thank you for bringing this, Senator Flood, and I agree that the-- the goal of nondiscrimination is an important one. So I think-- I don't know if you were concerned about what happened at the university. Was that something that brought this up or you're not going to talk about that exactly?

FLOOD: Well, thank you, Senator Pansing Brooks, for your question. Last year, as you'll recall, the University of Nebraska, there was an incident at the University of Nebraska-Lincoln where a student group had applied to use funds to bring a speaker and, as I recall, they were denied the ability to have those-- that speaker arrive because the nature of the speaker's speech would have been a political topic that they did not want to engage in, and this bill has its origins in that. But I think for the benefit of the university system and for students, most notably in all of our state's postsecondary educational institutions, this bill will remove any question as to whether or not we have a situation similar to what occurred that's currently in the courts right now, so, yes.

PANSING BROOKS: OK. I guess I'm just interested if-- if you feel that sometimes-- sometimes with that we-- we get an ability to-- to use the right not to disc-- not to be discriminated against as a sword to discriminate against others. So is-- do you feel that this bill will make it so that other groups can then, you know, get-- get paid by the-- by the public schools and the university and the public colleges, but be able to discriminate against others, either because of their religion or their sexual orientation? Could neo-Nazi groups be allowed to get public funding for the-- and an ability to express their views?

FLOOD: This bill is not about protecting any radical groups. Rather, the groups asking us to pass this bill are organizations like the Christian Legal Society, InterVarsity, Chi Alpha, the Baptist Student Union, and Newman Centers. If we pass this bill, we will become the 17th state to do so. None of the other states that have extended protections to belief-based campus groups have had issues with new radical clubs forming. Rather, belief-based clubs like the ones you'll hear from today have just continued to operate as they always have and states that have avoided needless and costly litigation.

PANSING BROOKS: OK, well, I'm just wondering if there-- I mean, that's great that nobody has had any kind of problems with that. Would there be some sort of language that could be added to make sure that they can't be a group that would be discriminating against others or that would be working to-- I-- I can't remember the words you used to con-- to discuss groups that-- that are like neo-Nazis or white supremacists that would cause a lot of consternation on the camp-- college campuses.

FLOOD: Well, I don't-- I did not introduce this to protect any radical groups. This bill does nothing to change the fact that the right of student-based clubs to organize around very unpopular ideas has been in place since at least 1972 in a case called Healy v. James, where the U.S. Supreme Court ruled that a chapter of Students for a Democratic Society could not be denied recognition by a public university merely because of the group's beliefs that were viewed as abhorrent. I think that we have to recognize what the law is in the United States as it relates to the freedom of association. This bill, as introduced, is not about protecting radical groups. The people asking for this, Senator Pansing Brooks, are the Baptist Student Union, Newman Centers, the Christian Legal Society. And that case that I mentioned, Healy v. James, not this bill, provides the basis for extremely unpopular clubs that we all disagree with to be recognized. What LB1050 does is provide a clear and simple standard that will make

sure, for example, that a Baptist group that wants a Baptist to teach its Bible studies can do so without government interference. This is just common sense.

PANSING BROOKS: OK. But there are no protections to stop the radical groups from coming forward. Is that correct?

FLOOD: Well, there are several legal scholars that will be following me that I'm sure will help address some of those issues. We are dealing with the First Amendment to the United States Constitution and the freedom of association.

PANSING BROOKS: And the Martinez case did deal with that as well, right?

FLOOD: Tell me what the holding in the Martinez case is and give me a cite.

PANSING BROOKS: They said that it didn't violate religious freedoms of First-- or First Amendment protections by deny-- by public institutions denying them based--

FLOOD: What's the cite?

PANSING BROOKS: --on their conduct versus their views.

FLOOD: What's the citation on it?

PANSING BROOKS: I don't have that with me, but I--

FLOOD: Who's the other party in the Martinez case?

PANSING BROOKS: It's Christian Legal Society v. Martinez.

FLOOD: In what court?

PANSING BROOKS: The Supreme Court.

FLOOD: OK, well, the good news is that in my research, I don't have that specifically here, but we have several folks that I'm sure are familiar with it. We'll find out more.

PANSING BROOKS: Sounds great. Thank you very much for answering my questions.

FLOOD: Thank you, Senator Pansing Brooks.

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

FLOOD: Thank you.

WALZ: Are you-- did I ask you if you're staying to close? No.

FLOOD: I am waiving closing.

WALZ: OK, that's right.

FLOOD: Thank you.

WALZ: Thank you. First proponent. Welcome.

LOGAN SPENA: Thank you, Chair Walz. Members of the committee, my name is Logan Spena; that's L-o-g-a-n S-p-e-n-a. I'm an attorney with Alliance Defending Freedom's Center for Academic Freedom. We represent the rights of students and teachers and professors at schools and campuses across the country, where we've secured over 435 victories in cases related to speech and association on campus. It's a privilege to be here to speak in support of LB1050, and we support this bill because we think that it protects the rights of both students and the interests of the universities in the state of Nebraska, and there are two things I'd like to address in particular on that front. The first is some recent litigation that's been going on at the University of Nebraska, the Ratio Christi litigation. I'll be followed by two people that will speak about that in some more detail, but in the gist of what happened in that case, the school has funding that's set aside for student speech, and they denied funding to Ratio Christi expressly because of the viewpoint that they expected to be presented in the speech that they were requesting. And this was discriminatory, and that's why there's litigation there. And in this instance, we're-- we want to express our gratitude to the university for recently changing course and granting Ratio Christi's more recent funding request. We echo what Senator Flood said in that this bill is not an attack on the university. We believe that this bill will protect the rights of students and secure the unities-- university's interests. One way that it will do that is by making expectations clear. The constitution requires the universities already to treat students in a viewpoint-neutral manner. The constitution prohibits universities from taking action against any student group because of its viewpoint. A bill like this will prevent any administrative discretion from giving rise to unnecessary liability, like we see in the Ratio Christi case or like we see in the Iowa case that Senator Flood mentioned, the InterVarsity case out of the Eighth Circuit. A second thing I'd like

to address quickly is the Nebraska Constitution and the Board of Regents v. Exon case. I've been told that there is some concern related to that and this unique feature of Nebraska-- Nebraska constitutional law, and I'd like to speak to that briefly. Article VII, Section 10, of the Nebraska Constitution provides that the general government of the University of Nebraska shall, under the direction of the Legislature, be vested in the Board of Regents. And in the-- the case of Board of Regents of the University of Nebraska v. Exon, the Supreme Court of Nebraska laid down a rule that says, although the Legislature may add to or subtract from the duties and powers of the Regents, the general government of the university must remain vested in the Board of Regents. So there's some things permissible, something that's impermissible based on this rule. It's permissible for the Legislature to add to or subtract from the powers and duties of the university. It's impermissible for the Legislature to take some governing power that the board possesses, to divest the board of that power and then to vest it somewhere else. How does that apply here? Well, there's an example from the Board of Regents case that is-- gives us some guidance. In that case, what the Legislature did was to tell the Board of Regents that they were not allowed to accept donations of over \$10,000 in value without getting the Governor's permission. There's a clear instance where they've divested some authority of governmental power and given it to somebody else in the government to exercise. So an analog to that would be if this bill had said something like the university may not deny benefits to a student group without getting the Governor's permission, that would contravene the rule of Exon. But that's not what it does. The bill just identifies some specific things or actions that the university may not take, period, and so it falls under the permissive rule of the Exon case, which is that the Legislature may, quote, add to or subtract from the powers and duties of the Regents. I see that my time is expiring. I'd like to speak to your question specifically about ideologically charged groups, if I may?

PANSING BROOKS: Sure, thank you.

LOGAN SPENA: One reason that this bill cannot list out something like we're not going to extend these privileges to neo-Nazis is because the constitution does already prohibit making dec-- making any decisions based on the viewpoint of the group. What the bill does, though, it doesn't prohibit the university from enforcing any of its own conduct rules against individuals who engage in, say, racial harassment, for example. What the bill does is says that student groups have to be treated equally when it comes to the availability of benefits with respect to their viewpoints or their requirement that their own

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leaders adhere to their views. So in the event that there was an extremist group that was requiring leaders to engage in extremist activity, that activity could still be punished. It would-- it would limit the ability of the university to de-recognize the group, but the university would still be able to punish any bad action, and it still preserves the constitutional rule that the university can't take action against any group because of its views. And I welcome any other questions.

WALZ: Thank you. Other questions from the committee?

PANSING BROOKS: I'm [INAUDIBLE] I think I'll go.

WALZ: OK, sounds good.

PANSING BROOKS: Thank you. OK, just-- thank you for answering that question, and I-- I would love to hear a little bit more about that. So can you just explain? So what you're saying is that if they did, if there were a neo-Nazi or white supremacist group that-- that wanted to be recognized or get funding through a public institution, what then?

LOGAN SPENA: The school cannot deny funding specifically because of the ideology of the group.

PANSING BROOKS: OK, so if they were white supremacists, they would have to consider giving them money too.

LOGAN SPENA: Yes, and that's already the constitutional rule, right? So the-- the-- the-- the university, even in the absence of this bill, can't say, we don't like your ideology and so we're not going to give you access.

PANSING BROOKS: But--

LOGAN SPENA: So this bill doesn't change that.

PANSING BROOKS: But don't the groups have to follow the dis-- the-- the precepts of-- that the university is founded on or that the public schools are founded on of nondiscrimination and those kinds of things?

LOGAN SPENA: Yes. In general, there are certain rules that the university can enforce against groups, but it can't-- it can't make a decision-- in the example that you gave, right, you're-- you're-- you've identified the ideology that the school doesn't like and simply taken action on that basis. So even in the-- even in the normal ability of the university to enforce-- to impose conduct rules against

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students, it can't target anyone because of that ideology, right? So they can apply their own rules, their own nondiscrimination and conduct rules, right? But they couldn't say, we're simply just not going to ever recognize an extremist group, and so that would contravene the rule of Healy v. James.

PANSING BROOKS: OK, so public dollars would-- would have to possibly go to white supremacist groups?

LOGAN SPENA: Under existing constitutional law, even without this bill, right? Under existing constitutional law, you could, if a student was foolish enough to put his name on a constitution and submit it, under existing constitutional law, the university couldn't deny it just because of the-- of the ideology of the group.

PANSING BROOKS: Wow. Thank you.

LOGAN SPENA: What-- yeah.

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

LOGAN SPENA: Thank you.

WALZ: Next proponent. Good afternoon.

MATTHEW ROMER: Good afternoon, Sen-- Senator Walz and members of the-- Walz and senators of the-- members of the committee. My name is Matthew Romer, M-a-t-t-h-e-w R-o-m-e-r. I'm a master's student at UNL and I am a former president of the UNL student organization Ratio Christi, which is Latin for "the reason of Christ." Ratio Christi provides philosophical, historical and scientific reasons and evidence for believing that Christianity is true. We discuss many positions on God, ethics, and the Bible while providing the space for discourse and charitable disagreement. Both believers and nonbelievers of different walks of life attend our meetings, and we welcome all students who wish to participate. Our core mission is engaging with people who view the world differently than we do. In the spring of 2021, Ratio Christi organized a campus event hosting a lecture by Dr. Robert Audi titled, "Is Belief in God Rational Given the Evils of This World? A Christian Philosopher Responds to the Most Popular Argument Against God." Dr. Audi is a world-famous philosopher who served as a philosophy professor at UNL for 30 years and is currently a John A. O'Brien professor of philosophy at Notre Dame. Ratio Christi requested student activity funding to help pay for this event, but the university denied this request because it claimed that it could not use student fees to

promote, quote, speakers of a political and ideological nature, end quote, and specifically the speaker's Christian ideological perspective. And so Ratio Christi and its members paid for the event with its own funds. The university's decision to deny funding on these grounds constitutes discrimination based on re-- religious belief. In a system where the students' own fees are used as funding for these types of events on a first-come, first-serve basis, the First Amendment requires the university to manage these funds in a viewpoint-neutral manner, but current rules say that UNL student fees cannot fund speakers of a political and ideological nature. This rule is imprecise and ambiguous, but even worse, the university has used student fees to fund many events featuring speakers on topics that are unquestionably political or ideological, such as, a few examples: Kate Bornstein, a trans trailblazer who gave a presentation titled "On Men, Women, and the Rest of Us"; Adam J. Foss, a fierce advocate for criminal justice reform, who gave a presentation titled "A Prosecutor's Vision for a Better Justice System"; and Jim Obergefell, petitioner in U.S. Supreme Court case of Obergefell v. Hodges, who gave a presentation titled "Marriage Equality: Love Wins." We are glad that students have brought diverse speakers to address challenging topics to our campus. We just think all students should be allowed to do the same. Instead, UNL used its rule to discriminate against our group while funding other ideological speakers. To ensure that all students are given the same access to any benefit the university provides to other groups, regardless of religion or ideological leaning, Ratio Christi has sued the university with the help of Alliance Defending Freedom. UNL has granted Ratio Christi's request for its upcoming event this year, and we are grateful for that decision. It is our hope that the university makes this positive step permanent and applicable to all UNL student groups. In any event, our case is just one school. This bill addresses the larger problem and would prevent what happened to us from happening to any student in Nebraska. Thank you.

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

ADAM JOHNSON: Thank you, Senator Walz and the rest of the committee, for this opportunity to discuss this matter. My name is Adam Johnson and I work full time for that organization Matt was talking about, Ratio Christi. I studied at UNL back in the 1990s, worked in actuarial science.

WALZ: I'm sorry, can you spell your name?

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ADAM JOHNSON: Oh, I'm sorry.

WALZ: That's OK.

ADAM JOHNSON: Adam Johnson, A-d-a-m J-o-h-n-s-o-n. So I was a student at UNL in the '90s, then I worked here in Lincoln in the field of actuarial science for ten years, then I served as a pastor in South Carolina, where I finished my Ph.D. in philosophy, and then moved back to Nebraska in 2018 to start this ministry, Ratio Christi, at UNL. So Ratio Christi, as Matt said, is an international organization that focuses on presenting good reasons and evidence to believe that Christianity is true. So our purpose, part of our purpose is to engage respectfully with those who think Christianity is false. As the chapter director for Ratio Christi here at UNL then, I help student officers lead and-- and run the ministry. Like many groups here on campus, whether they're political, religious or focused on social issues, we at Ratio Christi have certain beliefs about reality that we advocate for. Like other groups, we should be able to require our student leaders to affirm our core beliefs in order to operate our ministry. We often engage with students who don't agree with us. That's why our events are open to everyone, but we can't do that without requiring that our leaders affirm the core beliefs of our group. We believe every student group should have equal opportunity to advocate respectfully for their ideas. We also believe every student organization should have access to campus benefits on equal terms. You've already heard about Ratio Christi's UNL chapter and its attempt to bring Dr. Robert Audi to UNL to give a lecture. Audi was my philosophy professor at UNL when I was a student there in the '90s, where he served as a professor for 30 years. That UNL denied funding to bring back a speaker who once spoke there every day as a professor shows how discriminatory that decision was. So to correct this discrimination, we filed a lawsuit against UNL, and we believe our lawsuit will help protect every student group on campus to be able to advocate for their beliefs. We love UNL. I love UNL and want to see it flourish and we're grateful that UNL granted our recent funding request, but I'm here speaking in favor of this bill because it will help allow all students and the student groups to advocate for their ideas so I encourage this committee to approve it. Thank you.

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

MURMAN: Thank you for testifying. And as someone who has a part in funding UNL, I'd like to apologize for what happened to your group there. And we are supposed to phrase this in a question, so I'd just ask, how do you feel about it, about what happened?

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ADAM JOHNSON: The lawsuit?

MURMAN: Yeah.

ADAM JOHNSON: Yeah, I just think it was a mistake, you know, by a small committee. I don't see it as something that the university as a whole-- you know, and this-- this committee, I think, just made a mistake. And we see this-- I usually describe it to somebody as-- as you see a friend who made a mistake and you want to help them correct it and understand the mistake that they made. And so we feel like part of this lawsuit is, you know, helping a university that we love and this committee to recognize that what they did was-- was wrong and to correct that. And we also feel it's a way to serve other student groups, too, to prevent them from being-- with whatever message or whatever beliefs that they have, to prevent them from being discriminated against in the future, any unpopular message or belief they may have.

MURMAN: Thank you very much.

WALZ: Any other questions from the committee? I see none. Thanks for coming today. Next proponent.

LANCE KINZER: Well, thank you so much for allowing me to be here today. My name's Lance Kinzer, L-a-n-c-e K-i-n-z-e-r. The document that I'm having distributed is not something that I wrote but, rather, it's a recent blog post by the Foundation for Individual Rights in Education. It actually talks about two Nebraska bills, LB88 and then the bill that's before us today, advocating for both of them, but I thought it was written in a way that was quite helpful and might be of use to the committee so I wanted to provide that to you. I want to talk today particularly about the-- the CLS v. Martinez case that was mentioned earlier and try to provide some clarity with respect to that issue. For many years, there has been a controversy on university campuses about the ability of universities to prohibit certain kinds of groups from requiring that their leaders share the mission and purpose of the group. And that's resulted in a significant amount of litigation, including a 2010 case called Christian Legal Society v. Martinez. In that case, the-- it went all the way to the U.S. Supreme Court. In a 5-4 Opinion written by Justice Ginsburg, the determination was that if a university takes the position that no student group can have any requirements for leadership-- in other words, a true all-comers policy-- then that meets constitutional standards. The reality is that that occurred in a very unique context. There's still a lot of factual dispute among those who were involved in that case as

to whether the law school there ever had an all-comers policy. But what we know is that that happened at a law school in a very unique kind of setting. At the undergrad level, it's virtually impossible-- in fact, I would say impossibly unworkable-- for a university to adopt an all-comers policy. I'll give you this one example. This isn't a critique. I think it makes complete sense. I was looking at the policies for the Nebraska state system, and they have a nondiscrimination policy, and then they say, but fraternities and sororities are exempt. So those student organizations are able to have-- have standards for who can be members and who can be leaders that are based upon gender. Even though that's a protected class, that's just-- not just any exemption; that's a gender-based distinction. Well, once you say that, you no longer have an all-comers policy. You're not saying that all groups have to allow everyone, without standards, to participate. Now that's a simple example, but as you go down the line, you think about a whole host of organizations. What would this require? This would require that the universities say no, the College Democrats cannot require that you not be a Republican and be their president. You can have a policy like this, but the reality is that most universities simply don't want to because it's unworkable. So what I would say is that *CLS v. Martinez* did establish a rule that a college could adopt, but that essentially no colleges want to adopt. And a good example of that really does come from the University of Iowa situation that was discussed in, I think, Senator Flood's opening. That case was fairly dramatic in the sense that, after many years of litigation, it resulted in an almost \$2 million verdict against the University of Iowa that the taxpayers paid. The Eighth Circuit Court of Appeals actually said that the individual university administrators, who in that case specifically were saying that a-- a couple of-- some evangelical Christian groups couldn't have faith-based standards for their leaders-- that was the-- that was the question-- that that decision was so contrary to existing constitutional law that those administrators who made that decision could be found individually liable. They didn't have the protection of qualified immunity. Now, ultimately, the university indemnified those employees, even though they were personally liable, and the state paid the \$2-- it was a \$1.9 million judgment against them. My main point about-- with respect to this legislation that's before you today, is that it's really an attempt to codify existing law in this area in order to avoid litigation going forward, and what I would say is this. Even groups like InterVarsity, who won in Iowa, when you talk to them they will say, we would rather have a statute in place and not have to litigate than to litigate and win \$2 million because the distraction to their mission-- what they're focused on is serving kids on these

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campuses, serving these communities, not being caught up in litigation. And so our hope is that this is ultimately good for students. It's also good for universities because it establishes a clear, workable standard that we hope is conflict reducing in the long run. So I'd really encourage the committee to consider favorable passage of this-- this bill. Thank you so much for your time.

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

PANSING BROOKS: So thank you for bringing all that information. So if the Board of Regents of the University has a nondiscrimination policy, then aren't-- aren't-- aren't the groups bound by that nondiscrimination policy?

LANCE KINZER: So they're bound by the nondiscrimination policy. What I would say is this. An example of this that I would give is that the universities can have whatever nondiscrimination policy they want to have. What they can't do, and what I think the courts have been clear to say that they can't do, is that that nondiscrimination policy can't be used to say that, for example, a religious group can't use religious standards to determine who can speak for that religious group, who can be their leader. And, you know, Justice Kagan, in a case-- case just a few years back, in the Hosanna-Tabor case, in a concurring Opinion in that case, made the point-- and this is in the face of a nondiscrimination ordinance-- that while nondiscrimination laws are undoubtedly important, religious groups are the archetype of associations formed for expressive purposes, and their fundamental right surely includes the freedom to choose who is qualified to serve as a voice for their faith. So the reality is that those nondiscrimination laws absolutely apply, but in a context where you have a group that is making a determination as to who can lead and who can speak for our group, in that instance, there are other constitutional principles that come into play. And the point of this legislation is really to try to make sure that, instead of fighting about that in court and litigating it, we just have a clear standard that can be applied that avoids that kind of conflict, at least that's the hope.

PANSING BROOKS: So, I mean, under this decision-- under what you were saying, if a group that practices Satanism, they should be able to use university dollars to bring in whomever they want; a group that practices anti-Semitic beliefs should be able to get university dollars to--

LANCE KINZER: So the First Amendment is really vigorous, really vigorous.

PANSING BROOKS: That's true.

LANCE KINZER: And if we go all the way back to-- there's a long line of cases. The Healy v. James case, the Students for a Democratic Society case was discussed in '72. I mean, in that case, the Students for a Democratic Society were calling for the violent overthrow of the government of the United States, and the U.S. Supreme Court said, that's an abhorrent view-- I think that Senator Flood used that language from the Opinion-- but they haven't taken any affirmative action towards doing that. They're not engaged in riots. If they engage in that kind of conduct, of course, arrest them, charge them with a criminal offense, but simply holding that view is not a sufficient basis for, in that instance, I think it was, the University of Central Connecticut to say you can't be a student group. So it-- it plays both ways. It plays on the left; it plays on the right. The next big case was really Widmar v. Vincent in 1981 that happened just down the road not too far, at the University of Missouri-Kansas City, where belief-based student groups being able to use facilities and there was a question of, well, doesn't that violate the establishment clause? I mean, we're paying to keep the lights on and we're-- you know, they're promoting a religious point of view, and the Supreme Court, 8-1, said, no, this is very much like in a university campus; the ability to use these facilities, the ability to gather. This is very much like gathering on the public square. We can't prohibit groups from doing that based upon their viewpoint, whether they agree or disagree. And then finally, on the funding issue, there was a little controversy there. But in 1995, in Rosenberger v. the University of Virginia, the Supreme Court was crystal clear that student activity fee funds cannot be withheld from a group merely because they promote or manifest a particular belief system. And that was reaffirmed by the United States Supreme Court in a case out of Wisconsin just a little bit more recently, and they said, in essence, hey, if you're going to have viewpoint discrimination in student activity fee funds distribution, you can't have that program. So there's been a lot of litigation. We think, candidly, the litigation is needless because universities just keep losing. But we'd much rather just have clear standards and not go litigate these cases, even though we're fairly successful, the groups that are doing that are fairly successful. And so I think Senator Flood's bill is a good idea. Sixteen states have done it, includes a lot of your neighbors. Iowa passed it after they had their problem. I know legislators there would have preferred to have done it before, but they got a late start. Kansas has done it. South Dakota's done it.

PANSING BROOKS: So, sorry, but--

LANCE KINZER: Oh, I'm sorry.

PANSING BROOKS: --thank you.

LANCE KINZER: Yep.

PANSING BROOKS: So-- but you would-- so you would think that public dollars should be going to support a Satanism group that wants to bring a very famous proponent of the religion of Satanism?

LANCE KINZER: Yeah. So as a-- as a Christian myself, I don't agree--

PANSING BROOKS: Because-- because Christianity is-- is something that's pretty easy for all of us to agree on--

LANCE KINZER: Yeah.

PANSING BROOKS: --most of us.

LANCE KINZER: And I think the First Amendment really, it-- it tells at the points where we don't agree, when it's opinions that we find disagreeable, offensive, points of-- like the Healy v.--

PANSING BROOKS: But what is your answer on that?

LANCE KINZER: My-- my answer is that, under existing case law, to simply say, just because a group has the view of Satanism, we can exclude them, would be problematic under existing law, and I think it's better to have a clear standard that doesn't have us going into court. And the-- the solution to speech you don't like is more speech, not restricting the speech that you disagree with.

PANSING BROOKS: OK, and what-- what about groups that would be-- that would be against people of color and people that-- and-- and won't allow them in, even though that's against the discriminatory requirement--

LANCE KINZER: So--

PANSING BROOKS: --requirements of the University of Nebraska or any of the other public colleges?

LANCE KINZER: Yeah. So I think that--

PANSING BROOKS: We should be able to-- we should have public dollars going to those groups?

LANCE KINZER: So I think those groups are abhorrent and I think that the question of whether they can be restricted with respect to merely having their viewpoint, that viewpoint is a distinct question from the conduct that they engage in. And so if they engage in discriminatory conduct, then I think that that creates a separate question. But the core issue of viewpoint discrimination--

PANSING BROOKS: Excuse me, what would the discriminatory conduct be--

LANCE KINZER: So--

PANSING BROOKS: --not allowing people of color into their group?

LANCE KINZER: Well, it could be-- I would say it could be a whole variety of things. But if they engage in conduct-- so, for example, if they're engaging on campus in harassing people or they're engaging in-- you know, that-- that's the [INAUDIBLE] one that really comes to mind to me-- then of course, in those circumstances, action should be taken against them and I think would be taken against them. But I do think we have to be cautious, even with respect to viewpoints that we disagree with, that we don't jump to the idea that we're going to defeat that viewpoint by, you know, saying they can't participate. And I do think, again, that it's not so much this bill that creates that conflict. It's the-- the long line of cases that have said you can't engage in viewpoint discrimination--

PANSING BROOKS: I just think most--

LANCE KINZER: --against those groups, so.

PANSING BROOKS: --Nebraskans would be shocked to think that public dollars could go to groups that support Satanism or to groups that are anti-- that-- that vio-- that are not supportive of people of color and are discriminatory against them or discriminatory against LGBT youth, so--

LANCE KINZER: Yeah, and I would only--

PANSING BROOKS: Thank you for--

LANCE KINZER: --reiterate that they'd be, I think, shocked by existing--

PANSING BROOKS: Thank you very much.

LANCE KINZER: --constitutional standard.

PANSING BROOKS: Appreciate it.

WALZ: Any other-- Senator McKinney.

McKINNEY: Thank you, Chairman Walz. Are you saying that as long as the KKK doesn't actively, let's say, put up posters saying, "no black people into our meetings," it's OK to be on our college campuses?

LANCE KINZER: What I'm saying is that this bill doesn't change the legal standard with respect to that question and that the legal standard with respect to that question is that the state, a state entity, can't base the determination to recognize or not recognize based upon-- merely based upon viewpoint.

McKINNEY: So it's OK to have the KKK on our college campuses--

LANCE KINZER: I--

McKINNEY: --yes or no?

LANCE KINZER: No, it's not OK--

McKINNEY: But--

LANCE KINZER: --but it's legal, so--

McKINNEY: So-- and you want to open it up further, right?

LANCE KINZER: This bill does not open it up further. That's-- that's-- that's my core point, is that this bill reflects the existing constitutional standards, so I don't believe it's OK, but--

McKINNEY: So where do we draw the line?

LANCE KINZER: Well, I draw-- I think we should draw the line where the court has traditionally drawn the line, which is, do they engage in-- do groups engage in conduct that is otherwise illegal or impermissible, and that-- but this bill--

McKINNEY: What--

LANCE KINZER: --doesn't deal with that issue.

McKINNEY: What would be permissible?

LANCE KINZER: Well, permissible would be for a group to organize around a whole host of-- of ideas that you or I would disagree with. Groups have a right to do that, and they have a right to not be discriminated against in general availability of resources based upon that viewpoint. What they don't have a right to do is to harass people or otherwise engage in affirmative conduct that does harm to others, for sure. But again, the point I want to go back to is I'm just here to testify in favor of this bill. And while this whole area and topic naturally leads to this discussion, this bill doesn't provide-- this bill doesn't create any of those kinds of questions. Rather, it provides clarification to avoid needless litigation, at least that's my reading of the bill and why we support it. If we-- if I felt that this bill was providing some additional legal protection outside of, say, you know, Healy v. James, for radical groups, or it was being presented in order to affirm or assist those groups, then certainly I might have a different take on the bill. But I think the law is pretty clear, and what I think this bill would accomplish is clear, and it's not to make the situations you're concerned about more problematic than they already are.

McKINNEY: So since-- I don't know what our state motto is. I don't know if it's "The Good Life" or "Nebraska: not for everyone," but I just think if something like this was passed, it would probably be "not for everyone" for sure, because it-- I'm read-- if I'm reading this right, it says: creates a new section of statutory language which prevents any public postsecondary institution from taking any action or en-- or enforcing any policy that would deny a political, religious, or ideological student or-- organization any benefit available to any student organization, or discriminate against such organization.

LANCE KINZER: Right.

McKINNEY: No, I don't think they should-- shouldn't be discriminated against, but I also think we have to take a-- we have to draw the line on what is and is not acceptable in our communities, and I just think this would, you know, make this-- our state less attractive, especially to people that look like me. So thank-- thank you for your testimony.

LANCE KINZER: Thank you, Senator.

WALZ: Thank you. Any other questions? I see none. Thank you.

LANCE KINZER: OK. Thank you so much.

WALZ: Any other proponents?

ARIN HESS: Greetings, Chairman Walz and committee. My name is Arin Hess, A-r-i-n H-e-s-s. I'm from here in Lincoln, and I've just come to basically say that I'm in support of this piece of legislation that Senator Flood has introduced because I feel that really it-- it offers, in a sense here, support for nondiscrimination against any group. And discussion has gone a lot of different directions here, and I obviously cannot address them on the level of attorneys and others who've litigated this area, but I have appreciated the ministry and the work of Ratio Christi, in particular and a positive group that I think has really, as a student-led organization here on the campus at University of Nebraska-Lincoln, has really sought not to be discriminatory toward people of all backgrounds, all different ideas. I've attended some of their meetings and as a result of that, I've appreciated what they've been trying to do, and I feel that what this was introduced for is a legitimate reason and that's why I would stand in support of it.

WALZ: Thank you. Any questions from the committee?

ARIN HESS: And I just say to you, I appreciate all your work.

WALZ: Thank you.

ARIN HESS: You folks do so much and you're certainly not being paid for it. You're-- you're obviously here because you're-- you have a passion for it. So thank you for doing that. I do commend you for it.

WALZ: Thank you.

PANSING BROOKS: Thank you for coming.

WALZ: Any other proponents? Any opponents?

BREN CHAMBERS: Good afternoon, Chairman Walz members of the Education Committee. My name is Bren Chambers, that's B-r-e-n C-h-a-m-b-e-r-s, and I serve as deputy general counsel for the University of Nebraska System. I'm appearing today on behalf of the Nebraska-- University of Nebraska System in opposition to LB1050. LB1050's stated purpose is to prohibit postsecondary education institutions from discriminating against student organiza-- organizations based on their viewpoints, beliefs and missions. While the University of Nebraska appreciates the intent of Senator Flood's proposed legislation and the discussions

both with the senator and within the university community that the introduction of LB1050 has led to, I want to assure the members of this committee that the University of Nebraska Board of Regents is completely committed to creating and maintaining a discrimination-free environment for all members of the university community, including its students and student groups. LB1050, while well intentioned, is somewhat duplicative of-- of current federal law and current university nondiscrimination policies. The university policies and federal antidiscrimination laws already prohibit discrimination of any type, including any discrimination based on religious beliefs. With respect to the University of Nebraska System policies, the Board of Regents, the body-- the body charged with governing the university, has adopted a nondiscrimination policy related to students, as well as a general nondiscrimination policy. I won't read those, but they're referenced for you here in my materials. To the extent any alleged discrimination occurs, the university has mechanisms in place to investigate and remedy violations of university policy and any violations of federal and state law. As you're well aware now through prior testimony, LB1050 was prompted in part by a recent lawsuit filed by Ratio Christi, a recognized student organization, over an incident that occurred at-- at UNL. And while I can't comment on specifics of the lawsuit because the litigation is-- is pending, I will note that this has provided the university an opportunity to evaluate its policies and more importantly, to evaluate its education-- education and the training of the folks who are working with the student groups and who make the funding decisions. To the extent any mistakes were made, the university has the opportunity to correct those and intends to do so. Just finally, I'd like to-- to just talk-- touch on the Exon case. The university's position is that LB1050 is likely unconstitutional. The proposed bill directly affects the operation of the University of Nebraska, which pursuant to Article VII, Section 10 of the Nebraska Constitution, is vested with the University of Nebraska Board of Regents. The 19-- 1977 case of Board of Regents of the University of Nebraska v. Exon, the Supreme Court ruled, generally speaking, that laws attempting to appropriate an action or a function of the general government of the university were unconstitutional. The control of student organizations is firmly within the purview of the general operation of-- of any university, and certainly the University of Nebraska and-- and its Board of Regents and, thus, it's the University's position that a law such as this, which directly mandates how the Board of Regents has to address the-- recognize student organizations, is unconstitutional-- unconstitutional. In closing, I just want to emphasize again that the university understands Senator Flood's concerns and the intentions of LB1050. We are appreciative of

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the senator and his office having an ongoing dialogue about this important issue. However, we believe current federal laws, the university policy already in place, ensure nondiscrimination and that the Board of Regents is the appropriate body to continue to ensure those policies and laws are enforced. Thank you again, and I'd be happy to answer any questions you might have.

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

MURMAN: Yes. Thank you for testifying. I know you can't comment specifically on the lawsuit with Ratio Chris-- Ratio Christi-- Christi, but is-- is not the university discriminating against a group based on religious beliefs by-- by what--

BREN CHAMBERS: Yeah, the--

MURMAN: --concerning Ratio Christi?

BREN CHAMBERS: Sure. Thank you for your question, Senator. What I would say is that our policies prohibit discrimination. And again, just generally speaking, this has provided an opportunity for us to evaluate how those policies are being implemented, if you will, at sort of the-- the field level. And as you've heard, funding for Ratio Christi has been approved for their next speaker and we are working on-- on addressing education and-- and to see if there are any tweaks that need to be made to our policies.

MURMAN: So you're working on how you're going to abide by your actual policy. Is that what you're--

BREN CHAMBERS: Yeah, I think that's-- there's always room to help train and teach our folks who are working with our student groups.

MURMAN: Thank you.

WALZ: Other questions? Senator Pansing Brooks.

PANSING BROOKS: Thank you. Thank you for being here, Mr. Chambers. I guess I'm-- what I'm concerned about, as-- as you probably have heard, are extremist groups that, whether or not-- I mean, I understand that you're not discriminating on religion. I don't know why you all aren't going to mediation, but that's another case. But anyway, I do wonder if-- if the way the bill is written, if it's so broad that the university would not have the power to stop groups from threatening and intimidating and harassing speech towards others. And so whether-- I mean, I think that one of the previous testifiers-- I don't know

which one, I'm sorry, maybe Mr. Kinzer-- but anyway, talked about, well, their actions would be stopped by the university. But speech can be threatening as well, and so I just-- do you have anything to say about that?

BREN CHAMBERS: So I-- I think the discussions that-- that have-- have taken place here are-- sort of highlight the difficulty in the interaction between the First Amendment and nondiscrimination laws. What I will say is that, to the extent that there's a check in place, the Office of Civil Rights, Title VII, Title VI, with respect to students, there is sort of an interaction there with what we consider free speech. And so I'm not sure it's quite as-- quite as straightforward as-- as the folks testifying before me have-- have put forth, because if speech does reach to a level where it's harassing-- and there's a standard there somewhere in case law that it is problematic. And the OCR, the Office of Civil Rights, again, which is the federal body charged with enforcing nondiscrimination laws, you know, they may field the complaint and come investigate. And so we work hard trying to find the balance. From my perspective, this law perhaps adds another layer of-- of complexity to an already complex situation in which, again, the laws are in place. The First Amendment is in place. Folks, as evidenced by the lawsuit, have-- have-- they have a mechanism for trying to enforce nondiscrimination in court. I don't know if that's a-- answers your question directly-- not very well.

PANSING BROOKS: I think the issue is, of course, that you can't talk about anything because we're in the-- you're in the middle of a case, so it's too bad that that happened so quickly. But some of your language in your testimony shows that the Board of Regents has standards of-- against discrimination.

BREN CHAMBERS: Yes.

PANSING BROOKS: Correct, and that they-- they also-- both on individual characteristics and on beliefs.

BREN CHAMBERS: Yes, that's-- that's correct.

PANSING BROOKS: And then your other concern is that the Exon case gave the power to the Board of Regents to decide on the issues regarding the-- the day-to-day policies and interactions of the university with their students.

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MURMAN: So I-- yes, I assure you the-- the Board of Regents is aware of these concerns, is working to make sure that our nondiscrimination policies are-- are-- are enforced, but they're really the appropriate body to do so.

PANSING BROOKS: And I presume you can't really talk about why the Rashi Krishna-- or, sorry, Rashi Christu [PHONETIC], is that--

BREN CHAMBERS: Christi.

PANSING BROOKS: Christi?

BREN CHAMBERS: Ratio Christi, yeah.

PANSING BROOKS: Sorry-- was denied access.

BREN CHAMBERS: Yeah, I-- I-- I don't think it's-- I don't think it's a secret that a mistake was made and we're working on fixing it.

PANSING BROOKS: OK, so that wouldn't have happened, I mean, now, so I don't know. I'm just interested in, do you think that this-- this bill is necessary? Because you already have the--

BREN CHAMBERS: Yeah. So I-- I don't, and that's, you know, why we're here in opposition. I-- I think our policies are appropriate. I think a mistake was-- was made in kind of a one-off case that we're working to fix. And to the extent that our policies, you know, have room for improvement, we're-- we've got an open dialogue with-- with folks to do that. And so I-- I agree this-- this bill is-- is not-- not necessary.

PANSING BROOKS: Do you know if-- if other educational institutions across the state have similar policies as the University of Nebraska?

BREN CHAMBERS: So I don't-- I think generally-- I would be very surprised if there aren't general nondiscrimination policies, particularly for public institutions, the-- the state colleges. It's-- it's in the Nebraska Constitution that public institutions can't discriminate just generally. So I would be very surprised, but I don't want to speak for--

PANSING BROOKS: OK. So I would like to go back to Senator McKinney's question about what if the KKK wanted to form a group? And I don't know if they already do have a group there, but if they are spouting hatred against people of color, and that could be very problematic for the university and also other colleges. So what-- what about that? And

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is there a way to, I mean, if this bill were to go out of committee, to-- to try to add an amendment that would make it more difficult for hate groups to be able to spout their hatred?

BREN CHAMBERS: Yeah. So I think as far as adding language, it would be difficult. But again, I think many of those protections-- Title VI, for instance, is-- is a big one-- that if those types of things were occurring, it-- it might be a violation of federal law in which we would have to take action as a university.

PANSING BROOKS: OK.

BREN CHAMBERS: So I-- I mean, these are-- just want to emphasize, these are very difficult issues for public institutions because of the public funding, but also because of, you know, the constitutional rights that are afforded folks. And so we do our very best to create a nondiscriminatory environment but also, of course, want to step in when there's impermissible harassment going on as well. And these are often a case-- kind of a case-by-case basis.

PANSING BROOKS: OK. You've said there was-- was a mistake. Sorry, I just wanted to ask a couple-- you said there was a mistake and the issue is-- and they've been very kind to say they think that it was a group in a-- I mean, we've heard not fiery language from either side, and so I appreciate that. Do you believe this bill helps what they're trying to stop--

BREN CHAMBERS: Well--

PANSING BROOKS: --from happening again?

BREN CHAMBERS: Yeah, again, I-- I don't nece--

PANSING BROOKS: Do you think it's already part of our laws--

BREN CHAMBERS: Yeah, I-- I do. I--

PANSING BROOKS: --the Title VI and-- yeah.

BREN CHAMBERS: I-- I do. I really don't think it's-- and again, they may disagree, but I don't think it's a policy issue so much as an imple-- implementation.

PANSING BROOKS: OK, thank you very much.

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WALZ: Any other questions from the committee? I don't see any. Thanks for coming today.

BREN CHAMBERS: Thank you all very much.

WALZ: Thank you. Any other propon-- opponents?

ABBI SWATSWORTH: Thank you, Chair Walz and Senators of the Education Committee, for the opportunity to provide testimony today at the part of the committee record. 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 lesbian, gay, bisexual, transgender, and queer-questioning or LGBTQ Nebraskans. I'm not a lawyer, and so there's been many legal statements made today, but I'm going to go ahead and just offer my testimony and then I'll answer questions if I can. LB1050 purports to clarify and codify the rights of students at postsecondary education institutions. We believe that duty lies with the institutions and not with the Legislature. Furthermore, LB1050 would actually require postsecondary schools to provide funding to groups that actively discriminate against LGBTQ or other systemically oppressed students. The chance to both join and lead student groups is an essential part of the college experience. Student groups contribute to the breadth and quality of campus life and allow students to build their experience and their resumes. To ensure all students can participate, many colleges and universities often have nondiscrimination policies that require officially recognized student groups to allow any student to join, participate in, and seek leadership in those groups. These policies, also known as all-comers policies, are important because they prevent student groups from discriminating, including on the basis of religion or sexual orientation. Currently, student groups are partially funded through student fees. Students of minority races or faiths or among the LGBTQ community should not expect that their student fees support organizations that actively discriminate against them. Would a university be forced to provide benefits to a white supremacist or neo-Nazi group under LB1050? Under our reading, as it is broadly written, we would say yes, and we've heard today that may be the case. However, students can have closely held beliefs. If they would like to receive benefits, they are not free to conduct discriminatory practices. I've included with my testimony a background sheet on similar legislation, which includes a reference to Christian Legal Society V. Martinez, which we've already heard about. But we do respectfully request that you consider the background information and that you not advance LB1050 from committee.

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WALZ: Thank you.

ABBI SWATSWORTH: Thank you.

WALZ: Questions from the committee? I don't see any.

ABBI SWATSWORTH: OK. Thank you.

WALZ: Thanks for coming today.

PAUL TURMAN: Chair Walz and members of the committee, my name is Paul Turman; that's spelled P-a-u-l T-u-r-m-a-n. I'm the chancellor of the Nebraska State College System. I'm here in opposition to LB1050 due to the adverse impact that could have on how we organize our students on campus and the potential litigation that it could cause our institutions as well. Had the opportunity to visit with Senator Flood around this proposed bill, and I think I see exactly why he's brought something forward to address a potential problem. I would also contend that with the state colleges, to date, we have yet to have had an issue with a student complaint asking for the opportunity to fund a speaker, to fund an organization, as long as they continue to comply with the regulations and-- and rules that we have in our board policy. I think it's important to make a clear distinction. There is the state colleges making a determination as to whether or not an organization has the capacity to be recognized as an organization and then ultimately receive funding. The other piece is that once that has occurred for a student organization, it's the students, the student association, the student government, that is making the ultimate decisions about the allocation of the funds that they have been given as stewards of the college. And so if it occurs on our end, our liability coverage is certainly there to address what would maybe occur in LB1050 and that we would have the capacity to deal with the litigation. But if it's on the other side, where the student has now made a choice where they've disc-- discriminated or not allowed a speaker or not allowed an organization to be formed, then it ultimately is the student's liability coverage, which is very, very limited, and, as a result, most of those coverages or the providers do not cover these types of litigation that would result. And so I think it's important to also understand how it is that-- that student organizations are formed. I think there's been some conversation already here this afternoon related to that. So we-- we outline that you have to have a minimum number of students. You have to have an advisor at the institution. You also have to submit a charter of agreement. And in that agree-- charter, it does specify that you cannot discriminate as an organization against those that are going to

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be members and you cannot discriminate based on race, color, national origin, sex, sexual orientation, gender identity, dis-- disability, religion or age. If you've done that, then-- or you will not, as opposed to not doing that, you cannot be a recognized student organization. So one of the previous speakers talked about specifically state college policies, and I think they're referencing our Policy 3300 where there is a Title IX exemption that's allowable for same-sex organizations. And so if you're a fraternity, sorority on our campuses, you have been given the authority through the federal Title IX regulation that we can create an exemption. I don't believe, and I'm not a lawyer, but I'm-- certainly believe that does not create an avenue or a door to be opened where we can discriminate based on race because we've allowed it based on sex. And so I've had the opportunity to look very closely at the way in which private institutions here most recently get to make determinations as to whether or not they will choose to either discriminate or allow certain-- or seek-- seek different exemptions. I think most recently, over the weekend, most of you would have heard about, I think, Brigham Young University had their exemption for same-sex marriages approved by the U.S. Department of Education. Under that exemption, they can still receive federal funds, but there are certain avenues that are available that are out there. So we had a-- conversation with Senator Flood and his staff and-- and asked that if-- if this did go forward, and I think that's what I would ask this committee to consider, that an amendment that could be potentially brought in is that nothing in this section shall prevent a public postsecondary institution from establishing, enforcing requirements for student organizations in order to comply with all applicable state and federal laws and regulations. We feel if that was incorporated, if this moved forward, then we could continue to make sure that we're complying with the state and federal laws. And if that's occurring, then the incidents that you're-- basically with-- exigencies that we're dealing with today would have been addressed at this campus level through the conduct process that exists right there now. So I'd be happy to answer any questions, but I'd ask you oppose as currently drafted LB1050.

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

PANSING BROOKS: Did-- thank you very much. Did Senator Flood act as if he might agree to that amendment?

PAUL TURMAN: At this point, he just indicated that-- not interested in-- in doing amendments prior to the-- the committee, so, yeah.

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PANSING BROOKS: OK. All right. Well, thank you for coming in today and explaining all that.

WALZ: Any other questions? I don't see any. Thank you.

PAUL TURMAN: Thank you.

WALZ: Any other opponents? Anybody that would like to speak in the neutral capacity? Senator Flood has waived his closing. We did have a total of nine public-- position comm-- comments for public hearing, three proponents: Judith Williamson, representing family and friends; Doug Kagan, Nebraska Taxpayers for Freedom; and Kathy Wilmot. We also had five opponents: Patricia Tetreault; Kerri Haynes; Brett Parker, representing American Atheists; Nikolas Narto-- Nartowicz, representing Americans United for Separation of Church and State; and Kathy Uhrmacher; and then one neutral, Rachel Gibson, the League of Women Voters for Nebraska. So that concludes our public hearing for today, and thank you all for coming.