

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

HANSEN: OK. Good afternoon and welcome to the Health and Human Services Committee. My name is Senator Ben Hansen. I represent the 16th Legislative District in Washington, Burt, Cuming and parts of Stanton Counties and I serve as Chair of the Health and Human Services Committee. I'd like to invite the members of the committee to introduce themselves, starting on my right with Senator Ballard.

BALLARD: Beau Ballard, District 21, northwest Lincoln and northern Lancaster County.

HANSEN: Senator Day.

DAY: I'm sorry. Good afternoon. Senator Jen Day, Legislative District 49 in Sarpy County.

RIEPE: Merv-- excuse me, Merv Riepe, District 12, which is southwest Iowa-- or southwest Nebraska, Omaha, and the city of Ralston. Thank you. Sorry.

HANSEN: Also assisting the committee is our research analyst, Bryson Bartels, our community clerk, Christina Campbell, and our page for today is Delanie. A few notes about our policy and procedures. Please turn off or silence your cell phones. We'll be hearing two bills and will be taking them in the order listed on the agenda outside the room and we will be hearing them both together at the same time. On each of the tables near the doors of the hearing room, you will find green testifier sheets. If you are planning to testify today, please fill one out and hand it to Christina or one of the pages when you come up to testify. This will help us keep an accurate record of the hearing. If you are not testifying at the microphone but want to go on record as having a position on a bill being heard today, there are white sign-in sheets at each entrance where you may leave your name and other pertinent information. Also, I would note if you are not testifying, but have an online position comment to submit, the Legislature's policy is that, policy is that all comments for the record must be received by the committee by noon the day prior to the hearing. Any handouts submitted by testifiers will also be included as part of the record as exhibits. We would ask if you do have any handouts that you please bring ten copies and give them to the page. We use a light system for testifying. Each testifier-- I think we're going to do five minutes. We're not going to limit time and we're not limiting the whole time at all and since we're hearing both bills together. Each testifier will have five minutes to testify. When you

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

begin, the light will be green. When the light turns yellow, that means you have one minute left. When the light turns red, it is time to end your testimony and we will ask to wrap up your final thoughts. When you come up to testify, please begin by stating your name clearly into the microphone and then please spell both your first and last name. The hearing on each bill will begin with the introducer's opening statement. After the opening statement, we will hear from supporters of the bill then from those in opposition, followed by those speaking in a neutral capacity. The introducer of the bill will then be given the opportunity to make closing statements if they wish to do so. On a side note, the reading of testimony that is not your own is not allowed unless previously approved and we do have a strict no-prop policy in this committee. So with that, we'll begin today's hearing with LR18CA and LR19CA, both introduced by Senator Hunt. And welcome, Senator Hunt.

HUNT: Good afternoon, Chairman Hansen and members of the Health and Human Services Committee. I'm Megan Hunt, M-e-g-a-n H-u-n-t, and I represent District 8 and today I'm presenting two constitutional amendments to help protect Nebraskans' rights to reproductive freedom. LR18CA and LR19CA are very similar in intent and subject matter and I wanted to provide the body with two options to consider that differ slightly in their approach. But I'm going to speak about them together broadly and just note the differences between the two, but of course, have the two hearings together. I'm glad we're having the combined hearing because so many Nebraskans missed out on opportunities to testify this year. So I also have another bill up in committee this afternoon so I might have to duck out and do that one and come back, but I'll be back if I do that. The attack on abortion rights in our nation and state has been well underway for years now. With the Supreme Court's overturning of Roe v. Wade last year, we've known that a bill like LB626 was coming. I've been a part of ongoing discussions with advocates about how best to meet these attacks on abortion rights and those conversations prompted me to introduce this pair of CAs to give Nebraskans an opportunity to vote on the issue. With the Dobbs decision that reversed Roe last June, the Supreme Court reversed nearly 50 years of jurisprudence that recognized the right of individual privacy within the 14th Amendment to the U.S. Constitution. That included a right for people to make individual healthcare decisions, including a woman's qualified right to end her own pregnancy. Since there is now no constitutional right to abortion, reproductive freedom is in the hands of the states. The two proposals before you offer, offer alternatives for an amendment to our state

constitution to provide a right of privacy or a right of bodily autonomy to protect a person's right to healthcare and right to abortion. People in Nebraska do not want the government to control their healthcare decisions. They do not want politicians coming between themselves and their doctors. This is especially true when the medical decision is as deeply personal and individual as whether to end a pregnancy. Recent polling found that 55 percent of respondents opposed to a proposed ban and only 40 percent of respondents supported it. The majority of Nebraskans do not support abortion bans. That was an ACLU poll. In December 2022, the Holland Children's Movement released its own polling, which showed that Nebraskans overwhelmingly oppose a total ban on abortion, 67 percent. Additionally, 55 percent of Nebraskans said they believe abortion should be at least legal in most cases, with only 12 percent indicating they thought abortion should be illegal in all cases. LR18CA amends Article I, Section 1 of our constitution to include reproductive freedom among the listed individual rights we already recognize, which includes life, liberty, the right to possess firearms, the right to hunt and other rights. LR19CA provides a more robust constitutional protection for reproductive rights to create a new provision in our constitution, which would include the right to make decisions about all matters relating to pregnancy, including but not limited to, prenatal care, childbirth, postpartum care, contraception, sterilization, abortion care, miscarriage management, and infertility care. This proposal further provides that the state is prohibited from criminalizing or prosecuting or sanctioning people for exercising their rights under this new section. States are able to provide rights and dignity to people so they can make their own decisions about whether to end a pregnancy. These rights can be statutory or they can be constitutional. Additionally, states are always able to provide more or greater constitutional protection for people than the U.S. Constitution provides. States can protect these rights in their constitutions so that state policymakers cannot limit or remove the right by simple majority vote. We do have a guarantee of right to privacy and a guarantee of equal protection in our constitution, but our courts have not recognized a right to abortion contained within them. That's why these proposals are necessary. In the lead-up to floor debate over LB626, Senator Albrecht's abortion ban, we've heard claims that Nebraskans support that bill en masse. If that's true, let's let them tell us. If Nebraskans are going to be fundamentally limited in their civil rights, let's give them the choice in this matter and put it on the ballot. If we deny them the opportunity to vote on this, I think that's very telling about where the public

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

actually stands on the issue. I'll wrap up here. As a, as a side note, one thing I think about a lot as I work on this issue is I was in D.C. I was at the Supreme Court for the Roe v. Wade decision. And there were so many people there and there were so many protesters on both sides, you know? And I was walking back to my hotel and a family came up to me and they were asking me about my feelings about, about the decision and everything and I said I opposed it. And they gave me kind of the like, we're praying for your soul. May God have mercy on your soul, this type of thing that sometimes you hear. And then the man in the family, as he was walking away, he yelled behind him, you can always talk to your state representative because now it's going to just be up to the states. And I said, I am my state representative and here we are. So with that, I'll close and I'm happy to answer any questions.

HANSEN: All right. Thank you. Are there any questions from the committee? Senator Cavanaugh.

M. CAVANAUGH: Thank you. I just really am curious how that conversation went with yourself.

HUNT: She agrees with me.

M. CAVANAUGH: Oh. All right. Thank you. Thanks for bringing--

HUNT: She's working pretty hard on it today, so.

M. CAVANAUGH: I've noticed. Thank you.

HANSEN: All right. Any other questions? All right. Seeing none--

HUNT: Thank you. I appreciate it. And I also want to say I appreciate everybody coming to testify today, even those who firmly disagree with me. I, I respect everybody's engagement here civically today. So thank you all.

HUNT: All right. Thank you. All right, so we will take our first testifier in support of LR18CA and LR19CA. Welcome.

ERIN FEICHTINGER: Glad to be here. Chairperson Hansen, members of the Health and Human Services Committee, my name is Erin Feichtiner, E-r-i-n F-e-i-c-h-t-i-n-g-e-r, and I'm the policy director for the Women's Fund of Omaha. At the Women's Fund, we believe that every person has the right to decide if, when and how to become a parent free from political interference. For this reason and others, we offer

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

our support for both of these LRs enshrining the right to privacy and reproductive freedom in our state's constitution. Having control over your own body is a human right. Being pregnant does not change that right. Without the ability to make decisions about our own bodies, we cannot be truly free and we cannot fully access those other rights guaranteed to us in the state's constitution. Those rights too, of life and liberty and others, were and continue to be fought over and debated. What are their limits? Who gets access to them and when? Broadly, Americans are not divided on their necessity. The majority of Americans and indeed the majority of Nebraskans support this right to reproductive freedom, including access to abortions. A majority of Americans did not want Roe overturned and since this decision has now been returned to the states, the voters in every single state with abortion rights on the ballot have voted to affirm those rights. As we all know, Senator Riepe introduced an amendment to LB626 because he felt the proposed six-week abortion ban was extreme. Senator Albrecht says she is sticking with the bill as written. She also said that the number of anti-abortion lawmakers in the legislature is, quote, proof that a majority of voters are also against abortion access. In her closing to LB626, she said she has never voted on a bill based on the number of people who have testified because I might be completely on the opposite side of the fence. That there are, quote, a lot of silent folks out there that are absolutely for this. It's time to let those silent Nebraskans be heard through voting. If the Nebraska Legislature truly believes that more restrictions is what their constituents want, even when the polls say differently, then we should not be afraid to let the voters decide. After the decision by the Supreme Court, it was clear that the issue is now a state issue so let's truly turn it over to the voters of Nebraska. The right to have control over one's body and healthcare is of too much importance. Let Nebraskans decide what they truly value directly at the ballot box. I was way under time. You're welcome. And I am happy to answer any questions that you may have to the best of my ability.

HANSEN: Thank you. And you do look taller today.

ERIN FEICHTINGER: I've been working on it. I told you. Instead of waiting for government to fix it, I took matters into my own hands--

HANSEN: That happens a lot, that happens a lot quicker here, yeah.

ERIN FEICHTINGER: --and have grown taller over the session.

HANSEN: All right. Any questions from the committee? Senator Riepe.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

RIEPE: Thank you, Senator Hansen. I just want to go on record that while I was reported to have said that it-- I felt that the-- that LB626 was extreme, I did not say that. That was a misquote by the press.

ERIN FEICHTINGER: Oh, no.

RIEPE: And so I don't-- I wanted the record to be clear. I just said I had a question. I wanted to have some dialogue. And I think I'm clearly on the record that I will be the-- if I necessarily to be the 33rd vote to move it on consent calendar or to cloture, I will be there.

ERIN FEICHTINGER: I did read that part so I'm sorry that you were misquoted, sir.

RIEPE: Well, there were several misquotes, but that's what happens. You know what Mark Twain said when-- if you don't read the paper, you're uninformed. If you do read the paper, you're misinformed, so.

ERIN FEICHTINGER: Where should we go, then?

RIEPE: What's that?

ERIN FEICHTINGER: I'm just-- I was just making a joke.

RIEPE: Where do we go?

ERIN FEICHTINGER: Yeah. It's--

RIEPE: I think we have to drill deeper than what the media will say because they're in ten-second moments.

ERIN FEICHTINGER: Yeah. Well, I'm happy that you cleared up the record.

RIEPE: The only thing they did get right is I am looking for a dog and--

ERIN FEICHTINGER: You know--

RIEPE: --a friend.

ERIN FEICHTINGER: --they're full up at the Humane Society--

RIEPE: That's where I'd go.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

ERIN FEICHTINGER: --you could go on your way home.

RIEPE: OK. Thank you. Thank you, Mr. Chairman.

HANSEN: Yep. Any other questions from the committee? I have one. I was going to ask you in the hall when I saw you earlier. With our LR18CA, do we-- like, does reproductive-- in your opinion, does reproductive freedom need to be defined or is it defined? Like, what does, what does that mean? Like, I know, I know what Senator Hunt means by it, but, like, can it be misconstrued?

ERIN FEICHTINGER: In what way?

HANSEN: I don't know what reproductive-- you know, so, like, what would a lawyer say, like-- I don't know. I don't know, you know what--

ERIN FEICHTINGER: Right. There's that lawyer joke about the entire legal profession being propped up by the word "reasonable," right? So, like, how do we truly define what that means? For us at the Women's Fund, reproductive freedom is really just the choice and, and that right to decide if, when and how you become a parent, what that looks like for you, for your family, that that should be left to you and to your family and to your doctor in the way that that's approached. I mean, even in LB626, it talks about reasonable medical judgment. I would argue that there's not a real definition for that either. But as you well know, any ballot initiative, anything going on the ballot would have to be fairly well defined in order to, to proceed forward.

HANSEN: Yeah.

ERIN FEICHTINGER: Yeah.

HANSEN: Because that's why I was wondering because I, because I know we have certain laws in place to prevent reproduction in certain instances such as a minor. And so I don't know what reproductive freedom might-- I just want to make sure it's not misconstrued and somebody takes it to court because they're trying to overturn some law that we currently have already. I don't think it would happen, but I just didn't know in statute, if we have reproductive freedom defined or no, so-- or we would need to if something like this passed.

ERIN FEICHTINGER: Sure, I'm happy to dig into that more for you and follow up.

HANSEN: Yeah, I'm kind of curious to know your opinion, so.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

ERIN FEICHTINGER: Yeah, it's a four-day weekend. Why not?

HANSEN: I know. It's going to be longer with the blizzard up north.

ERIN FEICHTINGER: A couple snowdays. That's fine. Yeah, let's dig in.

HANSEN: All right. Thank you. Any other questions for the committee?
All right, thank you. Appreciate it. Take our next testifier in
support. Welcome.

SHARON BRODKEY: Thank you. Thank you, Chairman Hansen, honorable members of the Nebraska State Health and Human Services Committee. My name is Sharon Brodkey, S-h-a-r-o-n B-r-o-d-k-e-y. I'm here today representing the Jewish Community Relations Council of Omaha. The JCRC is the public affairs voice of the Jewish Federation of Omaha. We are dedicated to working in common cause with other religious, racial, ethnic and civic groups to foster a just democratic and pluralistic society, as well as to promote the security of Israel and Jews everywhere. The JCRC affirms the importance of respect for the expression of differing points of view, an essential element in our Jewish tradition and in our American society. Our Jewish community is informed by the unique experience of living and thriving in the United States, where constitutionally guaranteed religious freedom is a founding principle of our country. JCRC is guided by Jewish values in the tenets of equal protection under the law, freedom of religious expression and the separation of religion and government. Personal decisions about reproductive healthcare involve theological views that differ across the Jewish community. We trust our rabbis to provide compassionate and pastoral care to individuals who seek out spiritual guidance on a range of matters, including reproductive health, allowing individuals to consider the rich teachings of Jewish tradition when making their own decisions. We trust our physicians to provide medical guidance, especially when there are concerns for the health of the mother and her pregnancy. It is important that we ensure that reproductive choice is treated with the utmost sensitivity and dignity. The Jewish Community Relations Council strongly endorses the preservation of religious choice and opposes restrictions imposed by federal, state or local law, which would prevent or delay individuals from making reproductive health decisions in accordance with their own religious views. Our state motto is equality before the law; something every Jew values, as Torah and law are the foundations of our faith. The Jewish community honors individuals' rights and hope that Nebraskans have the opportunity to enshrine protections to access to reproductive health in our state constitution. Let's put this on the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

ballot for Nebraskans to decide. Thank you for your consideration. I'd be happy to take any questions.

HANSEN: Thank you. Are there any questions from the committee? Seeing none, thank you for coming.

SHARON BRODKEY: Thank you.

HANSEN: We'll take our next testifier in support. Welcome.

CLAIRE WIEBE: Thank you. All right, good afternoon, Chairperson Hansen and members of the Health and Human Services Committee. My name is Claire Wiebe, C-l-a-i-r-e W-i-e-b-e, and I am a senior manager of public affairs at Planned Parenthood North Central State. Central to our mission at Planned Parenthood is the conviction that all people deserve to live in communities where sexual and reproductive rights are recognized as basic human rights. LR18CA and LR19CA would guarantee that these basic human rights and we are proud to support these proposals here today. Reproductive freedom, to answer your question, Chairperson Hansen, is the fundamental human right that means everyone is able to make the decision to parent, not to parent, and to raise their family in a safe and healthy environment. It means access to all of the healthcare services that have to do with our reproductive lives. That includes access to contraception, abortion care, infertility treatment, and prenatal and postpartum care. To that end, protecting reproductive freedom means better health outcomes for all Nebraskans. States with protection for reproductive rights have lower maternal mortality rates, better birth outcomes, and better development outcomes for young children. In addition to improving health outcomes in our state, enshrining reproductive freedom in our constitution is the popular thing to do among everyday Nebraskans. Reproductive freedom, including the freedom to have an abortion, is widely popular in Nebraska and nationally. Poll after poll in the last 12 months shows that, by and large, Nebraskans strongly disagree with any new restrictions on abortion. When legislators state that abortion access is not popular in Nebraska, they're misrepresenting the truth and they are misrepresenting the data. There are three citations in my, in my testimony for three of those polls. The reality is that Nebraskans take freedom seriously and that includes their reproductive freedom. Every day, those of us who work at Planned Parenthood hear stories about the impact access to abortion has on our patients' lives. Access to abortion allows our patients to continue their education, to escape abuse, to pursue their passions, and to parent their children. Someone you love may need to make the decision to have

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

an abortion someday and we need to protect that right now and in the future. People, not politicians, should have the freedom to make their own decisions about their futures, including when it comes to abortion care. LR18CA and LR19CA would grant us that freedom and ensure that we all can enjoy our basic bodily autonomy. Planned Parenthood is proud to support this proposal, along with all other proposals that would ensure that all of us are able to enjoy the good life here in Nebraska. We'd like to thank Senator Hunt for bringing these constitutional amendments and we encourage the committee to support them. Thank you so much.

HANSEN: Thank you. Are there any questions from the committee? Seeing none, thank you. Take our next testifier in support. Welcome.

KORBY GILBERTSON: Good afternoon, Chairman Hansen, members of the committee. For the record, my name is Korby Gilbertson. It's spelled K-o-r-b-y G-i-l-b-e-r-t-s-o-n, appearing today as a registered lobbyist on behalf of the American College of Obstetricians and Gynecologists in support of both LR18CA and LR19CA. Founded in 1951, the American College of Obstetricians and Gynecologists, otherwise called ACOG, is the premier professional membership organization for obstetrician gynecologists. With 227 fellow-level members, Nebraska ACOG cares for women all across Nebraska. As legislation aimed at limiting reproductive healthcare in our state harms the patient-physician relationship and our ability to provide safe, high-quality care to all women in our state, the Nebraska section of ACOG is in favor of both of these resolutions. And we confirm the following statement from the ACOG Board of Directors: all people should have access to the full spectrum of comprehensive, evidence-based healthcare. Abortion is an essential component of comprehensive evidence-based healthcare. As the leading medical organization dedicated to the health of individuals in need of gynecologic and obstetric, obstetric care, the ACOG supports the availability of high-quality reproductive health services for all people and is committed to protecting and increasing access to abortion. ACOG strongly opposes any effort that impedes access to abortion care and the relationship between a physician and their patient. Because the patient-clinician relationship is a critical component of the provision of the highest quality healthcare, any efforts interfering in this relationship harm the people seeking essential healthcare and those providing it. As such, clinicians should not be subject to criminal penalties, lawsuits, fines or other punishments for providing full spectrum of evidence-based healthcare. ACOG condemns stigma, violence, intimidation and threats against

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

doctors, clinicians and members of their professional teams and families. ACOG supports every person's right to decide whether to have children, the number of children and spacing of children and to have the information, education and access to health services to make these decisions. Individuals seeking abortion must be afforded privacy, dignity, respect and support and should be able to make their medical decisions without undue interference by outside parties. ACOG advocates to improve access to full-spectrum reproductive services and we hope that you'll consider both of these resolutions and allow people in Nebraska to vote on the issue. With that, I'd be happy to take any questions.

HANSEN: Thank you. Are there any questions from the committee? Seeing none--

KORBY GILBERTSON: Thank you.

HANSEN: --thank you. Take our next testifier in support. Welcome.

KELSEY ARENDS: Thank you. Chair Hansen and members of the Health and Human Services Committee, my name is Kelsey Arends. That's K-e-l-s-e-y A-r-e-n-d-s and I'm the health care access program staff attorney at Nebraska Appleseed testifying in support of LR18CA and LR19CA today on behalf of Nebraska Appleseed. We are a nonprofit legal advocacy organization that fights for justice and opportunity for all Nebraskans and one of our core priorities is working to ensure that all Nebraskans have access to quality, affordable healthcare. Everyone should be able to access the healthcare they need in their own communities when they need it. Because these resolutions protect Nebraskans' rights to reproductive freedom, Nebraska Appleseed supports these resolutions. Access to reproductive healthcare services are a critical part of overall health and well-being. Research has shown that protecting the right to reproductive freedom, including abortion legalization, has reduced childhood poverty and increased the likelihood of educational attainment. Conversely, restrictions on our access to reproductive services, including abortion services, have had detrimental and disproportionate impacts on those experiencing poverty and perpetuates generational poverty. Research shows that many individuals seeking abortions are low-income parents experiencing disruptive life events. Being denied an abortion quadruples the odds that a new parent and the child will live below the federal poverty line and public assistance programs are not sufficient to recover from the cost of a new baby. Restrictions on access to healthcare, including abortion, have negative impacts not only on the individuals

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

seeking those services, but also on their families. Restrictions on abortion care also disproportionately harm communities of color. Reproductive injustice based on race has long persisted in the United States. Today, black and indigenous people are two to four times as likely as white people to die during pregnancy or around the time of childbirth. Abortion is an important intervention that is safer than pregnancy and delivery and recent estimates indicate that a nationwide abortion ban would increase maternal mortality by 21 percent overall and by 33 percent for black Americans. Protecting the right to reproductive freedom can address some elements of racial injustice in healthcare. In addition, restrictions on abortion care have significant consequences for system-involved youth. Adolescents in foster care are more likely than their peers to get pregnant, with one study finding 47 percent of girls in foster care had been pregnant at least once by age 19 and 71 percent by age 21. Moreover, this population faces additional barriers to accessing abortion services outside of the state because of parental permission. Parental permission is required in most states for minors to obtain an abortion and the Department of Health and Human Services is the legal guardian for state wards. Nebraska Appleseed is, is committed to ensuring that all Nebraskans have equitable access to healthcare services and therefore, we support both of these resolutions and any protection of the right to reproductive freedom.

HANSEN: All right. Thank you. Any questions from the committee? Do you think you could answer the question I asked previously about reproductive freedom, the definition of it?

KELSEY ARENDS: I don't have an answer to you, if it's defined other places in state law. I don't have an answer.

HANSEN: OK. And say LR18CA passes. Would there be any restrictions on abortion then? So could a-- could somebody abort their baby at, like, 39 weeks if this passes?

KELSEY ARENDS: So I am-- my answer is that I'm not sure. I'm, I'm not sure.

HANSEN: OK. Thank you. I didn't-- because if it does pass-- I know sometimes when constitutional amendments pass and it comes back to the Legislature and we have to kind of define things or limit things or not limit things. I didn't, I didn't know for sure how this would pertain and what our role would be then if this passes, so.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

KELSEY ARENDS: I don't have an answer, sorry.

HANSEN: And that's fine. Maybe somebody after you can answer too. That's kind of why sometimes I ask them too, so.

KELSEY ARENDS: Yep.

HANSEN: All right. Thank you. Any of the questions? Senator Cavanaugh.

M. CAVANAUGH: I-- just some clarification. I think that perhaps if a constitutional amendment were to pass, much like what we saw with voter ID, it would go back to the Legislature to make some changes. Some statutes would need to be revised, revisited. But to the question that was asked, there's still a policy within the medical community so I would say, no, that's not possible.

HANSEN: That's good because if-- honestly, I don't know and so I'm trying to--

M. CAVANAUGH: Yes.

HANSEN: --clarify it some. Because I've had some of these questions asked of me so sometimes if I have an attorney in front of me, I get to ask them, so.

M. CAVANAUGH: But it's-- it would be new territory.

KELSEY ARENDS: Right. One of my favorite things to say as an attorney is sometimes that's outside my area of practice. So I don't have an answer for you today on that.

HANSEN: OK, that's fine. Thank you very much. Appreciate it. Thank you, Senator Cavanaugh. Any other questions? All right, seeing none, thank you. We'll take our next testifier in support.

SCOUT RICHTERS: Good afternoon. Thank you. Scout Richters, S-c-o-u-t R-i-c-h-t-e-r-s, here on behalf of the ACLU of Nebraska in support of both LR18CA as well as LR19CA. Everyone deserves the dignity to decide for themselves and if and when they have a child. Medical decisions like the decision about abortion should be guided by a patient's health and well-being, not by a politician's beliefs. In Nebraska and states across the country over the last decades, politicians have been relentlessly attacking our ability to make the decisions that are best for our own bodies, lives and futures. The bottom line is that most Nebraskans, like most Americans, do not want to see more restrictions

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

on abortion. They want the freedom to make their own decisions about these personal matters. Turning to the number specific to Nebraska, in a poll from November that Senator Hunt mentioned in her opening-- it was conducted by Hart Research-- 59 percent of respondents, respondents opposed state senators enacting more restrictive abortion bans in Nebraska, compared to just 36 percent of respondents who supported it. According to the polling, Nebraskans opposed to new abortion restriction-- abortion bans outnumber abortion ban supporters in both rural and urban communities, as well as each congressional district, as the poll was representative of registered voters statewide in terms of demographics, geography and political affiliation. As we've seen in state after state, when the people have a direct say, they protect abortion rights. For example, voters in Vermont and Michigan have recently affirmatively enshrined protections in their state constitutions for abortion and voters in Kentucky and Kansas rejected efforts to take away abortion rights in their state constitutions. LR18CA and LR19CA put healthcare decisions back where they should be, which is in the hands of Nebraskans. These constitutional amendments would allow a clean vote on whether or not Nebraskans want our constitution to safeguard reproductive freedom. These measures align with the vision that most Nebraskans want to see for our state and that is a state where people have the freedom and autonomy to make personal decisions for themselves without government interference. For these reasons, we offer our full support of these measures and urge their advancement. And I'd be happy to answer any questions.

HANSEN: Thank you. Are there any questions from the committee? Senator Ballard.

BALLARD: Thank you, Mr. Chairman. Thank you for being here.

SCOUT RICHTERS: Yes.

BALLARD: Can you give some light on the kind of question that was asked? Your, your--

SCOUT RICHTERS: Yeah.

BALLARD: --your organization has been mentioned a few times. What question was the poll, poll asked?

SCOUT RICHTERS: Yes. I can get you those cross tags and the exact questions. It was, I believe, five to ten questions. So I can

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

definitely-- I should have just brought it to hand out, but I can follow up with all members of the committee and give you--

BALLARD: OK.

SCOUT RICHTERS: --the exact numbers, the exact questions that were asked.

BALLARD: And that will have the, the demographics--

SCOUT RICHTERS: Correct, yes.

BALLARD: --the sample size, all that on that, though, right?

SCOUT RICHTERS: It would probably be much better than me trying to remember off the top of my head. So it has the exact questions, demographics, everything you would need and I'll follow up with all the members of the committee.

BALLARD: Thank you for being here.

SCOUT RICHTERS: Yes.

BALLARD: Appreciate it.

HANSEN: Any other questions from the committee? All right, seeing none, thank you.

SCOUT RICHTERS: OK. Thank you.

HANSEN: We'll take our next testifier in support. And if people are testifying or if they want to testify, you can always kind of come sit up towards the front too in the front row. That might kind of help, help out too. Welcome.

TARA OGREN: Good afternoon. I'm Tara Ogren. It's T-a-r-a O-g-r-e-n. I am a proponent of both resolutions. I hope it's OK that I paraphrase a-- Rabbi Rachael Pass because this is, is very meaningful to me and I'm simply going to paraphrase it because I relate and agree. There is nothing more sacred than the right to choose once's-- then the right to live one's life as one chooses and to choose life and to choose blessing. In having an abortion, I chose my life. Now I am doing what I can to ensure that others, including countless women, non-binary individuals and trans men, can retain the sacred choice to make their own choices and their own blessings. I must say this unequivocally:

choosing life means having the right to choose. So every person must have that fundamental right to reproductive autonomy and must be treated to make-- must be trusted to make the best decision that they can to either prevent, continue or terminate their pregnancy. I don't need you to agree with me on every point because you have not walked in my shoes and you have not been through what I have been through. I need you to protect me. I am at an age, 40, where my risk to carrying a pregnancy is much greater now than it was in my 30s. I am trying to get pregnant and I will not accept delayed or denied care for textbook pregnancy complications should we conceive. I have been in the workforce for over 25 years and paying into a healthcare system that should support the best outcome for me and my family. I will not accept inadequate care at this juncture. The alternative to these resolutions, which these resolutions are a step in the right direction-- the alternative to these resolutions are bans, bans with weak exceptions that are not working in other states and women are being harmed. My womb is not your property. And I am not sitting here apologizing for my biology and I am not apologizing to people who don't know what decisions are best for my health and my body. Some of us know that state abortion bans are part of a coordinated effort to systematically continue to remove and create barriers to every form of abortion access for all women in this country. Abortion bans, heartbeat bills and any stricter legislation on abortion compromises pregnant women's care because they elevate the fetus's existence above women's immediate healthcare needs, create chaos and confusion amongst healthcare workers, and leave women as the collateral damage. I can go outside today and be shot by a gun by a person who has the right to bear arms. I don't have any bodily autonomy or privacy under abortion ban rules if I'm carrying a fetus or fertilized egg in too many states today. The decision between bodily autonomy is made between a woman and her healthcare provider. That is what legislation needs to do; fundamentally protect our bodily autonomy. We, as Nebraskans, have an obligation and a duty to protect women in the state and to protect their healthcare providers to ensure bodily autonomy and privacy. I don't know any woman who has had an elective abortion and to use one's power to go around and say that women have elective abortions is willful ignorance. It is willful ignorance because women are sharing their personal stories of dreams, of climbing out of poverty, of intentions to keep their current family safe, and sharing their personal horrors of needing an abortion for physical or mental health reasons and being forced to travel across the country to access safe abortion. I know that having a child is the most important decision one can make in their life. And having experienced birth, I feel that

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

it was very traumatic. After my emergency cesarean section, I was told I would have died if not for the surgery. We live in a society where medical intervention is routine, it is standard, it is safe. It is so ignorant to rhetorically speak of the belief in conception to natural death because if that was true, I would have died while giving birth in the woods and my baby would have experienced a crushed skull or death. Some women are unable to bear the burden of pregnancy.

HANSEN: Ms. Ogren, the red light is on.

TARA OGREN: Oh, OK.

HANSEN: Could you just wrap up your final thoughts real quick?

TARA OGREN: Yes.

HANSEN: OK, thank you.

TARA OGREN: I love my daughter and I'm thankful for her life and vibrance every day and I chose her. I planned her pregnancy and I had to as a woman supporting my household. Many women today aspire to be much more than mothers and we need to support one another through legislation that ensures constitutional protection to decide where, when and which partner we decide to give birth with. And I also know that if I had had paid maternity leave and longer maternity, maternity leave, I may have had-- felt more support to have another baby by now. I know there are more holistic methods to support women versus forced births.

HANSEN: Thank you. Let's see if there's any questions from the committee. Are there any questions at all? Yes, Senator Cavanaugh.

M. CAVANAUGH: Thank you. Thanks for your testimony. I also just wanted to thank you for plugging my paid leave bill.

TARA OGREN: Oh, good.

M. CAVANAUGH: [INAUDIBLE] committee.

TARA OGREN: I'm in support of that as well.

HANSEN: All right, any other questions? All right, seeing none, thank you. Take our next testifier in support.

LISA C. LEWIS: Thank you. I hope this didn't cut off my time.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

HANSEN: Nope.

LISA C. LEWIS: I had a knee replacement, so.

HANSEN: Welcome.

LISA C. LEWIS: Members of the committee, my name is Lisa C. Lewis, L-i-s-a, middle initial is C, last name, L-e-w-i-s. I'm a member of the civil rights committee of the Jewish Community Relations Council of the Jewish Federation of Omaha. I'm speaking in that role and also just, just as a Jewish person and as a-- I'm also an attorney, but that's beside the point. I am speaking in support of LR18CA and LR19CA and I have to say I support every other statement that was made before me, particularly the last young woman who just spoke. The state of Nebraska, in the position of the Jewish, Jewish people, is that it should not impose restrictions on reproductive freedom. In Judaism, our religious belief is that restrictions on reproductive rights is an imposition of one faith on another, on our faith in particular, or a codification of one faith over another. And this is forbidden by the establishment clause of the United States Constitution and I'm sure the, the Constitution of the State of Nebraska. I would never ask those of another faith tradition to subscribe to my particular faith tradition or anything that I believe. Nor would I want another faith tradition to be codified into law, which would restrict my rights and those of other people who are Jewish, as well as other people who have no belief or people who have beliefs that are not Jewish, but they also believe as I do. By imposing one restrict-- one-- restrictions such as this, what it is doing is really imposing one particular faith tradition over another one, over mine. In Judaism, life is precious. A woman's life always takes precedence over, over everything. And any decision that must be made should be between the woman, her doctor, her family and her rabbi. And there should not be an imposition of, there should not be an imposition of law against a-- against her particular faith belief. So I am, again, in favor of these two amendments. And if-- it's very short and sweet. If anyone has any questions, I'd be glad to answer them.

HANSEN: Thank you for your testimony.

LISA C. LEWIS: Yes.

HANSEN: Are there any questions from the committee?

LISA C. LEWIS: Oh, good. I'm not--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

HANSEN: Seeing none--

LISA C. LEWIS: --I'm not a Talmudic scholar, so. Thank you very much.

HANSEN: All, we'll take our next testifier in support. Welcome.

DARLENE GOLBITZ: Thank you. Well, members of the committee and Chairman Hansen, my name is Darlene Golbitz, D-a-r-l-e-n-e G-o-l-b-i-t-z, and I would like to echo the sentiments of everyone who has spoken before me and I urge you to send this to the voters of Nebraska. I feel that it is everybody's individual right to choose their course related to reproductive freedom however we want to determine and interpret that. And I speak to you as a registered nurse, having been in healthcare since I was 18. And I can remember the times before Roe v. Wade and I took care of people who were victims of coat hanger abortions, sepsis and they died and 12-year-old mothers. And there is nothing worse than having a woman trying to seek an illegal abortion because there is no other alternative. And I do think the people of Nebraska deserve a right to choose and I would urge this to be on the ballot. Thank you.

HANSEN: All right, thank you. Any questions from the committee? Seeing none, thank you. We'll take our next testifier in support. Welcome.

JUDY KING: Hi. My name is Judy King and I'm a proponent of this bill, both of them-- or both of these resolutions. I know Senator Hunt cares about women and women's rights and LGBT rights and so whatever she does, I'm, I'm a proponent of. I did have a conversation-- I know how our Governor looks at these-- this birth control and having babies and he needs them for workers. And so I had a conversation-- I just had a grandbaby girl and-- or grandbaby boy and he-- you know, I'm kind of worried about him because I don't want, you know, some church to all of a sudden decide little boys have to have a vasectomy. And so I'm not really a religious person, but I realize that these churches are coming after us, except for the Jewish church, which I'm so happy to hear from them. And they care about women's rights. And if I was Jewish, I would sue all of you. I'd take you all to court and I may do that. I may become Jewish just because of what I heard today because they care about people and, and your kids. Did have a talk with my little six-year-old granddaughter, because I know the Governor here feels that, you know, we need more workers. So I've been talking to her and trying to straighten her out, how she should, you know, really get started getting a job pretty soon because we need more workers in Nebraska and because the Catholic Church wants that. And, and the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

Catholic Church is pushing all of this anti-abortion info. And so that's all I have to say. Your Governor's got some problems along with the Catholic Church here in Nebraska. And I appreciate what you're doing and what you're doing. Thank you.

HANSEN: Congratulations on the new grandbaby.

JUDY KING: Yeah.

HANSEN: Are there any questions from the committee?

JUDY KING: No, there aren't.

HANSEN: There are no questions from the committee. We'll take our next testifier in support. Welcome.

ZOE MILLER: Hi. Good afternoon, Chairperson and members of the HHS Committee. My name is Zoe Miller, Z-o-e M-i-l-l-e-r, and I'm here today in support of LR18CA and LR18CA [SIC, LR19CA]. Shout-out to NU schools. We have spring break so I'm able to be here. And just since I have the full five minutes, I just kind of want to introduce myself a little bit. So I'm a student at a University of Nebraska school and I study public health. And during my studies, I, I often gravitate towards learning and presenting about maternal and child health and sexual and reproductive health. I run a student realization that provides mutual aid to students at my university. So we provide free pregnancy tests, condoms, lube, period products, and parenting products to any student. I am currently training to become an abortion doula or an abortion support person. I am an advocate for bodily autonomy and freedom, but I guess most importantly, I'm a Nebraskan. There is a lot of fear and hate right now because of what has been happening in this building regarding the proposed abortion ban, LB626. There's a lot of fear and hate that I see on campus, in my family household. And you know, you all as a committee and frankly, the whole legislative body can easily fix that with passing these legislative resolutions. I think it's so important to let the voters be able to decide how they want this issue to be handled. I love being able to vote and I think it would really increase voter turnout too if we had this on the ballot. As legislatures, though, I think you need to understand that what's best for me regarding reproductive health, including abortion care, is not the same as the person who just testified before me or the person who will go after me-- anybody in this room, no matter what, if they're a proponent or opponent of this bill. Reproductive health care is not a one-size-fits-all by any means

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

and every Nebraskan should have access to this type of healthcare. Without this issue being decided by voters, if abortion care does become even more restricted or essentially, like, completely banned this session, I mean, you all have heard the consequences back in February. We'll see physicians leaving the state, especially our rural physicians who have it really hard right now. We'll see young people not wanting to attend college in our state and we'll see Nebraskans leaving with their NU degrees, including myself. We'll see maternal mortality increase and our economy fail because no one will want to work or live in a state that restricts and bans essential healthcare. I, I'm not sure what else I can say more other than please trust Nebraskans. We are able to make these deeply personal and important decisions and you all have a choice here to, you know, advance these resolutions so Nebraskans can continue to make their best decisions. So I just urge you all to please vote yes and advance these resolutions out of committees so we can hear them for floor debate. Even if you don't agree with me, I think it's a really important conversation that you all should be having as legislatures and it should go to the people to be able to decide. So thank you and I welcome any questions.

HANSEN: All right, thank you. Are there any questions from the committee? Seeing none, thank you--

ZOE MILLER: Thank you.

HANSEN: --for coming. We'll take our next testifier in support.

MAGHIE MILLER-JENKINS: Hello. My name is Maghie Miller-Jenkins, M-a-g-h-i-e M-i-l-l-e-r-J-e-n-k-i-n-s. I'm here just representing myself and I'm not sure how many of you have seen me before, but I've been here quite a bit, so same spiel as what I say pretty much every time I'm here. We're here because of colonization and it's extremely frustrating to sit and listen to people argue a lot of different points when that's the baseline. None of you look like me and that's by design, not by accident. None of you truly represent me and that's by design, not by accident. The fact that I am 36 years old and have to come up here and argue for the cessation of yet another genocide is soul crushing. It really is. For this, the Nebraska people really do deserve the right to say that we deserve autonomy, that we deserve the ability to say our bodies are our bodies, regardless of what anybody in this room has an opinion about. But the real thing that I would like to get on record is that we are not a theocracy. Our government is not ran by anybody's version of religion, yet it's extremely

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

questionable when we consistently have to sit in rooms like this and talk to you all about your God and what he says about my body. And that's ridiculous. It's absolutely ridiculous. Your children, if you have them, should you ever have them, should not have to listen to an 80-year-old senator's opinion on whether or not she should be able to have the right to have an abortion if she needs it that might be lifesaving. I shouldn't have to stare at these same faces over and over again and have the same arguments over and over again that my body is my choice. It always has been. It always will be. And if you legally change that, you will cause so many deaths. We have-- we're number one, USA, number one in maternal mortality. USA, we're number one in fetal mortality. Until we can get those issues under control, we have no right to tell any person what they should be doing with their reproductive rights. Until we can, we can guarantee them a live birth and all best practices by their medical professionals, we should not have any of you sitting here having any opinion about what happens to your constituents' bodies because you're not in their bedrooms. If I wanted a senator inside my body, I'd sleep with one. I haven't and I won't because I choose to keep myself a little bit cleaner than that, at least from the people that I've experienced so far. But that's my piece. I just-- I hope you guys can sleep with yourself. And if you wondered what it was like being alive in Nazi Germany, right now. Wake up. We're here right now. So if you wonder where you're going to sit when the history books write about you, here's your opportunity. Sit on the right side. Don't be a Nazi because we got a lot of those with some pretty cool senator badges. It sucks being brown in Nebraska. It sucks being a woman in Nebraska and looking at my representatives and not seeing myself, looking at my representatives and seeing so many disinterested, dead faces. It's obnoxious and annoying and I don't want to be here. I probably don't want to be here more than you don't want to be here, but I'm going to be here every opportunity I have until you guys get yourselves in an equitable, moral state that puts bodily autonomy and people's rights to their own choices first. Thank you. I don't want questions, but I would like you guys to read my shirt because you are all perpetuating genocides with the bills like LB626 and with the bills like the anti-trans bill. And I know that somebody has been called out for calling it a genocide, but you all are participating. So let's not call it what it's not. This is genocidal and my family's already been through enough so let's stop it. Thanks.

HANSEN: Just to remind other people that there are no props in this committee so FYI.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

MAGHIE MILLER-JENKINS: It's not a prop. It's a shirt.

HANSEN: Next testifier in support, please. Welcome.

JESSICA FERNANDEZ-ERAZO: Hello. Good afternoon. My name is Jessica Fernandez-Erazo, J-e-s-s-i-c-a F-e-r-n-a-n-d-e-z-E-r-a-z-o. And you've heard the statistics and you've heard the expertise from LB626 so today I come as a young woman of color in the state of Nebraska. I come as a young Latina and a young queer person. People of all races and all socioeconomic backgrounds deserve to have safe access to abortion. And we have the choice to decide whether we want to birth a child, whether to have a child, regardless of my age, my race, my gender, my sexual orientation, my immigration status, my ability or my economic condition. So I have the right to my bodily autonomy and it keeps getting thrown around. And as a reminder, it's the right to decide what happens to your own body. It's the right to self-govern and it's considered a basic and essential human right. So today, I ask Nebraska's legislators who are sitting in this committee to keep in mind the people who don't often have the ability to advocate for themselves like young people of color, like young women, who most of them aren't in this room because there's a snowstorm outside today as well. So Nebraskans deserve to have the right to reproductive freedom. We deserve to have the right to decide whether or not we want to birth children. We deserve to have the right to make these choices for our bodies ourselves. And this is repeated once and once again, but it is my body and I sure as hell want it to be my choice. Thank you.

HANSEN: Thank you. Any questions from the committee? Seeing none, thank you. We'll take our next testifier in support. Welcome.

CINDY MAXWELL-OSTDIEK: Thank you. Chairperson Hansen and members of the Health and Human Services Committee, my name is Cindy Maxwell-Ostdiek. That's C-i-n-d-y M-a-x-w-e-l-l-O-s-t-d-i-e-k and I wanted to thank you for holding this hearing open today for all that would come to testify. It was disappointing at the last bills regarding abortion access here in our state that there were many of us turned away. In fact, I was one of the people in the hallway that evening and I'm just very disappointed that we wouldn't listen to everyone about their concerns on these important issues. I'm a mom and I'm a volunteer. I'm a small business owner and I'm someone who's very concerned about the move in our state, that we would be driving people away. Some of these issues, this culture war issues that people talk about, it's affecting business and it's affecting the ability for us to keep talented young people in our state who want to go to college

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

and then raise their families here. I am cofounder of the Nebraska Legislative Study Group and I also wanted to let you know that on behalf of our group, we support Senator Hunt's LR18CA and LR19CA. I recently ran for Nebraska Legislature in District 4, which is west Omaha, and I talked to members of all political parties and backgrounds. And most of my neighbors were very concerned with what was happening last session in the ban that was introduced and then over the summer, with Roe v. Wade being overturned. And as people came to the realization what was happening in other states, they were very concerned for their families, for their own reproductive health, as well as their daughters and other people who can become pregnant. I talked to neighbors who were worried about their mothers, their sisters, their children, their aunts. They were men of all ages that were worried as well and said that they wanted each of their family members to be able to make their own decisions. Even people that were against abortion that I talked with, most of them did not want to force their neighbors, though, to carry pregnancies against their will. They just do not want these extreme policies in our state and so I just wanted to come and share that today because I felt it was important for their voices to be heard too. Thank you.

HANSEN: All right, thank you. Any questions from the committee? Seeing none, thank you.

CINDY MAXWELL-OSTDIEK: Thank you.

HANSEN: We'll take our next testifier in support. Anybody else wishing to testify in support? OK, seeing none, is there anybody who wishes to testify in opposition to LR18 and LR19CA? And again, if people are ready to testify, they can move up to the front and sit in the front rows here if they want. That might kind of speed things along too for you. Welcome.

NATE GRASZ: Thank you. Good afternoon, Senator Hansen and members of the committee. My name is Nate Grasz, N-a-t-e G-r-a-s-z. I'm testifying in opposition to LR18CA and LR19CA on behalf of the Nebraska Family Alliance and thousands of Nebraskans we represent who desire to see Nebraska be a state where every life, born and unborn, is valued, cherished and protected. As noted in Article I of our state constitution, all people have the inherent right to life. We possess this right by virtue of our humanity and not because it is granted to us by government or by other people. Tragically, abortion denies this right and ends the life of an innocent human being. We can see clearly in 3D and 4D ultrasounds that an unborn child in the womb is not

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

merely a product of conception or a blob of tissue, but an individual human being with their own unique DNA deserving of love and protection. The proposals before the committee today seek to create a constitutional right to abortion under the euphemism of reproductive freedom, which is simply giving the act of lethal violence against the most vulnerable members of society a different name. What this would mean is that fully formed babies who can yawn, smile and feel pain could be aborted for any reason up until birth, potentially through practices such as sex-selective and dismemberment abortion. These policies should have no place in Nebraska. Our organization has always supported pro-life laws that ensure women cannot be held liable for obtaining or seeking to obtain an abortion because we believe we can love them both. With the overturning of Roe v. Wade, the state should seek to provide greater protection to the lives of baby boys and girls in our state while providing meaningful, compassionate care and support for mothers and their families. We urge the committee to support our most important and fundamental right, the right to life, and not advance LR18CA and 1LR19CA. Thank you.

HANSEN: Thank you for your testimony. Any questions from the committee? All right. Can I ask the same question of you that I did to the supporters about--

NATE GRASZ: Sure.

HANSEN: --the def-- do we need to define this or is it something that's-- or is it already defined in statute or--

NATE GRASZ: This-- right, I think it's an important question because I think at a minimum raises questions of what exactly this means or entails. So LR18CA, it seems to create a broad, undefined, seemingly limitless right to reproductive freedom. LR19CA is more prescriptive in defining what reproductive freedom entails and among other things, it specifically lists abortion care. Then it also establishes that the state cannot take any adverse action against anyone who aids or assists someone in exercising their right to reproductive freedom, which includes abortion care. So that raises, I think, pretty big questions about whether or not the state could enforce any law that restricts abortion at any point or any specific type of an abortion procedure. One example I would give just as, as an example, the state of Nebraska, I believe in 2001, passed a law banning partial-birth abortion. And at that time, the law was struck down as unconstitutional for violating the right to abortion. So there's no, there's no guarantees in the bills-- in these proposals themselves

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

that there could be limitations on this right. And there's also no guarantees how courts would rule or interpret any future action that our Legislature would take to restrict that if these were to be adopted.

HANSEN: OK. Thank you. Any other questions? All right, seeing none, thank you.

NATE GRASZ: Thank you.

HANSEN: Take our next testifier in opposition. Welcome.

MARION MINER: Good afternoon, Chairman Hansen and members of the Health and Human Services Committee. My name is Marion Miner, M-a-r-i-o-n M-i-n-e-r. I'm here as-- on behalf of and as the associate director for life and family policy for the Nebraska Catholic Conference. I apologize. Usually I do have a handout for senators when I come testify. I didn't have time to get that printed off this afternoon. So the conference opposes LR18CA and LR19CA, as each would create a right to abortion of preborn children in the Nebraska Constitution. A new, unique, personal and distinct human being comes into existence at fertilization. That human being has a right to life and that right to life is not conditional. It is not more or less due to that child, depending on the child's age, size, strength, weakness, disability, or the material and financial situation of the child's family. Innocent people, babies included, have a right to life and women deserve better than what the culture has offered them in this country for so many decades, which is simple abandonment to abortion. This offer and this expectation has wounded severely our culture and has made us numb to the dignity and the existence, the very existence of human beings in the womb. It's made us difficult-- it's made it very difficult for us to even see them. We envision a Nebraska where every life, including every woman and child, is celebrated, valued and protected. For that reason, we oppose LR18CA and LR19CA. I would just add a few things based on some of the things I heard in the opening and during supporting testimony. The first thing is the legal consequences. I don't think anybody can answer that question in terms of what, what this would mean as whether it would create a totally unqualified right to abortion-- excuse me-- all the way through nine months up to the moment of birth with total clarity, with total confidence. But I think the best preview we have of that is, is what Roe v. Wade did, which is struck down all abortion laws all across the country in all 50 states and created a right to abortion all the way through nine months. That's what Roe v. Wade did. And through

concerted and disciplined and long-suffering legal action and legislation, the states, over 50 years, were able to push that back. That's what we're looking at if something like this passes here. I thought the note on maternal mortality deserved a mention, deserved a reply. In fact, some of the, some of the best countries in the world, including Poland, Malta, until recently Ireland, were countries that banned abortion entirely and had some-- and had the-- some of the lowest maternal mortality rates in the world. Maternal mortality is increasingly or is largely based on the poverty of the country and the health of their healthcare system, not on their abortion laws. OK, so that's an example where when you see that cited that, for example, some of these countries where abortion laws are stricter, their maternal mortality rates are higher, look at what that-- where the country is in terms of developing its medical profession and its access just to basic ordinary non-abortion healthcare. That's important. Polls were mentioned. You know, this is an issue, again, of human rights. This is an issue of the right to life of an innocent person so the polls are not really what deserve most of our attention. But I think it's also worth pointing out that polling has been done that shows the opposite of what proponents are claiming as well, that show, in fact, about 60 percent support for LB626, which is an issue before you know. There's much else that could be addressed, but I will leave it there and I'd be happy to take any questions if you have them.

HANSEN: All right, thank you. Are there any questions from the committee? All right, seeing none, thank you.

MARION MINER: Thank you.

HANSEN: Take our next testifier in support-- or in opposition.

ALLIE FRENCH: Good afternoon. My name is Allie French, A-l-l-i-e F-r-e-n-c-h. I'm representing Nebraskans Against Government Overreach, which to some of our proponents are going to disagree that we're against government overreach, but I'm going to go ahead and explain that. You have a freedom from medical intervention. Thank you, Nuremberg Code. However, you don't have a right to medical intervention. It is a service provided by free people to force them to comply with your desire for healthcare, would actually be enslaving people. We don't do that. You may be permitted to receive medical intervention, but not at the risk of infringing on the innate and inherent freedoms granted to all. I'd like to point out that women are not weak, but those who support these resolutions would have you

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

believe that they are. That they need government protection from their own bodily functions, functions that we're all well aware of the cause and effects of our decisions. Pregnancy does not ruin a woman. Those who feel it was traumatic were duped and made victims of their own body. It's sad, misinformed, and promoted by agencies that profit from the murder of babies. How did the government become responsible for women's responsibilities? Talk about completely backwards from the strong independent women we actually are. Mind you, every proponent that spoke today was in fact in support of forced vaccination. And when people voiced their opposition, they were told they could go find a new job or move elsewhere. Those shots were true genocide and these people were delusional. That's all I have for you today. Thank you.

HANSEN: All right, any questions from the committee? Seeing none, thank you. Take our next testifier in opposition. Welcome.

SANDY DANEK: Thank you. Good afternoon, Chairman Hansen, members of the committee. My name is Sandy Danek, S-a-n-d-y D-a-n-e-k, and I am the executive director of Nebraska Right to Life. I'm here today to oppose the proposed resolutions. These legislative resolutions proposes to add the words reproductive freedom to the list of inherent ineligibile rights listed in the Nebraska Constitution. This is in direct conflict with one of the existing inherent and inalienable right, the right to life, which is guaranteed to all persons. The question then becomes what is a person? Both federal and Nebraska laws have already defined person. I cite the following examples: in 2004, Congress adopted the Unborn Victims of Violence Act, which recognizes that when a criminal attacks a pregnant woman and injures or kills both her and her unborn child, the perpetrator has claimed two human lives, two human victims. The law established that if a child in utero is injured or killed during the commission of certain federal crimes of violence, the assailant may be charged with a second offense on behalf of the second victim, the unborn child. The law covers the child in utero, defined as a member of the species, Homo sapiens, at any stage of development who is carried in the womb. At the state level, Nebraska Statute 28-389, the Homicide of Unborn Child Act, became law in 2004. It also defines an unborn child as an individual member of the species, Homo sapiens, at any stage of development in utero who was alive at the time of the homicidal act and died as a result thereof, whether before, during or after birth. Clearly, both our federal and state legislative bodies have endowed the unborn child at any stage of development with personhood. Therefore, that child is also entitled to the right to life, which puts that right in direct

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

conflict with the right to reproductive freedom. We ask you to oppose LR18CA and LR19CA. Thank you.

HANSEN: Thank you. Any questions from the committee? Seeing none, thank you. Take our next testifier in opposition. Welcome.

SCOTT BUSH: My name is Scott Bush, S-c-o-t-t B-u-s-h, and I only represent myself. I can only speak on the experience I've had with this subject. And 20 years ago, I was in a relationship with someone. That person got pregnant and went out and received an abortion and I had no knowledge of the situation until much later after it had happened, I found out that that's what had occurred. So my choice was taken away from me because of her choice. That was my child. I was the father of that child. I never even got any say in what happened there. I was basically in the dark over this thing until months after it had happened. And I think I, as a father, should have had a right to have some say in what happened there. So you're sitting here talking about granting people rights, you know, bodily autonomy and everything else, but what about the rights of these fathers that want these children? I have one son and I have a pretty good kid. I was a pretty good dad and he's almost grown now. And my one regret is I didn't have more kids. I love kids. I enjoy raising children. I enjoy being a father. I would have taken the opportunity 20 years ago to raise that child, but I didn't have that opportunity. I had no choice. You know, Megan Hunt and her group and testifiers over here two years ago were screaming for the imprisonment and execution of anybody that didn't want to wear a mask. But now we're here talking about this? Where was people's choice then? Where were the champions for medical freedom then? Where was the choice? People were getting thrown out of grocery stores, not allowed to go see their doctors because they wouldn't wear a mask. When did healthcare become a constitutionally protected freedom? I don't know that it is. I don't think it ever has been. Why does it have to be that now? In my opinion, this is a complete waste of legislation, does nothing but waste time. Nobody's taking away medical necessary procedures. Nobody's trying to take away any of that. From what I've seen, people are trying to take away abortion as a means of making my life more convenient because I made a mistake. Well, sometimes mistakes are made and you have to live with those mistakes. But there's also men out there that want these children that want to be fathers that don't have a choice. So why is it fair for one to have a choice over the other? Why does a woman's rights more important than mine? Why, why, why me-- as a father, are my rights less important than a mother's? So you guys can think about that and make whatever

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

decision you feel is right. That's just my opinion on it. So you folks have a nice day. Thanks for the time.

HANSEN: Thank you. Any questions from the committee? Seeing none, thank you. Take our next testifier in opposition.

MARILYN ASHER: Hello, my name is Marilyn Asher, M-a-r-i-l-y-n A-s-h-e-r. I am speaking on behalf of Nebraskans for Founders Values and for myself. The author of this bill does not take into account that all persons in the state of Nebraska are the unborn, as well as the people who have been born. When the Declaration of Independence was signed in 1776, our nation made the same mistake. In 1776, slave ships by the hundreds carried persons in their holds as they were transported over the Atlantic from Africa to North America. But these persons were not recognized as persons to whom the declaration would apply. When these persons arrived in North America, if they were lucky enough to survive the voyage, they became the property of landowners who treated them as chattel and they were bought and sold at the mercy of others. Likewise, a good portion of Nebraska citizens are now being carried in their mother's wombs, but have no protection from harm or even death because of the laws of the state. Whereas our ancestors made errors of omission in overlooking the personhood of others, we are making errors of commission each time each one of these persons is destroyed in the name of reproductive freedom. We cannot plead ignorance when it comes to understanding the humanity of these people. We cannot knowingly look upon these Nebraskans as being three-fifths human like our ancestors did in regard to the people they knowingly used and abused for protection and pleasure. The state of Nebraska cannot knowingly codify the demise of its tiny citizens and still proclaim that we are all free. Including reproductive freedom in the Nebraska Constitution is a negation of all freedom and it shows that we are slaves to evil, just as some of our forefathers were. Senator Hunt also goes to great length in LR19CA to protect those who would end the lives of this group of unprotected individuals and not hold them accountable for the action of ending these lives. Where else do we see this in history? Although history sadly has many examples of entire populations being exterminated, we are still close enough to World War II to know about the millions of Jews who were not considered human and whose lives ended at the whim of a power-hungry madman. In fact, my family and I saw the results of that in Auschwitz when we visited that concentration camp. Friends, this is our Holocaust. Since 1973, we have killed ten times as many babies as the Jews who died in World War II and LR19CA is yet another attempt to vindicate those who would take the lives of individuals who are not--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

who are already living in our state, but who not-- who are not yet born. LR19CA is ironic. It states this section is self-executing. Yes, Senator Hunt, it is, and we are executers in the same sense as those who were tried at Nuremberg if we pass this resolution. Thank you.

HANSEN: Thank you. Any questions from the committee? Seeing none, thank you. Take our next testifier in opposition.

STEPHANIE JOHNSON: Hello. My name is Stephanie Johnson, S-t-e-p-h-a-n-i-e J-o-h-n-s-o-n, and thank you for the opportunity to testify in opposition to these amendments [SIC], LR18CA and LR19CA. So one of the things that I agree with, with all the proponents was that our body is our body. That is definitely true. But if that is being true, then another person's body is also their body, no matter where they live, whether it's inside or outside of the womb. Did you know that under the Bald and Golden Eagle Protection Act of 1940 that deliberately destroying or even disturbing a bald eagle's egg or nest carries a \$5,000 fine or a sentence of up to a year in prison for the first offense? Also, did you know that sea turtles are protected by the federal Endangered Species Act of 1973? Any act against a sea turtle's nest or egg is considered a third-degree felony. When I-- the last time we were discussing abortion here at the Capitol, this was just on my heart to say so I just-- I find it so interesting that animals have more rights than our unprotect-- than our unborn, than our babies in the womb have. And did you know that there are 1,300 species that are protected under the Endangered Species Act, according to the U.S. Environmental Protection Agency? Did you know that the Humane Slaughter Act or the Humane Methods of Livestock Slaughter Act was enacted in 1958 and then amended in 1978? And the Humane Methods of Slaughter Act requires that all animals be stunned into unconsciousness before they're slaughtered and killed to minimize their pain before they're slaughtered. With that being stated, preborn birds and turtles have more rights than preborn people and also animals are protected by humane ways to kill them by ensuring they're unconscious before they're slaughtered. So in years prior, it was found that a person can feel pain at 18 weeks of life. However, as with science continuing to go-- to evolve, researchers have recently found new data that people can experience pain as early as 12 weeks. Doctors readily agree that a, that a person, a little person in the womb will pull away from just a pinprick or any other noxious stimulus that they do not agree with or that bothers them inside the womb as a reaction that indicates that they're experiencing pain. So over the past few decades, several studies have helped shed light on what a person can experience throughout the different stages of development

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

while they're growing inside of the womb and a person inside of the womb can respond to physical stimulus, as I mentioned before. They can show physical responses to sound so they can respond to music or their parents' voices. They can carry on the impact of in utero trauma even years after they've been born outside the womb. They can also convey certain food preferences just by their facial expressions when they're inside the womb. So these studies are miraculous and they serve as a reminder that many abortion decisions come alongside marketing of a lot of misinformation about what's going on inside the developing person's body that just happens to be inside a womb. So we have the best healthcare in the world and some of the people that were testifying-- I don't want to be rude or anything, but I feel like it's just such an entitlement. We're so blessed to be born in America that if they were in North Korea, if they were in a Uyghur camp, if they were anywhere else, you'd gone to pick another country, I wonder what they would feel about the healthcare that received there. We are so blessed as women here in the United States to receive the healthcare that we have. And to say that we don't is almost-- is to me, an excuse to murder another person because they are-- that person is unwanted or easily disposable and that is just unjustifiable. So when did taking another person's life constitute as healthcare or, or reproductive rights? Life, liberty and the pursuit of happiness are the inhalable rights given to all of our citizens here in the state of Nebraska and the United States, regardless of where they live. And actually, those rights come from our creator. So I just want to take this opportunity to ask you to stand for life of all people, all human beings, no matter where they live, which could be inside or outside of the womb. Thank you for your time. Do you have any questions?

HANSEN: Thank you. Are there any questions from the committee? Seeing none, thank you.

STEPHANIE JOHNSON: Thank you.

HANSEN: Take our next testifier in opposition.

JEANNE GREISEN: Hello. My name is Jeanne Greisen, J-e-a-n-n-e G-r-e-i-s-e-n, and I'm here representing Nebraska for Founders Values and myself and NFFV is protecting the First Amendment rights in all 93 counties across Nebraska with a special emphasis on protecting children. And I'm here in opposition of both of these bills and specifically, LR18CA would make in not so many words our founding phrase to change to life, liberty, the killing of unborn babies and the pursuit of happiness. I don't think that sounds very good. When we

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

talk about these, reproductive freedom contradicts the three inalienable rights of our Constitution, life, liberty and the pursuit of happiness. All three gifts are from God. They are gifts which must be carefully guarded and treasures as they will be lost. The opposite of life is death, the opposite of liberty is bondage, and the opposite of pursuit of happiness is dismal condition of regret. Reproductive freedom represents death, bondage and regret. And listening to the proponents of this bill, they want to live without government interference. Well, let's extrapolate that to the COVID mandates, masking, vaccination, our taxes, building codes, etcetera, etcetera, etcetera. And they say women are harmed. Well, how are women harmed? Let's talk about before we get to the abortion state. Is it because of a lack of education in our failing education system? Are we teaching about not putting yourself in that particular situation? Are we teaching them to report things if they're being raped? Senator Cavanaugh said at a previous hearing this session that if a woman didn't want her husband to know that she was raped, that maybe she should-- they should not report the rape. But that is a crime. Maybe women are harmed by our tax system. Have we thought about that? They want bodily autonomy. And again, as a previous testifier said, where was that with the COVID clot shots, the masks, vaccine requirements even to this day for unemployment? Has that been lifted? Not at all. I see advertisements all the time in my profession and they all require COVID vaccine. Privacy, we lost that with COVID, especially at UNL students. They had zero privacy. All their testing was done and it was not HIPAA protected. So you want to talk privacy, let's talk about that privacy. Women's life always takes precedence. And I have a real hard time when a woman would actually say that because I'm not sure of any mother that would not give up her life for her child. Until we stop killing in this country, even evil will prevail in all facets of our society. And I am an opposition and I hope these do not make it out of this committee. Thank you.

HANSEN: Thank you. Any questions from the committee? Seeing none, thank you. Take our next testifier in opposition.

STEVE DAVIES: Thank you, Senator Hansen and senators on the committee. My name is Steve Davies, S-t-e-v-e D-a-v-i-e-s. I testify in opposition to LR18CA and LR19CA. Abortion ends the life of a human baby. It is a procedure of death. The guiding motto of healthcare is do no harm. Ending a life is antithetical. Even LR626 extends consideration for the life and health of the mother. I do not diminish the life-altering impact of a pregnancy, especially one that is unplanned. But we cannot disregard that abortion is the death sentence

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

for an innocent baby's life. Proponents speak of freedoms and rights, but do not extend the same for the new life growing inside. Recent polling goes all different ways and there are some that say that 58 percent of Nebraskans do favor limits on abortion and even extend that higher when they realize a heartbeat gives a strong indication of success to birth. Thank you.

HANSEN: Thank you. Any questions from the committee? Seeing none, thank you. Take our next testifier in opposition.

GREG EPP: Yeah. My name is Greg Epp, G-r-e-g E-p-p. In 2018, this-- the Legislature in Nebraska enacted a law so that women and families in Nebraska can choose to receive a state-issued commemorative birth certificate for babies lost in a miscarriage, regardless of the gestational age. That, that law was life affirming and it celebrated life, even when life was short. And it affirmed our national Constitution for our right-- for a person's right to life. What, what we're looking at today, this constitutional amendment, creates a situation where one person's right violates another's right to life. Thank you for listening.

HANSEN: Thank you. Any questions from the committee? Seeing none, thank you. Take our next testifier in opposition, please. Welcome.

JUSTINE KYKER: Thank you. My name is Justine Kyker, J-u-s-t-i-n-e K-y-k-e-r. I'm testifying in opposition to LR18CA. When I was 19, I was in a relationship and I became pregnant. I consulted friends and family and went to a family doctor who suggested-- he pulled out pictures of families who wanted to adopt a newborn baby and I decided that that's what I wanted to do and I told my family and friends. One friend gave me the number to Planned Parenthood and I decided to call just for information. I had no idea how an abortion was even performed and they told me to come in. They asked how far along I was. I didn't know. I guessed three months and they told me to come in the next morning and bring \$200 cash. So I returned my textbooks for college. I got the \$200 cash without thinking that it would make my problems go away. The abortion was painful physically, obviously emotionally. I tried to forget it. I had depression for years. I got married. You know, I tried to convince myself, like women who've had an abortion justify it, that I did the right thing. And people told me I did the right thing. But when I became a Christian, God revealed to me in a dream that I had in a girl, a little girl, and I knew that abortion was wrong from the moment I conceived her. That in Psalm 51:5 David says he's a sinner from the time he was born. He's a sinner from the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

time he was conceived-- that his mother conceived him. And I just want to say to all women who've had an abortion, there's forgiveness and the right to reproductive freedom. It's our right to reproduce, not our right to abort. When I saw Megan Hunt's bill, I looked up the definition in Wikipedia of reproductive freedom rights. In 1969, there was a World Health Organization that defined it as, you know, freedom to grow your families, reproduce without coercion or violence. I can't remember what else. But most women who have had abortions are coerced or even forced to have an abortion, either by society or by a partner, by their parents. And there's nothing more violent than an abortion. It's, it's bloody. It's damaging emotionally, physically and spiritually.

HANSEN: OK. Thank you for your testimony. Are there any questions from the committee? Seeing none, thank you. Take our next testifier in opposition.

ELIZABETH DAVIDS: Good afternoon. My name is Elizabeth Davids, E-l-i-z-a-b-e-t-h D-a-v-i-d-s, and wow. After a testimony like that, it's, it's hard to catch my equilibrium. I too looked up some definitions. Reproduce means to generate offspring. Freedom means condition of not being controlled by a political power. And healthcare is the preservation of mental and physical health by preventing or treating illness and none of those things apply to abortion. Yesterday, Senator Hunt's like-minded colleague made some unbelievably inappropriate comments, but they did draw to mind that both she and Senator Hunt are, in fact, concerned about their perceived genocide of certain kinds of people. However, they promote the actual genocide of all kinds of people through abortion. So I will go through the ten stages of genocide with you now because there is an actual genocide going on in Nebraska, but not the one discussed yesterday. Genocide is defined as the deliberate killing of a large number of people from a particular nation or ethnic group with the aim of destroying that nation or group. Our state is only killing one kind of people group today and that is the unborn. Step one: classification. The differences between people groups are not respected. Well, this is easy because babies don't have a voice and therefore, they can't defend themselves from verbal attacks on their size, location, environment and degree of development. Step two: symbolization. This is a visual manifestation of hatred. Jews in Nazi Europe were forced to wear yellow stars. Today, those who murder babies sport two letter Ps on their name tags. Step three: discrimination. The dominant group denies civil rights or even citizenship to identified groups, civil rights like life and breath and nourishment, which are denied to

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

babies who are murdered in their mother's womb. Step four: dehumanization. Those perceived as different are treated with no form of human rights or personal dignity. Referring to an unborn child is the term of its growth, i.e. zygote, embryo, fetus, instead of a child or even humans. Step five: organization. Genocides are always planned. Regimes of hatred often train those who go on to carry out the destruction of a people. Yes, those who cut apart babies certainly do train others to do the same. Step six: polarization. Propaganda begins to be spread by hate groups. Children are expensive, messy, whiny, annoying. They ruin your fun. They ruin your life. They're parasites. Sound familiar? Step seven: preparation. Perpetrators plan the genocide. They often use euphemisms such as the Nazis phrase the final solution, or in our case, abortionists phrasing, we can help you fix that problem. Step eight: persecution. Victims are identified because of their ethnicity or religion and death lists are drawn up. People are sometimes segregated into ghettos, deported or starved, just like the babies in the womb can be starved from nourishment before they are burned, have their spinal cord severed, are dismembered and violently sucked out of the vaginal canal. Step nine: extermination. The hate group murders their identified victims in a deliberate and systematic campaign of violence. Millions of lives have been destroyed through genocide by abortionists using intra amniotic injection of hypertonic saline, cervical dilators, forceps, bladder probes, curates, cannulas and other devices. And step 10: denial. The perpetrators or later generations deny the existence of any crime. They create and chant slogans like shout your abortion to try to alleviate their consciences from the very real guilt they should feel from taking the lives of innocent human beings. Senator Hunt, all Nebraskans absolutely have the right to reproduce freely already, but no one should have the right to take another innocent human being's life from them. And then Nebraska statute law and Chapter 28-391 says the murder of an unborn child in the first-- is in the first degree if he or she, in committing an act or engaging in conduct that causes the death of an unborn child, intends with deliberate and premeditated malice to kill the unborn child or the mother. That is murder of an unborn child in the first degree and is a Class IA felony. Thank you.

HANSEN: Thank you for your testimony. Are there any questions from the committee? Seeing none, thank you. Take our next testifier in opposition.

MERLYN BARTELS: Good afternoon, Senator Hansen and the rest of the senators on this committee. My name is Merlyn Bartels, M-e-r-l-y-n B-a-r-t-e-l-s and I'm here to voice my opposition to both of these

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

with-- along with the other testifiers that you've heard. They brought up a lot of opposition and points that I probably hadn't thought of and they've stated them in a better way than I probably can state them. But just sitting here and listening, I was-- have a few comments here. If I understood Senator Hunt right in her opening, she said people of the state don't want government in our medical decisions, but yet it, as been brought up, government was in our lives during COVID-19, including mask mandates and vaccines. And we talk about it's my body and my choice, but yet a lot of people didn't have that choice if it was keeping a job or losing their job when it comes to taking the vaccine. So can-- we can't have it both ways. If you're a woman, it's your body and your choice. But if I'm a man, I don't want to take a shot because I don't agree with the vaccine, then it's not my choice. So I guess I'm going back to it should be our choice no matter what. And actually, as I understand also, the mayor's mandate still-- mask mandate's still in place. So we're all breaking the law sitting here without our mask on too. So anyway, but we haven't been obeying that law. As you can see. There's a couple people here that is. But otherwise, the citizens of Lincoln kind of turned their back on that. And another thing that was brought up is if a person kills a pregnant woman, we will be held accountable for two deaths, but yet we're going to give the doctor the tools to kill a baby up to 20 weeks in our state right now. And he has the tools available to him because it's lawful to do that. And it's been brought up about the medical care. And I believe, you know, medical care is available to pretty much all people. And as been brought up, we do have one of the mess-- best medical care in the nation or in the world, actually. So I just would urge you to not let this move out of committee and be a part of our constitution. Thank you for your time.

HANSEN: Thank you. Any questions from the committee? Seeing none, thank you. Anybody else wishing to testify in opposition? Welcome.

ALEX STEPHENS: Welcome. Thank you. My name is Alex Stephens, A-l-e-x S-t-e-p-h-e-n-s, and I speak in opposition to LR18CA and LR19CA, the potential constitutional amendments to the Nebraska State Constitution. I wish to actually first speak to the, the supporters of this bill about the statistics that make this kind of bill largely not only unnecessary but counterproductive to the end goal of ensuring that pregnancies are planned instead of unplanned. According to the Guttmacher Institute itself, the primary institution that looks at abortion statistics primarily because they favor abortion, the percentage of abortions committed for economic and social reasons in the United States varies between about 87 to 97 percent, depending on

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

your definition of economic and social. If we dig deeper, we see that almost all of those pregnancies are entirely avoidable. When Roe v. Wade was rightfully overturned due to the nature of how it was made, the people's use of ethical forms of birth control rose. You saw a 400 to 1,000 percent increase in vasectomies, you saw an increase in actual use of condoms. You actually saw a-- you didn't see a huge increase in the amount of pregnancies simply because abortion is being used as an alternative to birth control that is ethical. We actually have a very good example of this in another country. And they have used abortion in a different way that I'll speak on and that's Russia. In the Soviet Union, abortion was a right and was paid for entirely by the government while birth control was not. The end result was they had an abortion rate that was three to five times ours and the rate of birth control used, that was about five times lower. So they also had a similar-- similarly high rate of sexually transmitted diseases, something abortion obviously cannot stop. To this day, abortion remains the primary form of birth control in Russia, much to the chagrin of the government because the population is actually decreasing. Now, for the unfortunate thing we have to talk with abortion and that's its use to target specific communities. Depending on the study, somewhere between 40 percent and 60 percent of all abortions committed in the United States since 1973 have been on people of color, despite the fact they don't make up nearly that large percentage of the population in the United States. The primary purpose of abortion going back to the 1920s was often to ensure that the political power of people of color, especially blacks, was limited through limiting their population. Black Americans have been kept at 12 to 13 percent of the population since the 1950s, primarily through abortion. Had abortion not been legalized and had Planned Parenthood not purposely put abortion centers in heavily black neighborhoods, you'd probably see a substantially different political power within the African-American community and a substantial change to the nature of the civil rights discussions in this country because of raw numbers. This bill basically-- by Senator Hunt basically says that the systematic murder of black and brown children by white women should be considered a good thing instead of the purposeful, targeted murder that it's been ever since Margaret Sanger founded Planned Parenthood. In Russia, we actually saw something very similar. Abortion was primarily used to ensure that the-- ensure Stalinization. It was used against Chechens, Kazakhs and Ukrainians and was actually not only promoted in those populations, but it was also sometimes forced upon them during more severe forms of the genocides against the non-Russian population segments of the Soviet Union. In essence, along with many

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

aspects of the Soviet healthcare system, the reproductive healthcare system was used for political ends. And abortion has been used as a political end in the United States since it's been introduced as an idea to be used for healthcare and that's the reason why I oppose this bill. Thank you.

HANSEN: Thank you. Any questions from the committee? Seeing none, thank you. Anybody else wishing to testify in opposition? Welcome.

AMBER PARKER: Hi. The light is not right. A-m-b-e-r P-a-r-k-e-r in opposition to LR18CA and LR19CA. My heart is grieved. We are at a crossroads. We are facing a mob mentality for the murder of children. Excuses to burn buildings down, to punish people, to try to video them to send to other people that are part of groups that should be identified as terror groups. And so for those of us coming forward, it is clear that to protect children in the state of Nebraska, there are those that want to take our lives. To those that stand and the senators in the Rotunda wearing their pink, wearing whatever, and saying you stand against racism, the very founder of the organizations and what you support referred to ones of different skin color than us as weeds, but yet you still support them. Today, in Jesus' name, may the veil be taken off in this state. To those who want to read-- say the words like Jane Fonda and murder. Well, the thing is, the murder is taking place in genocide of children and it's been happening. And to those who say pro-choice, you already have a sword drawn over if you had baby girls, your daughter's womb. How does that make you a good human being? And then you want to take over in our education and teach children that it's OK to experiment or masturbate with the same organization of which you also support in the Rotunda. And that was on their web page and child-- women's rights. Really? Really. Children being taught sex acts. Really, abortion. And why does this go hand-in-hand? Because you are a foundation. Are you guys now going to propose a bill to set up a statue and put babies in there and get it so hot that the babies melt in it? Because that's no different than standing up for abortion. God loves you and God loves children. They were made in his image. In the image of God, he made them as male and female. The bodies-- but there's a lie and a recruitment of a narrative. And in Jesus' name, may the veil come off. And those who've been hired by hypnotists that come in throughout this nation and even around the world, in Jesus' name for those who are waking up and that veil taken off, it's done. It is done. We will choose life, not death. And there is a choice here. I cannot believe of-- seeing what has happened to the United States of America. I cannot believe the things of listening to floor debates. Every human being, male or female, is

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

important to God and us. But the veil has been taken off because the strife has been exposed. That you will burn buildings and work together with those to encourage and even rape the innocence of children in the state and connections to around the United States of America, partnering and tying together with funds that even support your political candidacy. But it is God that has to be your conviction. And may the God that you serve, their presence fill your home, fill your rest, Senator Cavanaugh, as you lay on the floor and think you're doing what is right. And I pray your hearts turn to protect children and to stop the grooming of children, to stop the hurting of families and those children. Luca [PHONETIC], Luca was in the side of those that you stand in support, but now you won't listen to Luca. Mastectomy at age 16 years of age, 16 years of age, regrets and detransitioning. You need to think ahead. God is the God of love. And we want peace and we want our children in this state to be protected. Both LR18CA and LR19CA should be done away with. They should have never even came forward and that's it.

HANSEN: Thank you.

AMBER PARKER: Thank you.

HANSEN: Any questions from the committee? Seeing none, thank you.

AMBER PARKER: Thank you.

HANSEN: Anybody else wishing to testify in opposition? OK, is there anybody who wishes to testify in a neutral capacity? All right, seeing none, we'll welcome Senator Hunt back up here to close. And before we close, we did have some letters for the record. For LR18CA, we had 137 letters in support, 472 in opposition and for LR19CA, 129 in support, 409 in opposition and no letters in the neutral capacity.

HUNT: Thank you, Chairman Hansen, and thank you, my friends on the Health and Human Services Committee for being here today and listening to all these testifiers and making sure everybody could be heard. And thank you also to the testifiers for contributing to the conversation here. I don't, I don't have any really deep thoughts to close. I wanted to respond to some of the things that have been said. I would put to bed the accusations of hypocrisy for-- you know, between my views and then my views with COVID-19 and the things that we went through in the last few years because there's a big difference between pregnancy and COVID-19 and that's that pregnancy isn't contagious. There's a common thread that's really linking the anti-abortion, anti

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee March 16, 2023
Rough Draft

reproductive freedom with the anti-COVID crowd and that is a wholesale lack of respect for science, for evidence and research, for medical consensus. And all of this is happening while we also weaken and defund public education, as maternal and fetal mortality in our country increases. All of these things are a maelstrom of mess that is honestly making Americans less safe, less healthy, less trusting of each other, less civil. And I think we have to just reverse course a little bit and start going back the other direction. Even in the Bible, even in the Bible, the angel did not leave Mary until she consented to carry the child. We can also think of dozens of different state and federal laws where a fetus is not considered a person. For example, in the census. In congressional and legislative redistricting, we don't count fetuses as people. In the constitution when we talk about school funding, nobody's fetus counts towards any kind of allocations of resources in those types of laws and policy decisions. So you know, it could also be said that fetal death is granted status as the equivalent of a homicide in traffic accidents or murders or things like this because of the consent of the mother to gestate that fetus. So this is an issue that the Supreme Court has said goes to the states. And I think in Nebraska, the ultimate authority has to be the people. And I trust the people to tell us what they think the law should be around abortion in Nebraska. Nobody in this room-- I don't think, they may-- thinks that this bill is going to come out of this committee, that either of these legislative resolutions are going to come out of this committee. But there will be either a referendum on an abortion ban passed in Nebraska this year or there will be a ballot initiative for a constitutional amendment of this nature. You know, if they said it's going to be up to the states, let's make it up to the states and not up to the 49 unqualified, untrained, inexperienced state lawmakers that we have in this state to make the decision instead. Because we really don't know what's best for individuals and families when it comes to decisions about how, when, where to start a family. But I trust our neighbors and I want to know what they think. Thank you.

HANSEN: Thank you. Any questions from the committee? All right, seeing none--

HUNT: Thank you.

HANSEN: All right. Well, that will end our hearing for today and our hearings for this afternoon.