

ONE HUNDRED EIGHTH LEGISLATURE - FIRST SESSION - 2023
COMMITTEE STATEMENT
LB277

Hearing Date: Wednesday February 08, 2023
Committee On: Government, Military and Veterans Affairs
Introducer: Brewer
One Liner: Adopt the First Freedom Act and authorize the wearing of tribal regalia by students

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye:	5	Senators Aguilar, Brewer, Halloran, Lowe, Sanders
Nay:	3	Senators Conrad, Hunt, Raybould
Absent:		
Present Not Voting:		

Testimony:

Proponents:

Senator Tom Brewer
John Horsechief
Sylvana Airan
Solomon Mwanja
Lance Kinzer
Don Wesley
Christina Ellison
Grace Johnson
Lestina Saul-Merdassi
Gabriel Bruguier
Greer Behnke

Representing:

Introducer
Self
Self
City Church
First Amendment Partnership
Winnebago Tribe
Nebraska State Education Association (NSEA) and Self
Self
Self
Nebraska Commission on Indian Affairs
Ponca Tribe of Nebraska

Opponents:

Abbi Swatsworth
Luke Schroer
Rev. Dr. E. Scott Jones
Hannah Wroblewski

Representing:

Out Nebraska
Self
United Church of Christ
American Atheists

Neutral:

Representing:

* ADA Accomodation Written Testimony

Summary of purpose and/or changes:

Summary:

Section 1 of the bill names the act the "First Freedom Act." Section 2 of the bill includes definitions for "exercise of religion," "person," "religious organization," "religious service," "state action," and "substantially burden."

Section 3 is the first operative section of the bill and would create a more restrictive standard for imposition of any substantial "burden on a person's right to the exercise of religion." Any such burden would have to be "essential to further a compelling government interest," and "the least restrictive means of furthering that compelling governmental interest." This section also clarifies that the Act would not prohibit state action in response to a state of emergency so long as restrictions on religious services are no greater than the restrictions on non-religious organizations and businesses.

Section 4 of the bill provides a legal cause of action for a person whose exercise of religion or religious service has been subject to a burden or restriction. Relief under such cause of action could include actual damages, equitable relief, and attorney's fees and litigation costs. Section 5 explicitly states that the Act applies to the implementation of all state and local laws whenever enacted.

Section 6 of the bill provides that indigenous tribe members who are students in approved or accredited public schools would be authorized to wear tribal regalia at any school facility or school function, subject to rules for regulating student behavior to prevent school purposes or avoid interference with the educational process. Schools would have authority to adopt related policies to protect these students' rights, safety, and educational processes. This section also defines "tribal regalia." Section 7 provides similar provisions relating to public postsecondary institutions. Section 8 includes a split operative date, with the tribal regalia provisions being subject to a delayed effective date of July 1, 2024.

Tom Brewer, Chairperson