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BREWER: Morning and welcome to Government, Military and Veterans Affairs Committee. I'm Senator Tom Brewer from Gordon. I represent the 43rd Legislative District, and I'm serving as the Chair of this committee. For the safety of our committee members, staff, pages, and the public, we will ask those attending our hearing abide by the following procedures. Due to social distancing requirements, seating in the hearing room is limited. We ask that you only enter for the hearing, the hearing room for the bill that you are going to be presenting on. The bills will be taken up in the order that they are posted outside the hearing room. The list will be updated after each hearing to identify which bill is currently being heard. The committee will pause between each bill to allow time for the public to move in and move out and the pages to reset for the next bill. That shouldn't be a problem today. We request that everyone utilize the identified entrance and exit doors of the hearing room. Please note that the exit door is on my right. We request that you wear face coverings while in the hearing room. Testifiers may remove the face covering during testimony to assist committee members with trans-- assist in the transcribers, clear hearing and understanding testimony. Committee members, I will leave it up to your discretion on wearing of face coverings. We do have the dividers to protect those committee members. Public hearings for which attendance reaches seating capacity or near capacity, the entrance doors will be monitored by the Sergeant at Arms, who will allow only the people entering the room as those depart. The Legislature does not have available overflow hearing rooms due to the HVAC project. This will force us to have those waiting in the hallway. We ask that you please limit handouts or eliminate them. The committee will take up bills in the order that they are posted on the agenda. Our hearing today is your public part of this legislative process. This is your opportunity to express your opinion on the proposed legislation before us today. The committee members might come and go during the hearing. This is just part of the process. We have bills to introduce in other committees. Be aware that this is a committee that is fully digital. So there will be senators on their computers or cell phones either getting information or being notified if they have to speak or present. I ask that you abide by the following procedures. To better facilitate today's meetings, please silence or turn off your cell phones or other electronic devices. There will be no food or drink in the hearing room. Please move to the reserved chairs when you're ready to testify. These are the first two

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chairs on either side of the first row. Introducers will make the initial statement, followed by proponents, opponents, neutral testimony. Closing remarks are reserved for the introducing senator only. If you are planning to testify, please pick up a green sheet that is on the table in the back of the room. Please fill out the green sheet, sign in, and be prepared to present that when you come forward to the committee clerk or page. Be sure to print clearly. Let's see. Letters for the record must be posted prior to 1200 hour Central Standard Time the day prior, and we'll read them at the end. If you have handouts, please make sure that you have 12 copies to give out to the pages when you come up to testify and they will take care of distributing them. Each letter must have the bill number, whether you're a proponent, opponent or in the neutral. Mass mailings are not going to be counted in those numbers. When you come up to testify, please speak clearly into the microphone and tell us your name. Then please spell your first and last name to ensure that we get an accurate record. We will be using the light system for all testifiers. You will have for this morning five minutes to make your initial remarks to the committee. When you see the yellow light, that will indicate that you have one minute remaining. A red light and an audible alarm should indicate that your time is complete. No displays of support or opposition to a bill, vocal or otherwise, will be allowed in public hearings. Committee members with us today will introduce themselves starting on my right.

BLOOD: Good morning. Senator Carol Blood representing District 3, which is western Bellevue and southeastern Papillion, Nebraska.

McCOLLISTER: John McCollister, District 20, central Omaha.

SANDERS: Good morning. Rita Sanders, District 45, the Bellevue/Offutt community.

LOWE: John Lowe, District 37.

HALLORAN: Good morning. Steve Halloran, District 33, which is Adams and parts of Hall County.

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

BREWER: To my right is Dick Clark, our legal counsel. To my left is the committee clerk, Julie Condon. Our pages today: Jon Laska; Jon,

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raise your hand there. Jon is a senior at UNL from Genoa, Nebraska. And up there he is, Ryan Koch. And Ryan is a senior from Hebron. With that said, we will welcome our first presenter, Senator Williams. Welcome to the Government Committee.

WILLIAMS: Good morning, Senator Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Matt Williams, M-a-t-t W-i-l-l-i-a-m-s, and I represent Legislative District 36. I am here today to introduce LB65. I introduced LB65 at the request of the Nebraska Accountability and Disclosure Commission. The bill proposes to amend Section 49-14,103.01 of the Nebraska Political Accountability and Disclosure Act, which relates to local elected officials having an interest in a contract with their own governing body. The good news is that this bill this year is only technical in nature. As you may recall, those of you that served on this committee last year, I introduced legislation that was heard by this committee, which was ultimately passed by the Legislature, that amended Section 49-14,103.01 to allow the Central Nebraska Public Power and Irrigation District board members to participate in board discussions related to standard water lease and land lease agreements. During our discussion on the merits of that proposal, Frank Daley, the executive director of the Nebraska Accountability and Disclosure Commission, pointed out that the statute has some language that is awkward and that there is an inconsistency between two of the subsections. I agreed to introduce an amendment last year on the floor to fix the statute, but before we got to that point, the session was suspended due to the pandemic. When we reconvened in August of last year, I pulled the amendment so as not to muddy the water with the understanding that I would introduce this bill to fix this inconsistency this year. LB65 simply proposes to eliminate the awkward phrase "direct pecuniary fee or commission" found on page 3, line 4 of the bill and replace it with "payment, fee, or commission." In addition, the bill strikes subsection (6) of the statute, which is found-- also found on page 3, beginning at line 20 because it conflicts with subsection (4) also found on page 3, beginning at line 1. Subsection (4) generally prohibits elected officials, board members of political subdivisions from participating or voting on contracts in which they or certain family members have a personal interest. Subsection (6), however, implies the prohibition does not come into play if certain family members have a financial interest in the contract. Mr. Daley will follow me to specifically address that and his concern about why we need to pass this

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legislation. But I would encourage you to listen to Mr. Daley and
advance this bill as warranted. Thank you, Mr. Chairman.

BREWER: Thank you, Senator Williams. Questions for Senator Williams on
LB65. All right. Seeing none, you stick around for closer. Thank you.
OK, first proponent for LB65. Good morning, Frank, welcome to the
Government Committee.

FRANK DALEY: Good morning, Chairman Brewer and members of the
Government, Military and Veterans Affairs Committee. My name is Frank
Daley, F-r-a-n-k D-a-l-e-y. I serve as the executive director of the
Nebraska Accountability and Disclosure Commission. And I'm here today
to express the commission's support for LB65. As Senator Williams
says, it does one thing really, and that is it removes a conflicting
paragraph within a specific provision, that is Section 49-14,103.01.
The section at issue essentially provides that official-- elected
officials in certain political subdivisions may not have an interest
in a contract with their own political subdivision unless they jump
through certain hoops and take certain steps. The steps are the
contract has to be an agenda item. The interested official has to make
a public disclosure of his or her interest in the contract and that,
that interested official cannot vote to enter into the contract or
make any payment under the contract. All of that stays the same. None
of that changes under the bill. However, the section also describes
what constitutes an interest in a contract with your own governing
body. Under current law, in Section 4, paragraph (4), you have an
interest in the contract if the elected officia--, if you, the elected
official, have an interest in the contract or receive some sort of
payment, your parents, spouse or child will receive some sort of
payment. Also, if a business essentially owned by you, your parents,
spouse or child will receive a payment, you're deemed to have an
interest in the contract and you have to jump through all of those
hoops in order to have a legal interest. However, two paragraphs
later, it states that you only have an interest if you, the official,
or your business will be paid. So in other words, it completely
eliminates the parent, spouse, or child consideration. And there's
just no way to reconcile these two paragraphs. So what this does, it
creates a situation when a public official is coming to us for advice,
we emphasize paragraph (4) with the parent, spouse, or child because
that's the safe harbor. If they follow that provision, they are OK.
However, when we have citizens coming to us that perhaps are
complaining about how an interest is being handled or a public

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official having an interest in a contract, we have to point out the provision paragraph (6), which essentially says if it's the parent, spouse, or child, it may not be a violation. So at any rate, this just creates a situation that the only resolution is legislatively. And so I would ask your consideration of it. I would appreciate your moving the bill forward. I really do appreciate Senator Williams agreeing to introduce this bill. And thanks for the opportunity to testify today.

BREWER: Thank you, Mr. Daley . All right. Questions for Frank? All right, looks like you get off easy. Thank you.

FRANK DALEY: Thank you very much.

BREWER: All right, additional proponents for LB65. Are there any opponents to LB65? Anybody in the neutral? All right. That should then wrap up our-- as soon as-- oh, the waive helps.

WILLIAMS: Unless anybody has a question.

BREWER: I don't think so. I think we're good there. Let me read in. We do have one-- you know, I don't care how many do we-- back here. One proponent and that's the League of Nebraska Municipalities, no opponents and none in the neutral. So looks like a consent calendar item there. All right. Thank you. All right. We will switch out real quick and change up all of our numbers. And we've got Senator Cavanaugh ready to go.

J. CAVANAUGH: Ready for me?

BREWER: Senator Williams didn't sit down and contaminate the chair. So you're going to not have to wait on the--

J. CAVANAUGH: All right.

BREWER: --process there. Let me flip over, LB482. All right, we're all reset so. Senator Cavanaugh, welcome to the Government Committee.

J. CAVANAUGH: Thank you. Good morning, Senator, Chairman Brewer and members of the Government Committee. My name is John Cavanaugh, spelled J-o-h-n C-a-v-a-n-a-u-g-h, and I represent the 9th District, Legislative District in midtown Omaha. I'm here today to introduce LB482, which closes a loophole in the current campaign finance law to prohibit public resources from being used as a contribution to a

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candidate or committee. LB482 clarifies that public resources may not be used for the purposes of contributing to a campaign committee, even if they first passed through a membership organization or cooperative. The principle is simple. Taxpayer or ratepayer dollars should not be used to advocate for or against a candidate for office. Nebraska has a proud tradition of public power, and the use of this money in public power districts to contribute to political campaigns is not only a betrayal of the tradition, it is a betrayal of the public trust. The reason for this bill is that, well, there's a number of reasons. But one example that brought this bill to my mind is in the 2020 election, there was an instance of an organization called the Nebraska Electric Generation and Transmission, which is an electric co-op funded by the rural public power districts. During the 2020 election, NG&T created a political action committee which then supported-- was used to support or oppose several candidates for the Nebraska Public Power District Board. To address-- the address of the committee and the address of the co-op are the same, and the general manager was listed as the assistant treasurer. But the reason for the controversy and the reason why I brought this bill is that the NG&T's funds, which is funded through public dollars, made a \$7,500 contribution to this committee. LB482 would-- would not apply to voluntary contributions from employees, their unions, and would not impair the ability of any private citizen to make contributions to any candidate or committee or even establish their own committee. It would-- also would not prevent political subdivisions from joining any membership, organization or cooperative. It would simply prevent public funds from being used in political campaigns. Essentially, what we're saying is we're not prohibiting public institutions from joining cooperatives or organizations. They just can't join cooperatives, organizations that engage in political conduct. And if they want to join an organization like that, then that organization can't engage in political conduct or vice versa, meaning that if an organization wants them as members, that organization can't choose to do that. It wouldn't prohibit organizations from engaging in political conduct. It just would not allow them to do so if they had public members. I've heard concerns from other organizations that the language in this bill may cover activity beyond the conduct it aims to prohibit, specifically that it may cover legitimate lobbying activity. And that's certainly not what we intend in this bill. I think the language in the bill is clear as it relates only to contributions to candidates or committees. But to the extent that changes are needed, I've been in contact with a number

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of associations of school board officials or other type of associations that come and testify regularly at the Legislature. And we are discussing changes that may potentially be needed-- needed to be made, if necessary, to make sure we clarify that it's not going to prevent educational activities of the Legislature. So certainly come back to the committee with any amendments as needed in the future. You'll hear from Mr. Daley here. He's going to come and oppose it. And he and I have spoken about this. And I would just tell you we, I guess, disagree about what is going on here. There, there's a loophole in the law. We're all-- we all agree public funds shouldn't be used for political ends. And there's a loophole in the law that allows someone or an organization to kind of create a strawman intermediary and attach to it some legitimate purpose, which Mr. Daley, I think, will probably speak to. What I'm-- what we're proposing here is that there is no legitimate purpose for which government funds can be used in an election, whether you-- you try and clean it through a third-party intermediary. So with that, I take any questions.

BREWER: Thank you. Let's go ahead and open for questions. I guess I got one for you and just so I'm tracking with you. So part of the idea is here and we'll just arbitrarily say a company, Public Power XXX, they can form this PAC, figure out a way to funnel money to fund this PAC, then they could pick folks who they would like to see on their, say, board of directors. And, and through that process, elect a-- I don't want to say a puppet board-- but a board who's going to be much more kinder to their particular desires. Is that kind of where we're looking here?

J. CAVANAUGH: More or less. There's an intermediary part there where so the elected board, and this example is a public power board, but it would not exclusively apply to that. But where a board, a public entity, then creates a co-op organization of those public entities. So there's countless of them that we see around here. And I don't want to name names because I don't want anybody to feel like they're going to be singled out, I guess. But Association of Associations type of thing. And that association is funded by dues being paid by public funds from, you know, say, public power in this instance that-- or fees being paid into that. And that association then being not the public entity itself, then creates a PAC. So there's a step in between--

BREWER: I see.

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J. CAVANAUGH: --where they-- they're pushed, taking public funds, putting it to this use, and then that goes to that, that third political use. And that's the practice that I think is a loophole that we're trying to prevent, because I think everybody would agree NPPD directly cutting a check to candidates is, is against the law. What's the gray area here is whether NPPD can cut a check to third party, who then cuts a check to fourth party, who cuts a check to a candidate.

BREWER: Uh-huh, now I-- now I see your vision here. Thank you. All right. One more time, questions? You'll stick around for close?

J. CAVANAUGH: I will.

BREWER: All right. Thank you. All right. We will begin with those who are proponents to LB482. Proponents. He does a thorough job, Al. Senator Davis, welcome to the Government Committee.

AL DAVIS: Thank you, Senator Brewer. I think if I did have COVID this cleanliness would have gotten rid of it, killed it with. Thank you. Senator Cavanaugh really answered a lot of the points that I wanted to make, but I will probably just read my letter anyway. So thank you, Senator Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Al Davis, A-l D-a-v-i-s. And I'm testifying here today as the registered lobbyist for the Nebraska Chapter of the Sierra Club in support of LB482, brought by Senator John Cavanaugh to address issues of campaign finance. The committee is fully aware of the incredible amount of money it takes to get elected to an office. And frankly, the system is so bloated with money that the need for cash is astounding to win an election, as you all know. But we need clear and hard rules about how the money is collected. In the private sector, employers and employees often work together to elect candidates who support their industry. This is acceptable and appropriate behavior because the process involves private dollars from the employer and private dollars from the employee. Customer dollars do not play a part here. However, it is unacceptable for a public utility to use ratepayer fees to steer an election to one candidate or another, and in this particular instance, ratepayers across Nebraska pay their utility bills to a local public utility, which provided some of those funds to another quasi-public entity made up of the dues-paying affiliated utilities. That entity, in turn, used those funds to try and influence the election of board members on another public board by making financial contributions to a specific

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candidate. If the ratepayers wanted to support a particular candidate, they can certainly write a check from their own account to that candidate. The dollars they pay to their local utility should be used to provide the service which the utility is licensed to perform, not to try and buy board seats on another public board and meddle in another entity's election. I'd like to see this bill move to the floor, and I thank you for your time.

BREWER: All right. Thank you for your testimony. Questions of Senator Davis? All right, again, thank you for coming.

AL DAVIS: Thank you.

BREWER: All right, so let's see any additional proponents? And we'll then go to opponents. We got one. Welcome back, Mr. Daley.

FRANK DALEY: Thank you, Mr. Chairman and members of the Government, Military and Veterans Affairs Committee. My name is Frank Daley, F-r-a-n-k D-a-l-e-y. I serve as the executive director of the Nebraska Accountability and Disclosure Commission. And I'm here in opposition to LB482. This is one of those strange legislative situations where we all agree on the goal. It's just how do we get there from here? Because LB482 really has a very, very laudatory purpose, and that is to ensure that public funds, government funds, do not make their way into the electoral process. The reason we're opposing LB482 is that we've sort of concluded that it doesn't really do anything that's not in law right now. Under current law, public officials and public employees are prohibited from transferring or using public funds or authorizing the use of public funds for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question. It doesn't matter whether those funds are moving directly to a candidate or ballot question committee or they're being funneled through a third party. It's the purpose which controls. And if the purpose is to put public funds into the electoral campaign finance system, it's currently prohibited by law. So this bill doesn't really change that. On the other hand, I think the language muddies the waters a little bit by raising the issue of paying dues to an organization or assessments to an organization, things of that nature. And I will tell you, I have this conversation with citizens on a fairly regular basis. My political subdivision, whether it's a school district, belongs to an organization and they've belonged for years. And then one year, the

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organization spent money to oppose a ballot question or support a ballot question. Ergo, my political subdivision violated the Accountability and Disclosure Act by putting money into the system. I think we always have to be aware of the fact that if public funds are paid out for a lawful purpose, they lose their identity as public funds. And so when we put this concept in of paying dues, I think what we do is we sort of throw out there the possibility that paying dues by itself could constitute a violation. So that's basically our reason for opposing this bill. Again, I'm not sure that it does all that much. It doesn't add anything to the law and maybe muddies the waters a little bit. I am happy, I will tell you, that Senator Cavanaugh appears to share my passion for keeping public funds out of the electoral system. And so I certainly see that there's a lot of basis for us to work together on future legislation. So I want to thank you all for the opportunity to testify today.

BREWER: All right. Well, thank you for your testimony. All right. We'll start with Senator Blood.

BLOOD: Thank you, Chairman Brewer. Thank you for your testimony. I have to say, before I ask your question, even when you're in opposition, you're just the nicest darn guy. I just really like working with you. I actually have two questions. Knowing that Senator Cavanaugh has this concern, is there anything that would prevent you from working with him on this to maybe find the middle ground if something could definitely be changed? Would you be willing to do that?

FRANK DALEY: Absolutely.

BLOOD: Which I knew the answer to that anyway. I just want to get that on record. And then I don't know if you're able to answer this or not, so we all know what this is based on what happened with the public utilities. Has there been any action taken on that? Do we know? That you're allowed to speak about? Obviously I can tell by your face there might be an issue there. I mean, I think that's part of the problem is-- and we'll go back to my bill my freshman year, the bill based on the person who refused to pay their campaign penalty fees. I know sometimes legislation is generated because of people's misdeeds.

FRANK DALEY: Um-hum, um-hum.

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BLOOD: So we never really know until sometimes things play out whether legislation is needed or not. And I guess based on that, saw that legislation is needed, but if action is being taken based on how the legislation is currently written, do you hear where I'm going with that?

FRANK DALEY: Yes, I do. Let me say generically, without reference to any specific matter--

BLOOD: OK.

FRANK DALEY: --that certain things under the Accountability and Disclosure Act are confidential by law,--

BLOOD: Um-hum.

FRANK DALEY: --and it's a misdemeanor for me to disclose them. So pardon me if I walk wide of some of your questions.

BLOOD: It's fine. And in some ways, you've kind of answered my question.

FRANK DALEY: Let me-- let me tell you what is in the public record. It involves the co-op that Senator Cavanaugh referred to, and it's a membership organization. Some of the members of the organization are public power districts and at least one, perhaps more, of the members of the organization are private entities. And the co-op is organized as a corporation and registered as a corporation under Nebraska law. So that's kind of the lay of the land. That's-- and I think-- and the corporate-- the corporation, the co-op, did make some campaign contributions or a single one. And I think there were some ratepayers that thought that their money was being used for campaign contributions. So that's the issue that's floating around out there.

BLOOD: Well, I'm glad you're dealing with that and not me. So I appreciate your honest answer. Thank you.

BREWER: All right. And Senator McCollister.

McCOLLISTER: Thank you, Mr. Chairman. Mr. Daley, thank you for your testimony. We talked before the committee met. How many years have you held your position? Thirty-four?

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FRANK DALEY: I've been with the agency for 34 years. That's correct, sir.

McCOLLISTER: Thirty-four years of juggling those hot potatoes. And you've done it well.

FRANK DALEY: Thank you.

McCOLLISTER: Senator Blood asked my question, but I'll ask another. You talked about third-party folks that are active in political campaigns. Does Nebraska do a good job of identifying those donors to third party so-called dark money sources?

FRANK DALEY: Yes and no. And it depends upon the sources. There's a lot of money that comes into the campaign finance system, which is readily identifiable. However, certainly you know, money can go through Organization One, which then goes to Organization Number Two, which then goes to Organization Number Three, which ultimately makes a campaign contribution. Many of these entities are out of state. And so it can be awfully dif-- and all of them do not have filing requirements either, some on the state level, some on the federal level. And so there are certainly ways to funnel money into the campaign finance system without being able to track the original source.

McCOLLISTER: Could we write a law or a bill next year to identify those sources? Is that beyond our capability?

FRANK DALEY: I believe it will take something in the nature of a national effort, to be honest, because certainly you can imagine the problems when the Accountability shows up at your office door in Falls Church, Virginia, banging on the door saying, we're the Nebraska Accountability Commission. We want to see your books. I mean, that's not likely to happen. So realistically, what we need is somewhat uniform reporting on both the national level and on the level of the states. And we also have to be mindful that when we're talking about campaign contributions, we're talking about First Amendment issues. So whenever we wander into the legal field to try and regulate the financing of political campaigns, we're always tangling ourselves with the First Amendment. And so we always have to be mindful of that as well. Some very, very pragmatic solutions probably would not pass constitutional muster.

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McCOLLISTER: I'm disappointed in the answer, but I understand. Thank you.

BREWER: Additional questions? I guess I got one before I let you out. I can see where Senator Cavanaugh is coming from. And, and I think somewhere there, there is a fix or a tweak that we can do to maybe help the system be better, and I was excited that he was willing to figure out what that looks like. But, you know, if you-- if you look at and because that came up, we'll just say this XXX Public Power. This, this particular company is, is going to be able to figure out a channel to move money from what would be ratepayers, public, public funds, and channel that to where they could control or influence who is going to have the resources to run for a particular position. Where I would find that most disturbing is if they were doing that to actually help elect board members, because then as we've talked, that you could pretty much control what happens through that money source. And you wouldn't really have any fears of overwatch, because if that is your only watchdog is those board members, you can see how that could become fairly twisted. Is the system set up to where that would be pretty hard to ever have happen or?

FRANK DALEY: A few concepts might help. Number one, political subdivisions are only permitted to use public funds for lawful purposes. All right? And so the question is always what is the purpose of the expenditure and when do the public funds lose their identity as public funds? So let us say I'm the city. And the pipes burst in city hall and I call a plumber. The plumber fixes the pipes, bills us \$500. We pay him the \$500 and two days later he makes a \$500 political contribution. I mean, I think under those circumstances we'd all agree the city lawfully paid out funds to the plumber for goods or services. Once the plumber received the money, they lost their identity as public funds. And so, therefore, we shouldn't control what the plumber can do. Let's look at a separate example. There's a provision in Chapter 13 of the statutes that allows cities and villages to engage in publicity campaigns for their commercial areas. Now, a city or village may determine we don't have the internal expertise to run a publicity campaign, but the Chamber of Commerce does. And so they enter into a contract with the Chamber of Commerce to run the publicity campaign. The Chamber of Commerce does run that publicity campaign. And so the city lawfully paid out funds. It got what it bargained for in the payout of those funds. But the Chamber of Commerce is still a private entity and the Chamber of Commerce may

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have other sources of funding. And so if the Chamber of Commerce wanted to make a political contribution, it could do so. Let's take one more example just to round it out. Let us say that the city really opposed a ballot question and it really wanted to stop this thing in its tracks, but it knew it couldn't spend money to stop that ballot question. But it works out something with the Chamber of Commerce, the Chamber, we're going to give you money so that you can stop the ballot question. That money is paid out for unlawful purpose, for the purpose of opposing a ballot question. So there is a violation there so that-- that's already the law, I guess. So in most of these cases, it's a matter of determining whether the money has been lawfully paid out for a public purpose, or whether the money has been paid out for the purpose of supporting or opposing candidates or ballot questions. And very often those are circumstance-- determined by the circumstances surrounding the transaction.

BREWER: All right, excellent answer. Thank you. All right, one more time, any other questions? Sir, thank you for your testimony.

FRANK DALEY: Thank you, Senator.

BREWER: All right, we are on opponents.

DARIN BLOOMQUIST: Yes, sir.

BREWER: All right, just double-checking.

DARIN BLOOMQUIST: Twelve copies of the statement.

BREWER: All I can tell you it's the times we're living in so

DARIN BLOOMQUIST: Strange indeed.

BREWER: Welcome to the Government Committee.

DARIN BLOOMQUIST: Thank you. Practiced for three minutes so I should be able to get this in five.

BREWER: All right.

DARIN BLOOMQUIST: Senator Brewer, Chairman Brewer, members of the committee, my name is Darin Bloomquist, Darin, D-a-r-i-n, Bloomquist, B-l-o-o-m-q-u-i-s-t. I'm the general manager of Nebraska Electric

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Generation and Transmission Cooperative, Inc.. NEG&T consists of 19 rural public power districts and one electric membership corporation and was incorporated in 1956 under state statutes and serves the needs of nearly 150,000 consumers in rural Nebraska. NEG&T administers an all requirements contract for wholesale power and delivery from Nebraska Public Power District exclusively that runs through 2035. This obligation results in approximately \$240 million of revenue annually for NPPD. In 2020, NEG&T sold nearly 4.5 billion kilowatt hours to its members at a 100 percent pass through rate that NEG&T is billed from NPPD, along with a small-- small membership assessment. I am testifying in opposition to LB482 as it is a bill that creates more questions than answers. I am concerned that it will interject more confusion than it does clarification into the electoral process concerning Nebraska political subdivisions. With great respect to Senator Hilgers' request that bill introduction debate be kept to a minimum, this is one bill that need not be advanced to the floor. LB482 appears to target-- be targeted at a perceived belief that public resources were made to a candidate or committee via a transfer made on behalf of a political subdivision because of membership in a membership corporation co-op, excuse me, membership cooperative, corporation, association, or other entity for use as a contribution to a candidate or committee. If this is a motivation behind LB482, it is off target. And I assure you, no such transfer was made on behalf of any political subdivision by NEG&T. However, let me be clear. I am a strong advocate that local elections, particularly those of public power district board of directors, should be funded by local contributions. The PAC Nebraskans for Reliable and Affordable Electricity was provided a single loan of \$7,500. This loan was not targeted at any specific agenda. This loan was not made on the behalf of the NEG&T's membership. Nebraskans for Reliable and Affordable Electricity receives the lion's share of its contributions from in-state entities and individually-- individuals. Contrarily, the PAC that contributed hundreds of thousands of dollars to numerous Nebraska campaigns, including that of several NPPD board of director races, was funded by Nebraskans for Common Ground. Further investigation reveals Nebraskans for Common Ground received more than \$575,000 from three donors, \$75,000 from two private citizens from Brooklyn, New York, and five hundred-- a half a million dollar contribution from League of Conservation Voters of Washington, D.C. Will LB482 stop outsiders from funding local Nebraska candidates? No. Will it stop the inflow of more than half a million dollars into our local election? No. But will it

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frustrate the efforts of Nebraskans to support local candidates? Maybe. Voices that best represent Nebraska are from Nebraskans and not voices from Washington, D.C., or Brooklyn, New York. If Senator Cavanaugh's objective is to preserve and protect the integrity of Nebraska elections, I look forward to working with him to craft, craft legislation that serves Nebraskans. But LB482 does not accomplish that task. For your convenience, I have attached filing reports from Nebraskans for Common Ground and Nebraskans Against Corruption to shed further light on the referenced contributions and a copy of an election report from Resistance Labs that documents how certain public power board members are under attack. Mr. Chairman and members of the committee, thank you for your time today. And I'd be happy to respond to any of your questions.

BREWER: All right. Thank you for your testimony. You put a lot of work into this. I was trying to read through it as quickly as I could here, but I mean, you-- you have taken a lot of information.

DARIN BLOOMQUIST: Well--

BREWER: It may take some digesting, but--

DARIN BLOOMQUIST: If I may, Senator--

BREWER: Please.

DARIN BLOOMQUIST: --that, that booklet is from, again, a group called Resistive Labs. It's a national group. They have-- the highlighting in it is mine. It has specifically targeted my-- my membership. It goes director by director upon their perceived position of those directors, essentially relating to wind energy or clean energy, as they call it, and whether or not they should be replaced, campaigned against or otherwise disposed of. So that is exactly what we're dealing with.

BREWER: All right, let's go ahead and see if we have any questions for you. Senator Blood.

BLOOD: Thank you, Chairman Brewer. I'm sorry, I'm a little confused. Can you help me out here? So, so why do we have this? Can you walk me--

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DARIN BLOOMQUIST: Just, just to show you that there are indeed lots of
outside influences on Nebraska public power district races and a large
sum of money that is into play from outside sources, sources.

BLOOD: So your organization then would also be against the dark money
that's used--

DARIN BLOOMQUIST: Absolutely.

BLOOD: --in campaigns. I'll be looking for that letter of support on
my bill here in the future.

DARIN BLOOMQUIST: I'd love to visit with you about it.

BLOOD: So I-- I'm not sure of the benefit of, like, pointing fingers
is to-- to your opposition, and I think that's maybe where I'm
confused. Are you just trying to say that it's not us, it's other
people or what are you trying to say?

DARIN BLOOMQUIST: I'm in the limited time we have, Senator Blood, all
I'm trying to tell you--

BLOOD: We have plenty of time because we're asking questions so.

DARIN BLOOMQUIST: OK, all I'm trying to do is provide some background
on what's going on in public power district races that I'm very much
familiar with. And there are a lot of sources at work. It has changed
dramatically over the last few years. And I think it's only going to
get worse. And we-- it, it doesn't seem to represent the people, the
views of the people that are--

BLOOD: Nebraskans.

DARIN BLOOMQUIST: --the ratepayers.

BLOOD: Yeah.

DARIN BLOOMQUIST: Yes, in my opinion.

BLOOD: There is a lot a, lot a, lot of outside money that sneaks into
Nebraska during campaigns. I would agree with you. I'm not-- I'm-- but
I have to say, I'm not sure. You did an excellent job in your

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testimony and you were very clear. I'm not sure pointing fingers
doesn't muddy the waters some more.

DARIN BLOOMQUIST: I appreciate the feedback.

BLOOD: That's what I would say.

DARIN BLOOMQUIST: I appreciate that.

BLOOD: But I do appreciate because I was confused. I was trying to
figure out why they were included in the packet and you've explained
why. So thank you.

DARIN BLOOMQUIST: Thank you.

BREWER: I guess I got a quick question for you. The Southwest Power
Pool, they encompass a number of states. We became a part of the
Southwest Power Pool. It indirectly is going to control rates. Is that
an accurate statement?

DARIN BLOOMQUIST: No. It's a marketplace, sir. It provides market
prices and has dramatic effects on the rates in Nebraska,

BREWER: Fair enough.

DARIN BLOOMQUIST: But to control--

BREWER: OK, fair enough.

DARIN BLOOMQUIST: --is not [INAUDIBLE] understand it.

BREWER: I think that's a good way to describe it. They encompass a lot
of outside of Nebraska operations because of the multiple states and
all that. But we are a part of this. And of course, some of the
concerns is that we became a part of this 2011, something like that.
It committed us to a course of action into the future that neither the
Legislature voted on, the Governor signed or by any act of the Supreme
Court. It was a decision by public power to become a part of this,
even though it sets a course for the future that the state of Nebraska
is going to be committed to. If they were influential in elections, I
could see how that could become very challenging for any candidate who
they opposed. And I guess, do you have knowledge or are you aware that
they have any efforts to influence elections, whether it be Texas,

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Oklahoma, Nebraska, or anywhere else? I mean, Southwest Power Pool is very influential just because of the footprint they have.

DARIN BLOOMQUIST: Sir, the best I would answer that is they're, they're apathetic towards elections in every state because they are an entity. They are a market that provides a service. And I don't think that they would necessarily need dogs in certain states to help them because Nebraska is the only 100 percent public power state in Southwest Power Pool. So that's unique right there. So I, I-- my opinion is that that would be-- that's not because they provide a service that they're a market, no different than the commodity market.

BREWER: And I'm really glad to hear that. And that's the way it should be. You know, the concern is that Nebraska stays public power in a sense that we generate the power and then we distribute the power and that at the point that we lose our ability to be essentially self-contained, otherwise we bring in power from somewhere else and then we're at the mercy of their rates and their desires because we no longer generate our own. So if they're not an influence and you don't see them as one, then, then that's refreshing to hear that.

DARIN BLOOMQUIST: And I don't, and if I could be allowed a little latitude.

BREWER: Sure,

DARIN BLOOMQUIST: I cut out my testimony because I thought I had three minutes. So my, my mistake. But so, again, as I'll reiterate, my membership is a 100 percent contractual customer of NPPD and completely happy with our arrangement for the time being with NPPD. NPPD has world-class resources: nuclear, coal, gas, hydro has some, some renewables. Yes. The problem-- the worry that we have is with the influx of renewables coming in in the Southwest Power Pool and in Nebraska, that that reduces the efficiency of these world-class generating facilities that Nebraskans own. There is close to a billion dollars of debt in these facilities. They're made cost inefficient, they're made efficient operational-wise and one day closer, closer to being closed because they can't compete in, in the regional market with this influx of renewables. We need reliable and affordable electricity. My organization was formed in 1956 because we had no electricity to power irrigation. My organization has 150 million horsepower of irrigation under its control. We fed a nation. We've put

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Nebraska in the number two row crop state, number two beef cattle state from an area that people called a couple hundred years ago, the Great Western Desert. So that's what reliable and affordable electricity does. And there are a lot of forces at work that are out there to destroy that. And my charge from my membership is to be an advocate for the wonderful and, and I'm not exaggerating when I say they're world class. They are world-class facilities that are hugely competitive. We want to ensure that they are not prematurely ended.

BREWER: All right, well, thank you for that and I think you got your other two minutes in there, so that's good. We got your whole five minutes. Yes, Senator Hunt.

HUNT: Thank you, Chairman Brewer. Thanks for being here today. In your testimony, you said that the PAC Nebraskans for Reliable and Affordable Energy was provided a single loan of \$7,500. Was that loan repaid?

DARIN BLOOMQUIST: It is my understanding that it has not been repaid. And if I may clarify one statement that was made, Nebraska Electric Generation Transmission had zero to do with the funding of that PAC. That PAC was funded by individuals, OK, so it did not have anything to do with the G&T. The G&T did make a comp-- a contribution in the year 2019, not in 2020. The \$7,500 loan was made in year 2019.

HUNT: OK, and you have time to respond to the questions. You're not on like a time limit to respond.

DARIN BLOOMQUIST: I'm sorry.

HUNT: It's OK. Tell me more about the interest that NEGTEC has in killing renewables.

DARIN BLOOMQUIST: Not in favor of killing renewables, Senator Hunt. We are-- what we are in favor of is a responsible mix. We're not-- we're not involved in the turbine race, so to speak. No, I only know NPPD so that's what I'm talking about. Their resource mix is already close to 65 percent carbon free. Now, if carbon is the enemy, OK, that they're hugely positioned in a very enviable spot nationally already. There's no need to go on the bleeding edge and replace 24/7/365 sources of electricity we don't need. California is doing a case study on what happens when you prematurely close reliable and affordable electricity

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generating stations and replace them with an intermittent resource that cannot be there 100 percent of the time when it's needed or demand it. And that results in power going out and power being shut off, which happened several times in, in California. Now California, I imagine the power goes out, no big deal. You head down to the beach, hang out. It goes out tonight for a little old lady, she may freeze to death in Nebraska. So that's a-- that's a different story. And it has nothing to do with the physical transfer of electrons. It has to do with political pressure being applied to a entity whose sole charge is to provide affordable and reliable electricity, which NPPD has done a terrific job. They've been-- we've been-- we've been in existence longer than NPPD and they're our only contract. We're their only contract, excuse me. We only contract with them for 100 percent of our power needs. Very happy with that.

HUNT: But you have a billion dollars of debt in these nonrenewable energy power plants?

DARIN BLOOMQUIST: Don't quote me on it, but it's up to I think it's between \$750 million and a billion. So significant, yes, absolutely. And if those were to close prematurely, who pays that? That's a question we're dealing with. Somebody's got to pay those bonds.

HUNT: So this would also speak to an interest in, in stopping investment in, in renewables.

DARIN BLOOMQUIST: My-- my-- how I would rephrase that is I'm not antirenewable, but it's got to be on a need basis. Renewable investment in Nebraska is not made by public corporations. They're made by private corporations only that return dividends to stockholders. And NPPD has six power purchase agreements with wind facilities. All six are out of state and return in investment to shareholders in other states, not Nebraskans.

HUNT: OK, is there a plan to get the \$7,500 loan repaid?

DARIN BLOOMQUIST: I would have to talk to my board about that. And yes, we actually are in discussions about that.

HUNT: OK, thank you.

BREWER: All right. Senator McCollister.

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McCOLLISTER: Yeah, thank you for your testimony. Thank you, Mr. Chairman. Would you inform the committee when that, that loan is repaid?

DARIN BLOOMQUIST: Would I? Yes, sir. Absolutely.

McCOLLISTER: That would be great.

DARIN BLOOMQUIST: OK.

McCOLLISTER: Let's talk about electricity prices in Nebraska. How would you describe-- have we had many increases in electricity prices over the last decade?

DARIN BLOOMQUIST: Over the last decade? I'd have to go look at my records, but I have not had an increase from NPPD in the last six years. In the last three years, I've actually had a, a refund paid.

McCOLLISTER: Why do you suppose that's the case?

DARIN BLOOMQUIST: I like to think that's because they're efficient and they're becoming more efficient. And when we signed the new contract in 2016, we put parameters on what their costs can be. And if they're not competitive within that parameter ban. I can take my membership away from NPPD. And I would think that's a large driver of what makes them efficient, more efficient and have found ways to become more economical. Now natural gas prices, and joining the Southwest Power Pool had a big influence on that. NPPD traditionally does very well with their generation in the Southwest Power Pool.

McCOLLISTER: So the Southwest Power Pool has actually helped keep prices down.

DARIN BLOOMQUIST: I think-- I think one could probably come to that understanding, yeah.

McCOLLISTER: And the combination of our coal-fired plants and the renewable energy has had that effect, wouldn't you say?

DARIN BLOOMQUIST: I would say the largest effect on that, Senator, in the 14-state Southwest Power Pool is natural gas prices. They have with, with fracking have kept the price down. My understanding of my following when Southwest Power Pool is that natural gas prices set the

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market price. And I've seen data that, that reflects that correlation.
So I would say that it's a combination. But the predominant
prevailing, at least in the past, resource was, was natural gas that
drove the prices.

McCOLLISTER: Natural gas at \$2.50 Mcf is, is cheaper than in previous
years. But as a share of the energy generating mix, it's fairly small.
I would say less than 5 percent. Isn't that true?

DARIN BLOOMQUIST: In Nebraska?

McCOLLISTER: Yes.

DARIN BLOOMQUIST: It's fairly small. I think it's a little more than
five. But when you-- are you talking NPPD or all?

McCOLLISTER: The whole state.

DARIN BLOOMQUIST: I would say it's under 10 percent. Yeah, because gas
isn't as prevalent here as it is in Oklahoma, Texas and Kansas.

McCOLLISTER: And the renewable component is how large?

DARIN BLOOMQUIST: In Nebraska?

McCOLLISTER: Yeah.

DARIN BLOOMQUIST: NPPD claims that they get 10 percent of their energy
from renewable resources.

McCOLLISTER: And OPPD?

DARIN BLOOMQUIST: Sir, I'm not familiar with what OPPD.

McCOLLISTER: OK.

DARIN BLOOMQUIST: I can give you a guess, but I really would hate--

BREWER: OK, let's, let's, let's shift out of the Natural Resources
Committee--

McCOLLISTER: Yeah.

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BREWER: --and get back to Government. Any additional questions
specific to LB482? All right, seeing none, thank you for your
testimony.

DARIN BLOOMQUIST: Thank you.

***COLBY COASH:** Senator Brewer and members of the Government, Military,
& Veterans Affairs Committee My name is Colby Coash and I am
testifying on behalf of the Nebraska Association of School Boards in
opposition of LB482. NASB has concerns that LB482 may have unintended
consequences for us and other entities whose members are dues-paying
public entities. We believe the new language in LB482 appears to
already be a part of the Nebraska Political Accountability and
Disclosure Act and to single out political subdivisions who pay dues
to member organizations tends to be more confusing than helpful. I
would refer you to the NADC Advisory opinion #127 which states "a
private association that receives public funds may use resources and
funds which have lost their public identity to support or oppose the
qualification, passage or defeat of a ballot question. A government
body paying dues to a private association which uses the funds for
activities not consistent with the public purpose doctrine potentially
subjects itself to a challenge to prevent the payment of dues." We are
concerned about the use of the words "affiliation assessments or
membership dues" in LB482 would cause additional confusion and have
unintended consequences as to its interpretation and application. NASB
would be happy to work with Senator Cavanaugh moving forward on
language that may provide greater clarity and less confusion. Thank
you.

BREWER: Any other in opposition to LB482? Anyone in the neutral? All
right, Senator Cavanaugh, welcome back. Sorry about that little detour
there. All right, we're still very interested in your bill here.

J. CAVANAUGH: Most thorough deep cleaner here in the Capitol, I think.

BREWER: Yeah.

J. CAVANAUGH: Thank you, Government Committee, and I appreciate
everyone's questions and I appreciate the testimony here today from
the opposition. Mr. Daley and I did discuss this bill previously and
we discussed his concerns and my position about it. I just from the
testimony, I'd kind of like to point out a few things that we heard.

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One from Mr. Bloomquist is that they transferred the \$7,500. They haven't gotten it back. Well, first he didn't know and then they-- now he's going to look into it. My reading of the Lincoln Journal Star article is actually that Mr. Bloomquist is the treasurer or assistant treasurer of this committee, so hopefully he knows where the money is. But he also said that his charge is to advocate for his members, meaning those natural or the public power districts. And you heard his interpretation of what the advocacy means. And the point is, the reason government money shouldn't be used in political campaigns is because he and I could be ratepayers of the same institution. And we have a wildly different interpretation of what that means. He has his opinions, which he's entitled to as a private citizen. He's entitled to use private funds for. What we're trying to avoid here is where he's using my money to advocate for his objective, and that is the purpose of a ban on public money in, in political campaigns. As to what Mr. Daley said, th-- he set up a couple of examples of instances where government institutions pay money to private institutions that then go on to be used in political campaigns. I would just point out for you that every one of his examples would be described as a fee for service, and that is a clearly established use of a conversion of public funds to private use. What we're talking about here is membership dues to an organization. That's not a fee for service. What Mr. Daley's issue here is, is creating a essentially another category of illegitimate use of public funds. He's-- he, he has established and defined and we all agree that public fee money, I'm trying to look for his exact words here, but is converted to private when it's used for any legitimate use. And he's concerned about creating more instances where people can say these public funds were not actually converted into private use. And the thing is, I agree with him that this does do that. And that's the point, is that there is an exception in the law wherein someone can create a intermediate institution and purport that it is for a legitimate purpose. And what I'm saying is that association, what we're trying to establish here is being a member of an association is a legitimate purpose for legitimate reasons. However, public funds into an association cannot, should not be used for political purposes. You can join associations that do not engage in political activity. Associations can engage in political activity. They just cannot have public members. There is plenty of precedent in this for bifurcation of associations. I think unions do this quite well. So I think that the exemplar here is Mr. Bloomquist's organization-- and he did a great job of, I think, demonstrating the

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necessity for this bill. He came in and he told you exactly why they feel justified in doing what they did. And, you know, for his opinion and the objectives he's serving, he probably does feel justified. But he shouldn't be able to use our money for it, nor should anybody else. So if we don't adopt this legislation, we're going to find other organizations are going to say that worked for them, let's do it for us. We're going to find a onslaught of organizations-- well, I was thinking it's a loophole you can drive a truck through. And if we don't fix it, it's going to be a caravan. So any other questions?

BREWER: All right. Thank you. You kind of had the-- heard the back and forth with, with Mr. Daley, you know, that there probably is a sweet spot there where we've maybe figured out where there's a-- there's an issue. It's just how we shape it so that it is able to be addressed and be effective like we want it to be. I guess I'm just curious, after the discussions that we've had, is-- is there something that you've seen where it can be tweaked so that we still get done what you need done without, you know, I guess being directly in opposition to the way Mr. Daley addressed the issue?

J. CAVANAUGH: Well, I don't have the answer to you today I suppose, Chairman Brewer. And I do appreciate the question and the conversation. And I'm certainly willing to work with Mr. Daley about this going forward. And as I think I said earlier, there are a number of those associations who are certainly engaging in the conduct that we're not talking about here, that are concerned about this bill, and that I intend to meet with them going forward. And I've had discussions with them about how to address those concerns. And so, yes, there is probably some space to work on the bill to make it more narrowly tailored to address specific concerns. And I just don't have the answer for you yet, but we are going to continue to work on it.

BREWER: Thank you. I think you put a lot of thought into this and it's refreshing to see. OK. Other questions? Seeing none, we have some letters to read in. As far as written testimony, we have one opponent, that's Colby Coash, representing Nebraska Association of School Boards. And letters, we have four letters that are proponents, one in opposition, and two in the neutral capacity. With that said, we will close on LB482. And that is all the bills this morning, correct? All right. So we will be done. Be aware this afternoon--

[BREAK]

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Government, Military and Veterans Affairs Committee February 10, 2021

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BREWER: Good afternoon and welcome to the Government, Military and Veterans Affairs Committee. I'm Senator Tom Brewer from Gordon, Nebraska, representing the 43rd Legislative District. I serve as the Chair of this committee. For the safety of our committee members, staff, pages, and the public, we ask that those attending our hearing abide by the following procedures. Due to social-distancing requirements, seating in the hearing room is limited, especially today. We ask that you only enter the hearing room when it is necessary for you to attend and speak. The bills taken up in the order posted outside the hearing room. The list will be updated after each hearing to identify which bill is currently being heard and the one that will be coming up. There will be a pause in between the bills for us to change out the numbers and reset the chairs. We request that anyone utilizing, utilizing the entrance remember that the entrance is on the left, exit on the right and follow those. We request that you wear a face covering while in the hearing room. Testifiers may remove your face covering during testimony. I will leave it up to the committee members to decide whether to wear a mask or not for the purpose of being able to accurately record their questions and testimony. Public hearings for which attendance reach seating capacity, which is likely to happen here today, the entrance door will be monitored by the Sergeant at Arms. He's probably already talked to some of you here. What we'll do then and as folks speak, we'll have them exit and we'll bring in equal numbers so that we can keep the seats filled, but understand that the Legislature does not have available, due to the HVAC project, an overflow hearing room for our hearing today. So that there has to be this rotation and understand if you're in the hallway, keep your social distancing. The committee will take up the bills in order that they are posted on the agenda. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on proposed legislation before us today. The committee, committee members might come and go during the hearing. Understand that we do have-- Senator Blood has a doctor's appointment she's at and Senator Hansen's grandfather passed away. These are things beyond our control here, so just understand, some will go and come as needed. There will be senators on their computers and electronic devices. Some of that is to look up the bills and information, also to find out if they have to present in another hearing. We ask that you abide by the following procedures to facilitate today's meeting. Silence or turn off any electronic devices that you have. There will be no food or drink here in the room. Please

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move to the reserved chairs that have been designated for those that are testifying. And again, it's going to be a shuffle where you move forward, so whoever is up front here is probably going to be our first testifier. If you're planning to testify, please pick up a green sheet. That is at the table at the back of the room and please fill it out. Be sure it's filled out correctly and completely and that you write clearly so that it can be recorded. Turn in that testifier sheet when you come forward to, to give your testimony. This will help us make sure that we have an accurate public record. The letters that are going to be announced needed to be in prior to 12 p.m., noon, Central Standard Time the day before, so that would have been yesterday. If you have handouts, please sure that-- be sure that you have at least 12 copies, hand them to the page. All the letters that are sent should identify the bill number, whether you're a proponent, opponent, or neutral, and we will not be using any mass mailings. When you come up to testify, please speak clearly into the microphone. Tell us your name and please spell your first name and your last name to ensure an accurate record. We will be using the light system. For all testifiers here today, you will have three minutes to make your initial remarks to the committee. When you see the yellow light, you'll have one minute. When it turns red and you hear the audible alarm, you'll know that your time is up. At that point, you cease and desist and we will transition to questions. No display of support or opposition to a bill, vocal or otherwise, will be allowed here in this public hearing. Committee members with us here today will introduce themselves starting on my right with Senator John McCollister.

McCOLLISTER: John McCollister, District 20, central Omaha.

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

LOWE: John Lowe, District 37: Kearney, Gibbon, and Shelton.

BREWER: We have our legal counsel for the Government Committee, Dick Clark, and the committee clerk, Julie Condon, on my left. Our pages this afternoon, Caroline Hilgert, Caroline-- she is a junior at UNL, and Peyton Larson. Peyton is a sophomore at UNL. So that's who you will hand to. With that said, we welcome Senator Halloran to the Government Committee. You may begin whenever you're ready.

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HALLORAN: Thank you, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee for the hearing today. For the record, my name is Steve Halloran, S-t-e-v-e H-a-l-l-o-r-a-n, and I represent the 33rd District. I'm here today to present my legislative resolution, LR14, which calls for the state of Nebraska to call for a limited Article V convention of states, which would discuss and potentially propose amendments to the U.S. Constitution and I emphasize the word "propose." It takes 34 states with matching resolutions to call a convention. Currently, 15 states have passed resolutions that match the language in LR14. In 2020, there were 23 states where there was either active convention of states legislation or it has already passed in one chamber. Once that 34-state threshold is met and an Article V convention of states is called and through a convention process, amendments are proposed, those proposed amendments would still have to be ratified by 38 states, as laid out in Article V of the United States Constitution. All proposals have to be ratified by three-fourths of the states. LR14 calls for a convention to propose amendments in the following areas, (1) impose fiscal restraints on the federal government, (2) limit the power and jurisdiction of the federal government, and (3) limit the terms of office for its officials and for members of Congress. By requiring matching resolutions by 34 states, it naturally creates a structured framework for topics discussed during the convention. Let me repeat that. By requiring matching resolutions by 34 states, it naturally creates a structured framework for topics discussed during the convention. All 34 states will be disciplined from their own state legislatures to stick to limiting discussions to the three topics. One, one item submitted to the committee today is a report commissioned by the U.S. Department of Justice at the request of the Attorney General to study Article V. That report concludes that Article V conventions are limited and the process, including ratification, is safe. I wanted to make sure everyone had a copy of this report. I would like to shift gears a bit and take a few minutes to refute some of the arguments from those who oppose an Article V convention of states, which you will hear from later in the hearing. You will hear the terms, quote, runaway convention, end of quote, and quote, con con, end of quote. A con con refers to a constitutional convention. Constitutional convention is convened to write a new government charter, as was done in 1787 to fix the failed Articles of Confederation. Through that process, the Constitution was created. Note that it took three years, three years, for 13 states to ratify the newly created Constitution.

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Clearly, even that convention was not a runaway process. However, an Article V convention of the states operates within the U.S. Constitution as a method to propose amendments to the Constitution, not as an instrument to rewrite, rewrite the Constitution. Article V explicitly states that a convention can only meet for the purpose of proposing amendments. The founding fathers wisely decided that there needs to be two ways in which amendments could be proposed--

McCOLLISTER: Sorry.

HALLORAN: --in case the federal government became too powerful. Article V provides equality between Congress and the states. Then there is the fear of a runaway convention. You'll hear that term frequently. They will tell you that we won't have control of the process that's-- that once a convention of states convenes, the delegates from each state will become drunk with power and propose amendments outside the scope of which the convention was called. Remember, 34 individual states with matching resolutions call for an Article V convention of states. Clearly, these states have a mutual, have a mutual understood purpose. I do have a bill, LB195, Adopt the Faithful Delegate to Federal Article V Convention Act, that will ensure that Nebraska delegates to an Article V convention will be bound to the scope of the subject matter in the, in the state's application to a convention of states. You will hear more about this bill very soon. Other states have adopted similar legislation that would put constraints on their delegates. Second, one could reasonably agree that delegates, commissioners will conduct in a civil matter, much like other interstate compacts. But let's just say that for some unknown reason, delegates or commissioners of the states represented at the convention go off the rails and pass, by a majority vote of its members, proposed amendments to the United States Constitution that fall outside the scope of the called convention, say eliminate the Second Amendment or outlaw abortion. Those proposed amendments would still have to be sent to the states for ratification. Remember, it takes three-fourths of the states, 38 states, to ratify an amendment to the Constitution. This is the same high-ratification benchmark required by Congress when Congress proposes amendments to the Constitution. So let us focus on how Nebraska would handle the ratification process of a proposed amendments to the federal Constitution, be they either proposed by Congress or by a convention of states. Article 4, Section 2 of the rules of the Nebraska Unicameral Legislature states, "when considered as a bill. Resolutions

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which propose amendments to the state constitution, propose the ratification or rejection of amendments to the federal Constitution, or memorialize the Congress with regard to amendments to the U.S. Constitution, shall be considered and adopted in the same manner as bills." Given that a proposed amendment to the United States Constitution would be referenced to this committee, the Government, Military and Veterans Affairs Committee, the same process of public notice, public testimony, and committee member questions would be engaged. Then the bill would have to go through the Executive Committee process of voting the bill out of committee. If passed out of committee, it would be onto the legislative floor for debate. If the bill is allowed to be fully debated and the bill is passed by the Nebraska Legislature, it would have to be ratified by the state of Nebraska. A similar process would need to be conducted by the other 49 bicameral state legislatures. If and only if 38 of the 50 states ratify proposed amendments to the United States Constitution, does the amendment get added to the United States Constitution. That is an extremely high bar to achieve, as it should be. To date, 33 amendments to the United States Constitution have been proposed, 27 of these have been ratified by requisite number of states. By my limited math skills, that leaves six proposed amendments that have yet to be ratified, so the fear of a runaway convention is absurd. There are a multitude of procedural layers and steps before any proposed amendment is added to the United States Constitution. With that, I thank you, Chairman Brewer and committee members, those of you still remaining, and I would be happy to answer any questions.

BREWER: All right, thank you for that opening. I guess if it's all right, I'd like to start with some questions.

HALLORAN: Certainly.

BREWER: You identified three areas. First one was curtailing or eliminating, the fiscal piece--

HALLORAN: Right.

BREWER: --limiting power and terms. Those three are probably the, the biggest burning issue, I guess, for lack of a better term, that are currently out there. So of those three, in your personal opinion, which one is the most critical for our country right now?

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HALLORAN: Well, that's, that's-- you're, you're asking me to be subjective about that, but I think and-- I think term limits are kind of a, a root issue for how or for what we've seen in regard to how Congress has become, in effect, I believe, a runaway Congress. The reason I say I think term limits are important is, is because over time, once you're elected to Congress, whether it's the House of Representatives or the U.S. Senate, your concern gets less to be about what necessarily you might want to be looking at in response to what's best for the states or the United States in general. But your primary concern gets to be what do I need to do to get reelected? And then consequently, if that becomes your priority, then that's, that's what your focus becomes, so you start voting on issues that might get you help-- might help you get reelected. And so we've racked up \$28 million-- trillion-- I wish it was \$28 million-- \$28 trillion dollars in debt over time. Both parties have been responsible for that, but a lot of it, I think, is because we have career politicians and too few statesmen.

BREWER: And, and back to your very first issue, the issue of our national debt or, or the spending of our federal government, and I just-- I looked real quick here because I didn't even know myself, in 2000, we were at about \$5.6 trillion as far as our national debt. And with where we are right now, do you think there's a point that we can spend ourselves so far in the hole that it makes the country essentially insolvable, that we're not going to be able to ever recover from it?

HALLORAN: Well, I certainly think that's a risk. I think a good measuring benchmark of, of-- a threshold, if you will, is, is when the national debt goes-- it gets-- becomes larger than the gross domestic product, all right? Gross domestic product is an indicator of just-- is, is an indicator of what it says it is. It's an indicator of how, how much wealth we produce as a nation. And if our debt exceeds our ability to produce that wealth, it's pretty much the definition of insolvency. So, you know, fiscal restraint-- I think the best means of fiscal restraint would be-- and who knows what, you know, what the ideas would be that would come at this convention, but an idea might be putting some percentage of gross domestic product as a limit on how much national debt you could, you could have and then spending would have to be governed to not exceed that.

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BREWER: All right, I just-- just out of curiosity was interested in
your opinion on that.

HALLORAN: Sure.

BREWER: All right, questions for Senator Halloran? Senator Lowe.

LOWE: Thank you, Chairman Brewer, and good to have you back and you
too, Senator Halloran. I've probably been inundated with more emails
on this than any other thing we've done this year and I've started to
file them away. My folder for this is full. The ones against it is, is
barely, barely thick. And some of them, the ones that don't agree with
LR14, they say it is scary, that we shouldn't do this. We shouldn't
open this up. What do you say?

HALLORAN: Well, there's, there's nothing scary about acknowledging
what's in our Constitution now, right? I appreciate the question,
Senator Lowe, because I will hear people and we will probably hear
from well-intended people this afternoon, later on, who might be
opposed who will say this threatens the Constitution. I don't know how
you can have something that specifically and clearly, as stated in the
Constitution, be used to destroy the Constitution. Doesn't make any
sense on the surface. Unfortunately, I believe some people look at the
Constitution and look at it as though it's a buffet, right? They will
say, oh, I love the Constitution. I live-- I love the looks of that
buffet of rights that it's protecting and-- except for this little
part right here. I don't like this little part right here, so I'm,
I'm-- you know, it's great, but I don't like that. But it is part of
the Constitution. Matter of fact, all of us here on this committee
took an oath when we became senators. Senator/Colonel Brewer has taken
this oath many times, being an officer, but just to remind everybody
of that oath, it says I do solemnly swear or affirm that I will
support the Constitution of the United States and the constitution of
the state of Nebraska and will faithfully discharge the duties of
state legislator. Now where-- we think we're word, word craftsmen here
as senators. Words make a difference. The wrong word in the wrong
place makes a difference, right, but nowhere in that oath do I see I
will support the parts of the Constitution I like. Doesn't say that.
It's not a buffet. You love it all or you don't pay any attention to
any of it. I love it. I swore the oath, means a lot to me, and I know
it means a lot to all of you, but it's not, it's not a smorgasbord. We
can't choose what we like and what-- and discount what we may not

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like. Article V is part of the Constitution and that's, that's-- it was put in place to help balance out a federal government if it came to a point where it became overbearing. That's what it was. It gave states the right to do something about that.

LOWE: The, the, the term professional politician has been used and, and part of this LR is, is term limits maybe or to review them anyway.

HALLORAN: Um-hum.

LOWE: What do you consider a professional politician?

HALLORAN: Well, it might be an insult to y'all if I said none of you seem to be professional politicians, but the fact of the matter is, I don't consider any of you professional politicians. You, you're not career politicians. This isn't what you decided to do as a career. You did it as public service. The distinction gets to be-- and there are some professional politicians, office holders, but the difference gets to be, I think, when you take that oath, what you take it for, what you intend it to mean, right? It's a public service and we have far too many career politicians in Washington, 35, 40 years? I'm sorry. They become an institution of their own after a while and that's just not right.

LOWE: All right, thank you.

HALLORAN: Um-hum.

BREWER: All right, additional questions? Just as a FYI, I did look up the U.S. gross domestic product. Right now, we're at \$21.43 trillion, national debt, \$27.75 trillion, just for the record. All right, no other questions. I assume you'll stick around for closing?

HALLORAN: Oh, yes I will.

BREWER: That would be a good idea. All right, so we are on a three-minute time and Dick Clark has a very reliable timer here that's going to go off. So if you hear that, you'll know that, that you're, you're done. Now if we need to ask you more questions on the line that you're on, we will, but in order to get through folks in a, in an efficient way, we're just going to have to stick to that. We'll start with proponents. So at this time, our first proponent want to come up,

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we'll go ahead and get started. All right, paperwork in. Have a seat.
Welcome to the Government Committee.

MIKE DOBESH: Hello, my name is Mike Dobesh, M-i-k-e D-o-b-e-s-h. I'm from Wood River, Nebraska. State senators, thank you for allowing us to test today-- testify today on the behalf of the convention of the states. Our government is a we the people. You folks are our representatives. You represent us, which means you work for us and you run our fine state of Nebraska and we entrust you with the powers and responsibilities to the best of your abilities as you can to adhere not only to fiscal government, not to spend more than you make, but adhering to the Constitution as well as the state constitution. We the people are guaranteed certain rights and privileges like free speech, to own firearms, the right to assemble, freedom of worship, to be assumed innocent until proven guilty, and that without due cause, law enforcement cannot just show up and take your guns. Today's hearing is a fine example of a government that allows our voices to be heard. Thank you again. Some time back, I served on the Central Platte Natural Resource Board of Directors. A different time, I made calls to state senators who were not from my voting district to discuss their opinions about certain issues and my concerns. Even though they were not my state senator, how they vote most certainly affected those in my neck of the woods. I could not think of one single time that I was not thanked for my call and the insight to whatever water issue I called about. This is why our state is doing so much better than others, because you listen to us, we, the people. Whether we can vote for you or not, you folks have an open mind and have not forgotten who voted you into the positions you hold. And again, thank you. And if I remember right, I may have called some of you, but it's been a few years back. Again, thank you. But our federal government has long forgotten and no longer adhere to these principles that you folks embrace. We have term limits here and badly need them in Washington. These elected positions were never intended to be a career. Nationally, our Constitution, in the last few months, has been ignored by those who conduct elections, the Supreme Court, and those who wish to impeach President Trump for a second time. If we start picking and choosing which laws we uphold dictated by someone's popularity, we are finished as a nation. The ruling class will impose at will whichever laws they choose and forget that little piece of paper calls the Constitution. We as a state have needed to join the convention of the states for some time, but now with this fraudulent president in place,

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we need this more than ever. As we speak, there is legislation being drafted to require a federal permit to purchase ammunition, to purchase firearms, to tax and register higher-capacity magazines, and to outright make them illegal. I have also heard that they want to include in the next China virus stimulus, a provision that would allow law enforcement to come into your house without a warrant and to seize your guns. Contrary to what the mainstream media would have you to believe, the violence in Capa-- Capitol Hill was instrumented not just by some-- I'm done?

BREWER: Well and the good news is that you've--

MIKE DOBESH: I think you get the idea.

BREWER: --you've given us your testimony here, so we have it to finish through, but thank you for your testimony. Let's, let's go ahead and take a chance--

MIKE DOBESH: Sure.

BREWER: --here and see if we got questions. Are there any questions? All right--

LOWE: I'll do a quick one.

BREWER: --oh, yes, Senator Lowe.

LOWE: Mike, thanks for coming out today.

MIKE DOBESH: You bet.

LOWE: Thanks for being here and voicing your opinion. How important is this LR to you?

MIKE DOBESH: Very, now, now, granted, I, I think all-- I spoke to some of the people here. Everybody's not happy. This isn't just me. This isn't like a talk in the coffee shop. It's everywhere. Because of what happened in the last election-- and this isn't just about this, but this has brought it to the forefront. Nobody in Washington listens to us. You know, back when I was on the Central Platte NRD board, I got to have a pretty decent relationship with Deb Fischer. I cannot remember the last time she ever-- I, I sent in my questionnaire, I called an office, and I got a real letter. I get these form letters

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that don't even hardly touch on what I needed. And I believe it was two election cycles ago, everybody in the Republican, you know, contingency showed up at the Hastings airport. Everybody was there except for, I believe, Bacon. Even our Governor was there. There's a number of things, as you folks may well know-- agriculture is having a tough time. Except for the last few months, we're finally starting to turn things around. I hand-delivered them about a six-page letter and what I thought were some things that could be done that wouldn't cost the taxpayers a dime. I got not one response back, not one. Now I understand when you're a U.S. senator, a U.S. congressman, you don't have the time to necessarily address every person individually, but come on. You know, you folks do such a wonderful job. It's like I said before-- and I'm not just saying this to kiss your behind. I'm just saying we as Nebraska, we have values. We do things right. We adhere to the Constitution. You listen to us. You're-- you, you probably have known-- are not very far from me because you-- Shelton is one of your areas. So I mean, we're all local. And like I said before, I can't remember any time-- and usually my issue had to do with the Platte River cooperation agreement. Everybody was willing to listen. Washington doesn't care anymore. Just think about the executive orders right now that had been signed. We cannot spend more than we bring in. You know, if you forgive everybody's college tuition, well, why stop there? You know what, I farm. It-- I guarantee I could spend more in, in, in the, you know, in the-- I could buy more stuff and help the economy if I didn't owe it, but if we take away personal responsibility, where are we? We're nothing but, you know, a bunch of people that the government is dictating to and that's not what our founders envisioned for us. And I thank you for your question.

LOWE: Yeah.

BREWER: Any more questions?

LOWE: That's it, thank you.

BREWER: Before you go, just so you understand that, I have an occasion to try and contact the federal representatives also. And if, as the Chair of the Government Committee, I can send a letter and get no response, it may give you some idea of how difficult it is to actually get a response. Now I will give credit to, to Adrian Smith. He has been very good about responding, but unfortunately, the big government machine does kind of swallow up your ability to communicate and, and

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let them know what the problem on the ground here is. So I agree with
you, but it, it's not just the average Joe that, that struggles. I
mean, the, the system really needs to figure out how to--

MIKE DOBESH: Yeah.

BREWER: --get in touch with the people where they came from.

MIKE DOBESH: I agree with you. On my trip here from Wood River, I
tried calling the state Republican Party. Good luck with that.

BREWER: Well--

MIKE DOBESH: They're not answering their phone. It went to a cell
phone and said the voicemail was full. So what do you do?

BREWER: Well, I--

MIKE DOBESH: That's when--

BREWER: I'm not going to, I'm not going to comment on that one. I'm
just focusing on, on this here.

MIKE DOBESH: No, no, no, no, I understand. This isn't partisan. I'm
just saying that's one example.

BREWER: OK. All right, well, thank you for your testimony.

MIKE DOBESH: No, thank you, folks.

BREWER: All right, our next proponent, come on up. Welcome to the
Government Committee.

DEAN KLEINSCHMIT: Thank you for having me. My name is Dean Kleinschmit
and it's spelled D-e-a-n K-l-e-i-n-s-c-h-m-i-t and I'm from Crofton,
Nebraska. I'm a small businessman. I farm and I do ag diesel repair
and our family operates the business, my wife and our five kids. I,
like the previous man before, have been always very proud of how our
state has operated and come up with-- you know, a lot of people have
been talking about term limits in this country for the last 30 years.
And our state, I'm very proud, has been able to implement this and
make it work. That is one-- because I have heard of a lot of states
that have had Supreme Court rulings and they have thrown that stuff

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out, but we've made it work and I'm glad that we have to show the country has a good example. I also-- as a businessman also, I have to, you know, I have to do fiscal responsibility or-- my balance sheet has to work or every year, I won't get my operating loan. And our country needs to be based off of capitalism as well as good governance and paying your bills is number one thing on both. You know, what I've seen in the last year with the Constitution and how it seems the federal government has kind of done a lot of things that were not very right with our Constitution. And I feel that these specific measures, in the long run, would help direct us back on the right path. I know we can get into all the infringements that they have done wrong and what they would like to do to us, but if we simply would just get rid of career politicians and get this thing on track with our fiscal responsibility, a lot of the problems that are dogging our economy like healthcare, which is what has been-- before Obamacare, I was very successful as an independent, single entrepreneur. It has caused most people to either get five more employees or go to a larger-- you know, and it's taken away mom-and-pop businesses. You drive around lots of rural areas and there are a lot of shops that are closed because their cash flow does not fit the tax brackets. I, I don't know. I, I can go into some of the things in the last year that I've noticed that I've felt with our government and it's-- and I know this has nothing to do with what's being proposed to you, but I-- the fact that two states had-- I mean, we have certain laws governing our election and I know there's three-- seven states that voted after the day, which was to me absurd. But there were two states that their state legislatures said what they wanted done and their attorney generals of their states didn't do it and that was left to go. I, I-- we need to do this in order to reign in politicians as a whole across the United States to realize they need to, they need to be responsible for what they're doing.

BREWER: OK, thank you for your testimony--

DEAN KLEINSCHMIT: Thank you.

BREWER: --and your perfect timing. All right, questions? Senator Lowe.

LOWE: Thank you, Chairman Brewer, and thank you for coming today, Dean. You have a list on that notepad I saw. Would you like to quickly read off all the things that concern you on that list? It doesn't have to be quickly, but--

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DEAN KLEINSCHMIT: Right and, you know, I, I wrote these down because this is what has inspired me to come here. And I know it does not relate to this, but I, I do feel that the first one that I noticed was-- like I said, I brought up one of them to you about how our election was conducted. And things like that shake our faith and, and we as a people have to keep our faith in our Constitution, our God, our country, our families. We need to keep that faith and one-- there's an obvious mistrust like that. It, it causes our faith to be shaken. The second thing that I was very unhappy about, how things were conducted, was the impeachment of our president. He's a, he's a private citizen now. This is a pointless thing. It's not even constitutional. They're wasting our tax dollars. It's an abuse of power by Congress. And, you know, the first one, I would call it abuse of power by states. Those states should have been not allowed to participate in the electorate if they broke our Constitution, those two states. I'm saying the other ones maybe didn't, but the two of them should not have been allowed to be counted. And then the third thing is our president proposing that the District of Columbia has allowed senate-- senators to represent. That's an abuse of power by our president. I mean, I know it may be that-- I don't know when that's going to come into fruition or if it will. It's just an executive order, but there's three different levels of different branches of government, state government, the Congress, and the presidency that are, you know, proposing things that aren't-- they're not even going by the right way around like we are proposing today. It's the right way around. We're just having limited-- you know, I, I feel very safe with what we're doing and we need to just proceed with a safe plan. This, this-- over the last 40, over the last 40 years is proven something that we've all talked about and we just can't seem to get it done on account of career politicians.

LOWE: Thank you very much.

BREWER: All right, thank you. Additional questions? Thank you, sir, for your testimony.

DEAN KLEINSCHMIT: Thank you. I was very nervous.

BREWER: You did great.

LOWE: We are no different than anybody else here, so--

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DEAN KLEINSCHMIT: I appreciate what you do.

BREWER: OK, next proponent, come on up. That is a good-looking hat you got there.

NICK FOLKERS: Thank you. Good afternoon.

BREWER: Welcome to the Government Committee.

NICK FOLKERS: My name is Nick Folkers, N-i-c-k F-o-l-k-e-r-s. I'm from Hartington, Nebraska, northeast corner of the state. I am a part owner of a 14-man independent diesel truck repair shop. I am going to read this. I'm not an eloquent speaker. I am of the opinion that our founding fathers' vision of self-governance is under attack, that Washington, D.C's career politicians are purposefully and systematically working towards the end of such self-governance. I support the convention of states initiative. I support the idea of an elected official serving their country for a limited term and returning home to the workforce. Convention of states will be necessary to make term limits a reality.

BREWER: All right, thank you. That was direct and to the point. That's appreciated. Questions? All right, well, thank you for your testimony.

NICK FOLKERS: Thank you for your time.

BREWER: All right, we'll get the cleanup done here and we will rotate up the next proponent. Sir, welcome to the Government Committee.

DAVID SCHNEIDER: Thank you, Mr. Chairman and members of the committee. My name is David Schneider. That's D-a-v-i-d S-c-h-n-e-i-d-e-r. I'm the regional director for Convention of States Project. I'm here in support of LR14 and for Nebraska to exercise its right to call an Article V convention of states to propose reforms, which limit the federal government's money, power, and time in federal office. Nebraska has a long history of leading on these reform efforts. I think Nebraska should once again lead in this effort. Nebraska has made many applications for a convention of states in its history. Such applications led to Congress taking note and proposing amendments such as women's suffrage, the direct election of U.S. senators, and term limits on the president. These all started with applications for conventions and all were adopted right here in Lincoln. To look at this application for a convention of states, you need to consider

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additional history. Forty-nine states have made applications for a convention at one point or another. In all, over 400 such applications have been made, yet we have never held a convention under Article V. Despite all these attempts, never have the states met the two-thirds requirement on any subject to make the call for a convention possible. Congress always moved to act prior to the magic two-thirds threshold being met. That, that was the story from the very beginning of our republic. Virginia made the very first application for a convention of state-- states under Article V in late of 1787. The Constitution was newly ratified and the first Congress was about to get underway. The anti-Federalists were promised protection of their natural rights in the ratification process. Virginia was particularly insistent on the need for amendments to be made immediately. They were not going to wait on Congress. They quickly made application and I'll quote from that actual text. The cause of-- for amendments we consider a common cause and since concessions have been made for political motives, which we can conceive may endanger the republic, we can trust the considerable zeal with-- shown for objecting those provisions, which experience has taught us are necessary to secure the date-- that from danger, the inalienable rights of human nature. The, the slow forms of congressional discussions and recommendations, if necessary, they should ever agree to any change, would we fear be less certain of success. Happily for their wishes, the Constitution hath presented an alternative by administering to a convention of the states. Today, that's what we're here to ask this body to adopt is LR14 and to push the movement forward for reforming Washington, D.C. We all know it's woefully broken. You guys have the actual power to fix it and that's why we're here, to help push this initiative and ask you to push this to the floor for, for consideration by the full body. Thank you and I stand ready for questions.

BREWER: All right, thank you for your timely testimony. Let me hit you with a question first. Right now, how many other states are kind of in the window we're in where we're looking at the possibility of doing this?

DAVID SCHNEIDER: There's quite a few. Actually, I work in six, six states myself. I just came from Pierre. They're actively considering their legislation. As we speak, Montana Senate probably is taking a vote on this measure. I'm hoping that we get a positive outcome there today. There's several other in the hopper, but I would say right now with active legislation, we're probably around five, six with many

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more ready to file this year. We could have legislation rolling in 20
additional states this year.

BREWER: Yeah, sometimes we forget that--

DAVID SCHNEIDER: And to further that point, we're active in all 50
states in the Union, so we actually have a grassroots network in all
50 states.

BREWER: Well, sometimes we forget that other places have to get
through two houses.

DAVID SCHNEIDER: Correct.

BREWER: We have that uniqueness here. All right, questions for David?
Senator Lowe.

LOWE: Thank you for being here. Which six states do you represent?

DAVID SCHNEIDER: I live in the state of Kansas, two hours south of
here in, in Manhattan, but I have Kansas, Nebraska, South Dakota. I
have Wyoming, Montana, and the great state of Michigan.

LOWE: OK, why is Michigan a great state?

DAVID SCHNEIDER: Just because I spend so much time there. They're a
year-round legislature--

LOWE: Oh, OK.

DAVID SCHNEIDER: --so it's, it's fun to work in.

LOWE: All right.

BREWER: Oh.

LOWE: And all of the-- you know, all six states, this constitutional
amendment is identical?

DAVID SCHNEIDER: In all 15 states that have passed it thus far, it's
been identical and we-- that's, that's by design. We don't want any,
any kind of legal challenges or anything to the, the call for the
convention and they're all identical. The ones that we're proposing
currently are all identical as well.

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LOWE: So for the people that say this is going to be a wild convention if it ever happens, what do you say to that?

DAVID SCHNEIDER: I, I say that 34 states have already agreed why they're going to meet. They are-- and that's a, that's a supermajority. They're going to keep it to that subject matter. They are agreeing to-- for place further limits on the size, scope, jurisdiction of the federal government, term limits on federal officials, and fiscal restraints. So inside of that, that's-- would be the germaneness of the topic, subject matter of the convention, the meeting, essentially, the board of directors meeting for the states to have over their creation, which is the federal government.

LOWE: All right, thank you very much.

BREWER: Additional questions? One more for you here. Nebraska has a term limit or term limits, two terms, and they also have a mandatory balanced budget. How many other states that you know of are in that position to have both those requirements?

DAVID SCHNEIDER: Both of those requirements, I'm not 100 percent sure. As far as the balanced budget requirement, every state in the Union actually has a balanced budget requirement. Of course, the federal government does not. Term limits, it's about half the states at this point, about half the states I've worked in. I've worked also in the states of Oklahoma, Texas, Missouri. Some of those states have it as well. North Dakota certainly does as well. South Dakota does.

BREWER: And, and their term limits, are they similar to ours, which is two terms or does it vary?

DAVID SCHNEIDER: They do vary somewhat, but it's similar, two to three terms, something like that. Some are just time in office total, either in the House or Senate as a combination.

BREWER: Oh, OK.

DAVID SCHNEIDER: Um-hum. So there's various different ideas that are out there and that's the beauty of holding this meeting, this convention, is really to bring all those ideas into that meeting and the best experiences will, will make it out of that type of setting. So that's why we don't advocate for any particular, you know, time in office or anything. I think you guys or representatives from other

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states are going to have the best experience with term limits and be
able to make the best recommendations at that, that meeting.

BREWER: All right, no other questions, thank you, sir, for your
testimony.

DAVID SCHNEIDER: Thank you.

BREWER: All right, we are ready for our next proponent. Welcome to the
Government Committee.

ERNIE SEARS: Thank you. My name is Ernie Sears, E-r-n-i-e, Sears,
S-e-a-r-s. I live in Omaha in District 9 and I'm here to testify on--
in favor of LR14 and I just want to let you know that there's a lot of
activity in our project, Convention of States, and the Convention of
States Project was started in August of 2013. I joined the group in--
as a volunteer in 2014 and since the beginning of this project,
Nebraska has generated 14,900 or more petition signers for this
effort. And so we're growing every, every year, every day and the, the
increase in activity in the recently is really quite overwhelming. We
can't handle the influx, but we're, we're growing greatly. I can say
all this because I volunteered to be the state director, so I have
information that others apparently aren't interested in or don't care
about, so that's, that's why I give you those statistics. Anyway, the
point is we're really growing. So I want to ask the senators, how many
times have you heard this phrase? "We hold these truths to be
self-evident, that all men are created equal, that they are endowed by
their Creator with certain unalienable Rights, that among these are
Life, Liberty and the pursuit of Happiness." OK, I-- I'm here to tell
you there's more. Those are-- I just listed three self-evident truths
that Jefferson put in, in the declaration that all men are created
equal, that they're endowed by their creator by certain-- with certain
unalienable rights, that among these are life, liberty and the pursuit
of happiness. OK, that's three. There's two more that went, "that to
secure these rights, Governments are instituted among Men, deriving
their just powers from the consent of the governed." Well, I just want
you to know that I do not consent of what the government is doing now.
And number five, that whenever a form of government becomes
destructive of these ends, it is the right of the people to alter it,
abolish it, and institute new government, laying its foundation on
such principles and powers, this form shall make-- shall to their if
it-- be it be safe, safe and happiness. OK, the point here is we have

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the right to alter or abolish the government because it's tyranny. It is destructive of our rights. Well, we're not going to abolish it, not without a lot of blood. So how are we going to alter it? We're going to alter it with a Article V convention. That's why we're here, to talk about what, what can be done peacefully and legally and safely. So that's why I'm here and I just want to say that I think that-- I love Nebraska, I love the United States, and those two entities need a lot of love.

BREWER: Well, I can't argue with that. All right, questions? I would tell you that I have been through this rodeo a few times. And this year the number of text messages, emails, and, and letters reference to the convention of states has exceeded probably not only previous years, but maybe as much as all the previous ones combined, so there is a, a, a much stronger push from folks that see a concern. So what, what you're saying isn't a one-out, that we spent a lot of time trying to consolidate the messages. And just so everyone hears this, when you send a message in, if you send your name and your, your address or enough information to where we, you know, we have more to work with, then it's, it's a lot more valuable to us in being able to use that message. So, you know, to a lot of folks that sent in hey, this is a great idea, I fully support it, and then never put your name with it, it somehow loses its meaning and it doesn't make us-- to where we can utilize that in our accounting of, of those that are in support or in opposition. So just as a, as a kind of an FYI that to be effective, you really need to be willing to, to share your information, so-- for one, you know, it, it it's critical that we understand where these messages are coming from to make sure they're Nebraskans who truly have it in their heart to see things changed or not changed, depending on your opinion, and, and not just blasts of messages to try and affect things one way or the other. But we, we have seen a groundswell of messages on this LR14 like no other bill that we've dealt with, so just to share with you that.

ERNIE SEARS: Thank you, Senator.

BREWER: Anyway, thank you for your testimony.

ERNIE SEARS: Thank you.

BREWER: All right, get our crew up.

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LOWE: This is one of the most politest group I've ever seen. They keep
on pointing at each other, you go first, you go first.

BARBARA DISHER: I know.

BREWER: I was, I was glad that Tony Baker didn't try and get to the
front of the line here. He was a gentleman and allowed you to go up,
so I appreciate that, Tony.

BARBARA DISHER: Oh, I'm sorry. OK.

BREWER: Thank you and welcome to the Government Committee.

BARBARA DISHER: Thank you. My name is Barbara K. Disher. It's
B-a-r-b-a-r-a, Disher, D-i-s-h-e-r. I'm from West Point, born and
raised here. Anyway, thank you for allowing me to testify before you
today in support of Nebraska's critical role in calling for a
convention of states. As I said, I'm a third-generation Nebraska--
Nebraskan. I am an attorney and I operated a small business for over
30 years. My role today is to speak to you in support of the
convention from the perspective of a small business owner, although
you've had a couple of people speak here much better than I will be
able to, but not as an economist or as a statistician or a researcher,
so don't ask me for numbers. As I've seen, the root cause of the
threat to Nebraska's small business and to our very way of life is the
political movement that stands for and is implementing an autocratic
federal government with severe economic and social regimentation. This
expanding federal government has openly put in motion threats to the
stability and viability of small business in Nebraska. I-- there's
lots of examples, but I have three. Dysfunctional industries, such as
those in energy, food, and transportation, are being intentionally
destroyed. Many of our small comm-- communities actually generate
their energy via disfavored energy sources, so when we see rolling
blackouts when coal, or if natural gas becomes scarce. Secondly,
one-size-fits-all laws are being implemented without regard to the
cost of living or the cost of doing business here in Nebraska. Many
times, rules without laws are designed and implemented with Congress--
by Congress without opportunity for reasonable legislative debate and
decision-making. It's impossible for small businesses to comment when
actions are taken through emergency funding and executive order. And
finally, there appears to be no practical experience by or impact on
those creating the rules in Washington and those that have to live

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with them here in Nebraska. For example, I have friends' flower shops, gyms, hair salons that had to close here, didn't have to close if they were serving Congress over the past year. So I am supporting the convention of states because of it avoiding the historical pitfalls that many small-- many powerful countries have also experienced when government is far removed from the people. It can bring back home to Nebraska the ability to enable and define laws that fit Nebraska's needs and, and lifestyle. And it brings back common sense, you guys, to design and implement rules and time frames that fit our resources and needs. So I'd like to conclude by quoting Martin Luther King. "The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy." We are, unfortunately, within a time of challenge and controversy and we need you, our leaders, to stand up and help us. We ask you to not give up Nebraska's constitutional rights and power to keep Nebraska strong and vote to move LR14 out of committee. Thank you very much.

BREWER: All right, thank you. Quick follow-up question, your hometown is where again?

BARBARA DISHER: West Point, Cuming County.

BREWER: We have a very strong representation from northeast Nebraska. We got West Point, we got Hartington, we got Crofton, and then we got that lone Wood River guy. So you guys came a lot of miles and that's the idea of these hearings so that you are able to come and, and voice your concerns about issues, so thank you for that. Let's see if we have any questions. Questions? All right. Again--

BARBARA DISHER: Well you guys were easy.

BREWER: --thank you for your testimony. You did great.

BARBARA DISHER: Thank you very much.

BREWER: Welcome to the Government Committee.

TONY BAKER: Good morning, Chairman Brewer and members of the Government Committee. I am Tony Baker. For the record, that's spelled T-o-n-y B-a-k-e-r. I'm from Lincoln, Nebraska. I'm here to testify in support of LR14. I'd like to note that I am Senator Brewer's legislative aide. He was gracious enough to give me, like, 0.10-- 0.1

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hours of work off today to come here and do this and so I'm not presently-- I'm presently on leave from my job in the Legislature. This is the third time in five years I've testified for this legislation. Today, I want to touch on two commonly heard arguments against the convention of states. The first is the convention of states has never been used before, so we should, we should be afraid of this method. And the second is if it ever is used, it will quickly go out of control and rewrite the Constitution. Both of these arguments, which you'll hear various renditions of, are demonstrably false. Opposing the convention of states because it's never been used before begs the question, how was the 21st Amendment to the U.S. Constitution ratified? Congress chose the convention method of ratifying that amendment. That's the first and only time that method of ratification has ever been used by Congress. It was brand new, never been used before. So either Congress was reckless, to use this never-been-used-before method of ratification or maybe Congress set an example for the states to follow. There's nothing wrong with using a part of the Constitution, as Senator Halloran pointed out, that's never been used before. That's not a really good reason not to do something. Regardless of the-- how the amendment is proposed, have-- as you've heard and will continue to hear, it still requires three-fourths of the states. Thirty-eight states have to ratify the amendment. Thirty-three amendments have been proposed in our history, 27 of them been ratified, and so clearly, the Article V process and the checks and balances in that process work. In Madison's notes from the very first or from the very first convention of states, which is also known as the constitutional convention because every one of those delegates was there with a commission from their state, it's clear that both methods in the Constitution were intended to be equal. And I quote, which in either case shall be valid to all intents and purposes as part of this Constitution is what Article V says. So both methods, for all intents and purposes, were the same. Arguing that the convention of states could somehow run away and rewrite the, the Constitution is a false premise factually, shows little regard for the law, logic, political reality, history, legal precedent, and the plain language in the Constitution. In closing, I would like to say I strongly support LR14. I urge members to vote this bill out to General File and incidentally, the 21st Amendment was the amendment that ended prohibition and along with seven other states, Nebraska did not ratify that amendment to the Constitution. Thank you very much.

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BREWER: Thank you, Mr. Baker. I would have bet money that the alarm would have went off before you finished, so that was refreshing. Now for the sake of everyone here, did I ask you to do a presentation?

TONY BAKER: No.

BREWER: OK and we will not pay you, so you know--

TONY BAKER: No, you're not. You don't pay me much now.

BREWER: That's true. We can pay you less now. All right, questions? All right, seeing none, thank you for your testimony. All right, next proponent.

JOHN CROSSLEY: Hi, my name is John Crossley, J-o-h-n C-r-o-s-s-l-e-y. I'm here to talk about money. Money is the one thing that can control us all, move mountains, build rivers, buildings, the whole nine yards, but it can also destroy a country in the blink of an eye. The Congress, the House, the Senate, the executive branch, they're spending like drunken sailors, except when drunken sailors are-- run out of money, they don't get to spend anymore. Unfortunately, our government continues to print it and there's this little thing called hyperinflation rearing its ugly head and I'm terrified, terrified that it's going to come. That's all I have to say.

BREWER: OK.

JOHN CROSSLEY: Short, sweet, and to the point.

BREWER: Short and sweet and to the point. So when I mentioned earlier that our gross domestic product is \$21.43 trillion and our national debt is \$27.75 (trillion), that must have got your attention, right?

JOHN CROSSLEY: Unfortunately, not only that, but with the unfunded liabilities we have hiding in the background, we're due for a comeuppance.

BREWER: Well, I can't say, as I, I-- I mean, there's a point where simple math makes one concerned that the future of our country probably is at some point-- I mean, you cannot continue to have that disparity and not at some point-- the rest of the world will look at it and simply say that's not realistic that you can be a viable country if your debt is so deep and so, you know, impossible to ever

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repay that you're doing that simply to, you know, meet whatever needs
you want without any regard to the cost to the people of the country.

JOHN CROSSLEY: Robbing Peter to pay Paul, so to speak.

BREWER: All right, questions? All right, thank you for your testimony.

JOHN CROSSLEY: Thank you.

BREWER: Next proponent. My legal counsel just made the comment that he
must have got that haircut just to impress me, but-- all right,
welcome to the Government Committee.

WILLIAM ERNST: Thank you, Senator Brewer and members of this council
for hearing my words today. My name is William Ernst, W-i-l-l-i-a-m
E-r-n-s-t. I, too, am from the northeastern part of the state. I
represent Obert, Nebraska. I've heard a lot of testimony about the
facts that surround what's going on in this country and I have found
that it's been hard to be very poignant, accurate, and respectful at
the same time, so I think I'll just stick to feelings. You're looking
at a man who's broken spiritually, who's broken-- not understanding
what direction our country is going in. I was born in 1966 in Fremont,
Nebraska. I was born to two exceptional parents that taught me the
value of hard work, honesty, integrity. Those were the markings of you
that made you the man that you were. Your word was your bond. You
respected this country. You respected its founding principles. You
followed its laws. You contributed to society and your hard work and
your perseverance was going to put you to an elevation of that pursuit
of happiness that we all wanted to achieve. No, it doesn't say that
we'll find it, but we have the right to pursue it. It's unfortunate
that I see our country taking a complete right turn that is so
unexplainable, where criminal behavior seems to be appreciated and
understood and rewarded and those that follow the laws of this country
are persecuted, put into compartmental positions, and afraid of their
lives in some cases. What the hell is going on here? What do you do as
an individual when you don't have the avenues for your voice to be
heard? If I can't come before a council like this and express my
grievances, then I can't expect it or I can't demand that it gets to
the next level. I implore you to take it to the next level. You have
the power to do that and please wield that sword because I feel like
we're at critical mass. We're in a bad place. We're so divided, so
distrusting, so angry with each other, and I don't believe it's over

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color of skin and I certainly don't believe it's over a lack of a
creed or a belief that we all have. We're not being represented. Our
voice isn't heard. Our concerns aren't addressed. We feel left out. I
personally feel left out. I don't feel like I have a voice anymore.
And that puts you in a very dark and sometimes dangerous position
where you feel like everything you were taught to believe and
understand is wrong, that has been misconstrued as a patriot or a
person who is insurgent or, or at least in the worst, racist for
believing in integrity and honesty being what makes you the pan-- the
man that you're going to be. I implore you to take this to the next
level and save this country from what I feel to be sure destruction.
That's all I have to say. Thank you.

BREWER: Thank you. Questions? All right, well, you, you didn't look at
a single note. You went from the heart and thank you for that.

WILLIAM ERNST: You're welcome, thank you again.

BREWER: All right, we'll do a quick cleanup and then we'll have our
next proponent up. Careful, that chair can be a little tricky when
you, when you get sit down in and you realize how low you are.

JUDY HICKEY: What?

BREWER: You realize how low the chair is and how tall the table is.

JUDY HICKEY: Yeah.

BREWER: Welcome to the Government Committee.

JUDY HICKEY: Nice to meet you. My name is Judy, J-u-d-y, Hickey,
H-i-c-k-e-y. I'm here on behalf of my great grandchildren. I have two
11-year-olds and one six-year-old and I am really being-- coming
concerned about what kind of a country they're going to be living in.
I am-- I see a really big problem with federal overreach extending
into education. I continually tell my adult granddaughters to be
engaged and to know what the schools are teaching their children and
my great grandchildren. The federal mandates for even the youngest
grades are appalling. I have friends who are retired educators and
they're very glad that they aren't teaching anymore due to federal
programs and that's their words, not mine. The Midwest is not immune
to the current directives, such as the critical race theory. Our
children are not taught about America as a land of opportunity,

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freedom, or futures we all have access to. Schools are run by local school districts and supported by states provide a much, much better environment and outcome for the students. The education results at present are not great and are getting worse. Why is this happening? It's not money. The United States spends more per student than any other nation in the world and yet our scores and standing are dropping. Our teachers have to spend their own money to equip classrooms to take care of kids' basic education needs. And again, it's not money. The problem is massive federal bureaucracy that consumes money and makes demands on states and local school districts. The problem is real, the problem is enormous, and we really have to do something about it before it's too late. The federal government has usurped education from the states' government-- from the states and in my opinion, government works better closer to home. So I'm here today to ask you to take action on LR14, which also addresses term limits. You have term limits. The president has term limits. However, the federal House and Senate do not. I often hear that we don't need term limits because we have elections, but considering we currently have the House-- in the House and Senate, people who have been there for 40 years or more, it clearly points out that elections don't work. We are at a time that is clearly visible for all to see that we sincerely need term limits and I ask you to accept the responsibility to vote this bill out of committee and bring it to the floor.

BREWER: All right, thank you, Judy. OK, questions? Senator Lowe.

LOWE: Actually, I don't have a question. I just have a comment that the reason why I ran for this position was not for myself, but was from my sons and my future grandchildren because I saw the way that our country was going.

JUDY HICKEY: I appreciate that.

LOWE: And so I appreciate your testimony, coming up here, speaking for your great grandchildren. And I just went back and checked, Senator Halloran has been sending us updates on the national debt and the first one we got was in 2018 and he had said something like since the last 525 days that we have met and discussed this, our national debt has gone up \$1,600,000,000. And the following week, he said it's gone up another \$13 billion. It seems to be going up a lot faster now than it ever has before, so thank you for coming and testifying.

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JUDY HICKEY: You're welcome.

BREWER: All right, any additional questions? Seeing none, thank you
for your testimony.

JUDY HICKEY: Thank you.

BREWER: All right, come on up. Welcome to the Government Committee.

BRIANA BOWDINO: Good afternoon, Chairman Brewer and committee members.
My name is Briana Bowdino, spelled B-r-i-a-n-a B-o-w-d-i-n-o, and I'm
from Ashland and I'm here for my two kids and their future. I brought
them with me here today, but they weren't able to come in, so they're
sitting in the senator's office right now, I believe, hanging out. I
am part of the Nebraska voters who support the convention of states,
which would use Article V of the United States Constitution to propose
amendments to limit federal spending, limit federal power, and set
term limits on federal officials. I urge you to decide today to move
LR14 to the floor for consideration of the Unicameral. I believe this
would be a move towards real unity. A convention of states bids all
states to come together and is a strong show of unity across all party
lines, something our nation desperately needs this very moment. This
is not just a move for red or blue states, but for all the states to
pick up-- speak up for themselves and their values. This would also be
a move to empower citizens and promote self-governance.

Self-governance is understanding that we are intelligent and informed
citizens who are capable of making good choices and accepting the
consequences of them. Self-governance is the pinnacle of personal
responsibility, which is sorely lacking across our nation. A
convention of states doesn't just empower citizens, it also empowers
our State Legislature. Our runaway federal government has long been
distant and disconnected from Americans in flyover states like
Nebraska. The unique constituency of each state demands a robust and
engaged state legislature that is brave to stand up against an
overreaching federal government that's not familiar with our values. A
convention of states seeks to limit an overreaching federal
government. You know your government is too big when Americans believe
that one election will change the course of their lives. The elitist
culture of the laws for thee, but not for me in our Congress needs to
stop. Congress must be stopped from exempting themselves from the laws
they passed. Also, our federal government seems limitless in the
amount of tax dollars they spend and borrow and the convention of

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states seeks to set tax limits, spending and borrowing limits. The convention of states is a bold move provided to us in our Constitution for a time such as this. The 38 of the 50 states need to vote in favor of any amendments being ratified ensures little risk to our republic, so I ask you to move LR14 forward in the name of unity for all states and the empowerment for Nebraskans. Thank you.

BREWER: Look at that, and the red light would have just came on. Excellent timing, considering I-- you know, a lot of you didn't know till you got here that it was going to be three minutes, not five, so even better yet. All right, questions?

BRIANA BOWDINO: OK.

BREWER: Well done. Thank you. All right, next proponent. Very good, the paperwork part. Welcome to the Government Committee.

STEVEN STEINKUEHLER: Thank you, Senator. Good afternoon, Senator and members of the committee. I am Steven Steinkuehler, spelled S-t-e-v-e-n S-t-e-i-n-k-u-e-h-l-e-r. I have lived in Lincoln 45 years and worked in healthcare for 40 years. I've been fortunate enough to spend time in Seattle with my daughter and her family, visiting four grandchildren ages 8, 10, 12, and 13. Consequently, I have developed a renewed interest in our country's constitutional processes. In the interest of time, I'm going to go to my discussion on generational cohorts, specifically to the generation that are not represented today. They're not born today, but they're going to be and they're going to be born at some point in the future. Democracy can be seen as looking at the present. Dealing with immediate, pressing political issues are certainly in no short supply. This often means that equally important, longer-term considerations may be neglected. This has been described as presentism, the uncritical adherence to present-day attitudes. This can result in a process that leads to laws that are biased toward laws that are-- that favor the present over the future. Some of the reasons for neglecting the future may include human tendency to prefer the here and now. Another reason is that representatives often see the need in themselves to be responsive to their constituents. There are numerous concepts one can, one can find on how to accomplish a more definitive approach to the issues of presentism, each having strengths and weaknesses. One idea is the construct of democratic trusteeship. Trusteeship would involve present generations representing future, not-born generations by acting as

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trustees of the democratic process. The general principle of the trustee concept is to develop, promote the idea that present generations should act to protect the democratic process itself over time. Trustees would be responsible to make sure citizens continue to have competent control over their collective decision-making. Interestingly, the convention of states, as outlined in Article V of the Constitution, provides a sound pathway to protect the democratic process and can address the concerns of citizens, both current voting, those unable to vote, and those yet to be born. This is accomplished as citizens invoking change in an existing, long-standing, defined process or reacting to democratic failure that requires change. Please support us in hopefully moving the-- LR14 forward to General File so we can have an open, honest discussion and move this forward. Thank you.

BREWER: All right, thank you for your testimony. This is kind of handy. I don't think I've ever seen these seven generational breakouts of the baby boomers, X Gen, millennials, Gen Z, so I actually--

STEVEN STEINKUEHLER: The interesting thing there is, just--

BREWER: --I learned something.

STEVEN STEINKUEHLER: --just to comment, is to look at the percentage of population.

BREWER: All right, questions? Questions?

STEVEN STEINKUEHLER: Oh, yes, Senator.

BREWER: Yes, Senator Lowe.

LOWE: Thanks, Chair, and thank you for being here today. Can you go over the generational thing that you had handed out here?

STEVEN STEINKUEHLER: Sure. I didn't bring it with me. I can give it to you in a nutshell. I'm happy to visit you at a later time.

BREWER: We got spares.

LOWE: Can you give that to him?

STEVEN STEINKUEHLER: The one on the first page?

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BREWER: Yes.

STEVEN STEINKUEHLER: OK. Today, there are seven generational cohorts in the population in the United States and I'll just kind of go over those and give you some feedback on that. The first generation is born-- were born before 1928 and they're called the greatest generation, 0.5 percent of today's population. Silent generation was born 1928 through 1945, representing 6 percent of the population. Baby boomers, 1946 to 1964, representing 21 percent of the population. Generation X, 1965 through 1980, representing 20 percent of the population. Millennials, 1981 through 1996, 22 percent of the population. Gen Alpha, the most current youngsters entering our, our, our society, would be the birth year of 2010 and the percentage is to be determined typically because a generational cohort is lifespan, current lifespan of just a fifteen-year point in time. And I'm just going to read quickly since you asked. General-- generational cohorts are useful constructs when they, when they span a set age range, which is-- usually that fifteen-year range is within the more developmental years of individuals, usually 17 to 22, somewhere in there, and that's where they really kind of get their key ideas on how they want to live their lives. The other thing that happens, just for your information because it sounds like you have an interest, is that there are characteristics that researchers give to the generational cohorts and that's used to kind of differentiate and it reflects their lives experiences. And here's just a real small snippet example. Generation alpha can be described as the first generation entirely born and shaped in the twenty-first century. This is the first generational cohort that will be seen in record numbers in the twenty-second century. These are seen as logged on and linked up and known as digital natives. There's usually a few more characteristics that are described besides that. Generation Z is described as more racially and ethnically diverse than any previous generational cohort and they are on track to be the most well-educated generation, yet they are also considered digital natives who have little or no memory of the world as it existed before smartphones. These characteristics are often used to better understand the various cohorts. You've probably seen them used in marketing to influence in many different ways. Hope that helps, Senator.

LOWE: I noticed we have a couple of Generation Z people behind me and--

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STEVEN STEINKUEHLER: I see them.

LOWE: -- they-- I just think it's interesting how fast we forget.
Thank you.

STEVEN STEINKUEHLER: Thank you.

BREWER: Yeah, the comment you made about the world starting at the
point that the smartphone was invented leaves a lot of history out of
things, so that is interesting. All right, any other questions? Seeing
none, thank you for your testimony.

STEVEN STEINKUEHLER: Thank you.

BREWER: All right, I think all the way to the back. You've been
patiently waiting.

KATHY ROBERTSON: Hello.

BREWER: Welcome to the Government Committee.

KATHY ROBERTSON: Thank you. My name is Kathy Robertson, K-a-t-h-y
R-o-b-e-r-t-s-o-n. I came today from Dodge County. I live near Hooper.
I work in seed corn production. I'm a quality assurance manager for
Western Integrated Seed, so I'm involved in agriculture. Those are my
neighbors, my coworkers, my constituents. And I came here, number one,
because I received an email from Dave Schneider and I heard that this
committee was meeting today. I left work, drove an hour and a half to
get here because it's that important to me. We are scared. We are
scared. We feel like we have lost our voice. We feel like we are
continuing to lose our voice. I think the scary thing is to not
proceed with a convention of the states, in particular term limits. I
will tell you I, I emailed each one on this committee and I received
one email back to tell me that the individual would not be supporting
this bill. That was about a week ago. I think that is a prime example
as to why we need this convention of the states because this
individual wouldn't even listen, come to this committee with an open
mind and then determine what the right course of action would be. That
is what we're experiencing in our federal government and we the people
are-- we've been silent, but we are ready to, we're ready to do the
tough things needed to turn the country back into one of prosperity
and that's really all I have to say.

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BREWER: Just out of curiosity, the person who responded, are they here today?

KATHY ROBERTSON: No, they are not.

BREWER: OK, thank you. Questions? All right, thank you for the, for the time--

KATHY ROBERTSON: You're welcome.

BREWER: --to come up and your patience. All right, get the crew up here and then we'll go to our next proponent.

LOWE: Chairman Brewer.

BREWER: Yes, sir.

LOWE: If I might add that-- Ms. Robertson--

KATHY ROBERTSON: Yes.

LOWE: I did not respond because it did not have an in-state address. It just had a name.

KATHY ROBERTSON: I understand and it wasn't about responding, it was responding that it was-- she was voting no and without even listening to any argument.

LOWE: OK, I, I just want to let you know that with all the emails that have been--

KATHY ROBERTSON: Absolutely--

LOWE: --coming in--

KATHY ROBERTSON: --and I wasn't expecting a response.

LOWE: OK.

KATHY ROBERTSON: Yes.

LOWE: Well, thank you very much.

KATHY ROBERTSON: You're welcome.

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BREWER: All right, welcome to the Government Committee.

DAVID McPHILLIPS: Good afternoon, Chairman Brewer and members of the committee. My name is David McPhillips, that's M-c-P-h-i-l-l-i-p-s. I live in David City and speak in favor of LR14. In my hometown of David City, we enjoy the peace and tranquility of our small town. We like to solve our own problems and control our own destinies. We believe in self-government. We believe that government is most effective when it's closest to the people. We tackle issues like downtown redevelopment, expansion of the regional landfill, and spending of tax dollars with our councilmen, county supervisors, and school board members. These are people we know personally and who know our area best. We do not like the federal government intruding into virtually every aspect of our daily lives, from the type of toilet that we can buy to the mix of fuel we put in our cars to the kind of light bulb in our living rooms. We do not like the federal government spending us into oblivion and that we have no practical way to address this problem. David City is in Nebraska's First Congressional District. Our congressman is Jeff Fortenberry. It's nearly impossible to track the activities of Congress and to make sense of their complex omnibus bills. We can call our congressman's office, have a short talk with a staffer, and receive a meaningless form letter in the mail. We are even more frustrated with the federal agencies than we are with Congress. We have no chance to interact or to influence these unelected bureaucrats that turn out regulations that are enforced as law. In David City, my friends believe that it is important to save for retirement, pay down debt, and not live beyond our means. People are angry at our congressmen who are racking up trillions of dollars of debt in our names. It's undeniably bad and needs to stop. Our national debt stands at \$28 trillion. That's \$222,000 per taxpayer. We're upset with Congressman Fortenberry. In his 18-year tenure, the national debt has exploded by \$20.8 trillion. What we accomplish from our responsible individual savings is being obliterated by his fiscal irresponsibility. We'd love to vote him out of office, but incumbent, incumbent congressmen are winning 95 percent of the time, despite an abysmal 14 percent job approval rating. Perhaps some of the senators in this room would like-- try to-- like to run for Congress. Unfortunately, your chances for success are minimal in our current system. Members of the committee, to conclude, I ask you to please help people from communities like David City by giving us more opportunities to govern ourselves. Please give us the opportunity for

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a convention of states, a convention that would allow discussions about putting permanent structures in place to limit spending, enacting term limits, and returning power to the people to govern ourselves. I ask you to please advance LR14 to General File. Thank you.

BREWER: Thank you. All right, questions? Seeing none, thank you for your testimony. Welcome to the Government Committee.

JIM FROHMAN: Mr. Chairman and committee members, my name is Jim Frohman, J-i-m F-r-o-h-m-a-n. I live here in Lincoln. I'm here in support of Nebraska making an application to Congress for a constitutional convention of the states. I am asking the committee to amend LR14 so that it will have a chance to be successful at a national level. Since the founding of the United States, there has not been an Article V constitutional convention of the states. This is not for lack of trying. Depending on the source, there have been somewhere between 100 and 700 applications from states to Congress for a convention of the states. So far in 2021 legislative year, there are at least 21 states that have one or more Article V applications up for consideration. This is not unusual. Most of these applications, along with LR14, have a flaw. They are issue-based applications. Issue-based applications are doomed to fail since getting the required 34 states to agree on specific issues is a nonstarter. After the 2020 election, the Democrats fully controlled 15 states and Republicans fully controlled 23 states. Neither party controls enough states to get a partisan issue application approved by Congress. LR14 is modeled after the convention of state actions group language. This application has been passed in 15 states since 2014 and this is about as far as it will get. And the issue-based application for a convention of states is not going to succeed nationally. The numbers don't support agreement on partisan issues. I've attached an email to each of you, my proposal for an application for a constitutional convention of states. This is what I would like to see you amend into LR14. My proposal is not issue based. It would establish a framework for the constitutional convention. The framework follows the general understanding of the framers on what a convention of the states would look like. It respects states' rights. It is limited, it is enforceable, and it is the only way there will ever be a successful application for a constitutional convention of the states. I'm asking you to take the lead on this concept and amend LR14 into what I believe could be the first successful call for a constitutional

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convention of the states. To respect the committee's time, I have left details of the proposed change, proposed changes that I would like to see out of my presentation and just in the emails and documents that I have-- that you have received. I'm happy to answer any questions you may have. Thank you.

BREWER: Thank you, Jim. This is, this is helpful, the way you've set this up, because the supporting documents are all part of it, so well done. Thank you. Questions? All right, thank you for your testimony.

JIM FROHMAN: Thanks.

BREWER: All right, next proponent. All right, no more proponents. Oh, we got one right here. All right, here we go. All right, whenever you're ready, sir.

STEVE RIESE: Good afternoon, Chairman Brewer and members of the committee. I'm Steve Riese, spelled S-t-e-v-e R-i-e-s-e, and I live in Plattsmouth. And there's advantages to going towards what I think is the end of the proponents speakers in that a lot of my lines are crossed off now. One question, why is the problem not going to fix itself? We've heard that, that over and over and it's because we have this nightmare situation in which the people and organizations running the broken system are fully vested in keeping it that way. I've seen the federal government from the inside for nearly 40 years now. It's an enormous, complex system, which is not a bad thing in itself, but if you add in a self-destructive process in which growth is rewarded, but not efficiency and not effectiveness, you have a recipe for disaster. Just think, when was the last time a federal office or program shut down voluntarily because its work was done? It rarely, if ever, happens and usually you need a big hammer, a big forcing function like BRAC or sequestration to make it happen. We're here today-- you've heard the testimony. We're here today because we've had enough of this immoral arrangement in which we borrow money from our children and grandchildren because we can't live within our means. We know that part of the solution is that strong forcing function, that hammer to limit terms and have spending constraints on our federal government. And why can't we simply send good people? We've heard that. It's because the corruption of the system and the power of incumbency are just too strong. You've already heard the numbers on the debt. I won't go over them again, except for one that has not been mentioned. You've heard the promised debt, our future debt, which has

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already been obligated. Each of our shares, if you are a taxpayer-- good thing you're sitting down-- \$1.3 million is-- each of us as taxpayers-- our share of that promised debt. And what happens when we can no longer borrow from our children? We haven't talked about that yet. We talked about could it happen? The answer is yes. What happens when it happens? Automatic spending cuts, indiscriminate, by necessity, have to target the largest programs. What are they? Medicare, Medicaid, Social Security, Defense, along with everything else, but those are the big bill payers. In a best case scenario, this means that those on Medicare, Medicaid, Social Security, and other federal programs are likely to suddenly find those programs significantly cut and that's the best case. The interest on the federal debt is expected to exceed \$500 billion a year within five years. That's \$500 billion in revenue that does not go to repair our roads, bridges, or educate our children. Congress will never, ever propose that their own power be, be curtailed. It's up to us to do that, us the people and us, the state of Nebraska, to do that. I ask for your affirmative vote on LR14 in committee and on the floor. Thank you.

BREWER: Thank you for your testimony. Let's go back and just double-check. The interest, you said, was the \$500 billion?

STEVE RIESE: The interest right now, yes, Senator, is about \$400 billion. The, the numbers out to 2026, which is only five years away, are up at \$490-plus billion is the estimate.

BREWER: OK, thank you. Questions? All right, seeing none. Thank you, sir.

STEVE RIESE: Thank you.

BREWER: Welcome back to the Government Committee.

MARK BONKIEWICZ: Thank you, Senator Brewer. It's always a pleasure to be back. Committee members, my name is Mark Bonkiewicz, M-a-r-k B-o-n-k-i-e-w-i-c-z. I live at one-- 1129 Z Street in Omaha, Nebraska. I'm originally a farm boy from Sidney, Nebraska. I'm here to testify today in support of LR14. I'm testing on behalf of my family, my wife, Paula, of 48-years, two sons who are 45 and 44 years old, a grandson who's 12, and a granddaughter who's six, but thinks she's about 13. My reasons for supporting this bill, 17 state legislatures have already

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voted in favor of calling an Article V convention of states. It takes 33 legislatures to approve sending a delegate to the Article V convention. Really importantly for me, there's a second safeguard to prevent a runaway convention and that safeguard requires a total of 38 states that have to pass the resolutions that are voted on and pass at the Article V convention. So that's more states than even send a delegate in. So what a wonderful safeguard that is. I'm just really concerned, as other people have testified, about the federal government overreach that's just out of control and most recently proven by the congressional budgets that were sold to citizens to ease the financial pain to all of the citizens that were inflicted by COVID-19, but instead spent billions of dollars overseas or paid off government operating debts in some states that have incurred over the last 20 years. Had nothing to do with COVID. And then my biggest concern is the federal budget is dangerously spiraling out of control. That will lead to burdensome tax increases for our children and our grandchildren when they are adults. I dislike the level of taxes that my wife and I pay every year. However, I have a heavy heart that's filled with angst when I think about the double amount of taxes my grandson and granddaughter will be forced to pay to pay off the debt that was accumulated during my lifetime. That isn't fair at all. So I urge you to vote LR14 out of committee to receive rigorous floor debate and vote to ensure that the initial language or added amendments are approved by a majority of the body. Thank you.

BREWER: All right, thank you, Mark. Questions? Senator Lowe.

LOWE: Thank you, Chairman Brewer and thank you, Mr. Bonkiewicz, for being here. You mentioned the, the government payments that were put out and why do you think that they were a government overreach?

MARK BONKIEWICZ: Well, if you ask citizens do we want to spend billions of dollars that are going to go to support all different types of programs overseas, including LGBT programs and forced abortions on-- in certain countries, there's no way, you know, that the people of this state would be in favor of that or the people of the country would be in favor of it. So the other thing that I really despise about the way Congress operates today is I come from a background of sales and marketing where you have to find people who have a need and then do you have a solution for that need? And a big part of that was the continuous improvement process. And to pass the federal budget going-- at 11:30 p.m. at night or at 12:30 a.m. in the

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morning after people have been working all day, I mean, that is just so totally unfair and that's just another aspect that's spiraling out of control. I mean, let's follow the process. Let's get it done. Let's have good, vigorous debate and do it at a reasonable hour so that if we want to watch it, we can. You know, there's people like me that at 10:00 p.m. at night, I turn into a pumpkin because I get up early in the morning to wake up the rooster so we can go to work. And so passing something at midnight is ridiculous. That's a sample of just more overreach. They don't care about what we're doing.

LOWE: All right, thank you.

BREWER: All right, additional questions? I guess I got one quick one for you before you leave, Mark. So we're, we're looking at our national debt that is creeping, creeping toward \$30 trillion. It will reach a point where, because of the interest we're paying on that plus what we're spending, that number, number, that number can never go down unless there would be something incredibly drastic that would happen to change how we spend money and how we collect taxes. Either we collect more taxes, spend less money, or some combination to get that number to come down. Do you think that's realistic?

MARK BONKIEWICZ: Well, that's going to be a huge challenge, you know? The, the government can only spend what it collects from those of us who are producing, except for, oh, we don't have a balanced budget at the federal level, so we can just go ahead and print and process as long as we want. I, I have-- I believe that one of the big negative effects that's going to happen out of this is hyperinflation. I can remember my dad telling me at the dinner table, you know-- and he was in the Navy in World War II-- that in Germany, hyperinflation got so bad that they would shut down the factories at 12 p.m., noon, so that the workers could go and buy bread because the cost of bread was going to be that much higher if they didn't buy it at noon, if they bought at the end of the day. Pretty soon we're going to reach the cliff of no return. As you pointed out, that the amount of interest on the debt is just growing so fast, there's no way that we get our arms around it and get it to stop. I mean, we could sell all the federal government ground that's owned in the United States and it would just pay off a very small portion of the debt. We don't have any assets to be able to work with.

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BREWER: But if we were to balance the budget today and what we spent
and we brought in were the same, we would have this national debt plus
interest for the foreseeable future. Just, just using some simple math
there, but--

MARK BONKIEWICZ: Yeah.

BREWER: All right, so you're with me on it. OK, thank you.

MARK BONKIEWICZ: OK, thank you very much. God bless you all.
Appreciate all your hard work.

BREWER: All right, crew is coming up.

GARY SOUCIE: I must be last.

BREWER: I don't know if your last, but you're the next one.

GARY SOUCIE: I think-- my name is Gary Soucie. I hail from the great
city of Fairfield, Nebraska.

BREWER: Could we have you spell the name?

GARY SOUCIE: S-o-u-c-i-e.

BREWER: First name, G-a-r-y?

GARY SOUCIE: G-a-r-y. John, the last time I saw you was at Buffalo
Chips--

LOWE: It's been a while.

GARY SOUCIE: --so. I did not come here to speak, really. I don't have
a speech written. I just kind of-- I actually left a basement, a
property of mine in Fairfield that had six inches of water in it
because, you know, twenty-two below, it's just not working. So I felt
that it was important to come here and observe this morning in spite
of my swamp and I've heard a lot of great stuff. I've been trying to
educate myself more on this convention of states. It's pretty amazing
that-- what I'm going to call the "framer kids" put together, you
know, over 140 years ago. And most of the people that live in my neck
of the woods of Nebraska, south-central Nebraska-- I'm talking Clay
Center, Fairfield, Edgar, Superior, Nelson, Davenport, Glenvil-- these

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people are hardworking folks, you know? They go out and they turn the soil, pretty much, most of them. Myself, I do dental stuff across the nation, so I'm not a farmer kind of guy, but I did my time in the city. I'm still a country boy. I moved back to Nebraska because we have a great state, a lot of diversity, and there's plenty of stuff to do here. But people are absolutely disgusted and tired of what the federal government is continually doing. It's-- the, the-- and I, I am starting a convention of states movement in all of those communities and I'm sorry, your phones are going to blow up. They are-- you have not seen what's going to happen yet because people are not happy and they fully have reason to be. It's a runaway train and I hope you all know that, but we're going to work more on that. This needs to move forward. LR14 needs to move forward.

BREWER: All right, thank you. And, and so you know that, as I had said earlier, the, the amount of messages, letters, emails that we're getting on LR14 has not only exceeded, but I think if you were to combine the last few years, it probably has exceeded that. The, the groundswell of concern is, is definitely hitting--

GARY SOUCIE: People-- you have to understand. I mean, you guys know this-- ladies. People go to work. They don't have time to watch all this stuff. We vote for you to make sure you're doing the right thing, fair and square for everybody in this nation and this state. And if it doesn't happen, you-- I'm telling you, 1776 may come back. And that's, that's not-- it's-- I mean, people are angry and frustrated.

BREWER: All right, thank you for your testimony. Questions? Senator Lowe.

LOWE: Thank you, Chairman Brewer, and Gary, good to see you again. It has been too long.

GARY SOUCIE: Yeah, let's get together sometime.

LOWE: Yeah. Thank you for what you're doing in organizing the people. That's the way we do things here--

GARY SOUCIE: We have to start educating people on how the government really works. And if we have a voice-- nobody feels like they have a voice, but we've got to get it in their hands that they do and we

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got-- the state is the best place to start at. That's why this, this
bill is so important.

LOWE: Yeah, the, the state has two houses; one is here. The other one
is the people.

GARY SOUCIE: Yeah.

LOWE: And we have to make sure the people know that and get them
involved, so thank you for what you're doing.

GARY SOUCIE: Great.

BREWER: All right, any additional questions? Sir, thank you for your
testimony.

GARY SOUCIE: We won't burn your phone up too much, but--

BREWER: That's what it's there for. Thank you.

GARY SOUCIE: You're welcome.

BREWER: All right, any additional proponents? Seeing none, we will
transition to opponents.

KATHY WILMOT: Yes, that's a low chair.

BREWER: It is, it is a low chair and it's kind of a high table too.

KATHY WILMOT: And it kind of scoots backwards on you, so--

BREWER: Welcome to the Government Committee.

KATHY WILMOT: Thank you for the opportunity to testify. I'm Kathy
Wilmot, K-a-t-h-y W-i-l-m-o-t, and I first began researching the move
for a constitutional convention in the 1980s. Today, it's being called
the convention of states, but according to Black's Law Dictionary, a
duly constituted assembly of delegates or representatives of the
people of a state or nation for the purpose of framing, revising, or
amending its constitution is a constitutional convention, so we can
put that to bed. There's been some, I would say "wordsmithing" here,
said we've never used this-- or said-- someone said we used this
process before. I think that was Mr. Baker. He, though, said that
was-- convention was used to ratify. That's totally different than a

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convention to propose amendments, so we have not used this method before. In 2011, convention proponent Rob Natelson laid out a new strategy. He said I hope you never hear constitutional convention from my lips again. I've often made the mistake of calling it that, but it's a serious mistake because it causes people to misunderstand what the convention's all about. But no, people do not understand. We do understand what it is and what they don't want us to call it. I've heard Mr. Meckler testify before many legislatures. He compares this to an interstate convention and he claims universal historical precedents. This is not an interstate convention. It's a federal convention called by Congress to perform a federal function of addressing a federal constitution, a totally different animal. He promises one vote, one state, but there is no precedent for an Article V convention because there's never been one. The closest precedent we have had is the Constitutional Convention of 1787 and it was called for the sole and express purpose of revising the Articles of Confederation. Delegates ignored their instructions at that time. They proposed a new constitution, which created a new form of government. They changed the number of states required for ratification from 13 to nine. And not only that, it didn't take Congress to ratify either. Could that happen again? That's a question none of you can answer for me or anyone else. Meckler claims it is slander to say that the forefathers did not follow their directives, but you can read the historical account. It's clear. It's right there in front of you. COS tells legislators that they will be in total control, but read Article V. Congress is in charge, not the legislators. COS claims every nationally known conservative supports their call for a convention, but they must have forgotten the warnings by Supreme Court Justice Scalia and many others. COS also claims that only left-wing groups oppose the convention and I'm far from that. Did they forget George Soros, Wolf-PAC, Code Pink, others that are pushing for an Article V convention? Just for a little different reason, but it's still a convention. I would also remind you that no one knows how the convention is going to play out. To begin an Article V convention is like playing a basketball game before you have determined what the rules are going to be and the responsible citizens would not be in favor of putting our Constitution at risk. Thank you.

BREWER: All right, thank you, Kathy. All right, questions? Questions? All right, seeing none, thank you for your testimony.

KATHY WILMOT: Thank you.

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BREWER: Next opponent to LR14. Just about didn't recognize you with
the mask.

GAVIN GEIS: Had to take it off.

BREWER: Welcome back to the Government Committee.

GAVIN GEIS: Members of the committee, my name is Gavin Geis, G-a-v-i-n
G-e-i-s, and I am here as the executive director of Common Cause
Nebraska. Common Cause is a nationwide organization with state
chapters focused on the ideals of good governance of representative
democracy and that's why I'm here today, to talk about this resolution
and to provide our opposition. Now each year I, I genuinely do enjoy
sitting and listening to the proponents of this resolution because I
think most of their concerns, most of their worries are ones we share.
You hear time and again the worry about big money, campaign finance,
lobbying, the influence of money on the system, and why this is the
process that will take it away from that and give it back to the
people. We would honestly love to see the way the money interacts with
politics change, but we are naive if we believe this is how we'll do
it. Unfortunately, Congress will set the rules, the very Congress that
many people here today don't believe in, don't support, don't like,
will be setting the rules for a convention, which means most likely,
Nebraska will get five representatives and California will get 44. It
also means that all that lobbying money being spent right now across
the states, in D.C. is going to have somewhere new to look, is going
to have a new focus. I can appreciate frustrations about government
that doesn't represent us, government that doesn't listen, and I think
what we're really doing here is talking past one another on this
issue. Most of the people in support here today say it's because of
the balanced budget. It's because the government doesn't listen. And I
won't argue against those points. What I will argue against is whether
this process right now in our history will actually support
Nebraskans, whether it will actually improve democracy or whether it
will be something completely different. The last thing I'll put to you
is in the call itself, there is the wording limit the power and
jurisdiction of the federal government. I would propose that that
means something different to each and every one of us and there are
legal minds who are willing to argue that. Pay legal minds that will
argue it from both sides, they will clash, and I don't want to see our
Constitution, our government honestly, put in front of corporate
interests or put-- or corporate interests put in front of that.

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They're able to spend. They will be there and they want a voice. In 2019, \$3.75 billion was spent lobbying our government across the nation. We-- honestly, we are naive if we think we'll get to go there and represent Nebraska strongly and not be overtaken by special interests and by just a gigantic nation that is at odds with itself right now, we are. We're at odds with one another. Do we think this is the way forward, given where we're at? Thank you. Oh--

BREWER: Go ahead, Gavin.

GAVIN GEIS: I should tell you what I sent around. That is my-- that's my bad. What I-- so given that we're-- Common Cause is an organization across the nation, we're able to be a lot of different state legislators-- legislatures and talk with legislators. What I've shared with you are the opinions of Republicans and Democrats from across the nation in opposition to this for much the same-- for the same reasons I've spoke of today and for the concerns I spoke of today. Thank you all for this time. I'm happy to answer any questions. I'm also happy to get out of the way because I know there's more to go.

BREWER: Well, you do understand that if we didn't like you, we wouldn't let you go run the, run the red light, so-- all right, questions for Gavin. Senator Lowe.

LOWE: Thank you, Chairman Brewer, and Gavin, good to see you.

GAVIN GEIS: You too, Senator.

LOWE: Wouldn't you say that the lobby is already there and the lobby is already spending money and it's, it's big money now, it's major money?

GAVIN GEIS: Yeah.

LOWE: So what's the difference?

GAVIN GEIS: That's a very good question, really. What is the difference? I don't think there will be. And that's my, that's my concern is that we want this process to be different. I think the reality is it won't be. It will be just on-- it will wear a different hat. It will have some different rules, but it's going to be the same thing. It's going to be the same bickering among 50 states in a room somewhere in D.C. And Nebraska, I don't know if we'll get represented

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there. Yeah, we'll have our five people, but when it comes to all the money against us and all the interests that don't agree with us, I think it's going to be more of the same. I wish there was something-- I wish this was possible. I would love to see us come together as people and be able to take back our government, but at this moment, with everything we're going through, this just doesn't seem like the way forward.

LOWE: The, the representatives that the states will appoint to do the convention of states, if this and the other states go through with it, do you think they'll be from the government itself or will it be from the people?

GAVIN GEIS: You could do it, you could do it a lot of different ways, right, and it depends on who defines those rules. Now I know we hope to get to define who's going to the convention. I'm not sure the Constitution gives us the ability to do that. It's pretty clear that Congress will call, which I think the Supreme Court would interpret as Congress will also get to set the rules. The rules have been passed through the House of Representatives over the years, proposed for a constitutional convention. I think they'll get to set our number, right? At the very least, they will say we get our five congressional representative number, but who those people are? I can only hope we get a say in that. But for all I know, Congress could appoint themselves.

LOWE: All right, thank you.

BREWER: Gavin, I always-- I like it because you're a thinker here and you kind of walk us through some of your, your processes as you're doing this. The thing that I guess-- because this is going on the record and everybody's listening, if we're in a situation where we don't have any clear options on how to get to a better place-- otherwise, we were talking about trying to figure out how to limit power, look at the spending, and, and address the issue of, of term limits or the need for term limits. And this isn't an option for, say, the reasons that you pointed out here and then with this conversation you just had with Senator Lowe, you kind of feel like you're-- I don't know if you ever been up to the, to the mountains and you're coming down off the mountains and they, they have that ramp that's a runaway truck ramp. And that's if your truck's loses its brakes, you take it.

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GAVIN GEIS: Yeah.

BREWER: It would be nice to take that. The problem is I don't see us having one of those ramps right now if we don't have something. I mean, do you have an idea on a path ahead where we could curtail some of this and, and--

GAVIN GEIS: Right.

BREWER: --bring things back into alignment?

GAVIN GEIS: You're not going to like my answer, right?

BREWER: Well, I, I--

GAVIN GEIS: That's OK. I'll give it anyway

BREWER: --owe it to you to at least offer it.

GAVIN GEIS: But honestly-- so I've been doing this job for about seven years now and at this point, my firm belief is that this starts at the state level. It has to. If we're hoping that a federal change is going to be the answer to our issues of disagreement, it's not going to happen. We here in Nebraska get to set the tone for how we talk to each other, how we work with one another, and every other state gets to do that. The other thing I've seen is that nothing gets done at the federal level. We do things at the state level, at least we talk, and at least we listen to constituents. So for me, improving how we vote, improving access to the ballot, and encouraging people to get out there-- and then much like the people today who said campaign finance, lobbying spending is out of control, I would agree and say we have to rein those things in. We have to be pushing for-- and I know not everyone loves the idea, but limitations on how much candidates receive from any one corporation, any one individual, limitations on how much money can be spent lobbying or at the very least, a lot of transparency. That's the way forward and it's a way we can go together in a lot of ways. We agree that there are problems and I think-- I hope we can address those together.

BREWER: Well, I think that's an honest answer and there's things about it that I, I find appealing and being a guy who rode a mule for 500 miles because I didn't have any money, that sometimes would help the situation. But I'm not sure that everybody can do that particular

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technique of, of campaigning, so we'll have to address that. All
right. Any additional questions? Oh, yes, Senator Lowe.

LOWE: Thank you, Senator Brewer, and the mule wasn't too happy about
it either.

BREWER: Never has been.

LOWE: Now if I can just remember was going to ask. You brought up--
it's left me now. I'm sorry.

GAVIN GEIS: If you remember--

LOWE: I will ask you later.

GAVIN GEIS: --get my email address and ask me.

LOWE: I will ask you later, yeah, definitely.

GAVIN GEIS: Please do.

BREWER: That happens a lot, John. Don't worry.

GAVIN GEIS: I know.

BREWER: All right. No other questions. Senator McCollister.

McCOLLISTER: Yeah, thank you. The, the convention, as you describe,
are there other ways that Nebraska citizens can deal with their
perceived problems if, if we're-- we fail to enact this legislation?

GAVIN GEIS: I mean, there are. The thing I want to just nail home
there is the perceived problems. There's a lot if you're listen,
right? Listening to everyone's testimony today, there are a lot of
different problems we're talking about, right? There is the, the
problem, the problem of a balanced budget, of the federal spending
that's out of control, of federal overreach. Yeah, some of those
things, I don't know what we'll do here at the state level. But if--
when we look at those underlying concerns that we share of lobbying,
of campaign finance, there are proposals, there have been proposals,
and there will be proposals to rein those things in, to take a more
serious look at how money influences our politics. I would encourage
supporters of this to look where there's common ground and I'm, I'm

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happy to talk to anyone about the common ground of reining in the undue influence of money in politics and that has to be done at the state level. We've got to start there before we expect the federal government to do anything about it. We have to hold ourselves accountable to each other and to fair campaigns and to not letting those with the most dictate the terms of our government.

McCOLLISTER: Thank you.

BREWER: All right, Senator Lowe. Did you find a moment of clarity here?

LOWE: It's back.

BREWER: It's back?

LOWE: You had stated that it needs to start at the state level. Hasn't Nebraska citizens kind of done that? They've, they've limited our terms. We can't give ourselves a raise. You know, we are in control of our budget. So it has started at the state level and now I believe the citizens would like to take it to the federal level and so--

GAVIN GEIS: Those are all good points. They are, I mean, I think we're all proud of what Nebraska has done to be a unique government, right? We have done those things and so I understand why that seems like the next step has to be federal, why the next step has to be something bigger. And it's for the same reasons that I doubt the process, that I, I just don't think stepping to that federal level, asking these questions at that level, will serve us, will serve us as a state. I wish I had a really succinct answer to all of these problems that we could do tomorrow, but at the state level, the reality is we have to work together, we try our best, and I, I don't think we're going to get that at the federal level, so--

LOWE: Isn't that what you said? We had to do--

GAVIN GEIS: I--

LOWE: --it statewide and then we move up?

GAVIN GEIS: Yes, yes, we do it statewide, but others-- OK, so let's go down that path. Are we talking to our-- well, there's a problem. Let's talk about con-- congressional representatives, of which there's doubt

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about how much they represent us, right? There's frustration about that, but if we take these-- you know what? You kind of got me at a loss and I'll admit that. I want to give you an actual, fair answer to that, so give me-- let me think about that--

LOWE: OK.

GAVIN GEIS: --and get back to you.

LOWE: You can get back to me.

GAVIN GEIS: I really do want to give you a fair, full thought.

BREWER: You guys are equally losing your train of thought and that's fine. All right.

GAVIN GEIS: Kept me up here too long.

BREWER: No other questions. Gavin, we've grilled you enough. Thank you.

GAVIN GEIS: Thank you, guys. Thank you.

BREWER: All right, you have a good day. All right, I need the next opponent once we're cleaned up. Welcome.

ALEX SERRURIER: Thank you. Good afternoon, Chairman Brewer, members of the Government, Military and Veterans Affairs Committee. My name is Alex Serrurier, that's A-l-e-x S-e-r-r-u-r-i-e-r, and I'm a policy analyst with OpenSky Policy Institute testifying today in opposition to LR14. While the need to use great care with taxpayer dollars is important at all levels of government, we're concerned by LR14's call for fiscal restraint, such as a balanced budget amendment at the federal level. Such restraints would worsen economic downturns and reduce federal funding that many Nebraskans depend on. Macroeconomic Advisers, an economic forecasting firm, found that recessions would be deeper and longer under a constitutional balanced budget amendment. Had one been in place during the Great Recession, they found that the effect on the economy would be catastrophic and would have doubled the unemployment rate. This is also why more than 1,000 economists, including 11 Nobel laureates, issued a joint statement condemning a constitutional balanced budget amendment that was considered by Congress in 1997, warning that it would mandate perverse actions and

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aggravate recessions. A balanced budget amendment would also have severe consequences for nearly all Nebraskans by reducing federal support for communities throughout the state, including farmers, retirees, and veterans. In fiscal year '19, federal dollars accounted for more than 27 percent of appropriations of all fund sources in Nebraska and 31.5 percent during the Great Recession in fiscal year 2009. In FY '19 alone, federal funding accounted for more than \$952 million of K-12 and higher education budgets in Nebraska. Without federal funding for education, Nebraska taxpayers would be responsible for an additional \$653 per adult to make up that lost revenue I just described. A significant amount of federal dollars come to Nebraska through defense-related spending as well. In FY '19, the Department of Defense spent \$1.6 billion in Nebraska. Over 900 million of these dollars directly pay for 16,501 personnel in the state, with another \$700 million going to jobs in the private sector through contracts with the DOD. Furthermore, in 2019, Nebraska farmers received \$950 million in direct federal payments. So we appreciate these concerns about improper spending, which is why we support the efforts to improve transparency, tax incentives and other tax expenditures at the state, local, and national level. So for these reasons, we urge the committee to oppose LR14. Thank you so much for your time.

BREWER: Thank you, Alex. You've actually got some really good numbers in that. Is there a way to get an email or a--

ALEX SERRURIER: Absolutely, we can get those to you, Senator. Thank you.

BREWER: Thank you. All right, questions? All right, you're going to get off easy today.

ALEX SERRURIER: Appreciate it, thank you.

BREWER: You bet. Have a good day. All right, next opponent. Gosh, we have to transition to neutral. Who is here speaking in the neutral capacity? OK, it appears you're up anyway, so if there's no one else, no more hands up, then I guess we will go to the introducing senator. Senator Halloran, come on up.

HALLORAN: Thank you, Mr. Chairman, and thank you, committee. It's one subject for a long period of time. I, I appreciate your, your focus and attention on it. And I was prepared to just waive my close, but at

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the very end, I've, I've heard some comments that after having read Article V several times-- and that's not bragging, it's not a long article to read-- but after reading it a number of times, I find it difficult to find some of the things that were proposed that were ended by several that testified-- testifiers that were in opposition. Kathy Wilmot and Mr. Geis suggested that the government, that the government was going to be in charge. Congress is going to be in charge. I'm going to bore you by reading this, OK?

BREWER: The floor is yours.

HALLORAN: But it's not long and Congress has mentioned several times, but you keep it in perspective in the context of the sentence, what Congress-- what they say Congress involvement is, OK? Article V: The Congress, whenever two thirds of both houses shall deem it necessary, shall propose Amendments to the Constitution, or, as an alternative means of proposing amendments on the application of the legislatures of two thirds of several states shall call a convention for the same purpose, proposing amendments, which in either case, shall be valid to all intents and purposes, as part of the Constitution when ratified by the legislatures of three fourths of several states or by conventions in three fourths thereof. So far, I've heard nothing about Congress being control in governing what the representation is going to be per state. I think Mr. Geis suggested-- his suggestion was-- is that somehow, magically, it was going to be the representation of Congress, so California would have-- I don't know what it is, 44?

_____ : 51 [SIC].

HALLORAN: --a lot and we would have five because that's our congressional representation. Everything I have ever read about this-- in, in all-- in, in the mock, in the mock convention of states that have taken place, guess what the representation was per state? One per state. One vote, one vote, right? You can send as many delegates as you want to, you know, to, to debate with each other from your respective states on the issues that are being proposed, but you get one vote. One man, one vote; one state, one vote. So yes, if I heard out of hand what Mr. Geis said, I would say, you know, why bother? We will be outnumbered just like we are in Congress, right? No, it's not going to be that way. It's-- every state is going to be equally represented and those proposals are going to have the opportunity to be voted on, one vote per state. So we've heard from a lot of people

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who were proponents of this, of this convention of states, Article V convention of states, and then we heard from those who were opposed to it and, and you could argue that the sky was falling from either perspective, right? The sky was falling from the proponents saying something has to be done, something has to be done. We have a \$28 trillion debt. We don't balance our budget. We haven't had a balanced budget for years. You know, it's continuing resolutions, whatever in the heck that is. That's not balancing the budget. We have to balance the budget here, but we don't there in Washington. So some people think, yes, things have gotten out of hand, but we're worried about the unknown. We know what the known is. I just explain what that is: all this debt, continuing resolutions, not doing a balanced budget, voting ourselves and our grandkids into oblivion with debt. And some are worried about what would happen if we had a convention of states and we allowed the states, vis-a-vis Article X, to implement the authority that they, that they have. Article X, Article X describes and defines what, what the respective authority is of the states and the federal government. And so I, I don't-- all you need to know is, all you need to know is-- and I think it's-- the frustration in, in the American public can be, can be kind of capsulized in one quotation. It's kind of a famous quotation from Speaker Nancy Pelosi when we were debating the healthcare bill and she told the American public that we'll just have to pass the healthcare bill so you can find out what's in it. OK, that doesn't work. It's not working and so I encourage this committee to, to bring this to the floor for debate on General File and let's have a discussion on the floor. Let's, let's have a, a full discussion on the floor, see where people are. With that, I thank you for your attention. Questions, if you'd like.

BREWER: All right. Well, thank you for your close. Let's go ahead and see if we have questions. Questions for Senator Halloran on LR14? All right, with that, let me read in some letters here. We didn't have any written testimony, but we do have position letters. We have 7 proponents, 12 opponents, and none in the neutral on LR14. And with that, we will close on LR14. We are going to take a break until on the hour then we--

_____ : How many opponents did you say you had?

BREWER: What did I read in, 14?

DICK CLARK: 12.

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BREWER: --12, 12. We'll take a break until on the hour, so be back on
the hour and we will open on the next bill.

[BREAK]

BREWER: All right, welcome back. We are now going to go to LB195.
Senator Halloran, whenever you're ready to open.

HALLORAN: Thank you and good afternoon, Chairman-- Senator Brewer and
members of Government, Military and Veterans Affairs Committee. Thank
you for this hearing. For the record, my name is Senator Steve
Halloran, S-t-e-v-e H-a-l-l-o-r-a-n, and I represent the 33rd
Legislative District. I'm here today to introduce LB195, Adopt the
Faithful Delegate to Federal Article V Convention Act, to the
committee for your consideration. I will keep my remarks brief this
afternoon, as I'm assuming that there will be quite a bit of testimony
to follow. LB195 was created based on the concerns raised during the
legislative floor debates during the 2017-2018 biennium session on
LR6, a resolution to Congress for a convention of states to propose
amendments to the U.S. Constitution, and LB1058, Adopt the Faithful
Delegate to Federal Article V Convention Act-- that's a mouthful-- as
well as findings from the 2017 interim study, LR181, which examined
recommendations for procedures to be used for a convention of states
under Article V of the U.S. Constitution by the state of Nebraska. The
purpose of the Faithful Delegate to a Federal Article V Convention Act
is to provide the rules and procedures necessary to create and guide a
Nebraska delegation to any Article V convention called by Congress or
convention of states. Now, not to confuse you, Nebraska would have to
form a delegation, whether, whether Congress proposed an amendment or
whether it was proposed through a convention of states. It provides
the legislature direction relating to the election of delegates and
alternate delegates, if necessary, the recall of delegates from a
convention along with the filling of a vacancy caused by a recall.
Additionally, it creates a structure to determine if an unauthorized
vote has occurred and the penalty for knowingly casting an
unauthorized vote. Nebraska currently has several conventions of
state-- calls for a convention proposing amendments to the United
States Constitution. One call for a balanced budget amendment has 28
of the 34 states required to call a convention of the states. We could
very well see a convention of states within the next few years. As a
state, we must be prepared to act when called. LB195 will provide the
framework necessary for us to effectively participate in a convention

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of states. This ends my testimony on LB195. I would be happy to answer
any questions to the best of my ability and I would like to thank
your-- thank you for your attention.

BREWER: All right, thank you. I am sure if we don't have questions
now, we will in a while.

HALLORAN: OK.

BREWER: Any questions for Senator Halloran on his opening on LB195?
Seeing none--

HALLORAN: Thank you.

BREWER: --see you in a bit. All right, again, we'll start with those
that are proponents to LB195. Welcome back to the Government
Committee.

STEVE RIESE: Thank you. Good afternoon, Chairman Brewer, again, and
members of the committee. I'm Steve Riese, spelled S-t-e-v-e
R-i-e-s-e, and again, I live in Plattsmouth. Question: how many
amendments have been proposed in Congress, amendments to our
Constitution? We know the Article V amendments process is a powerful
tool that our nation used repeatedly to bring about needed and
significant change, including the 13th Amendment abolishing slavery
and the 19th Amendment giving women the right to vote, but how many
amendments were proposed? Since 1789, would you believe nearly 12,000
amendments to the Constitution have been proposed by members of
Congress? That blew me away when I first read that. However, only 33
were fully approved by Congress, 33 out of 12,000 that were sent out
for ratification and only 27 were ratified, 27 out of 12,000. Make no
mistake, the Article V amendment process is safe and rigorous, as it
should be, and the process itself is a layered defense against
inappropriate change or reckless damage to the Constitution.
Two-thirds of the states must call for the convention limited by the
enabling resolution. Proposed amendments must be approved by the
majority of the convention delegates. And finally, proposed amendments
out of the convention must be ratified by three-fourths of the states,
exactly as it had been proposed by Congress. It's true, we have not
yet had an amendments convention, but we have had many interstate
conventions so we know how to do them. Furthermore, the Article V
convention process has proven to be powerful and effective agent of

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change. In a number of cases, the threat of a growing Article V convention application was by itself enough to get Congress to act. Out of our 27 amendments, we have, one scholar identified, 15 that were preceded by serious Article V, Article V convention efforts. So the requirements in LB195 bring an even greater degree of confidence to the Article V process that will work only to strengthen the Constitution. And furthermore, passage of LB195 will help nullify misleading arguments in opposition to the Article V convention process based on an exaggerated fear of the unknown, an action I find demeaning to the great citizens of our state. In fact, I suspect that anyone who has honestly opposed to an Article V convention on the grounds of uncertainty would applaud the efforts to make the process even more certain by passage of LB195. And finally, the fear-based arguments do not support a rational decision-making process. Nothing in life is certain. We know that. We know that inaction is-- it maintains a bad status quo in this case and it's about as close as we can get to certainty in this world. So please weigh those risks, the small risks of holding a convention made stronger by LB195 and the enormous and near-certain risks of doing nothing in these cases. So I ask your affirmative vote on LB195 in committee and on the floor. Thank you.

BREWER: All right, thank you, Steve. OK, questions on Mr. Riese's testimony? Questions, questions? All right-- yes, Senator Lowe.

LOWE: I, I enjoy your quote down here at the bottom of the back page and I think it's very true what we can conjure up in our mind. Would you like to---

STEVE RIESE: It, it was a, an interesting find. It is something that I believed for a long time before I found the person that said it had spoken recently in opposition to LR6 and later LR7 and has not been on board. And it gets to the, the motivation from the opposition and the use of fear of the unknown to support that position without having to state the political nature of the opposition. And if you go back and, and look at this, at this testimony, I honestly believe his statement there is, is true. Obviously, it was a situation where he was in favor of that, of that proposal, of the politics behind it, not the, not the use of the mechanism.

LOWE: Just for the people on the camera, it was Senator Ernie Chambers, LR106 floor debate, February 17, 1976.

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STEVE RIESE: Thank you.

LOWE: Thank you.

BREWER: All right, any other questions? Seeing none, thank you for
your testimony.

STEVE RIESE: Yes, thank you.

BREWER: All right, next proponent to LB195, proponent. Welcome back to
the Government Committee.

BARBARA DISHER: Thank you. Thank you, Senator. Again, my name is
Barbara K. Disher, B-a-r-b-a-r-a, Disher, D-i-s-h-e-r. I'm from West
Point, Nebraska. I am an attorney and I operated a, a small business--
it was a national consulting firm-- for over 30 years in enterprise
risk management, quality assurance, and corporate compliance for
healthcare. So I'm here to talk to you about why I became involved
with the convention of states, even though I know the risks. So when I
first heard about the convention of states movement back in 2018, the
information seemed inconsistent depending upon the agenda of who was
putting forth the information. Terms were interchanged, causing
confusion such as constitutional convention equals convention of
states. This inconsistency made me skeptical that perhaps that
particular, you know, process was a little premature, so I decided not
to become involved. I believe that we had a fair and honest election
process in most places. I lived in Chicago for 30 years and I knew
that dead people did vote in Chicago and that is no, no joke. In fact,
they don't vote multiple times, but I figured that that was in rare
circumstances and that would not really affect elections. I believe
that the most-- the majority of Congress would honor its election
results and just try to win the next time. I also believed in free
speech, that all voices and positions could at least be heard and
said. But I believe, after the last few-- couple of years, especially
the last few months, I was wrong. The events over the past three years
prove our election system is broken. Majority leadership in Washington
has no problem trying to nullify an election when it doesn't go their
way. Rules of law in the Constitution are selectively applied by the
majority in leadership in Washington, even going so far as promoting
violence sometimes. Opposing viewpoints must be censored and those
that express them must be pro-- reprogramed. Flyover country, we have
to be redesigned to mimic New York City, Washington, D.C., Chicago, or

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San Francisco. For after all, we live in flyover country-- are ignorant rubes with more phobias that I knew that even existed. So are there risks? Yes. As you have heard, opponents emphasize, emphasize a myriad of risks calling for it, without discussing the merits of those risks, risks. The truth is risk cannot be totally elimin-- alleviated. The question is have possible risks been considered and dealt with as best can? And the answer is yes. Through the Constitution and through LR195, we have placed-- it seems to be that there are placed in there sufficient safeguards and, and rules and regulations so that this particular solution can be safely implemented. So as Patton said, taking calculated risks, that is quite different from being rash. And I spoke Patton because I was thinking of my mother. She was a nurse in World War II. She didn't like Patton because primarily she had to stand in the sun in Italy for two hours at attention while he-- waiting for him to come down and apologize for slapping a shoulder, but she did respect him for the fact that he knew history and he took calculated risks. So I'm asking you to please, as our representatives and our senators, to take the calculated risk and move the LR195 [SIC] forward with the resolution so that we can have a peaceful resolution and bring back constitutional civil law to this country. Thank you.

BREWER: Thank you. All right, questions, questions? All right, you're going to get off easy again.

BARBARA DISHER: Thank you.

BREWER: You bet. All right, still on proponents of LB195. All right, welcome back to the Government Committee.

DAVID SCHNEIDER: Thank you. My name is David Schneider, that's D-a-v-i-d S-c-h-n-e-i-d-e-r. Mr. Chairman, members of the committee, I represent Convention of States as an organization. I'm the regional director for the area. We support, in general, the states deciding. That's what we're all about. Convention States is all about the states deciding and having a say in things and this, this bill, is, is, is exactly that. You guys get to pick who goes to the convention and this is a mechanism that you can-- that you decide what parameters you want them to stay to. So in short, I'm not sure why anybody would be opposed to additional parameters around a possible convention. Whether you pass another resolution or not, other states, 34 of them, could call a convention at any time. It's probably pretty good policy to have some parameters on, on those individuals that you would select to

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go to such meeting convention. So again, I rise in support of this and
urge you guys to pass this along to the entire chamber for
consideration. Thanks.

BREWER: All right, thank you. Questions? Senator Lowe.

LOWE: Thank you, Mr. Schneider, for coming up here again. So what
you're saying is be prepared if something happens?

DAVID SCHNEIDER: That's correct, yes. Just because you guys might not
choose to join-- or choose to adopt a resolution to call a convention
of states, again doesn't mean there might not be a convention of
states. There are-- 34 states is what the required number of states is
to call a convention, currently two-thirds of the states. You could
easily be on the outside looking in of that process if you didn't have
some parameters around. Obviously, there is some angst out there about
conventions of states and that's more of a recent thing in history.
This is certainly an attempt to kind of quell some of that angst and
anything we can do to make that a little bit more, more acceptable, I
certainly think it is a good thing.

BREWER: OK. Any additional questions? Seeing none, thank you for your
testimony. All right, next proponent.

STEVEN STEINKUEHLER: Thank you, Senator Brewer, community members. I
really hadn't intended to speak, but after listening to what's been
going on today and especially in this particular topic, I mentioned in
my-- oh, I guess I should spell my name again.

BREWER: Yep.

STEVEN STEINKUEHLER: S-t-e-v-e S-t-e-i-n-k-u-e-h-l-e-r. I mentioned I
have 40 years experience in healthcare, 20 years-- my first 20 years
of experience in healthcare, I worked with patients on life support in
the ORs and the NICUs, the ICUs, flight teams and the equipment we
used had monitor systems on them that would tell us when someone
needed life support. I liken this bill you're talking about to that
situation. We call them pop-off valves or light alarms, alert alarms,
and you guys are familiar with that, I'm sure, but I would liken this
to that situation. From a leadership perspective, my last 20 years
were in leadership and we worked under a principle called Plan, Do,
Check, Act. And to me, this is what you need to be able to do and this

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particular bill will at least try to address that, whether or not it's
successful. I guess time will tell.

BREWER: All right, thank you.

STEVEN STEINKUEHLER: You bet.

BREWER: Hang on, let's see if we get any questions for you. Any
questions for Steven? All right, thank you, sir. All right, any
additional proponents? All right, seeing none, we are going to go to
opponents. Get our first opponent. Kathy, welcome back.

KATHY WILMOT: Thank you. K-a-t-h-y W-i-l-m-o-t. Thank you again for
this opportunity. This bill supposedly seeks to allay the unfounded
fears people have of a federal Article V convention. This is the first
time I've heard proponents even admit there's a risk. This is a facade
of supposed legislative controls based on assumptions and not facts.
Text of Article V says Congress calls the convention. States only
apply. LB195 states the Legislature shall adopt instructions for
delegates and alternate delegates to govern their actions at the
convention. Article I, Section 8 of the Constitution delegates to
Congress the power to make laws necessary and proper to carry out
powers delegated to them in the Constitution and that's where you find
that Congress will be the one in charge. Congress has that power to
run a convention, set the rules, not the states. April 11, 2014,
report of the Congressional Research Service states Congress's
responsibility in the event of an Article V convention would include
determining the number and selection process for its delegates,
setting internal convention procedures, including the formula for the
allocation of votes among the states. So that's not in Article V, it's
actually in the Constitution as far as powers of Congress and also in
the Congressional Research Service's report. On page 40, we're also
told there doesn't seem to be any constitutional prohibition against
U.S. senators and representatives serving as delegates to an Article V
convention. The CRS also states the apportionment of convention
delegates among the states was generally set at the formula provided
for the electoral college and that's where it puts Nebraska, a small
state with five, against 55 from California. And trust me, our values
and our goals are not the same. It is unknown whether delegates would
vote per capita or one state, one vote. That's not a promise. In fact,
all the promises I keep hearing from COS, I don't find those in
Article V either. The CRS report states it will likely be per capita.

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Just how do you think our delegates are going to stack up against California? Many states cannot be answered until a convention is held and it's irresponsible to advocate, advocate for something unknown. And what if delegates make proceedings secret? You know, our legislators do that with committee chairs. It's possible that those delegates do-- could do the same. They did in the convention of 1787. Madison's journal reveals that. If delegates vote by secret, you can't hold them accountable because you won't know what they have done. If a convention is called, it's out of state legislators' hands. Any delegates are actually serving as a sovereign representative of the people not answerable to the state legislature. They-- because the legislatures are a creature of the state constitution. Congress is a creature of the federal Constitution. And actually, in the CRS reports, they state that the delegate would be sovereign actually to Congress, delegates to a federal con-- convention called by the federal Congress to perform, perform the federal function of altering or replacing our federal Constitution. It-- that's where the, the difference comes in with these two sides. The delegates are supposed to represent people, but, you know, in our corrupt time, there's so much money rolling around. Somebody said that earlier today and there will be a lot of pressure. Our delegates, whoever chooses them and whoever they are, may want to do the right thing, but, man, if you think money is flowing in Congress now, I bet we haven't even seen, you know, the half of it. Thank you.

BREWER: All right, thank you. All right, questions for Kathy on her testimony? OK, I get-- the only thing I got is you've read through LB195 and LB195 doesn't-- oh, never mind.

KATHY WILMOT: Oh, are you asking me?

BREWER: Yeah, yeah.

KATHY WILMOT: Yes, I did.

BREWER: Ah--

KATHY WILMOT: Don't have it memorized, but yes I did.

BREWER: OK, that's, that's all. Thank you. OK, next opponent. Welcome back to the Government Committee.

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ALEX SERRURIER: Thank you. Good afternoon again, Chairman Brewer, members of the Government Committee. My name is Alex Serrurier. That's A-l-e-x S-e-r-r-u-r-i-e-r. I'm a policy analyst with OpenSky Policy Institute and I'm going to be really brief here, but I just want to get on the record with our opposition to LB195. We have two primary concerns with LB195. First off, unless other states that apply for an Article V convention also adopt these restrictions, this resolution by itself will not be sufficient to prevent a runaway convention because it would only bind our delegates and not those from other states. And second, we're concerned that LR14 is already so broad that you wouldn't need a runaway convention to make sweeping and catastrophic changes to our system of government. The organization Convention of States Action has claimed that a convention of states would allow for, among other things, term limits on Congress, fiscal restraint, such as a balanced budget amendment, elimination of the Departments of Education and Energy, elimination of the U.S. Senate, elimination of the income tax, and elimination of the IRS. So we're concerned about all of these and we thank you for your consideration and your time this afternoon. I'd be happy to answer any questions.

BREWER: All right, thank you. Questions for Alex? All right, you are on the record.

ALEX SERRURIER: Thank you.

BREWER: OK, next opponent to LB195. All right, is there anyone here in the neutral position? Senator Halloran, come on back.

HALLORAN: It's good to be back.

BREWER: Good to have you back.

HALLORAN: It is true that Congress would call for a convention of states. Now does that sound like it's contradictory-- might sound like it's contradictory to what, to what I've said all afternoon. The reason they call for a convention of states is, is that they're responsible. Congress, down some hallway, in some room, they, they store the records certifying the states that have called for conventions on various subject matters, right? So it's Congress' role to certify and to keep track of the number of calls for a convention of states so, so that they call when, when it gets to the 34 states on any of those subjects. They're keeping track of it. They keep record

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of it. So they call for it because their records show it's reached 34 states on a given subject for a call for a convention of states. Now that's true, Congress does call for it. Congress does also have rules and regulations in place for if and when a constitutional convention is called and I-- continue the, the confusion between the two, but there is a difference. There's confusion being created at times between what a constitutional convention is, often referred to as a con con, which is a good marketing game because a con is a very negative thing, so con con. Constitutional convention is what happened in 1786 when the Articles of Confederacy were, were exchanged for-- the Constitution was written in place of the Articles of Confederation. That was truly a constitutional convention. So Congress did, subsequently to that, put in place rules if there ever was a circumstance where a constitutional convention came about. This is not a constitutional convention that's listed in Article V. Article V clearly defines it to be a convention of states. And as much as Congress would hate it, the states would be on their own defining how that convention would be ran. Probably very simply, Mason's rules, Robert's, Robert's rules, but it would be conducted by the states, their rules, not Congress, because it's not a constitutional convention. It's a convention of states for the purpose of-- and I, I want to emphasize this. I can't emphasize this enough. It's one word, proposing amendments, proposing amendments, just like Congress can propose amendments. Ultimately, the states have to ratify it by three-fourths of the states, three-fourths, 38 states-- a high threshold and it should be-- for changing or altering the, the amendments to the Constitution. But we're just proposing, folks. We're not fixing or authorizing amendments to the Constitution. The states have to ratify that. Thank you, Mr. Chairman, and thank you for commit-- committee for your attention.

BREWER: All right, thank you. Let me run one by you here. When Alex from OpenSky talked about this-- binding our delegates, but not theirs, is that true? I mean, is that accurate?

HALLORAN: Binding our-- oh, well--

BREWER: LB195.

HALLORAN: Oh, yes. Excuse me, LB195. This would be a state statute binding Nebraska delegates only. Other states-- and I, I don't have it in front of me, what they've done specifically. It may differ slightly

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from this, this, this, this bill that defines delegates and what their
duties and authorities are and what they can and can't do. But a lot
of states are doing the same thing because guess what? They have the
same questions, right? They have the same anxiety. But no, this, this
would be just Nebraska specifically.

BREWER: All right, questions for Senator Halloran? All right, with
that-- and I need to read in some letters here. So we-- on LB195
position letters, proponents, we have one; opponents, eight; neutral,
zero. And with that, we will close the hearing on LB195 and our
hearings for today.