

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
May 04, 2007

[CONFIRMATION]

The Committee on Government, Military and Veterans Affairs met at 8:45 a.m. on Friday, May 4, 2007, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on a gubernatorial appointment. Senators present: Ray Aguilar, Chairperson; Mick Mines, Vice Chairperson; Greg Adams; Bill Avery; Mike Friend; Russ Karpisek; and Kent Rogert. Senators absent: Rich Pahls.

SENATOR AGUILAR: Thank you, committee, for being here and being on time. That's very much appreciated this morning, after your long night, last night. My name is Ray Aguilar, I'm Chair of the committee. I'm the state senator from Grand Island. On my far right is Kent Rogert from Tekamah; Russ Karpisek from Wilber; Senator Mines from Blair; Christy Abraham is our legal counsel; Sherry Shaffer, our clerk; Senator Mike Friend from Omaha; Senator "Wild" Bill Avery from Lincoln. (Laughter) And this morning's hearing is just simply a confirmation hearing for the Accountability and Disclosure Commission. Mr. Paul Hosford is with us this morning to tell us a little bit about himself. Paul, would you come on up and get comfortable. And we're just going to be very informal, allow you to tell us a little bit about yourself and why you want to be on this commission, the Accountability and Disclosure Commission, and maybe we'll ask a few questions. Proceed. [CONFIRMATION]

PAUL HOSFORD: (Exhibit 1) Okay. Good morning everyone, Mr. Chairman, senators. I understand you had quite a night, last night, so I do appreciate you making time to come in and talk with me this morning. My name is Paul Hosford. Do you need me to spell that? Okay. I live in Albion. My family has lived in Boone County, where Albion is the county seat, since 1872. I have a strong connection to the area. I do some rather unusual things there, at least by some people's standards. I have a small recording studio in my home. My wife of many years has helped me put that together. We sell CD's on the Internet. I also write for a number of Nebraska publications, kind of with an emphasis on rural development and issues such as that. As far as why I'm excited about Governor Heineman's appointment to the Accountability and Disclosure Commission, it gives me a chance to participate. You know, I was noticing, when I walked in this morning, what probably everybody who works here as long ago just taken for granted, but the inscription above the north entrance, "The salvation of the state is the watchfulness in the citizens." And this gives me an opportunity to actively participate in that process. Obviously, the Accountability and Disclosure Commission is on the forefront of watching. And, you know, I'm excited. I'm looking forward to this. I've read a lot of materials so far, I still have a lot to learn, but I've enjoyed it. I kind of like the challenge. It's something a little new for me. I'm not an attorney, but, you know, so far I haven't had any trouble with any of the material that I've been reading. But, like I said, I'm excited about this, I'm looking forward to it. I hope that you will see fit to confirm me. [CONFIRMATION]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
May 04, 2007

SENATOR AGUILAR: Thank you very much, Paul. I would announce that we've been joined by Senator Greg Adams from York. Welcome, Senator. Questions from the committee? Senator Avery. [CONFIRMATION]

SENATOR AVERY: No surprise, right? How much familiarity do you have with what the commission does, some of the major laws that they administer? I'm thinking, for example, the Campaign Finance Limitation Act, which is a law that's been around since the early to mid-nineties. Just your thoughts on its value, whether or not it works. [CONFIRMATION]

PAUL HOSFORD: To be honest, Senator, I'm not sure that I'm in a position to give you a whole lot of insight into that. As I said, my appointment was a month ago. Mr. Daley here has sent me a lot of material to read. But I don't feel qualified to really give a specific opinion about...yeah. [CONFIRMATION]

SENATOR AVERY: Okay, let me rephrase it then. The commission's responsibility, as I see it, is to take the laws passed by this body and to administer them. [CONFIRMATION]

PAUL HOSFORD: Yes. [CONFIRMATION]

SENATOR AVERY: I have observed in the past some commissioners that looked at the laws we passed and said, I don't like them, and would not be rigorous and diligent in the application of those laws. And I find that to be totally unacceptable because as a, and I hope you agree with me on this, because as a member of that commission your responsibility is, as I see it, and I hope you agree, to take the law, don't question it, don't say, I hate this and I'm not going to be vigorous in administering it, but take the law, administer the law as it's written. [CONFIRMATION]

PAUL HOSFORD: Well, and that is very much my intention. The only thing that I can see is that, you know, in reading the cases, reading the minutes of previous meetings, things like that, I gather there are sometimes a little dispute between the people who come before the commission and the commissioners as to the exact interpretation of the statutes. And you know, I think, as I understand it, part of the commissioners' function is to help in situations like that. And, you know, as situations arise that I'm involved with, you know, especially being as new to this as I am, I'm going to have what I would consider a rigorous interpretation of the statutes. [CONFIRMATION]

SENATOR AVERY: Well, there is legislative intent that goes along with the laws that we pass. And you can determine that by looking back to the records. [CONFIRMATION]

PAUL HOSFORD: Right. You know again, Mr. Daley has often, with these cases he's sent transcripts from the floor when these bills were being considered, so that you could

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Government, Military and Veterans Affairs Committee
May 04, 2007

read the discussions that the various senators had. And that... [CONFIRMATION]

SENATOR AVERY: We had a period of time, in the nineties, when there were a couple members of the commission that just did not like some of the things the Legislature had done. And they were working actively to undermine the implementation of it. I got involved in that, by the way, because I believe that the commission does a good job, I think it has over time been fair and rigorous in its application of the law. It's when the commission starts trying to say, well, I think the law means this, or I think the law means that. Go back and check the intent because it's pretty clear what the intent of the legislation is. [CONFIRMATION]

PAUL HOSFORD: Well honestly, Senator, if I...at this point I feel that if I got into a situation where I absolutely could not (inaudible) what was the accepted interpretation of the law, then I would simply resign from the commission. I see my purpose as to enforce the law, enforce the Legislature's intent. And if it would ever reach the point where I thought, you know, this is wrong, well then I think I would have a responsibility to simply resign from the commission rather than try to, you know, enact something that isn't the Legislature's intention. That's... [CONFIRMATION]

SENATOR AVERY: Well, another alternative would be to come to us and say, we think that this could be changed. We just did this year on some late filings. [CONFIRMATION]

PAUL HOSFORD: Yes, I was reading about that. So that, of course, would be another option. [CONFIRMATION]

SENATOR AVERY: Thank you. [CONFIRMATION]

SENATOR AGUILAR: Further questions for Paul? Seeing none, you had an easy day. Thank you. [CONFIRMATION]

PAUL HOSFORD: I appreciate that. [CONFIRMATION]

SENATOR AGUILAR: And I would entertain a motion for Exec Session.
[CONFIRMATION]

Chairperson

Committee Clerk